

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-CWBS/29

- Applicant:** CLP Power Hong Kong Limited represented by Kum Shing (K.F.) Construction Company Limited
- Site:** Government Land in D.D. 225, Ha Yeung, Sai Kung, New Territories
- Site Area:** About 37m²
- Land Status:** Government Land
- Plan:** Approved Clear Water Bay South Outline Zoning Plan (OZP) No. S/SK-CWBS/2
- Zonings** “Conservation Area” (“CA”) (62%)
“Village Type Development” (“V”) (38%)
- Application:** Proposed Public Utility Installation (Underground Cable) and Excavation and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (underground cable) and associated excavation of land and filling of land at the application site (the Site). The proposal includes laying a 380V underground cable of 37m and associated excavation of land and filling of land with an area of about 37 m² and depth of 1m. According to the applicant, the cable trench will be backfilled upon completion of the proposed works. The Site falls within an area partly zoned “CA” and partly zoned “V” on the approved Clear Water Bay South OZP No. S/SK-CWBS/2 (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Public Utility Installation’ and excavation of land and filling of land within the “CA” zone require planning permission from the Town Planning Board (the Board).
- 1.2 In support of the application, the applicant has submitted Application Form dated 31.1.2018 and letters dated 5.2.2018, 6.2.2018 and 7.2.2018 providing replacement pages at **Appendix I**.
- 1.3 The location and section plans submitted by the applicant are shown in **Drawings A-1 and A-2**.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form in **Appendix I**. They can be summarized as follows:

- (a) CLP received a new application for electricity supply to three village houses at Ha Yeung, Sai Kung;
- (b) the existing CLP electrical substation (ESS) nearby is able to supply electricity to the three new village houses. Since the ESS is located within the “CA” zone, it is unavoidable for the proposed works to commence within the “CA” zone;
- (c) the applicant has considered laying the underground cable outside the “CA” zone. However, owner’s consent for cable laying at Lot 610 in D.D. 225 cannot be obtained. Hence, the applicant applies for laying the underground cable at the Site;
- (d) the applicant has considered using overhead line (OHL) for supplying electricity. Since the three houses request for total of 300A electricity, which is over the loading of OHL, using OHL is not feasible;
- (e) new underground cable to be laid under existing concrete carriageway would bring minor impact to existing landscape of “CA” zone. No visual impact would incur after the underground cable laying works; and
- (f) laying underground cable is the best method with least environmental impact.

3. Compliance with the “Owner’s Consent/Notification” Requirements

As the Site involves government land only, the “owner’s consent/notification” requirements as set out in the “Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance” (TPB PG-No.31A) are not applicable to the application.

4. Previous Application

There is no previous application at the Site.

5. Similar Application

There is no similar application in the vicinity of Site.

6. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

6.1 The Site is :

- (a) located along the existing footpath and track of Ha Yeung village; and
- (b) partly within the Village Environs (“VE”) of Ha Yeung.

6.2 The surrounding areas have following characteristics:

- (a) to its immediate southwest is an ESS;
- (b) to its north and west are village houses of Ha Yeung; and
- (c) to its east and south are vegetated slopes.

7. Planning Intention

The planning intention of the “CA” zone is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest or Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

8. Comments from Relevant Government Departments

8.1 The following government departments have been consulted and their views on the application are summarized as below:

Land Administration

8.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) she has no objection to the application;
- (b) the Site is located on unleased government land; and
- (c) the relevant Excavation Permit (XP) for the proposed works was issued by his office on 16.6.2016 under which the applicant is required to seek planning permission for the area zoned “CA”. The expired date of XP was further extended to 24.9.2017 and 30.5.2018.

Traffic

8.1.2 Comments of the Commissioner of Transport (C for T):

she has no comment on the application from traffic engineering viewpoint. The access road to the Site is not managed by Transport Department, the applicant should seek comments/agreement of the owner or relevant management/maintenance authorities.

Landscape

8.1.3 Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L):

with reference to the planning statement and recent site visit on 14.2.2018, the Site is located along a local footpath and vehicular road. There is no vegetation found within the proposed site boundary. Adverse landscape impact is not anticipated from the proposed installations. Presumably, for the preservation of the surrounding vegetation and associated reinstatement works, relevant clauses will be included in the concerned land grant/permits under LandsD's purview. Therefore, he has no objection to the application from the landscape planning point of view.

Drainage

8.1.4 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

he has no objection to the application from a drainage and sewerage maintenance viewpoint.

Nature Conservation

8.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

it is noted that the proposed underground cable would be installed along existing concrete carriageway and footpath and no tree felling would be required, he has no comment on the application.

Water Supply

8.1.6 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD):

(a) he has no objection to the application; and

- (b) existing water mains are affected. The applicant is required to either divert or protect the water mains found on the Site:
- (i) if diversion is required, existing water mains inside the Site are needed to be diverted outside the site boundary of the proposed public utility installation (underground cable) to lie in government land. A strip of land minimum 1.5m in width should be provided for the diversion of the existing water main(s). The cost of diversion of existing water main(s) upon request will have to be borne by the applicant; and the applicant shall submit all relevant proposal to WSD for consideration and agreement before the works commence;
 - (ii) if diversion is not required, the following conditions shall apply:
 - existing water main(s) are affected and no development which requires resiting of water main(s) will be allowed;
 - details of site formation works shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
 - no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s). Free access shall be made available at all times for staff of DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - no trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the DWS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
 - no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
 - tree planting may be prohibited in the event that the DWS considers there is any likelihood of damage being caused to water main(s).

Geotechnical

8.1.7 Comments of the Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD):

- (a) he has no geotechnical comments on the application; and
- (b) the applicant is required to make submissions to the GEO of the CEDD as laid down in ETWBTC(W) No. 29/2002.

Risk Aspect

8.1.8 Comments of the Director of Electrical and Mechanical Services (DEMS):

he has no particular comment on the application from regulatory services perspective.

8.2 The following government departments have no comment on /no objection to the application:

- (a) Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD);
- (b) Chief Building Surveyor/NTE2&Rail, Buildings Department (CBS/NTE2&Rail, BD);
- (c) Chief Engineer (Works), Home Affairs Department (CE(Works), HAD);
- (d) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (e) Director of Fire Services (D of FS);
- (f) Director of Environmental Protection (DEP); and
- (g) District Officer/Sai Kung, Home Affairs Department (DO/SK, HAD).

9. Public Comment Received During Statutory Publication Period

On 9.2.2018, the application was first published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.3.2018, no public comment was received on the application.

10. Planning Considerations and Assessments

10.1 The application is to seek planning permission for proposed public utility installation (underground cable) and associated excavation of land and filling of land within an area partly zoned "CA" on the OZP. The planning intention of the "CA" zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest or Country Park from the adverse effects of development.

There is a general presumption against development within the “CA” zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted. The proposed underground cable is essential installation to fulfil the electricity demand for the village developments at Ha Yeung.

- 10.2 The Site is located along the existing village access road. There is no tree within the Site. Landscape impact arising from the proposal is not anticipated. Both CTP/UD&L of PlanD and DAFC have no objection to/no comment on the application.
- 10.3 In view of the small scale of the proposed development, no adverse traffic, drainage, sewerage, environmental and geotechnical impacts on the surrounding areas are anticipated. Relevant government departments including C for T, CE/MS of DSD, DEP and H(GEO) of CEDD have no objection to/no comment on the application.
- 10.4 There is no public comment received during the statutory publication period.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 16.3.2022, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The advisory clauses at **Appendix II** are also suggested for Members' reference.
- 11.3 There is no strong reason to recommend rejection of the application.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

13. Attachments

Appendix I	Application Form dated 31.1.2018 and letters dated 5.2.2018, 6.2.2018 and 7.2.2018 providing replacement pages
Appendix II	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Section Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2018**