

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HC/281

- Applicant:** CLP Power Hong Kong Limited represented by Kum Shing (K.F.) Construction Company Limited
- Site:** Government Land in D.D. 247, Tin Liu, Sai Kung, New Territories
- Site Area:** About 123m²
- Land Status:** Government Land
- Plan:** Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11
- Zonings** “Conservation Area” (“CA”) (82.9%)
“Village Type Development” (“V”) (17.1%)
- Application:** Proposed Public Utility Installation (Underground Cables) and Excavation and Filling of Land

1. The Proposal

1.1 The applicant seeks planning permission for proposed public utility installation (underground cables) and associated excavation and filling of land at the application site (the Site). The proposal includes laying of two 123m long 380V underground cables and associated excavation of land with area of about 123m² and depth of 1m. The cable trench will be backfilled to original ground level. The Site falls within an area mainly zoned “CA” (82.9%) and partly zoned “V” (17.1%) on the approved Ho Chung OZP No. S/SK-HC/11 (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Public Utility Installation’ and excavation 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 the documents:

- (a) Application form dated 24.11.2017 **(Appendix I)**
- (b) Further Information (FI) received on 17.1.2018 and **(Appendix Ia)**
18.1.2018 (*exempted from publication and recounting requirements*)

1.3 The location plan and section plan submitted by the applicant are shown in

Drawings A-1 and A-2.

- 1.4 On 12.1.2018, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for one month, as requested by the applicant, to allow time for preparation of FI in response to departmental comments. The applicant submitted FI as detailed in paragraph 1.2 above. The application is scheduled for consideration by the Committee at this meeting.

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 four new applications for electricity supply to four village houses at Tin Liu, Sai Kung.
- (b) Based on inspection by the applicant, existing nearby CLP pillar box is able to supply electricity to the four new applications.
- (c) Consideration has been made for using overhead line (OHL) for electricity. Since the requested electricity is 360A, which is over the loading of OHL, use OHL is not feasible.
- (d) After the cable installation, the regional power network can also be improved and stabilised.
- (e) New underground cables to be laid under existing concrete carriageway will bring minor impact to existing landscape of “CA” zone. No visual impact is anticipated.

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 Applications

A similar Application No. A/SK-HC/283 for proposed public utility installation (underground cable) and excavation and filling of land to the northeast of the Site is to be considered at the same meeting.

6. The Site and Its Surrounding Areas (Plans A-1 and A-2, Aerial Photo on Plan A-3 and Site Photos on A-4)

6.1 The Site is :

- (a) located within the Village Environs (“VE”) of Tin Liu; and
- (b) covered mostly the sideway of an existing track.

6.2 The surrounding areas have following characteristics:

- (a) to its west are village houses of Tin Liu; and
- (b) 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) he has no objection to the application;
- (b) the application of Excavation Permit (XP) for carrying out the proposed works was submitted by the applicant under Block Licence on 24.5.2017. The XP has been issued by his office on 12.10.2017 under which the applicant is required to seek planning permission for the area affected before commencement of works.
- (c) the Site is located on unleased Government land. It is noted that the proposed public utility installation (underground cables) and associated excavation of land would affect the Water Gathering Grounds and Government Land Allocation No. GLA-TSK3632.

Burial Ground No. SK/24 and Government Land Licence No. S8890 are also affected, Home Affairs Department and Licensee concerned should be consulted respectively.

Traffic

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

he has no comment on the application from traffic engineering viewpoint. 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 CTP/UD&L, PlanD:

- (a) the applicant provided supplementary information (**Appendix Ia**) with updated works layout and the responding mark-up site photos to clarify that the proposed excavation of land for installing underground cables would be laid under existing concrete carriage way as stated in the Planning Statement, and the surrounding vegetation and slope features would not be affected. Besides, according to the Planning Statement, upon completion of the cable laying works, the trenches will be backfilled and the surface will be reinstated to the existing conditions; and
- (b) since the proposed works are clarified as being along the existing concrete carriageway, further impact to the existing landscape character and resources arising from the proposed installation works are not anticipated. Therefore, she has no objection to the proposed installation works from landscape planning perspective. Given the nature of the works, it is impractical to impose landscape condition to the application in case the Board approves the application.

Drainage

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

he has no in-principle objection to the proposed works from a drainage maintenance viewpoint.

Nature Conservation

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

the proposed public utility installation (underground cables) and associated excavation of land may affect some small trees of common species. He has no comment on the application from the nature

conservation perspective. The applicant is reminded to avoid or minimise impacts to trees on government land.

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;
- (b) the Site falls within upper indirect Water Gathering Grounds. The applicant is required to observe the “Conditions for Working within Gathering Grounds” (**Annex A of Appendix II**);
- (c) 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 cables) 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;
- (b) a section of the proposed trench/pit openings is located along the crest of 7SE-D/C343 (**Plan A-2**). The proposed openings would appear to pose a threat to the slope if extreme care and control is not exercised in the planning, design, construction or supervision of the works. The utility undertaker should pay attention to the “Guide to Trench Excavations (Shoring Support and Drainage Measures)” jointly published by Highways Department and CEDD which provides good technical guidelines on trench excavation. Besides, the utility undertakers are required to note the following particulars:
 - (i) excavation at the slope crest should not be opened up during the wet season unless unavoidable;
 - (ii) design of trench above slopes should take into consideration of potential land flooding and performance of land drainage in the vicinity;
 - (iii) adequate trench drainage measures against water ingress should be provided (e.g. upstand, sandbags, protective aprons, pumps, etc.)
 - (iv) any voids/gaps/leakage areas surrounding the trench should be promptly rectified to avoid water ingress or leakage;
 - (v) the trench support wall should be installed ahead of excavation if such excavation is critical to the stability of slope adjacent to the trench;
 - (vi) it is not desirable to have the whole length of a long trench opened up at any one time, even with support. Excavations should be in sections of shortest practical length; and
- (c) the trench/pit is recommended to be backfilled with fine fill material in accordance with the specification and standard of Section 6 of the General Specification for Civil Engineering Works (CEDD, 2006 or

as amended or updated).

Risk Aspect

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

he has no particular comment on the application from electricity supply safety aspect. The applicant should be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer’s Comments

8.1.9 Comments of the District Officer/Sai Kung, Home Affairs Department (DO/SK, HAD):

- (a) he has no comment on the application; and
- (b) regarding Burial Ground No. SK/24, he has no supplementary comment, provided that the existing graves/urns found inside Burial Ground No. SK/24 will not be affected by the proposed excavation and installation of underground cables and the application is up to the satisfaction of responsible departments.

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); and
- (f) Director of Environmental Protection (DEP).

9. Public Comment Received During Statutory Publication Period

On 1.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 22.12.2017, 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 cables) and associated excavation and filling of land within area largely 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 project with overriding public interest may be permitted. The proposed underground cables and associated excavation are essential for supplying electricity for the residents of Tin Liu.

- 10.2 The Site is located along the existing village road without any trees and vegetation. While some trees of common species are located on the adjacent slope, significant impact to the existing landscape character and resources arising from the proposed installation works are not anticipated. Both CTP/UD&L, PlanD and DAFC have no objection to/no comment on the application from landscape planning and nature conservation perspectives.
- 10.3 In view of the small scale of the proposed development, no adverse ecological, environmental, geotechnical, drainage and traffic impacts on the surrounding areas are anticipated. Relevant government departments including C for T, DEP, H(GEO) of CEDD, DAFC and CE/MS of DSD, have no adverse comment on/objection to the application. There is also no public comment received on the application.

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 following advisory clauses are also suggested for Members' reference:

Advisory Clauses

The recommended advisory clauses are attached at **Appendix II**.

- 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 24.11.2017
Appendix Ia	FI dated 17.1.2018 and 18.1.2018
Appendix II	Advisory Clauses
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos
Drawing A-1	Location Plan
Drawing A-2	Section Plan

**PLANNING DEPARTMENT
MARCH 2018**