

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HC/283

- Applicant:** CLP Power Hong Kong Limited represented by Kum Shing (K.F.) Construction Company Limited
- Site:** Government Land in D.D. 247 and 249, Wang Che, Sai Kung, New Territories
- Site Area:** About 137m²
- Land Status:** Government Land
- Plan:** Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11
- Zonings** “Conservation Area” (“CA”) (60%)
“Village Type Development” (“V”) (40%)
- 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 and filling of land at the application site (the Site). The proposal includes laying of one 137m long 380V underground cable and associated excavation of land with area of about 137m² and depth of 1m. The cable trench will be backfilled to original ground level. The Site falls within an area partly zoned “CA” (60%) and partly zoned “V” (40%) 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 31.1.2018 **(Appendix I)**
- (b) Email dated 7.2.2018 providing a revised layout plan **(Appendix Ia)**
- (c) Further Information (FI) dated 28.2.2018 and 1.3.2018 **(Appendix Ib)**
(exempted from publication and recounting)

requirements)

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 an electricity upgrade application for village house at Wang Che. However, upgrading of existing underground cable and transformer is not feasible. Installation of new transformer close to the village house is also not feasible. The overhead line is not suitable for an upgrade due to unstable electricity supply, interference with trees in rural area and inefficient power transfer.
- (b) A new underground cable can be laid for the upgrading works connecting to the closest pole mount transformer. New underground cable will be laid along existing concrete carriageway. There will be no interference with existing trees and shrubs. No visual impact or destruction to existing landscape 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 Application

A similar Application No. A/SK-HC/281 for proposed public utility installation (underground cables) and excavation and filling of land to the southwest of the Site is to be considered in 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-4a and A-4b)

6.1 The Site is :

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

6.2 The surrounding areas have following characteristics:

- (a) to its north, northeast and northwest are village houses of Tin Liu; and
- (b) to its south, southeast and southwest 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 relevant Excavation Permit (XP) for the proposed works was issued by District Lands Office/Sai Kung on 14.12.2016 under which the applicant is required to consult Planning Department as portion of the Site falls within the area zoned “CA”. The expiry date of XP was further extended to 17.2.2018 and 21.9.2018; and
- (c) the proposed installation and excavation works fall on unleased Government land. As Water Gathering Ground is affected, the applicant is required to consult Water Supplies Department prior to commencement of works.

Traffic

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

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

- (a) she has no objection to the application from the landscape planning point of view;
- (b) according to the applicant, the new underground cables would be laid along existing concrete carriageway. Impact to any landscape resource (e.g. tree) is not anticipated. With reference to aerial photo, it appears that the site is situated in an area of rural landscape character dominated by village houses at the end of an existing access road and woodland with dense vegetation along both sides of the road. According to site photos taken in February 2018, the concerned area seems to be hard paved with concrete (as a vehicular access); and
- (c) given there will be other administrative control mechanism for excavation works (including reinstatement if any is involved) on government land (such as XP), she has no objection in principle from landscape planning point of view. In view of the nature of the proposed works and other effective administrative control (under XP mechanism) in place, it is considered not necessary 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):

it is noted that the revised alignment in the FI (**Appendix Ib**) provided by the applicant is at reasonable distance to existing trees nearby. He has no further comment to 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) 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**).

Geotechnical

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

- (a) he has no in-principle geotechnical objection to the application;
- (b) it is noted that a section of trench/pit openings is located near some existing slopes/retaining walls. 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 applicant is required to pay his attention to the “Guide to Trench Excavations (Shoring Support and Drainage Measures)” joining published by Highways Department and CEDD which provides good technical guidelines on trench excavation. Besides, the applicant is 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.

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 10.2.2018, the application was 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 cables) and associated excavation of land within an 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 Wang Che.

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, 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 ecological, environmental, geotechnical, drainage and traffic impacts on the surrounding areas are anticipated. Relevant government departments including DEP, CE/MS of DSD, H(GEO) of CEDD and C for T 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 31.1.2018
Appendix Ia	FI dated 28.2.2018 and 1.3.2018
Appendix II	Advisory Clauses
Plan A-1	Location Plan

Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos
Drawing A-1	Location Plan
Drawing A-2	Section Plan

**PLANNING DEPARTMENT
MARCH 2018**