

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HC/303

- Applicant:** CLP Power Hong Kong Limited represented by Kum Shing (K.F.) Construction Company Limited
- Sites:** Government Land in D.D. 223, Mok Tse Che, Sai Kung, New Territories
- Site Area:** About 47m²
- Land Status:** Government Land
- Plan:** Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11
- Zonings:** “Conservation Area” (“CA”) (about 28m² or 60%)
“Village Type Development” (“V”) (about 19m² or 40%)
- Application:** Proposed Public Utility Installation (Pole with Transformer and Underground Cables) and Excavation and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (pole with transformer and underground cables) and associated excavation and filling of land at the application sites (the Sites). The proposal includes lying of two 30m long 380V underground cables (with 15m of the area overlapping) and installation of pole mount transformer and associated excavation and filling of land with total area of about 47m². The depth of the excavation is about 1m for the underground cables and 1.5m for the pole mount transformer. The cable trench will be backfilled to original ground level using original road surface material. The Sites fall within an area mainly 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 requires planning permission from the Town Planning Board (the Board), while ‘public utility pipeline’ within the “V” zone is always permitted.
- 1.2 In support of the application, the applicant has submitted the following documents:

- (a) Application form dated 25.1.2019 (Appendix I)
- (b) Emails from the applicant dated 30.1.2019 providing revised location plan and replacement pages of the application form (Appendix Ia)

1.3 The location plan, layout plan and section plans submitted by the applicant are shown in **Drawings A-1 to A-4**.

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 application from customers of three village houses at Lots 77 S.A, 77 S.B and 77 RP in D.D. 223 requesting for electricity supply.
- (b) The existing power network is insufficient for the new power supply, therefore new pole mount transformer and underground cables need to be provided.
- (c) New pole mount transformer inside “V” zone is not possible as it would be too close to houses or inside private area. The Sites are selected as they are far away from houses and on government land.
- (d) A total 600A electricity supply is needed which exceeds the maximum load of overhead line, therefore, laying underground cables is preferred.
- (e) The new underground cables will be laid under existing concrete carriageway and bring minor impact to existing landscape. No visual impact is anticipated after the underground cable laying works.

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

As the Sites involve 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 Sites.

5. Similar Applications

There are three similar applications (No. A/SK-HC/257, 287 and 289) for proposed public utility installation and associated excavation and/or filling of land within the same “CA” and “V” zone. The applications were approved by the Rural and New Town Planning Committee (the Committee) of the Board on 29.7.2016 (for application

no. A/SK-HC/257) and 15.6.2018 (for applications no. A/SK-HC/287 and 289). The applications were approved mainly on the grounds that the proposed public utility installations were essential for supplying electricity to meet the power demand of the residential developments in Mok Tse Che; no tree felling was involved in the proposal and no adverse landscape, environmental, geotechnical, drainage and traffic impacts on the surrounding areas were anticipated. Locations of the similar applications are shown on **Plan A-1**.

6. The Sites and their Surrounding Areas (Plans A-1 and A-2, Aerial Photo on Plan A-3 and Site Photos on A-4a to A-4b)

6.1 The Sites:

- (a) are located within the Village Environs (“VE”) of Mok Tse Che; and
- (b) the proposed underground cables is along an existing track and the proposed pole mount transformer is located on a gentle slope covered by grass.

6.2 The surrounding areas have the following characteristics:

- (a) to the east and south are mainly slopes covered with shrubs, grass and trees;
- (b) to the north are some village houses of Mok Tse Che; and
- (c) to the west is some vacant land within the “V” zone of Mok Tse Che.

7. Planning Intention

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 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 Sites fall entirely on unleased government land; and
- (c) as the proposed works involve excavation of government land, the applicant is required to submit an application for an Excavation Permit prior to commencement of works. Subject to obtaining planning approval, his office will issue an Excavation Permit to the applicant for carrying out the proposed works. The proposed public utility installation (pole with transformer and underground cables) are covered by the Block Licence granted to the applicant.

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 Sites are not managed by his 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, PlanD):

- (a) she has no objection to the application;
- (b) there is no clear information indicated in the application form (**Appendices I and Ia**) regarding any possible impact to the existing landscape resource for the proposed pole mount transformer. Nevertheless, according to the site photos (**Plans A-4a and A-4b**), the area for the proposed underground cables seems to be hard paved with concrete (as a vehicular access), while for the proposed pole mount transformer, it appears that wild grown shrub/groundcover is observed and no existing tree is identified;
- (c) the proposed public utility installation and excavation of land is not incompatible to the landscape character of the surrounding environment. Significant impact to the landscape resource (e.g. tree) is not anticipated;
- (d) in view of the nature of the proposed works, it is considered not necessary to impose landscape condition to the application; and
- (e) approval of the application does not imply approval of tree works such as felling/transplanting or pruning under lease/land allocation. Tree works applications should be submitted direct to DLO/SK, LandsD for approval.

Nature Conservation

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

the proposed cables are mainly along paved road and track. A mature tree is close to the alignment of the proposed cables. The location of the proposed transformer is vacant. He has no strong view on the application. Nevertheless, the applicant is advised to implement necessary measures recommended in “Guidelines on Tree Preservation during Development” promulgated by the Greening, Landscape and Tree Management Section, Development Bureau (GLTMS, DevB) in April 2015 and avoid works within the tree protection zone to minimise impacts on tree on government land.

Water Supply

8.1.5 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 reminded to observe the “Conditions of Working in the Vicinity of Waterworks Installations” and “Flow Chart on Procedures for Safe Working near Water Mains” (**Annex A of Appendix II**).

Risk Aspect

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

he has no comment on the application as far as electricity supply safety and reliability are concerned. The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Health Aspect

8.1.7 Comments of the Director of Health (D of Health):

- (a) since electrical installations and facilities are not under the purview of her department, she is not in a position to comment on the site selection or issues related to the installation or operation of electrical facilities; and
- (b) according to the World Health Organisation (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those

generated by electrical facilities would not pose any significant adverse effects to workers and the public. As such, the project proponent must ensure that the installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the planning of new electrical facilities.

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

- (a) Chief Building Surveyor/ New Territories East (2) and Rail Section, Buildings Department (CBS/NTE2 & Rail, BD);
- (b) Chief Engineer (Works), Home Affairs Department (CE(Works), HAD);
- (c) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (d) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (e) Director of Fire Services (D of FS);
- (f) Director of Environmental Protection (DEP);
- (g) District Officer/Sai Kung, Home Affairs Department (DO/SK, HAD);and
- (h) Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD).

9. **Public Comment Received During Statutory Publication Period**

On 1.2.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 22.2.2019, 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 (pole with transformer and underground cables) and associated excavation and filling of land within an area mainly zoned "CA" (60%) and partly zoned "V" (40%) 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 installations and associated works are essential utility for supplying electricity for the residents of Mok Tse Che.

10.2 The proposed cables are along an existing track while the pole mount transformer is on a slope with grass. The proposed utility installation is not

incompatible with the surrounding area which is mainly rural in character. As there is no tree within the Sites, significant landscape impact arising from the proposal is not anticipated. CTP/UD&L, PlanD and DAFC have no objection to/no strong view on the application.

- 10.3 In view of the small scale of the proposal, no adverse geotechnical, drainage, environmental and traffic impacts on the surrounding areas are anticipated. Relevant government departments including H(GEO) of CEDD, CE/MS of DSD, DEP and C for T have no adverse comment on/objection to the application.
- 10.4 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 22.3.2023, 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 25.1.2019
Appendix Ia	Emails from the applicant dated 30.1.2019 providing revised location plan and replacement pages of the application form
Appendix II	Advisory Clauses
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos
Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Drawings A-3 and A-4	Section Plans

**PLANNING DEPARTMENT
MARCH 2019**