

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/SK-TMT/63**

<b><u>Applicant</u></b>	CLP Power Hong Kong Limited represented by Kum Shing (K.F.) Construction Company Limited
<b><u>Site</u></b>	Government Land in D.D. 163 & D.D. 216, O Tau, Sai Kung
<b><u>Site Area</u></b>	About 187m <sup>2</sup>
<b><u>Land Status</u></b>	Government Land
<b><u>Plan</u></b>	Approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan No. S/SK-TMT/4 (OZP)
<b><u>Zoning</u></b>	“Conservation Area” (“CA”) (45%) “Green Belt” (“GB”) (20.3%) “Village Type Development” (“V”) (4.8%) Area not covered by statutory plan (29.9%)
<b><u>Application</u></b>	Proposed Public Utility Installation (Underground Cable and Transformer) and Excavation and Filling of Land

**1. The Proposal**

- 1.1 On 31.1.2018, the applicant sought planning permission for the proposed public utility installation (underground cable and transformer) and excavation and filling of land at the application site (the Site). The proposed laying of one 187m long 380V underground cable and associated excavation of land involves an area of 187m<sup>2</sup> and depth of 1m. The cable trench will be backfilled to original ground level. Reinstatement will be carried out according to the original road surface material (**Plan A-2**). The existing pole mount transformer will be replaced. The Site falls mainly within an area zoned “CA”, “GB” and partly zoned “V” on the approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP) No. S/SK-TMT/4. Part of the Site (about 56m<sup>2</sup>) is not covered by any statutory plan (**Plans A-1 and A-2**).
- 1.2 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). Moreover, ‘Public Utility Installation’

within the “GB” zone also requires planning permission from the Board for replacing the pole mount transformer.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application form dated 31.1.2018 (Appendix I)
- (b) Further Information (FI) dated 27.2.2018 providing information on the existing transformer and responses to public comment (*exempted from the publication and recounting requirements*) (Appendix Ia)
- (c) Further Information (FI) dated 8.3.2018 providing information to clarify the zoning of the transformer (*exempted from the publication and recounting requirements*) (Appendix Ib)

1.4 The location plan and section plan 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 four new applications for electricity supply to three village houses at O Tau, Sai Kung.
- (b) Based on inspection by the applicant, the existing nearby CLP pole mount transformer is able to supply electricity to the three new village houses after replacing with a stronger transformer.
- (c) CLP has considered using overhead line (OHL) for supplying electricity. Since the three houses request for total 420A electricity, which is over the loading of OHL. Hence using OHL is not feasible.
- (d) New underground cable will be laid under existing concrete carriageway, which brings minor impact to existing landscape of “CA” zone. No visual impact would incur after the underground cable laying works. The regional power network can also be improved as a stronger transformer will be installed.
- (e) Laying underground cable is the best method with least environmental impact. The current route is already the shortest route to connect the power supply point.

**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’ Requirement under Sections 12A and 16 of the Town Planning Ordinance” (TPB PG-No. 31A) are not applicable to the application.

**4. Town Planning Board Guidelines**

Town Planning Board Guidelines for Application for Development within “Green Belt” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) are relevant to this application (**Appendix II**). In particular, the following assessment criteria are relevant to the application:

- (a) there is a general presumption against development in the “GB” zone;
- (b) application for G/IC uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available;
- (c) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (d) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (e) the proposed development must comply with the development controls and restrictions of areas designated as water gathering grounds; and
- (f) the proposed development should not itself be the source of pollution.

**5. Previous Application**

There is no previous application at the Site.

**6. Similar Application**

There is no similar application within the “CA”, “GB” and “V” zones on the approved Tai Mong Tsai and Tsam Chuk Wan OZP.

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

7.1 The Site is:

(a) along the roadside of two local roads with a minor part encroaching onto a slope near O Tau; and

(b) partly located within the Village Environs (“VE”) of O Tau.

7.2 The surrounding areas have the following characteristics:

(a) to its southwest and south are village houses of O Tau; and

(b) to its west, north and east are densely vegetated slopes.

## **8. Planning Intention**

8.1 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 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 the development is an essential infrastructure projects with overriding public interest may be permitted.

8.2 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

## **9. Comments from Relevant Government Departments**

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

### **Land Administration**

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

(a) no objection to the application;

(b) according to the applicant, the proposed works are 187m excavation of land for 1 no. of 380V underground cable laying and reinstatement will be carried out according to the original road surface material. Subject to obtaining planning approval, his office will issue an Excavation Permit (EP) to the applicant for the portion of works under the jurisdiction of DLO/SK in D.D.216. The applicant is

required to submit a separate EP application to DLO/TP for the portion of works in D.D.163; and

- (c) the proposed underground cable falls entirely on unleased government land. As the proposed works will affect Water Gathering Ground (WGG) and Government Land Licence No. S11675 (**Plan A-2**), Water Supplies Department and the Licensee concerned should be consulted prior to commencement of works.

### **Traffic**

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

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

### **Environment**

9.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application; and
- (b) the applicant is reminded to follow Environmental Protection Department's "Recommended Pollution Control Clauses for Construction Contract" available on EPD's website to take standard precautionary measures against site run-off.

### **Urban Design and Visual**

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

she has no comment from urban design and visual impact perspectives.

### **Landscape**

9.1.5 Comments of the CTP/UD&L, PlanD:

- (a) no objection to the application from landscape planning point of view;
- (b) the Site, located along the local road near O Tau, falls within an area zoned "CA" (45%), "GB" (20.3%) and "V" (4.8%) on the approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan No. S/SK-TMT/4. The Site is not the

subject of any previous application; and

- (c) with reference to the planning statement and the recent site visit dated 14.2.2018, the Site is located along a local road. There is no tree found within the proposed site boundary, while tree groups of 5 native species in proximity to the proposed installations will be preserved. 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.

### **Nature Conservation**

9.1.6 Comments of the Director of Agriculture, Fisheries & Conservation (DAFC):

- (a) no comment on the application; and
- (b) the proposed site for the installation of underground cable has been paved. Some small trees of common species near the Site may be affected. The applicant should be reminded to avoid or minimize impacts to trees on government land.

### **Water Supply**

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

- (a) no objection to the application;
- (b) the proposed site falls within upper indirect WGG (**Plan A-1**). The applicant is required to observe the attached "Conditions for Working within Gathering Grounds" (**Annex A of Appendix IV**);
- (c) existing water mains are affected (**Plan A-2**). The applicant is required to either divert or protect the water mains found on site:
  - (a) if diversion is required, existing water mains inside the proposed site are needed to be diverted outside the site boundary of the proposed development to lie in government land. A strip of land of minimum 1.5 metres in width should be provided for 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 the relevant proposal to WSD for consideration and agreement before the works commence;

- (b) if diversion is not required, the following conditions shall apply:
- (i) existing water main(s) are affected and no development which requires resiting of water main(s) will be allowed;
  - (ii) details of site formation works shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
  - (iii) no structures shall be built or materials stored within 1.5 metres 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;
  - (iv) 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 DWS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5 metres or less, and the barrier must extend below the invert level of the pipe;
  - (v) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet; and
  - (vi) tree planting may be prohibited in the event that DWS considers that there is any likelihood of damage being caused to water main(s).

### **Geotechnical**

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

- (a) no in-principle objection to the application;
- (b) it is noted that trench/pit openings are located near existing slopes. 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 undertakers should pay attention to the “Guide to Trench Excavations (Shoring Support and Drainage Measures)” jointly published by HyD and CEDD which provides good technical guidelines on trench excavation;
- (c) 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
- (d) it is recommended that the trench/pit be backfilled with fine fill material in accordance with the specifications and standard of Section 6 of the General Specification (GS) for Civil Engineering Works.

**Risk Aspect**

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

- (a) no particular comment on the application from electricity

supply safety aspect;

- (b) 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; and
- (c) the project proponent/consultant/works contractor shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the application site and any required minimum set back distance away from them during the design and construction stages of development. Apart from that, the project proponent/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department’s “Code of Practice on Avoiding Danger from Gas Pipes” for reference. The webpage address is: [http://www.emsd.gov.hk/filemanager/en/content\\_286/cop\\_gas\\_pipes\(english\).pdf](http://www.emsd.gov.hk/filemanager/en/content_286/cop_gas_pipes(english).pdf).

9.2 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 Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (c) Chief Highway Engineer/NTE, Highways Department (CHE/NTE, HyD);
- (d) Chief Building Surveyor/NTE2&Rail, Buildings Department (CBS/NTE2&Rail, BD);
- (e) Chief Engineer (Works), Home Affairs Department (CE(Works), HAD);
- (f) Director of Fire Services (D of FS); and
- (g) District Officer(Sai Kung), Home Affairs Department (DO(SK), HAD).

## **10. Public Comments Received During Statutory Publication Period**

On 6.2.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 27.2.2018, one public comment from an individual was received. The commenter has concern on the length of the proposed cable and considers that a shorter route should be chosen to avoid impact on areas under protective zoning.

## **11. Planning Considerations and Assessments**

- 11.1 The applicant sought planning permission for the proposed public utility installation (underground cable and transformer) and excavation and filling of land at the application Site. Reinstatement will be carried out according to the original road surface material. The Site falls mainly within an area zoned “CA”, “GB” and partly zoned “V” 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 development 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; while the planning intention of “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within the “GB” zone. The proposed underground cable and associated excavation/filling of land and replacement of existing transformer are essential for supplying electricity for residents of O Tau.
- 11.2 The proposed utility installation and associated works would be along existing local roads and according to the applicant the proposed cable route is the shortest to connect the nearest power supply point. The cable trenches would be backfilled and the surface will be reinstated upon completion of the proposed works and no tree felling would be involved. The surrounding vegetation and slope feature would not be affected. As such, CTP/UD&L advises that landscape impact is not anticipated from the proposed installations and AFCD has no comment on the application from the nature conservation perspective. 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 have no adverse comment on/objection to the application.
- 11.3 Regarding the public comment on length of cable route and impact on surrounding areas, the assessment in paragraph 11.2 above is relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessment made in paragraph 11, and having taking into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 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.

Advisory Clauses

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

12.3 There is no strong reason to recommend rejection of the application.

**13. Decision Sought**

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application form dated 31.1.2018
<b>Appendix Ia</b>	FI dated 27.2.2018
<b>Appendix Ib</b>	FI dated 8.3.2018
<b>Appendix II</b>	Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10)
<b>Appendix III</b>	Public Comment
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Section Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2018**