

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

**APPLICATION NO. A/SLC/162**

<b><u>Applicant</u></b>	CLP Power Hong Kong Limited represented by CLPe Solutions Limited
<b><u>Site</u></b>	Government Land near Chi Ma Wan Road and Lo Uk Tsuen, Pui O, Lantau
<b><u>Site Area</u></b>	About 6m <sup>2</sup>
<b><u>Land Status</u></b>	Government Land
<b><u>Plan</u></b>	Approved South Lantau Coast (SLC) Outline Zoning Plan No. S/SLC/21
<b><u>Zoning</u></b>	“Coastal Protection Area” (“CPA”)
<b><u>Application</u></b>	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 a 20m long LV 4/C (4 core) underground cable with the associated excavation of land with an area of about 6m<sup>2</sup> (20m x 0.3m) and a depth of about 0.55m (indicated as Item 1 on **Drawing A-1**<sup>1</sup>). The cable trench will be backfilled to original ground level. The proposed installation is to provide electricity to a storage use at Lot 2071 S.A in D.D. 316L (the Lot) by connecting to the existing underground cable network. The Site falls within an area zoned “CPA” on the approved South Lantau Coast Outline Zoning Plan No. S/SLC/21 (the OZP) (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Public Utility Installation’ use and excavation and filling of land within “CPA” zone require planning permission from the Town Planning Board (the Board).

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

- (a) application form received on 9.9.2020; and **(Appendix I)**
- (b) Supplementary information received on 17.9.2020 **(Appendix Ia)** clarifying that the application is to provide electricity to the

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<sup>1</sup> Item 2 as indicated on **Drawing A-1** does not form part of the application.

storage use at the Lot and that the Site will be backfilled to the original ground level after completion of laying out.

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 10 of the application form at **Appendix I** and supplementary information at **Appendix Ia**. They are summarised as follows:

- (a) electricity supply is required for the storage use at the Lot (**Drawing A-1**). As there is no existing cable network connecting to the Lot, new underground cable should be laid from the existing LV network to the meter box at the Lot by the client of the applicant;
- (b) the proposed underground cable will be laid under the concrete footpath and it is the best method with the least environmental impact to the vicinity; and
- (c) the Site will be backfilled to the original ground level after the completion of cable laying works.

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

As the Sites only involve Government land, the ‘Owner’s consent/notification’ requirements as set out in the TPB PG-No. 31A are not applicable to the application.

## 4. **Previous Application**

There is no previous application at the Site.

## 5. **Similar Applications (Plans A-1 and A-2)**

- 5.1 There are six similar applications for proposed public utility installation at Pui O, Cheung Sha and Tong Fuk which falls within the “CPA” zone on the OZP (i.e. applications No. A/SLC/87, 109, 141, 145, 154 and 160) approved with/without condition(s) by the Rural and New Town Planning Committee (the Committee) of the Board between 2008 and 2020, which all of these applications were for the essential infrastructures to the area or the territory with overriding public interest.
- 5.2 Application No. A/SLC/87 for proposed submarine telecommunication cable at Tong Fuk was approved with conditions by the Committee in 2008 mainly on the considerations of meeting the future telecommunication requirement of the territory and no adverse impact on the landscape character and natural features in the surrounding areas. Applications No. A/SLC/109 and 141 for proposed irrigation pipeline with/without excavation of land at Pui O were approved by the Committee in 2010 and approved with conditions in 2015 respectively mainly for the reasons that the proposed facilities could support the permitted agricultural related activities in the area and were not incompatible with the planning intention of the “CPA” zone; and the proposed development was small in scale.

- 5.3 The applications No. A/SLC/145 and 154 at largely the same site in Pui O for proposed public utility installation were approved with conditions by the Committee in 2017 and 2019 respectively. Application No. A/SLC/145 is for proposed public utility installation (sewage pumping station and underground sewers) and excavation of land. Application No. A/SLC/154 for proposed public utility installation (sewage pumping station, underground sewers and underground effluent pipe) and excavation of land for underground sewers is the revised scheme of application No. A/SLC/145 under the “Outlying Islands Sewerage Stage 2 – South Lantau Sewerage Works” commissioned by Drainage Services Department (DSD). DSD will implement the project based on the revised scheme under the latest approved application No. A/SLC/154. The proposed utilities under both applications serve a wide catchments of South Lantau and to provide sewage treatment facilities to the area. Both applications were approved mainly on the considerations that the proposed works would resolve the water pollution problem in the area and was considered to be in the public interest; the proposed development was considered compatible with the surrounding rural character; and there would be no adverse ecological, environmental, noise, air, landscape and visual impacts to the surrounding areas.
- 5.4 The latest application No. A/SLC/160 for proposed public utility pipeline (underground power cable) and filling and excavation of land at Cheung Sha Beach connecting the Integrated Waste Management Facilities (IWMF) in Shek Kwu Chau and the Cheung Sha Substation was approved by the Committee in 2020 mainly on the considerations that the proposed installation could enable the gainful use of the recovered energy by the IWMF which embraces the long term strategy of ‘Waste-to-Energy’; and no adverse impacts from ecological, environmental, landscape and visual impact perspectives.
- 5.5 Details of the similar applications are summarized at **Appendix II** and their locations are shown on **Plans A-1 and A-2**.

## **6. The Site and Its Surrounding Areas (Plans A-1 to A-3 and site photos on Plan A-4)**

- 6.1 The Site has the following characteristics:
- (a) located to the south of South Lantau Road and Bui O Public School;
  - (b) falls within the Pui O Site of Archaeological Interest; and
  - (c) it is paved and used as a footpath leading to Chi Ma Wan Road and South Lantau Road.
- 6.2 The surrounding areas have the following characteristics:
- (a) the area is mainly rural landscape in character predominated by vegetated grassland with existing trees, some low-rise development and marshes to its further south (i.e. Pui O wetland);
  - (b) some temporary structures (including storage) could be found along the footpath heading to Chi Ma Wan Road. A storage use with fencing (i.e. the Lot), is located to its immediate west of the Site (**Plan A-4**). According to the Notes of the OZP, ‘storage’ use is not a permitted use within the “CPA” zone. The Board has not received any planning application at the Lot; and

- (c) the Lo Uk Tsuen Substation is located at the junction of the footpath and Chi Ma Wan Road; and
- (d) there are temporary structures mainly used as shops (local convenience stores), vehicle workshop, office and storages situated along Chi Ma Wan Road heading to the Pui O Beach and Ham Tin.

## **7. Planning Intention**

The “CPA” zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. 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. These scenic and ecologically sensitive coastal areas should also be protected against land filling, land excavation or stream diversion and encroachment by developments.

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

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

### **Land Administration**

- 8.1.1 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):
- (a) the Site is on unleased Government land. It is within the Pui O Site of Archaeological Interest under the purview of Antiquities and Monuments Office;
  - (b) the Lot is demised for agricultural purpose under the Block Government Lease. There is no user restriction under the lease condition. Under the lease conditions, no structure(s) shall be erected on the Lot without LandsD’s prior approval. If any structure(s) is/are to be erected, prior approval must be obtained from LandsD;
  - (c) excavation permit (XP) for the proposed works was approved by LandsD in December 2019. Application for time extension of XP is being processed; and
  - (d) from land administration point of view, there is no adverse comment on the planning application. Apart from application for XP, should the planning application be approved by the Board, the applicant should apply to LandsD for approval for the proposed cable or other

structure(s) to be provided on Government land. Please note that there is no guarantee that such application will be approved by this office.

### **Lantau Development**

#### 8.1.2 Comments of the Head of Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD):

- (a) the application is for proposed public utility installation (underground cable) and excavation and filling of land on Government land to provide electricity for storage use at the Lot;
- (b) as revealed from aerial photos and recent site photos, the Lot together with adjoining lots have been formed, fenced, occupied with structures and used for storage for some years. It appears that the site formation works and the erection of structures would have involved filling and/or excavation of land. According to the remarks of the “CPA” of the OZP, any filling of land or excavation of land even for those permitted uses / developments (except maintenance or repair works) after the gazettal of the SLC OZP No. S/SLC/13 (i.e. March 2004) requires permission from the Board. According to the Schedule of Uses of the OZP, storage use is neither a Column 1 nor Column 2 use for area zoned “CPA”. The development to which the electricity to serve (i.e. the mother use) and the associated activities (filling and/or excavation of land) are yet to be permitted by the Board;
- (c) furthermore, the application alone could not effect electricity supply. There are also other related works being located outside the Site, including the cable laying at private land and provision of electricity box to be carried out by the client of the applicant, that may require planning application for filling and/or excavation of land and/or utility installation;
- (d) in the lack of the above information regarding the ‘mother use’, the electricity box and the cable laying works related to the application, the subject application only reflects part of the picture and is unable to demonstrate that the proposed cable laying is to facilitate development in conformity with the OZP;
- (e) under the principles of “Conservation for the South” set out in the Sustainable Lantau Blueprint promulgated by the Government in 2017, any development in Pui O wetland should ensure that the development would not result in adverse impact to the wetland habitat, and at the same time, encourage upgrading the environment and enhancing the ecology; and
- (f) it should be carefully considered whether the approval of the application for providing electricity to existing storage use may encourage the practice of ‘Destroy First, Develop Later’, and set an undesirable precedent, taking into account that non-conforming land

uses or activities in South Lantau are not enforceable by the Planning Authority, and there are many environmental vandalism cases reported in South Lantau, in particular in Pui O wetland which has high ecological value. The potential cumulative impact of approving the application should also be considered.

### **Landscape**

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

- (a) she has no objection to the application from the landscape planning perspective;
- (b) according to the aerial photo of 2019 and site photos (**Plans A-3 and A-4**), the Site is hard paved and currently used as a footpath. The Site is situated in an area of rural landscape in character predominated by vegetated grassland with existing trees, some low-rise development and marshes to its further south;
- (c) the proposed installation is considered not incompatible with the landscape character of the surrounding environment. No existing tree is found within the Site. No significant adverse landscape impact arising from the proposed installation of underground cable is envisaged; and
- (d) in view that the Site is not abutting any prominent public frontage and there is limited space for landscape works, a landscape condition is considered not required should the application be approved by the Board.

### **Environment**

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

- (a) he has no comment on the application; and
- (b) no environmental complaint concerning the Site and the Lot was received in the past three years.

### **Nature Conservation**

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

- (a) he has no strong view on the application; and
- (b) it is noted that the proposed underground cable would be laid in paved area by the applicant. The applicant is reminded to avoid/minimise any potential impacts to the existing vegetation nearby and properly reinstate the area after works completion.

### **Water Supply**

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

- (a) he has no objection to the application; and
- (b) existing water mains is located in the vicinity of the Sites. The applicant is reminded to note the “Condition of Working in the Vicinity of Waterworks Installation”.

### **Electricity Safety**

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

- (a) he has no particular comment on the application from electricity supply safety aspect; and
- (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.

### **Others**

8.1.8 Comments of the Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (AMO):

in view of the location and scope of the proposed installation as well as the findings of previous archaeological work in the surrounding area, the applicant is required to notify his office two weeks prior to the commencement of the proposed works at the Site so as to facilitate his staff to conduct site inspection in the course of works.

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

- (a) Chief Building Surveyor/A, Buildings Department (CBS/A, BD);
- (b) Chief Building Surveyor/New Territories East(1) & Licence, BD (CBS/NTE1&L, BD);
- (c) Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD);
- (d) Chief Highway Engineer/NT East, Highways Department (CHE/NTE, HyD);
- (e) Commissioner for Transport (C for T);
- (f) Director of Fire Services (D of FS);
- (g) District Officer (Islands), Home Affairs Department; and
- (h) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD).

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

On 18.9.2020, the application was published for public inspection. During the first three-

week statutory public inspection period which was ended on 9.10.2020, 5 public comments from Designing Hong Kong Limited, World Wild Fund Hong Kong, Save Lantau Alliance and individuals were received raising objection to and/or concern on the application (**Appendix III**). The main grounds of objections and concerns include not in line with the planning intention of the “CPA” zone; adverse environmental, noise and air quality impacts; waste management concern; the proposed installation is to provide electricity to a non-conforming use (i.e. storage) at the Lot which also falls within the same “CPA” zone; suspected “Destroy First, Build Later” case; and undesirable precedent to similar application.

## **10. Planning Considerations and Assessment**

- 10.1 The applicant seeks planning permission for proposed public utility installation (underground cable) and excavation and filling of land at the Site within the area zoned “CPA”. The planning intention of the “CPA” zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. 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 project with overriding public interest may be permitted. These scenic and ecologically sensitive coastal areas should also be protected against land filling, land excavation or stream diversion and encroachment by developments. According to the applicant, the proposed installation will provide electricity for a single Lot which is used as storage. However, the applicant has not provided any information on the concerned storage use. It should be noted that storage use is not a permitted use within the “CPA” zone on the OZP. The applicant fails to justify the proposed installation is to support the conservation of the existing natural landscape or scenic quality of the area or is essential infrastructure project with overriding public interest.
- 10.2 The Site is paved and used as footpath heading to Chi Ma Wan Road and South Lantau Road (**Plan A-4**). According to the applicant, the proposed works would have the least environmental impact to the vicinity. DAFC has no strong view on the application as the proposed underground cable would be laid in paved area. CTP/UD&L of PlanD has no objection to the application from landscape planning perspective as no existing tree is found within the Site and no significant adverse landscape impact arising from the proposed installation of underground cable is envisaged. However, it should be noted that the Pui O wetland is located to the further south of the Site. H(SLO) of CEDD advises that careful consideration should be given on whether approval of the application for providing electricity to a storage use, which is not permitted within the “CPA” zone, may encourage the practice of ‘Destroy First, Develop Later’ in view that there are many environmental vandalism cases reported in South Lantau, in particular in Pui O wetland which has high ecological value.
- 10.3 Relevant government departments have no objection to or no comment on the application on technical aspects.
- 10.4 There were six similar applications (No. A/SLC/87, 109, 141, 145, 154 and 160) for public utility installation approved with/without conditions by the Committee between 2008 and 2020 mainly on the considerations that the proposed developments were the



essential infrastructures to the area, i.e. telecommunication cable, irrigation pipeline, sewage pumping station and underground sewer and underground power cable connecting the IWMF and Cheung Sha Substation which were considered to be in the public interest; and there would be no adverse ecological, environmental, landscape and visual impacts to the surrounding areas. The current application does not warrant the same planning considerations as the proposed installation is to provide electricity to a single Lot for storage use which is not permitted within the “CPA” zone. Granting of approval to the application would set an undesirable precedent for similar applications to provide utility installation for uses not permitted within the “CPA” zone the cumulative effect of approving such applications would result in a general degradation of the natural environment and landscape of the area.

- 10.5 There are 5 public comments objecting to/raising concern on the application mainly on grounds of not in line with the planning intention of the “CPA” zone; adverse environmental, noise and air quality impacts; waste management concern; the proposed installation is to provide electricity to a non-conforming use (i.e. storage) at the Lot which also falls within the same “CPA” zone; suspected “Destroy First, Build Later” case; and undesirable precedent to similar application. The planning assessments in paragraph 10.1 to 10.4 above are relevant.

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

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department does not support the application for the following reasons:

- (a) the proposed installation is not in line with the planning intention of the “CPA” zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. There is a general presumption against development in this zone. The proposed installation is to provide electricity for a storage use which is not a permitted use within the “CPA” zone. The applicant fails to demonstrate that the proposed installation is to support the conservation of the existing natural landscape or scenic quality of the area or is essential infrastructure project with overriding public interest; and
- (b) approval of the application would set an undesirable precedent for similar applications to provide utility installation for uses not permitted within the “CPA” zone and the cumulative effect of approving such applications would result in a general degradation of the natural environment and landscape of the area.

- 11.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until **6.11.2024**, 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 IV** are also suggested for Members’ reference.

**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 reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.
- 12.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.

**13. Attachments**

<b>Appendix I</b>	Application form received on 9.9.2020
<b>Appendix Ia</b>	Supplementary Information received on 17.9.2020
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Public Comments received during the Statutory Publication Period
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Section Plan for typical LV cable trench
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2020**