

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

**APPLICATION NO. A/SK-TMT/65**

- Applicant** : Mr. LIAU Yin Fu
- Site** : Lot 684 (part) in D.D. 369, Pak Tam Chung, Tsak Yue Wu Village, Sai Kung
- Site Area** : About 0.8m<sup>2</sup>
- Land Status** : Old Schedule Agricultural Lot governed by Block Government Lease
- Plan** : Approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP) No. S/SK-TMT/4
- Zoning** : “Green Belt” (“GB”)
- [Any filling or excavation of land shall not be undertaken or continued (except public works coordinated or implemented by Government, and maintenance, repair or rebuilding works) without the permission from the Town Planning Board.]
- Application** : Proposed Excavation of Land (Installation of Electricity Meter Box for Permitted Agricultural Use and Lighting)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed excavation of land (about 0.7m in depth) at the application site (the Site) (**Plan A-1**) for installation of electricity meter box for permitted agricultural use and lighting within Lot 684 in D.D. 369. According to the Notes of the OZP, the proposed excavation of land for the installation of the electricity meter box requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site involves excavation of an area of 0.8m<sup>2</sup> with a depth not exceeding 0.7m for the installation of an electricity meter box (1.1m x 0.7m x 1.6m (LxWxH)) to provide lighting associated with agricultural use at Lot 684 in D.D. 369. According to the applicant, the electricity meter box will be connected to the existing electricity network via an overhead cable to an electricity mast to be erected at the southern portion of Lot 684 in D.D. 369 (**Plan A-2**).
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 18.8.2020 (Appendix I)
- (b) Further Information (FI) received on 15.9.2020 (Appendix Ia)  
(accepted and exempted from publication)
- (c) FI received on 17.9.2020 (accepted and exempted from publication) (Appendix Ib)

1.4 The schematic electricity meter box plans 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 at **Appendix I**, **Appendix Ia** and **Appendix Ib** and summarized as follows:

- (a) the installation of an electricity meter box with electricity consumption of 30 amperes is used for lighting and agricultural purposes;
- (b) the proposed installation would allow the applicant to work on the lot at night time; to stop stray animals entering the lot; and to allow the installation of an automatic water sprinkler system and air conditioned room; and
- (c) the electricity box will be connected through an electricity mast which does not require excavation of land to be erected in the southern part of Lot 684 in D.D. 369 (**Plan A-2**).

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

The applicant is the sole current land owner of the respective lot. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Town Planning Board Guidelines**

Town Planning Board Guidelines for Application for Development within “Green Belt” Zone (TPB PG-No.10) are relevant to this application (**Appendix II**).

## **5. Previous Application**

There is no previous application at the Site.

## **6. Similar Application**

There is no similar application within the same “GB” zone on the OZP.

**7. Background**

The Site and Lot 684 in D.D. 369 is currently not subject to any active enforcement action; however investigation will be carried out. Should there be sufficient evidence that there is unauthorized development under the Town Planning Ordinance, appropriate planning enforcement action will be taken.

**8. The Site and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plan A-4a to A-4c)**

8.1 The Site is:

- (a) generally flat land covered with grass;
- (b) accessible via a footpath leading from Pak Tam Road, located approximately 20m to the west; and
- (c) falls within the water gathering ground (WGG) which covers a large part of the surrounding area.

8.2 The surrounding areas have the following characteristics:

- (a) predominantly rural in character with a few village houses and areas covered with trees and shrubs within the “GB” zone;
- (b) Lot 684 in D.D. 369 is at present generally covered by grass and short trees/shrubs, with plants adjacent to the Site and two stacked converted containers;
- (c) to the south of Lot 684 in D.D. 369 is an open streamcourse with vegetation on the banks;
- (d) to its west across Pak Tam Road is Sai Kung West Country Park; and
- (e) to its further south and east is the Sai Kung East Country Park.

**9. Planning Intention**

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.

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

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

### **Land Administration**

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

- (a) the application site falls entirely within private land, Lot No. 684 in D.D.369 (“the Lot”);
- (b) the Lot is old schedule agricultural lot held under Block Government Lease. Under the lease, the lessee must obtain the approval of Government before any buildings or structures of any description are erected or constructed on the land. It is current land policy in certain cases/areas to issue a Short Term Waiver (STW) waiving Government’s right of re-entry for a limited period during which time the lessee may construct a structure/building on the land for use other than agricultural use;
- (c) if planning permission for the subject proposal is given, the applicant is required to submit a formal STW application to LandsD for consideration. LandsD would process such application in the capacity of a landlord and if the application is approved, it will be subject to such terms and conditions, including the payment of fees as considered appropriate. However, there is no guarantee that such application will be approved; and
- (d) the Lot is not subject to any approvals for STW/Letter of Approval for agricultural structures.

### **Environment**

- 10.1.2 Comments of the Director of Environmental Protection (DEP):

in view of the small scale and nature of the proposed development, the proposed development will unlikely result in any potential adverse environmental impacts. Hence, he has no objection to the application.

### **Urban Design**

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

- (a) the Site is located to the southwest of Sai Kung East Country Park and accessible to Pak Tam Road. It is surrounded by vegetation to the north, west and east with 1 to 3-storey (+17 to 23mPD) domestic structures to the south, while the main road, i.e. Pak Tam Road is located to the northwest; and

- (b) given the small scale of the proposed electricity meter box, it is anticipated that it would not induce significant adverse visual impact to the surrounding.

### **Landscape**

#### 10.1.4 Comments of CTP/UD&L, PlanD:

- (a) no objection to the application from landscape planning perspective; and
- (b) with reference to the aerial photo of 2019, the Site is situated in an area of settled valleys landscape character dominated by grassland, tree groups and houses. The proposed development is considered not incompatible with the surrounding environment. As observed from the aerial photo of 2019, the Site is covered by grassland and there is no existing tree within the Site. No significant adverse landscape impact arising from the proposed use is anticipated.

### **Drainage**

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

- (a) no in-principle objection from a drainage maintenance viewpoint; and
- (b) the proposed works is located in very close proximity of an existing streamcourse which is a key drainage to convey stormwater runoff from the upstream catchment. All the proposed works including site formation works shall be situated at 3m away from the top of the bank of the nearby streamcourse.

### **Nature Conservation**

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

- (a) no comment on the application;
- (b) the applicant confirmed in its FI dated 15.9.2020 that no excavation of trench is required for the erection of electricity meter box at the Site; and
- (c) Lot 684 in D.D. 369 is not subject to any Letters of Approval for agriculture structures.

## **Water Supplies**

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

- (a) no objection to the application; and
- (b) the Site falls within WGG. The applicant is requested to observe the “Conditions for Working within Gathering Grounds” (**Annex A of Appendix IV**).

10.2 The following government departments have no objection to or no comment on the application:

- (a) Director of Electrical and Mechanical Services;
- (b) Principal Project Coordinator/Special Duty, Drainage Services Department;
- (c) Commissioner for Transport;
- (d) Director of Fire Services;
- (e) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (f) Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office;
- (g) Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department;
- (h) Chief Engineer (Works), Home Affairs Department (HAD); and
- (i) District Officer (Sai Kung), HAD.

## **11. Public Comments Received During the Statutory Publication Period**

On 25.8.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 15.9.2020, 12 public comments were received from the Village Representatives of Tsak Yue Wu Village and Pak Tam Chung Village and individuals. Ten comments object to the application for adverse visual impact and ecological effects, possible light pollution and potential to destroy the natural environment, the two stacked converted containers on the subject lot are likely unauthorized development for domestic use and they are causing adverse environmental impacts; one comment indicates that there is adequate electricity supply; and one comment is illegible.

## **12. Planning Considerations and Assessments**

12.1 The applicant seeks planning permission for excavation of land (about 0.7m in depth with an area of about 0.8m<sup>2</sup>) for installation of electricity meter box for permitted agricultural use and lighting within Lot 684 in D.D. 369. The planning intention of the “GB” zone is to define 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. Agricultural use is always permitted in the “GB” zone while excavation of land requires permission from the Board. As claimed

by the applicant, the proposed installation of electricity meter box will provide lighting to allow the applicant to work on the lot at night time, to stop stray animals entering the lot and to allow installation of an automatic water sprinkler system and air conditioned room. However, the applicant fails to provide strong planning justification to demonstrate the need to install an electricity meter box which involves excavation of land.

- 12.2 The subject lot comprises generally flat land covered with grass and short trees/plants and accessible via a footpath leading from Pak Tam Road, located approximately 20 metres to the west. The proposed excavation of land for installation of electricity meter box is not incompatible with the surrounding environment which is dominated by grassland, tree groups and houses. However, it should be noted that within Lot No. 684 in D.D. 369, two stacked converted containers are found to the immediate west of the Site (**Plans A-4a to A-4c**). There is no information on the use of these containers and no application for any Short Term Waivers/Letters of Approval for agricultural structures has been received by DLO/SK and DAFC. Furthermore, there is also no planning application received for their use.
- 12.3 Relevant government departments have no objection to or no comment on the application on technical aspects.
- 12.4 Public comments objecting to the application are mainly on the grounds of adverse visual impact and ecological effects, light pollution and the potential to destroy the natural environment. In this regard, the assessments in paragraphs 12.1 to 12.3 above are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments in paragraph 11, Planning Department does not support the application for the following reason:

the proposed excavation of land for installation of electricity meter box is not in line with the planning intention of the "Green Belt" zone which is to define 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. The applicant fails to provide strong planning justification to demonstrate the need to install an electricity meter box which involves excavation of land.

- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 9.10.2024, 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 recommended advisory clauses as attached at **Appendix IV** are also suggested for members' reference.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

**15. Attachments**

<b>Appendix I</b>	Application form received on 18.8.2020
<b>Appendix Ia</b>	Further Information dated 15.9.2020
<b>Appendix Ib</b>	Further Information dated 17.9.2020
<b>Appendix II</b>	Town Planning Board Guidelines (TPB PG-No.10) for Application for Development within “Green Belt” Zone
<b>Appendix III</b>	Public comments received
<b>Appendix IV</b>	Advisory Clauses
<b>Drawings A-1 and A-2</b>	Schematic electricity meter box plans submitted by the applicant
<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 A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2020**