

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SLC/160

<u>Applicant</u>	CLP Power Hong Kong Limited represented by Fugro (Hong Kong) Limited
<u>Site</u>	Government Land at Upper Cheung Sha Beach, Lantau Island
<u>Site Area</u>	About 165m ²
<u>Land Status</u>	Government Land
<u>Plan</u>	Approved South Lantau Coast Outline Zoning Plan No. S/SLC/21 (the OZP)
<u>Zoning</u>	“Coastal Protection Area” (“CPA”)
<u>Application</u>	Proposed Public Utility Installation (Public Utility Pipeline) and Filling and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application sites (the Sites) which fall within an area zoned “CPA” for proposed public utility installation (public utility pipeline) and filling and excavation of land (about 165m² and about 1.2m to 3.4m in depth). The applicant will backfill the Sites to the original ground level after completion of cable placing works. According to the Notes of the OZP, ‘Public Utility Installation’ use and filling and excavation of land within the “CPA” zone require planning permission from the Town Planning Board (the Board). The Sites involve three pieces of government land (total area of about 165m²). The proposed installations involve underground power cables, cable joint bay and cable ducts and two cable markers (signage to indicate the location of the submarine cable landing point) to the east and west of the cable landing location(**Drawings A-3 and A-4**). The proposed installations form part of the proposed submarine power cable system connecting the Integrated Waste Management Facilities (IWMF) and the Cheung Sha Substation. The details of the installations to be provided at the Sites are at the table below:

Name of Installation	No. of provision	Dimension (m) (Length x Width x Height)	Depth (m)
Underground Cable Duct 1	1	15 x 1.5 x 0.615	2.1 to 3.4
Underground Cable Duct 2	1	20 x 1.4 x 0.615	3
Underground Cable Joint Bay	1	20 x 4 x 1	2.6
Underground Cable Trough	1	20 x 1 x 0.75	2.8

Name of Installation	No. of provision	Dimension (m) (Length x Width x Height)	Depth (m)
Aboveground Cable Markers	2	6.3m high steel post with rhombus steel plate (1.2 x 1.2) and with concrete footing (0.75 x 0.75 x 1.5)	-

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

- (a) Application form received on 26.6.2020; **(Appendix I)**
- (b) Supplementary Planning Statement; **(Appendix Ia)**
- (c) Supplementary Information received on 2.7.2020; **(Appendix Ib)**
- (d) Further Information (FI) received on 4.8.2020, 7.8.2020 and 10.8.2020 with responses to departmental and public comments with a new Site Selection Analysis, a new Slope Stability Assessment, a new Tree Protection Measure Plan, a new Tree Location Plan, a new Layout Plan of cable route and a revised Layout Plan (not exempted from publication requirement); and **(Appendix Ic)**
- (e) FI received on 18.8.2020 and 20.8.2020 with responses to departmental comments enclosing with new section drawings (exempted from publication requirement). **(Appendix Id)**

2. Background

- 2.1 To facilitate the environmentally sustainable development with the provision of low carbon green energy and the development of the IW MF on the artificial island near Shek Kwu Chau and to ensure the reliability of the power supply on Lantau, the applicant has proposed to develop submarine cables connecting the IW MF and the CLP Cheung Sha Substation, via the landing point at Upper Cheung Sha Beach, land side cable along South Lantau Road and area to the north of South Lantau Road (**Drawings A-1 and A-2**). The sea portion of the proposed cables fall outside the OZP. The cable landing point falls within an area zoned “CPA” on the OZP, which requires planning permission from the Board.
- 2.2 The remaining land side cables fall within an area zoned “Green Belt” (“GB”), “Residential (Group C)” (“R(C)”), “Government, Institution or Community” (“G/IC”) and area shown as ‘Road’ on the OZP (proposed indicative cable route with alternative route is shown in orange on **Plan A-2**). According to the covering Notes of the OZP, planning application for the land side cables falling within the “GB”, “R(C)”, “G/IC” zones and area shown as ‘Road’ is not required.

3. Justifications from the Applicant

The justifications put forth by the applicant in support of application are detailed in **Appendices Ia, Ib and Ic** and they are summarised as follows:

- (a) the proposed works could ensure the reliability on electricity supply by laying cable circuits at the Sites to connect the IW MF and Tung Chung in facilitating environmentally sustainable development with the provision of low carbon green energy and the development of the IW MF;

- (b) an Ecological Baseline Review Report was conducted (Appendix D of **Appendix Ia**). The proposed works would affect the sandy shore and backshore plantation, in which their ecological values are considered low and moderate respectively. No significant nursery or breeding ground and no plant and fauna species of conservation interest in the vicinity of the Sites are recorded. Hence, there is no adverse impact to the environment;
- (c) according to the Geotechnical Planning Review Report (Appendix E of **Appendix Ia**), it is considered geotechnically feasible to adopt the excavation and lateral support (ELS) works to facilitate the construction of the cable joint bay, cable ducts, cable trough and the two cable markers and there is no adverse impact on the adjoining road and geotechnical features;
- (d) a tree survey was conducted (Appendix F of **Appendix Ia**) and a total of 32 trees including 31 live trees and one standing dead trees were recorded in the vicinity of the Sites. The routing and extent of the proposed works are designed to minimise the impact to the existing trees;
- (e) the two cable markers at visible locations at about 50m away from the cable landing location are proposed for notification purpose to the public (**Drawings A-3 and A-4**);
- (f) a site selection analysis was conducted (**Appendix Ic** and landing point options on **Drawing A-5**) and the Sites are the most appropriate location for the cable landing in view of the shortest distance to the Cheung Sha Substation and South Lantau Road with existing transmission networks; locating away from residential area; avoiding the key bathing area of the gazetted Upper Cheung Sha Beach (outside the existing shark prevention nets); no impact on trees; and not involving private land. The proposed works would only be carried out during the winter closure period of the Upper Cheung Sha Beach (i.e. from November to March);
- (g) the 2m depth for the proposed cables under the application is 1m deeper than the typical design and there has been no exposure case report for other submarine cable circuits in recent typhoon events. The proposed cables would not be directly exposed as they are covered by concrete structure. Reinstatement works would be carried out in case there is exposure of the concrete structure; and
- (h) part of the Sites is the subject of an approved Environmental Permit No. FEP-02/429/2012/B (**Drawing A-3**).

4. **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.

5. **Previous Application**

There is no previous application at the Sites.

6. **Similar Application**

There is no similar planning application for public utility installation (public utility pipeline) and filling and excavation of land within the same “CPA” zone.

7. **The Sites and the Surrounding Areas** (Plans A-1 to A-3 and photos on Plan A-4)

7.1 The Sites have the following characteristics:

- (a) the Sites are located to the south of South Lantau Road, partly falling within the Upper Cheung Sha Beach fronting to the sea (**Plans A-1 to A-2**);
- (b) the Sites are partly at sandy shore and partly covered by backshore vegetation (**Plan A-3**); and
- (c) the Sites are accessible via staircase which leads to South Lantau Road.

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) the area is mainly rural in character with coastal, uplands and hillsides landscape predominated by coastal landscape features including sandy shore at Upper Cheung Sha Beach;
- (b) a streamcourse is located to the west of the Sites. The area to its north across South Lantau Road is vegetated slope; and
- (c) to the further northeast about 350m is the nearest residential cluster at Cheung Fu Street.

8. **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.

9. **Comments from Relevant Government Departments**

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

Policy Support

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

- (a) on behalf of the Secretary for the Environment (SEN), he sets out policy support to the proposed submarine cable; and
- (b) the ENB announced in 2013 the “Hong Kong: Blueprint for Sustainable Use of Resources 2013 – 2022” (available at https://www.epd.gov.hk/epd/sites/default/files/epd/english/environmentinhk/waste/prob_solutions/files/WastePlan-E.pdf) to map out a comprehensive strategy on waste management for the following 10 years. Implementation of the IWMF, with incineration as the core technology to treat municipal solid waste (MSW), is endorsed as part of the overall waste management strategy to tackle the imminent waste disposal problem of Hong Kong. The IWMF, currently under construction at an artificial island near Shek Kwu Chau, will have a capacity of 3,000 tonnes of MSW per day upon commissioning. The heat energy recovered from its incineration process will be sufficient to produce 480 million kWh of surplus electricity to be exported to the power grid of the CLP Power Hong Kong Limited. The proposed submarine cable will enable the gainful use of the recovered energy and is regarded as an essential part of the entire IWMF which embraces the long term strategy of ‘Waste-to-Energy’.

Land Administration

9.1.2 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):

- (a) the Sites are on unleased government land. Yet, part of the Sites encroaches Upper Cheung Sha Beach and is within the beach area of Leisure and Cultural Services Department (LCSD) gazetted under the Public Health and Municipal Services Ordinance (Cap. 132);
- (b) the Sites are in the close proximity to Slope Feature No. 13/NE-B/FR82 (**Plan A-2**) maintained by Highways Department (HyD); and
- (c) if the planning application is approved by the Board, the applicant needs to apply to his office for Excavation Permit and/or other approval (e.g. Short Term Tenancy (STT)) for (i) land excavation and (ii) laying and installation of the electricity cables, fibre optic cables and associated structures. There is no guarantee that Excavation Permit and/or other approval (e.g. STT) will be approved by LandsD. Excavation Permit and/or other approval (e.g. STT), if approved, will be subject to such terms and conditions as imposed by LandsD as appropriate.

Lantau Development

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

he has no comment on the application based on the following:

- (a) the Sites selected have the shortest works duration and the least environmental impacts than other landing site options;
- (b) the Sites are away from residential areas and separated at least 400m away from the shark prevention nets of the gazetted beach (i.e. Upper Cheung Sha Beach);
- (c) the applicant claims that works would only be carried out during non-bathing season so as to minimise impact to beach visitors; and
- (d) the proposed variation of the cable landing point for the IWMF at the Sites has been approved by Environmental Protection Department (EPD).

Environment

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

- (a) he has no objection to the application in view of the small scale of the proposed works;
- (b) according to the information provided, the proposed works comprises construction of (i) cable ducts from Upper Cheung Sha Beach to South Lantau Road under land cable section and (ii) a cable joint bay with its associated cable trough and cable markers at Upper Cheung Sha Beach under marine cable section, of which the marine cable section is subject to a Further Environmental Permit (FEP) No. FEP-02/429/2012/B – ‘Submarine Cable for the Development of the IWMF Phase 1’ issued under the Environmental Impact Assessment Ordinance (EIAO) (Cap. 499) to the applicant on 25.5.2020. The applicant is reminded to ensure the statutory provisions of the aforementioned FEP are duly followed; and
- (c) he has issued a letter to the applicant on 20.7.2020 to agree that the ‘Land Section’ of the proposed cable installation works does not constitute a Designated Project (DP) under the EIAO. Hence, an Environmental Permit (EP) is not required.

Nature Conservation

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

he has no comment on the application based on the following:

- (a) the proposed underground cable and aboveground cable markers for

the IWMF project would be laid in sandy shore partly covered with some backshore vegetation. According to Section 5.3 and the assessment in Appendix D of **Appendix Ia**, potential ecological impact is considered to be low; and

- (b) according to the tree survey and the tree protection measures in **Appendix Ic**, the alignment of the proposed underground cable has been adjusted to avoid affecting any existing trees.

Drainage

9.1.6 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD):

- (a) there are some stormwater drains in vicinity of the Sites, which the extent of drainage reserve for one of the stormwater drain is shown on **Plan A-2**. The information shown should be verified on site. The applicant is reminded to locate the proposed works to be well clear of the existing stormwater drains and to exercise extreme care when working in the vicinity of these drains in order not to disturb, interfere with or cause damage to them. Any damage shall be reported to his office immediately and shall be made good to his satisfaction at the project cost;
- (b) the Sites are in vicinity of an existing streamcourse (**Plan A-2**). The applicant is required to place all the proposed works 3m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flooding mitigation measures if necessary shall be provided at the resources of the applicant to his satisfaction; and
- (c) the applicant is reminded to minimise the possible adverse environmental impacts on the existing streamcourse in the design and during construction.

Landscape

9.1.7 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 landscape planning perspective;
- (b) according to the aerial photo of 2019, the Sites are situated in an area of coastal, uplands and hillsides landscape character predominated by coastal landscape features including sandy shore at Upper Cheung Sha Beach. Some existing trees of common species are observed within the vicinity of the Sites. The proposed excavation and backfilling work is considered not incompatible with the landscape character of the surrounding environment;

- (c) with reference to the tree survey information and site photos in the applicant's submission, it is noted that no tree felling would be involved for the proposed works and the routing and extent of the proposed cable laying works are designed to avoid damage to the existing trees in the vicinity of the Sites. Besides, hydroseeding would be applied to the cable duct area after backfilling of soil. Significant landscape impact arising from the proposed works is not envisaged; and
- (d) the Sites are not abutting any prominent public frontage and there is existing vegetation in the surrounding area. Should the application be approved by the Board, a landscape condition is considered not required.

Urban Design and Visual

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

it is noted that the two proposed aboveground cable markers will be erected at visible locations to notify the public that there are submarine cables. Given the small scale of the proposed works, significant visual impact is not anticipated.

Water Supplies

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

- (a) he has no objection to the application; and
- (b) an existing water main is in the vicinity of the Sites. The proposed works should be carried out in compliance with the Conditions of Working in the Vicinity of Waterworks Installation.

Geotechnical

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

- (a) he has no in-principle geotechnical objection to the application; and
- (b) the proposed works comprise construction of a cable marker involving excavation near the toe of registered slope Feature No. 13NE-B/FR82 maintained by HyD (**Plan A-2**).

9.1.11 Comments of the Chief Highway Engineer/New Territories East, Highway Department (CHE/NTE, HyD):

the Sites are in close proximity to a HyD's slope feature No. 13NE-B/FR82. Provided that there is no adverse comment from GEO of CEDD, he has no comment on the application from highways maintenance point of view.

Others

9.1.12 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) the two locations of the proposed aboveground cable markers are not under the jurisdiction of LCSD as they are located outside the gazetted boundary of Upper Cheung Sha Beach;
- (b) he has no comment on the application from district management perspective subject to strictly compliance to the following conditions:
 - (i) the subject project scope involves construction of a cable joint bay and laying cable ducts under the shore area of Upper Cheung Sha Beach, the applicant is requested to present the proposal at the Islands District Facilities Management Committee to seek members' views and support from local consultation with residents and relevant parties;
 - (ii) shall any tree be affected by the subject works, the applicant shall strictly comply with the Development Bureau Technical Circular (Works) No. 4/2020 ('DEVB TC(W) 4/2020') for 'Tree Preservation' and Tree Preservation and Removal Proposals (TPRP) should be submitted to his department for consideration and approval;
 - (iii) to minimise the disturbance and for the sake of public safety to swimmers as well as beach goers, the works within the beach gazetted boundary must be conducted during the winter closure period (i.e. November to March);
 - (iv) to ensure the works would not affect the normal operation of the beach throughout the whole course of the works even in winter closure period;
 - (v) to critically review whether the proposed 2m depth for laying the cable ducts, cable joint bay is sufficient as the said devices may be exposed due to sand movement, wave, typhoon etc. In case of the exposure of the cable ducts and cable joint bay, the applicant is obligated to take immediate reinstatement to the satisfaction of LCSD; and
 - (vi) an advanced notification to LCSD for commencement of the works is required; and
- (c) he also has no comment from tree preservative perspective given that no LCSD maintained tree will be affected by the proposed development. Nevertheless, in view of some existing trees situated in the vicinity of the Sites, the applicant is reminded to take note and strict compliance with the Conditions for Excavation Works in the Vicinity of Roadside Trees for tree protection.

District Officer's Comment

9.1.13 District Officer (Islands), Home Affairs Department (DO/Is, HAD):

he has no comment on the application from works perspective as the proposed works will not affect the current or impending works of his office in the vicinity.

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

- (a) Chief Building Surveyor/New Territories East 1 & Licence, Buildings Department (CBS/NTE1&L, BD);
- (b) Commissioner for Transport (C for T);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Director of Fire Services (D of FS).

10. Public Comments Received During Statutory Publication Period

On 3.7.2020 and 14.8.2020, the application and the FI were published for public inspection. During the first three-week statutory public inspection periods which ended on 24.7.2020 and 4.9.2020 respectively, 5 public comments (**Appendix II**) from individuals were received, in which 4 of them raise objection to/concerns on the application and the remaining 1 has no comment. The major grounds of objection/concerns include adverse ecological impact; no justification on the route selection; and not in line with the planning intention of the "CPA" zone and the Sustainable Lantau Blueprint.

11. Planning Considerations and Assessments

- 11.1 The application is for the public utility installation for placing of underground cables and erection of 2 cable markers as well as excavation and filling of land (from 1.2m to 3.4m in depth) for the underground cables at the Sites falling within the "CPA" zone. The applicant will backfill the Sites to the original ground level after completion of cable placing works. The proposed public utility installation forms part of the submarine cable system connecting the IW MF and the CLP Cheung Sha Substation (**Drawings A-1 and A-2**). 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 are essential infrastructure projects with overriding public interest may be permitted.
- 11.2 The ENB has mapped out a comprehensive strategy on waste management under the "Hong Kong: Blueprint for Sustainable Use of Resources 2013 – 2022". The implementation of the IW MF with incineration as the core technology to treat MSW is endorsed as part of the overall waste management strategy to tackle the imminent waste disposal problem of Hong Kong. The heat energy recovered from its incineration process will be sufficient to produce 480 million kWh of surplus

electricity to be exported to the power grid of the CLP Power Hong Kong Limited. The proposed submarine cable will enable the gainful use of the recovered energy and is regarded as an essential part of the entire IWMF which embraces the long term strategy of 'Waste-to-Energy'. On behalf of SEN, DEP sets out policy support to the proposed submarine cable and considers the proposed underground cables which form part of the IWMF system enable the gainful use of the recovered energy generated by the IWMF.

- 11.3 According to the applicant, a site selection analysis has been conducted and the Sites are considered the most appropriate location for the cable landing. The Sites are located on sandy shore and partly covered by backshore vegetation, which also fall within/adjacent to the Upper Cheung Sha Beach. The proposed underground cables and the 2 cable markers are not incompatible with the surrounding area which is mainly rural in character with coastal, uplands and hillsides landscape predominated by coastal landscape features including sandy shore. No significant visual impact is envisaged. As the alignment of the proposed underground cable has been adjusted to avoid affecting any existing trees and hydroseeding would be applied where appropriate after backfilling of soil, significant landscape impacts are not envisaged. CTP/UD&L of PlanD has no objection to the application from landscape and visual impact perspectives. The applicant conducted an Ecological Baseline Review Report. DAFC considers that the potential ecological impact of the proposed installations is low and has no comment on the application from nature conservation perspective. DEP has no objection from environmental impact perspective in view of the small scale of the proposed works. DLCS has no comment on the application from district management perspective regarding the gazetted Upper Cheung Sha Beach. Relevant government departments including H(GEO) of CEDD, CHE/NTE of HyD, H(SLO) of CEDD, DEMS, CBS/NTE1&L of BD have no objection to/no comment on the application.
- 11.4 There are public comments objecting to/expressing concern on the application mainly on the grounds of adverse ecological impact; no justification on the route selection; and not in line with the planning intention of the "CPA" zone and the Sustainable Lantau Blueprint. The planning assessments and comments of government departments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments 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 **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 are at **Appendix III** for Member's reference.
- 12.3 There is no strong reason to reject 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 conditions and advisory clauses, 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 reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 26.6.2020
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Supplementary Information received on 2.7.2020
Appendix Ic	Further Information received on 4.8.2020, 7.8.2020 and 10.8.2020
Appendix Id	Further Information received on 18.8.2020 and 20.8.2020
Appendix II	Public Comments received during the Statutory Publication Period
Appendix III	Advisory Clauses
Drawings A-1 to A-3	Layout Plans of the Cable Alignment for the Development of Integrated Waste Management Facilities Phase 1
Drawing A-4	Drawing of Typical Submarine Cable Marker
Drawing A-5	Layout Plan of Landing Point Options
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2020**