

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/10

<u>Applicant</u>	Fordy Holdings Development Limited represented by Creative Engineers & Partners Limited
<u>Site</u>	Lot 261 S.AK in D.D. 82, Chow Tin Tsuen, Ta Kwu Ling, New Territories
<u>Site Area</u>	About 116.8 m ²
<u>Land Status</u>	Block Government lease (demised for agricultural use)
<u>Plan</u>	Approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/4
<u>Zoning</u>	“Village Type Development” (“V”)
<u>Application</u>	Proposed Utility Installation for Private Project (Electricity Package Transformer)

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed electricity package transformer at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “V” on the approved Man Kam To OZP No. S/NE-MKT/4. According to the Notes of the OZP, ‘Utility Installation for Private Project’ in “V” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant’s submission, the proposed electricity package transformer, with a total floor area of about 51.2 m² (8.25 m (length) x 6.2 m (width)) and a height of about 5 m (1-storey) (**Drawing A-1**), would provide electricity power supply for 17 proposed New Territories Exempted Houses (NTEHs) located to the south of the Site (**Drawing A-2**). The Site is currently vacant.
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application form and attachments received on 3.2.2020 (**Appendix I**)
 - (b) Supplementary Information received on 7.2.2020 (**Appendix Ia**)
 - (c) Further Information (FI) received on 9.4.2020 (**Appendix Ib**)
- 1.4 In light of the special work arrangement for Government departments due to the novel coronavirus infection, the meeting originally scheduled for 3.4.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration

by the Rural and New Town Planning Committee (the Committee) at this meeting.

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, supplementary information and FI at **Appendices I, Ia and Ib** respectively. They can be summarised as follows:

- (a) the proposed electricity package transformer, with the provision of essential electricity supply to the 17 proposed NTEHs located to the south of the Site (**Drawing A-2**), is a use in support of the village type development in the “V” zone. It is an essential facility serving the small house developments in the “V” zone and therefore, it is in line with the planning intention of the “V” zone;
- (b) there is no electricity package substation in the area. The proposed electricity package transformer is small in scale and compatible with the village character in the surrounding area. Among the 17 proposed NTEHs, 7 NTEHs are under construction and some are under applications for building licences (**Plan A-2**);
- (c) the Site is a suitable location for the proposed development as it is immediately adjacent to the main road where existing CLP cables are located as well as in close proximity to the village houses intended to serve. According to CLP, the required demand of electricity supply to the proposed NTEHs could not be met directly from the existing electricity network due to its low voltage supply (**Appendix Ib**). The proposed development not only serves the existing village, but also caters for future developments within about 200m covering area from the Site if needed, providing more stable and efficient power supply to the village houses, especially for the high demands from air-conditioners in the summer or from instant heat water devices during the winter;
- (d) the Site is currently vacant and no loading/ unloading bay or ingress/ egress is required for the maintenance and operation of the proposed transformer. No significant additional traffic would be induced; and
- (e) the application is supported by the Village Representative of Chow Tin Tsuen (**Appendix Ia**).

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

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

4. **Background**

According to the Chief Town Planner/ Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD), the Site is currently not subject to any active enforcement case. Should there be sufficient evidence to prove that the current use on Site constitutes an unauthorized development under the Town Planning Ordinance, enforcement action will be taken.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Application

There is no similar application for utility installation for private project within the “V” zone in the vicinity of the Site in the Man Kam To area.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2, and aerial photo on Plan A-3 and site photos on Plan A-4)

7.1 The Site is:

- (a) vacant and located to the north of Chow Tin Tsuen; and
- (b) abutting a local road leading to Chow Tin Tsuen.

7.2 The surrounding area is predominantly rural in character with construction of village type developments to the south, fallow agricultural land in the east and west and the Ping Yuen River across the local road to the north.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises private Lot No. 261 S.AK in D.D. 82 which is an Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicant should make his own arrangements and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the proposed use;

- (b) no Small House application is received at the Site;
- (c) the 17 nos. of proposed Small House application located to the south of the Site have been received and are being processed (**Drawing A-2**); and
- (d) should the planning application is approved, the owner of the lot concerned shall apply to his office for a Short Term Waiver (STW) covering all the actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office.

Drainage

9.1.2 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no objection to the application from the public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area; and
- (c) the Site is in an area where no public sewerage connection is available.

Building Matters

9.1.3 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) he has no objection to the application;
- (b) there is no submission record by the Building Authority for the proposed buildings/ structures at the Site;
- (c) before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO); and
- (d) his other advisory comments are at **Appendix III**.

Fire Safety

9.1.4 Comments of the Director of Fire Services (D of FS):

- (a) he has no in-principle objection to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of his department;
- (b) emergency vehicular access provision shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administrated by Buildings Department; and
- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Nature Conservation

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

he has no comment on the application from nature conservation point of view as the Site falls within “V” zone.

Landscape

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

- (a) as the Site falls within a non-landscape sensitive zone and no significant adverse landscape impact arising from the proposed development is anticipated, she has no objection to the application from the landscape planning perspective; and
- (b) since there is no major public frontage along the site boundary, it is considered not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent.

Environment

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

- (a) he has no objection to the application; and
- (b) the proposed electricity packager transformer is a small scale project which will unlikely cause major environmental pollution.

Electrical Safety

9.1.8 Comment of the Director of Electrical and Mechanical Services (DEMS):

- (a) he has no comment on the application from the electricity supply safety and reliability perspectives; and

- (b) for the design and operation of electricity package substation, the applicant has to comply with the Electricity Ordinance and relevant statutory requirements. As the electricity package substation is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substation as far as possible; and
- (c) the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Health Aspect

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

- (a) since electrical installations and facilities are not under the purview of his Department, he is not in a position to comment on site selection issues or issues related to the installation or operation of electrical facilities; and
- (b) according to the World Health Organization (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.

District Officer’s Comments

9.1.10 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- (a) he has consulted the locals. The 1st Vice-Chairman of Ta Kwu Ling District Rural Committee (TKLDRC), the incumbent North District Council member of the subject constituency, one of the Indigenous Inhabitant Representative (IIR) of Chow Tin Tsuen and IIR and Resident Representative (RR) of Fung Wong Wu have no comment on the application; and
- (b) the remaining IIR of Chow Tin Tsuen and RR of Chow Tin Tsuen support the application.

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

- (a) Commissioner for Transport (C for T);
- (b) Chief Highway Engineer/New Territories East, Highways Department

- (CHE/NTE, HyD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
 - (d) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
 - (e) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD); and
 - (f) Head of the Geotechnical Engineering Office, Civic Engineering and Development Department (H(GEO), CEDD).

10. Public Comment Received During Statutory Publication Period

On 18.2.2020, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix II**). The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. An individual expresses that there is no information on the approved village houses in the area.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed electricity package transformer at the Site zoned “V” on the OZP. The proposed development is generally in line with the planning intention of “V” zone to provide electricity supply to 17 NTEHs in the vicinity of the Site. DLO/N of LandsD has no objection to the application and advises that no Small House application has been received at the Site.
- 11.2 The proposed development is small in scale and considered not incompatible with the village character of the surrounding areas. CTP/UD&L of PlanD has no objection to the application from landscape planning perspective. DEP considers that the small-scale development will unlikely cause major environmental pollution. DEMS has no adverse comment on the application from the electricity supply safety and reliability perspectives. As Ping Yuen River is running in close proximity of the Site in the north, an approval condition on the submission and implementation of a drainage proposal, as suggested by CE/MN of DSD, against potential drainage impact to the adjacent area is recommended in paragraph 12.2 below. Other relevant Government departments including DAFC, D of FS and C for T have no adverse comment on or no objection to the application.
- 11.3 The proposed development is supported by the village representative of Chow Tin Tsuen and there is no local objection/ adverse public comment received during the statutory publication period.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11, 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 26.5.2024, 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 following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

- (a) the submission and implementation of fire service installations and water supplies for fire-fighting proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

12.3 There is no strong planning 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 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 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 and attachments received on 3.2.2020
Appendix Ia	Supplementary Information received on 7.2.2020
Appendix Ib	Further Information received on 9.4.2020
Appendix II	Public Comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	House Location Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-4	Aerial Photo
Plan A-4	Site Photos