

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

APPLICATION NO. A/YL-LFS/348

- Applicant** : Wealthy Villas (Group) Company Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 1156 RP (Part) & 1157 (Part) in D.D. 129, Mong Tseng Tsuen, Yuen Long, New Territories
- Site Area** : About 80.61 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building of 3 storeys (8.23m)]
- Application** : Proposed Utility Installation for Private Project (Electricity Transformer Room) and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for the proposed utility installation for private project (electricity transformer room) and excavation of land. The proposed transformer room, with a gross floor area (GFA) of about 51.04m² with a dimension of about 8.8m x 5.8m x 5m (L x W x H), would serve the existing and proposed New Territories Exempted Houses (NTEH) – Small Houses in the “V” zone. The proposed development will involve excavation of land of about 2m depth. The proposed electricity transformer room will be constructed and operated by the CLP Hong Kong Limited.
- 1.2 The Site falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Utility Installation for Private Project’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Remarks (c) of the Notes for “V” zone stipulates that any excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 within the “V” zone requires planning permission from the Town Planning Board (the Board). The Site is currently vacant (**Plans**

A-2 and A-4).

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

- (a) Application Form received on 14.8.2019 **(Appendix I)**
- (b) Supplementary Planning Statement including a location plan with vehicular access and an indicative layout plan **(Appendix Ia)**
- (c) Supplementary Information received on 22.8.2019 providing replacement pages of the application form and supplementary planning statement **(Appendix Ib)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement in **Appendices Ia and Ib**. They can be summarized as follows:

- (a) The applied use is an essential utility facility serving the existing and proposed Small Houses in the “V” zone.
- (b) The applied use is in line with the planning intention of the “V” zone.
- (c) The applied use is compatible with the village character of the surrounding areas.
- (d) Similar applications in the “V” zones of the OZP have been approved by the Board.
- (e) The technology of electricity transformer is mature. No adverse health impact is anticipated.
- (f) The applied use would not generate significant adverse environmental, traffic or drainage impacts.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining the consent of the current land owners of Lots 1156 RP and 1157 in D.D. 129. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to planning enforcement action.

5. Previous Application

The Site does not involve any previous planning application.

6. Similar Applications

There are four similar applications within the subject “V” zone on the OZP (No. A/YL-LFS/165, 189, 240 and 256) for utility installation for private project, which were approved by the Rural and New Town Planning Committee (the Committee) of the Board with conditions on 14.9.2007, 23.1.2009, 5.10.2012 and 7.2.2014 respectively. The applications were approved mainly on the considerations that the proposed development is small scale and compatible with the surrounding area, no significant adverse impact arising from the proposed development is expected and there are no adverse comments from the concerned Government departments. Details of the applications and the Committee’s decisions are summarized in **Appendix II** and their locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plan A-1 to Plan A-4)

7.1 The Site is:

- (a) currently vacant; and
- (b) accessible from Tin Yuet Road via a local track.

7.2 The surrounding areas have the following characteristics:

- (a) to the east and northeast are parking of vehicles, open storage sites, Small Houses, residential dwellings under construction and vacant land;
- (b) to the north are vacant land and residential dwellings under construction;
- (c) to the west and southwest are a village office, Small Houses, residential dwellings under construction, parking of vehicles, an open storage site of containers and vacant land; and
- (d) to the south and southeast are Small Houses, residential dwellings under construction and vacant land, and to the further south is fallow agricultural land.

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 recreation 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 on the application are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) The Site is accessible from Tin Yuet Road through Government Land (GL) and private lots. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) There is no Small House application received or approved at the Site. In its vicinity (within 30m), nine Small House applications have been approved, and four Small House applications are currently under processing.
- (e) Should the planning application be approved, the lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularity on site. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

Traffic

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

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) The local track leading to the Site is not under the Transport Department's (TD) purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Yuet Road.

Drainage

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

- (a) He has no objection in principle to the application from drainage point of view.
- (b) Should the Board consider that the application is acceptable from planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.

Building Matters

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

- (a) The applicant's attention is drawn to the following points:
 - (i) The excavation and backfilling works should be carried out under the supervision of a competent person.
 - (ii) Please note that under the Building (Minor Works) Regulation, excavation with a depth between 0.3m to 3m falls within the items of Class I or Class II minor works and subject to the Minor Work Control System. The excavation works should be supervised by competent persons, who are Professional and/or Prescribed Registered Contractor. The applicant is advised to visit BD's website for details.
 - (iii) Adequate precautionary measures and suitable working procedures should be adopted in carrying out the above works to safeguard the stability of any building, structure, land, street or services. Any precautionary measures, which involve new building works, are subject to paragraph (iv) below.
 - (iv) When any natural, formed or man-made land has due to any cause been rendered so dangerous or liable to become so dangerous that it will collapse, and thereby will cause, or will be likely to cause, a risk of injury to any person or

damage to any property, enforcement action may be taken by the BD.

- (b) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to water supplies for firefighting and fire service installations being provided to the satisfaction of D of FS.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) Furthermore, the EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the *Code of Practice for Fire Safety in Buildings 2011* under the B(P)R 41D which is administrated by the BD.

Health Aspect

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

- (a) Since electrical installations and facilities are not under the purview of the Department of Health, she is not in a position to comment on site selection issues or issues related to the installation or operation of electrical facilities.

- (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 Comment

9.1.8 Comment of District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office has not received any comment from the locals on the application.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Director of Environmental Protection (DEP);
- (e) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD);
- (f) Director of Electrical and Mechanical Services (DEMS);
- (g) Commissioner of Police (C of P); and
- (h) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comment Received During Statutory Publication Period

On 23.8.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 13.9.2019, no public comment was received.

11. Planning Considerations and Assessments

11.1 The application is for proposed utility installation for private project (electricity transformer room) and excavation of land of about 2m depth in the "V" zone of Mong Tseng Tsuen. The planning intention of "V" 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. According to the applicant, the proposed electricity transformer room will provide electricity to the existing and proposed NTEHs – Small Houses in the vicinity of the Site. Noting that the proposed electricity transformer room is an essential facility to cater for the existing and future developments in Mong

Tseng Tsuen, and DLO/YL of LandsD advises that there is no Small House application approved or under processing at the Site, the applied use would not jeopardize the long-term planning intention of the “V” zone.

- 11.2 The applied use is not incompatible with the surrounding areas comprising mainly Small Houses (**Plans A-2 and A-3**).
- 11.3 The proposed electricity transformer room is relatively small in scale (with a GFA of about 51.04m² and a building height of about 5m). Significant adverse environmental, traffic and drainage impacts on the surrounding area are not expected. Relevant Government departments, including DEP, C for T and CE/MN of DSD have no adverse comment on the application. To address the technical requirements of the relevant Government departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.4 The Committee has approved four similar applications for utility installation for private project within the same “V” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 There is no public comment received on the application during the statutory publication period.

12. **Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 above, 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 **4.10.2023**, 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 Conditions

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the implemented drainage facilities shall be maintained at all times during the planning approval period; and
- (c) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

The applicant fails to demonstrate that the applied use is at the most suitable location for electricity transformer room and that no alternative site is available.

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 period of which the permission should be valid on a temporary basis.
- 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

Appendix I	Application Form received on 14.8.2019
Appendix Ia	Supplementary Planning Statement including a location plan with vehicular access and an indicative layout plan
Appendix Ib	Supplementary Information received on 22.8.2019 providing replacement pages of the application form and supplementary planning statement
Appendix II	Similar Applications Within the Same “V” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/9
Appendix III	Advisory Clauses
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Indicative Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2019**