

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/153

<u>Applicant</u>	: Real Wealth Corporation Limited represented by R-riches Property Consultants Limited
<u>Site</u>	: Lot 19 S.Q. in D.D.124, Ha Tsuen, Yuen Long, New Territories
<u>Site Area</u>	: 92 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
<u>Zoning</u>	: “Village Type Development” (“V”) [Restricted to a maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Proposed Utility Installation for Private Project (Transformer Room)

1. The Proposal

- 1.1 The applicant seeks planning permission to construct a transformer room at the application site (the Site) to serve an estimation of about 30 proposed new and redeveloped village houses in Kau Lee Uk Tsuen (**Plans A-1 and A-2 and Drawings A-1 and A-2**). The Site is currently vacant (**Plans A-2 and A-4a and b**).
- 1.2 According to the Notes for the “V” zone on the OZP, the proposed transformer room, which is considered as a ‘Utility Installation for Private Project’, is a Column 2 use under the “V” zone requiring planning permission from the Town Planning Board (the Board).
- 1.3 The applicant indicates that he and CLP would be responsible for the maintenance of the proposed development. No ingress/egress and loading/unloading area will be provided for the proposed development. The major development parameters of the current application are as follows:

Major Development Parameters	Current Application (A/HSK/153)
Applied Use	Proposed Utility Installation for Private Project (Transformer Room)
Site Area	92 m ²
Total Floor Area (Non-domestic)	About 49.9 m ²
No. of Structure	1
Building Height	5 m (1 storey)

1.4 The site is currently accessible from Tin Ha Road to its east via a local track (**Plan A-2**). Plans showing the layout of the proposed transformer room and locations of the proposed 30 new and redeveloped village houses in the locality submitted by the applicant are at **Drawing A-2**.

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

- (a) Application Form with supplementary information (**Appendix I**) received on 7.5.2019
- (b) Further Information (FI) received on 19.6.2019 (**Appendix Ia**) providing clarification on the service catchment, the maintenance responsibility and traffic requirements of the proposed development in response to public comment and departmental comments [*accepted and exempted from publication and recounting requirements*]

2. Justification from the Applicant

The justification put forth by the applicant in support of the application is detailed in the supplementary information at **Appendix I** and FI at **Appendix Ia**. The applicant noted that the proposed transformer room will serve about 30 proposed new and redeveloped village houses in the vicinity of the Site (**Drawing A-2**). No excavation of land will be required to minimize the negative impacts on the surrounding environment. No environmental nuisance will be generated by the proposed development and no traffic shall be generated as no ingress/egress and loading/unloading area will be provided.

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

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

4. Background

The site is currently not subject to any active enforcement action.

5. **Previous Application**

The Site is not the subject of any previous application.

6. **Similar Application**

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

7. **The Site and Its Surrounding Areas (Plans A-1 to A-4a and b)**

7.1 The site is:

- (a) accessible from Tin Ha Road via a local track (**Plan A-2**); and
- (b) currently vacant (**Plans A-2 and A-4a and b**).

7.2 The surrounding areas have the following characteristics:

- (a) the immediate north is a piece of vacant land, and to its further north across a local track are a car serving establishment, a yard for parking of trailers, a yard for open storage of construction materials, and a vehicle repair workshop;
- (b) to its northeast is a yard for parking of trailers;
- (c) to its immediate east is a piece of vacant land. Further east across a local track are some temporary structures for storage use;
- (d) to its south are open storage of vehicles, a latrine, vehicle repair workshops, and a warehouse; and
- (e) to its west and north-west are some logistics centres.

8. **Planning Intention**

The planning intention of the “V” zone is to designate both existing recognised 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 New Territories Exempted House. 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 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 an Old Schedule Agricultural Lot 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 Ha Road through private lots. His office does not guarantee any right-of-way to the Site.
- (c) The Site does not fall within any Airfield Height Restriction Area.
- (d) Should approval be given to the subject planning application, the lot owner(s) of the lot without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on Site, if any. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) 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 LandsD.
- (e) There is no Small House application received or approved within the Site.

Traffic

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

He has no comment to the application from traffic engineering point of view.

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 the Transport Department (TD).
- (b) Adequate drainage measures should be provided at the site to

prevent surface water flowing from the site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Ha Road.

Drainage

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

- (a) He has no in-principle objection to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions including (i) the submission of a drainage proposal, (ii) the implementation and the maintenance of the drainage proposal for the development to the satisfaction of his Division should be included.

Fire Safety

9.1.5 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 (FSIs) being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) Furthermore, the provision of EVA 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 Building (Planning) Regulation (B(P)R) 41D which is administered by the Buildings Department.

Health Aspect

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

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.

Building Matters

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

- (a) If there are existing structures (not being a New Territories Exempted House) erected on leased land without the approval of the Buildings Department (BD), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application.
- (b) 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 application site under the BO.
- (c) 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 UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

District Officer's Comments

9.1.10 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comment from the locals regarding the application.

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

- (a) Commissioner of Police (C of P);
- (b) Director of Environmental Protection (DEP);

- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Director of Electrical and Mechanical Services (DEMS); and
- (e) Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD).

10. Public Comment Received During the Statutory Publication Period

On 14.5.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 4.6.2019, one public comment was received from an individual seeking further clarification on the service catchment of the proposed transformer room (**Appendix II**).

11. Planning Considerations and Assessments

- 11.1 The application is for the development of an electricity transformer room at a site zoned “V” on the OZP. The proposed electricity transformer room is intended to serve about 30 proposed new and redeveloped village houses in the locality, all of which are within the same “V” zone (**Plans A-1 and A-2 and Drawing A-1**). The planning intention of “V” zone is primarily for the development of Small Houses by indigenous villagers. Although the proposed transformer room is not totally in line with the planning intention of “V” zone, it is required for the provision of the necessary electricity supply to support the nearby Small House developments. According to DLO/YL of LandsD, no Small House application at the Site was received.
- 11.2 The proposed electricity transformer room comprising a single-storey structure of 5m in height and total floor area of about 49.9m² is relatively small in scale. It is considered that the proposed development would not cause any significant adverse environmental, traffic, and drainage on the surrounding areas. Relevant Government departments, including DEP, AC for T/NT of TD and CE/MN of DSD have no adverse comment on the application. Significant environmental, traffic and drainage impact to the area is not expected. Approval conditions related to submission and implementation of drainage proposal and FSIs proposal are recommended in paragraphs 12.2 (a) and (b) below to address the technical requirement of concerned Government departments.
- 11.3 One public comment was received seeking further clarification on service catchment of the proposed development. The planning considerations and assessments in the above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned 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 5.7.2023, 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 Member's reference:

Approval condition

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

Advisory clauses

The recommended advisory clauses are 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 proposed development is at the most suitable location for 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 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 with supplementary information received on 7.5.2019
Appendix Ia	Further Information received on 19.6.2019
Appendix II	Public Comment received during statutory publication period
Appendix III	Advisory Clauses
Drawing A-1	Proposed Layout of the Transformer Room for Village House Development at D.D. 124 Lot 19 SQ, Kau Lee Uk Tsuen, Yuen Long
Drawing A-2	Service Catchment of the Proposed Transformer Room

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a and b	Site Photos

**PLANNING DEPARTMENT
JULY 2019**