

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/164

<u>Applicant</u>	: Treasure Target Limited represented by Mr. Kwok Chi Man
<u>Site</u>	: Lot 2009 RP (Part) in D.D.124, Tin Ha Road, Ha Tsuen, Yuen Long, New Territories
<u>Site Area</u>	: 52.2 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Hung Shui Kiu and Ha Tsuen (HSK & HT) 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 (Electricity Transformer Room) and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to construct an electricity transformer room at the application site (the Site) which would provide electricity supply to 29 nearby proposed Small Houses in Tin Sum Tsuen (**Drawing A-1** and **Plan A-1**). The Site is zoned “V” on the approved HSK&HT OZP. According to the Notes for the “V” zone on the OZP, the proposed electricity 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). The Remarks of the Notes for “V” zone stipulates that any excavation of land, including that to the effect a change of use to any of those specified in Column 1 and 2, within the “V” zone of the OZP also requires planning permission from the Board. The site is formed and currently occupied by some vacant structures (**Plans A-2, A-4a and A-4b**).
- 1.2 The proposed development would also involve excavation of land of about 1.2m in depth for the installation of electricity cables and the land will be backfilled with the proposed electricity transformer room constructed atop. 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/164)
Applied Use	Proposed Utility Installation for Private Project (Electricity Transformer Room)
Applied Engineering Work	Excavation of Land (1.2m in depth)
Site Area	52.2 m ²
Total Floor Area (Non-domestic)	52.2 m ²
No. of Structure	1
Building Height	About 4.85m (1 storey)
Dimension of Electricity Transformer Room (L x W)	8.55m x 6.1m

1.3 The Site is currently accessible from Tin Ha Road to its east (**Plan A-2**). Plans showing the location of the proposed 29 Small Houses to be served, site location and section/elevation drawings submitted by the applicant are at **Drawings A-1 to A-2**.

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

- (a) Application Form with supplementary information (**Appendix I**) received on 30.5.2019
- (b) Supplementary information received on 3.6.2019 (**Appendix Ia**) providing clarification on the location of the 29 Small Houses to be served by the proposed development

2. Justification from the Applicant

The justification put forth by the applicant in support of the application is detailed in **Appendices I and Ia**. The applicant noted that the proposed electricity transformer room will serve 29 proposed Small Houses in the vicinity of the Site (**Drawing A-1**). Excavation of land (1.2m in depth) is required for the installation of electricity cables. The Site would be backfilled for the construction of the proposed electricity transformer room. Electricity will be transmitted from the adjacent CLP Power sub-station to the proposed transformer room through underground cables.

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-4b)**

7.1 The Site is:

- (a) accessible from Tin Ha Road (**Plan A-2**); and
- (b) formed and currently occupied by some vacant converted containers (**Plans A-2, A-4a and A-4b**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 to A-4b**):

- (a) the immediate north is an office; and to the further northwest are a religious institution (香光精舍) and residential dwellings in Tin Sum Tsuen;
- (b) to its northeast and east across Tin Ha Road are a mix of residential dwellings (with the nearest cluster located about 30m to its east), a car services establishment, warehouses, and some vacant lands;
- (c) to its southeast across Tin Ha Road is a storage of recycling materials; and
- (d) to its immediate west are some open storage of construction materials and machineries; to its further southwest are residential dwellings in Tin Sum Tsuen, a warehouse and vacant lands (**Plan A-4b**).

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 lot. His office does not guarantee any right-of-way to the Site.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) According to his record, there is no lease modification/ land exchange application nor building plan submission at the Site approved/under processing.
- (e) Should planning approval be given to the subject application, the lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or to regularise 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.
- (f) There are no small house applications approved/under processing within the Site. There is 1 Private Treaty Grant (PTG) small house application received within 30 m from the Site.

Traffic

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

He has no adverse 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 TD.

- (b) Adequate drainage measures should be provided at the Site to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Ha Road.

Environment

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

In view of the small scale and nature of the proposed development, it will unlikely cause major pollution.

Drainage

9.1.5 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

9.1.6 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 (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 Emergency Vehicular Access (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 Building (Planning) Regulation (B(P)R) 41D which is administered by the Buildings Department.

Health Aspect

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

According to the World Health Organisation (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

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

- (a) The excavation works should be carried out under the supervision of a competent person.
- (b) According to 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.
- (c) 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 the paragraph(s) below.
- (d) 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, or be likely to 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 his Department.
- (e) 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 unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application.
- (f) 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.
- (g) Before any new building works (including containers/open sheds as temporary buildings, site formation works such as excavations on sloping 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 Authorised Person (AP) should be appointed

as the coordinator for the proposed building works in accordance with the BO.

- (h) 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.
- (i) 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.

Electricity

9.1.9 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no comment on the application from electricity supply safety aspect.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the site. The parties concerned should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Other Aspects

9.1.10 Comments of the Director of Leisure and Culture Services (DLCS):

- (a) He has no specific comment on the application.
- (b) It is noted that there may be excavation works at the vicinity. If excavation is beyond the Site boundary and will affect any trees maintained by LCSD, prior written consent from LCSD must be obtained.

District Officer's Comments

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

His office has not received any comment from the village representatives in the vicinity regarding the application.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Project Manager (New Territories West), Civil Engineering and Development Department (PM(NTW), CEDD)
- (d) Head of the Geotechnical Engineering Office Civil Engineering and Development Department (H(GEO),CEDD); and
- (e) Commissioner of Police (C of P).

10. Public Comment Received During the Statutory Publication Period

On 11.6.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.7.2019, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The subject application is for the development of an electricity transformer room at a site zoned “V” on the OZP. The proposed electricity transformer room would provide electricity supply to 29 Small Houses in the locality (**Drawing A-1**). The planning intention of “V” zone is primarily for the development of Small Houses. 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, there is no Small House application at the Site approved/under processing. There is one Small House application received in vicinity of the Site.
- 11.2 The proposed electricity transformer room would be a single-storey structure of about 4.85m in height and with a total floor area of 52.2m². It is considered that the proposed development is small in scale and 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 paragraph 12.2 below to address the technical requirement of concerned Government departments.
- 11.3 The proposed excavation of land of about 1.2m in depth is to cater for the installation of electricity cables for the proposed development. The Site will be backfilled and the proposed electricity transformer room will be constructed atop. It is considered that the proposed development and the associated excavation of land and back-filling would not cause any significant adverse impacts on the surrounding areas. In this regard, H(GEO), CEDD has no objection to the application.
- 11.4 There is no public comment received during the statutory publication period.

12. Planning Department's Views

- 12.1 Based on the assessments 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 19.7.2023, 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 condition 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 II**.

- 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 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 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 30.5.2019
Appendix Ia	Supplementary information received on 3.6.2019
Appendix II	Recommended Advisory Clauses

Drawing A-1	Site Plan showing the location of Proposed Small Houses
Drawing A-2	Elevation and Section Drawings
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
JULY 2019**