

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/437

<u>Applicant</u>	: CLP Power Hong Kong Limited
<u>Site</u>	: Government Land in D.D. 118, Nam Hang Tsuen, Yuen Long, New Territories
<u>Site Area</u>	: 11.97m ²
<u>Land Status</u>	: Government Land
<u>Plan</u>	: Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
<u>Zoning</u>	: “Village Type Development” (“V”) [restricted to a maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Proposed Public Utility Installation (Package Substation) and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for the proposed public utility installation (package substation) and the excavation of land for the construction of underground cable trench (**Plan A-1**). The Site falls within an area zoned “V” on the approved Tai Tong OZP No. S/YL-TT/16. The Site does not involve any previous planning application and is currently vacant.
- 1.2 The proposed package substation is regarded as a ‘Public Utility Installation’. According to the Notes for “V” zone on the OZP, ‘Public Utility Installation’ 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 Board.
- 1.3 The applicant has indicated in Part 7 of the application form at **Appendix I** and **Drawing A-3** that the package substation, with a site area of 11.97m² is enclosed in a steel enclosure of 4.96m in width, 2.41m in depth and 2.991m in height, housing a 1000KVA transformer, a 11kV switchboard, a low voltage distribution board and associated accessories. The applicant has also indicated in Part 8 of the

application form at **Appendix I** and **Drawing A-4** that an underground cable trench will be embedded in a concrete plinth of 1.8m depth.

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

- (a) Application Form with appendix and plans received (**Appendix I**) on 16.7.2018
- (b) Further information received on 20.8.2018 providing a plan showing details of the underground concrete plinth (**Appendix Ia**)
(accepted and exempted from publication and recounting requirements)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form at **Appendix I**. They can be summarised as follows:

- (a) The package substation is to alleviate the loading condition of existing supply facilities and to enhance the reliability of the electricity supply system at Nam Hang Tsuen and developments in the vicinity with the consideration of the load growth of the existing services/customers and the development of new Small Houses.
- (b) The package substation, which occupies an area of less than 12m², is of a prefabricated and an unmanned design. It is easy to install, maintenance-free and is made of fireproof materials. It is widely adopted in village areas and is expected to have minimal impact to the nearby areas and local traffic.

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

As the Site involves Government Land (GL) only, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No.31) is not applicable to the application.

4. Previous Application

There is no previous application at the Site.

5. Similar Applications

- 5.1 There are 6 similar applications (Nos. A/YL-TT/163, 164, 174, 270, 311 and 378) within the subject “V” zone. Details of the applications are summarized in **Appendix II** and the locations of the Sites are shown on **Plan A-1**.
- 5.2 All applications were approved with conditions by the Committee on 15.10.2004, 5.11.2004, 28.1.2005, 15.10.2010, 5.4.2013 and 27.5.2016 respectively mainly on

considerations that, inter alia, the proposed use was an essential facility to support the village type developments within the “V” zone, the proposed use is of relatively small scale and no significant adverse impact on the surrounding environment is expected.

6. The Site and Its Surrounding Areas (Plans A-1 to A-4)

6.1 The Site is:

- (a) currently vacant and overgrown with grass/weeds (**Plans A-4a and A-4b**); and
- (b) accessible to Nam Hang Tsuen Road via local track (**Plans A-2 and A-3**).

6.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) mixed with residential structures, fallow agricultural land, unused and vacant land, land for parking of vehicles and structures for storage use;
- (b) there are some village houses under construction to its west about 20m and village houses/residential structures to its further west and northwest within the subject “V” zone. The nearest residential structure is located to its immediate north;
- (c) to its south about 30m is an area zoned “Agriculture” with scattered residential structures;
- (d) to its immediate east and south are unused and vacant land; and
- (e) the land for parking of vehicles, storage and metal workshop in the vicinity are mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority.

7. 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 the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the 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.

8. Comments from Relevant Government Departments

8.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

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

- (a) The Site is located on unleased GL and is not under any Small House application.
- (b) The Site is accessible to Nam Hang Tsuen Road via both GL and adjoining private land. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site. The applicant must accordingly make his own arrangements for acquiring such right-of-way.
- (c) Should planning approval be given to the application, the applicant should submit application to DLO/YL, LandsD prior to the actual occupation and excavation of GL. Such application(s) 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 is approved, it will be subject to such terms and conditions, including among others the payment of premium or administrative fee, as may be imposed by the LandsD.

Traffic

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

She has no comment on the application from traffic engineering viewpoint on the understanding that no car parking space and loading/unloading space would be provided within the Site.

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

It is noted that no vehicular access is proposed or to be granted under the application. He has no comment from highways maintenance point of view. If the application is approved, it is recommended to advise the applicant that the application is approved on the understanding that there is and will be no vehicular access to/from the Site.

Environment

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

In view of the small scale and nature of the proposed development, the application alone is unlikely to cause major pollution. He has no objection to the application.

Drainage

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

He has no objection in principle to the proposed development from the public drainage point of view. The applicant is reminded to provide his own drainage facilities to collect the runoff generated from the Site or passing through the Site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant is also reminded to consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works.

Fire Safety

8.1.6 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 Building (Planning) Regulation 41D which is administrated by the Buildings Department.

Electricity Supply

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

For the design and operation of electricity package substation, the applicant has to comply with 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. He has no comment on the application as far as electricity supply safety and reliability are concerned. 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 electricity supply lines.

Health

8.1.8 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 Comments

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

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

- 8.2 The following Government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (e) Commissioner of Police (C of P).

9. Public Comment Received During Statutory Publication Period

On 24.7.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 14.8.2018, no public comment was received.

10. Planning Considerations and Assessments

10.1 The Site falls within an area zoned "V" which is primarily intended 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. The package substation is to alleviate the loading condition of existing supply facilities and to enhance the reliability of the electricity supply system for the village type developments in the "V" zone.

10.2 The Site is currently vacant and overgrown with grass/weeds. The proposed development is not incompatible with the surrounding areas which are mixed with residential structures, fallow agricultural land, unused and vacant land, land for parking of vehicles and structures for storage use (**Plan A-2**). DAFC has no comment on the application.

- 10.3 The proposed excavation of land of about 1.8m in depth is to cater for the construction of the underground concrete plinth. An underground cable trench will be embedded in the concrete plinth (**Drawing A-3**). Given the nature and small scale of the package substation (with a total floor area of about 11.97m²), it is expected the package substation would not cause any significant adverse environmental, traffic and drainage impacts on the surrounding areas. The government departments consulted, including DEMS have no adverse comment on/ no objection to the application. The technical requirements of D of FS could be addressed by approval condition in paragraph 11.2 below.
- 10.4 The Committee has approved 6 similar applications for public utility installation/utility installation for private project within the same “V” zone (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decisions.
- 10.5 There is no public comment received on the application.

11. Planning Department’s Views

- 11.1 Based on the assessment made in paragraph 10, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 7.9.2022, 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 approval condition and advisory clauses are also suggested for Members’ reference:

Approval Condition

- (a) The provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

- 11.3 There is no strong reason to recommend rejection of the application.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

13. Attachments

Appendix I	Application Form received on 16.7.2018
Appendix Ia	Further information received on 20.8.2018 providing a plan showing details of the underground concrete plinth
Appendix II	Similar Applications within the subject "V" Zone on the Tai Tong OZP
Appendix III	Recommended Advisory Clauses
Drawing A-1	Site Plan of Access Road
Drawing A-2	Location Plan
Drawing A-3	General Layout Drawing
Drawing A-4	Underground Concrete Plinth Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2018**