

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H18/83

<u>Applicant</u>	: The Hongkong Electric Co., Ltd.
<u>Site</u>	: Government Land near Hok Tsui Village, Cape D'Aguilar, Shek O
<u>Site Area</u>	: 14 m ² (about)
<u>Land Status</u>	: Government Land
<u>Plan</u>	: Approved Tai Tam & Shek O Outline Zoning Plan (OZP) No. S/H18/10
<u>Zoning</u>	: "Green Belt" ("GB")
<u>Application</u>	: Proposed Public Utility Installation (High Voltage Distribution Pillar)

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed aboveground high voltage distribution pillar (HVDP) on the roadside of a restricted access road branching off Cape D'Aguilar Road to Cape D'Aguilar Peak (the Site). The Site falls within an area zoned "GB" on the approved Tai Tam & Shek O OZP No. S/H18/10 (**Plan A-1**). According to the Notes of the OZP, HVDP is regarded as 'Public Utility Installation' use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The proposed HVDP is a prefabricated stainless steel enclosure with a floor area of about 11.25m² (4.5m(L) x 2.5m(W)) and a height of about 2.8m, housing the required equipment and power cables to enhance the electricity supply in the Hok Tsui area. No parking and loading/unloading space will be provided within the Site. The drawings provided by the applicant are at **Drawings A-1 and A-2**.
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 12.3.2018 **(Appendix I)**
 - (b) Planning statement **(Appendix Ia)**

- (c) Supplementary information dated 15.3.2018 (Appendix Ib)
- (d) Further information dated 11.4.2018 (Appendix Ic)
(accepted and exempted from publication and recounting requirement)
- (e) Further information dated 19.4.2018 (Appendix Id)
(accepted and exempted from publication and recounting requirement)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are at **Appendices Ia to Id**. They can be summarised as follows:

- (a) the proposed HVDP is an essential facility to maintain reliable and secure electricity supply to the Hok Tsui area. The Site is the most suitable location in view of its proximity with the existing supply network and minimal impacts to the nearby residents; and
- (b) the proposed HVDP only occupies a floor area of about 11.25m² at a height of about 2.8m which has been widely adopted in rural area. With its small scale, the proposed HVDP is considered not incompatible with the rural character of the surrounding and significant landscape impact is not anticipated.

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

As the Site involves government land 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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) is not applicable to the application.

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “Green Belt” Zone under Section 16 of the Town Planning Ordinance’ is relevant to this application. The relevant assessment criteria are summarized as follows:

- (a) there is a general presumption against development in “GB” zone;
- (b) applications for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning ground. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas;

- (c) applications for government, institution or community uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available;
- (d) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (e) the vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided;
- (f) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (g) the proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution; and
- (h) any proposed development on a slope or hillside should not adversely affect slope stability.

5. Previous Application

There is no previous application covering the Site.

6. Similar Applications

There is no similar application within the “GB” zone for ‘Public Utility Installation’ use in the area covered by Tai Tam & Shek O OZP.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2 and Photos on Plan A-3)

- 7.1 The Site is situated on the roadside of a restricted access road (with no footpath) branching off Cape D’Aguilar Road to Cape D’Aguilar Peak. It is covered with weeds.
- 7.2 The surrounding areas have the following characteristics:
 - (a) the area is generally a natural landscaped area;
 - (b) to the south is a cluster of village houses of Hok Tsui Village; and

- (c) to the further north are the facilities under “Other Specified Uses” annotated “Radio Communication Station” zone comprising a few one to two-storey buildings.

8. Planning Intention

The planning intention of “GB” zone is primarily for the conservation of the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is a general presumption against development within this zone.

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/Hong Kong West & South, Lands Department (DLO/HKW&S, LandsD):

- (a) the Site falls within the unleased and unallocated government land immediately adjoining to an existing access road, being a non-exclusive Right-of-Way under the respectively lease / government land allocation of Rural Building Lot (RBL) No. 1090 (to be known as RBL No. 1187) granted to “Reach Networks Hong Kong Limited”; and the Permanent Land Allocation (GLA-HK1026) granted to the Director-General of Civil Aviation both in the vicinity of the Site;
- (b) all or any of the lines, wires, pipes, poles, cables, ducts, substations, pillars, kiosks and transformers (hereinafter referred to as “the System”) are governed by a Block Licence dated 6 April 1990 as modified by the letter dated 15 May 2001 (“collectively referred to as “the Block Licence”) granted to “The Hongkong Electric Company Limited” (i.e. the applicant). Pursuant to the Clause 24 of the Block Licence, the system covered by the Block Licence “shall not include any pillars, kiosks, and transformers which occupy an area of 12 square metres or more in each...”; and
- (c) In view of the above, in the event that planning approval is granted by the Board for the proposed scheme, the applicant should ensure the proposed HVDP and associated cable in all respects in full compliance with the terms and conditions of the said Block Licence in its application to LandsD for an Excavation Permit on the subject location.

Traffic Aspect

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

- (a) no objection to the application; and
- (b) Cape D'Aguilar Road is the only access road to gain access to the Site. Owing to its narrow and winding nature, a prohibited zone "All motor vehicles prohibited" is imposed and only vehicles with permits are allowed to enter the area. The applicant should be fully aware of this existing traffic arrangement and to apply for necessary permits for entry.

Visual Aspect

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

- (a) no adverse comment from visual impact perspective; and
- (b) considering the small scale of the proposed HVDP, significant adverse visual impact is not envisaged.

9.1.4 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department:

- (a) no comment in principle on the submission from visual impact point of view; and
- (b) it is noted that the proposed HVDP with a total floor area of about 12m² and a height of about 2.8m seems not be incompatible with the surroundings.

Landscape Aspect

9.1.5 Comments of CTP/UD&L, PlanD:

- (a) no objection to the application from the landscape planning perspective;
- (b) the Site is located within an area of rural landscape character comprising mainly hillside woodland. Village houses of Hok Tsui Village can be found at the south of the Site, with some tree groups forming a buffer in between. In view of the dimension of the proposed HVDP, i.e. 4500mm(L) x 2500mm(W) x 2760mm(H), it is considered not incompatible with the surrounding landscape character. There is no existing tree within the Site and adverse landscape impact due to the proposal is not anticipated; and

- (c) since the area of proposed HVDP covers most of the Site, there is no room for landscape planting within the Site. The applicant is suggested to provide some aesthetic treatments to the proposed HVDP, e.g. its finish with appropriate material or color scheme that is compatible to the natural setting.

District Officer's View

9.1.6 Comments of the District Officer (Southern), Home Affairs Department (DO(S), HAD):

- (a) no comment on the application; and
- (b) he did not receive any comment from the public during the public inspection period.

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

- (a) Chief Highway Engineer/Hong Kong, Highways Department;
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Director of Environmental Protection (DEP);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Director of Fire Services;
- (f) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (g) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department;
- (h) Chief Engineer/Construction, Water Supplies Department; and
- (i) Commissioner of Police.

10. Public Comment Received during Statutory Publication Period

On 16.3.2018, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 6.4.2018, no public comment was received.

11. Planning Considerations and Assessment

11.1 The applicant seeks planning permission for a proposed HVDP at the Site which is zoned "GB" on the OZP. The planning intention of "GB" zone is primarily for the conservation of the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is a general presumption against development within this zone.

- 11.2 The Site is a piece of government land covered with weeds and located close to the village cluster of Hok Tsui Village. According to the applicant, the Site is the most suitable location in view of its proximity to the existing supply network and minimal impacts on the nearby residents. While there was a general presumption against development within the “GB” zone, the proposed HVDP is an essential installation to maintain reliable and secure electricity supply in the Hok Tsui area. DEMS and DLO/HKW&S have no objection to the application.
- 11.3 In view of its small scale, the proposed installation is considered not incompatible with the surrounding environment and it is not envisaged to have significant environmental, visual and landscape impacts. As the Site is only located on the roadside of a restricted road, the proposed installation will neither cause obstruction to the traffic nor pedestrian movement in the area. Relevant government departments including C for T, DEP, DAFC and CTP/UD&L have no objection to or no adverse comment on the application.
- 11.4 In view of the above, the application complies with the relevant assessment criteria laid down in TPB PG-No. 10.
- 11.5 There is no public comment received on the application.

12. **Planning Department’s Views**

- 12.1 Based on the assessment made in paragraph 11, PlanD 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 4.5.2022, 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 advisory clauses are also suggested for Members’ reference:

Advisory Clauses

The recommend advisory clauses are attached at **Appendix II**.

- 12.3 There is no strong 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 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 Received on 12.3.2018
Appendix Ia	Planning statement
Appendix Ib	Applicant's Letter dated 15.3.2018
Appendix Ic	Further information dated 11.4.2018
Appendix Id	Further information dated 19.4.2018
Appendix II	Recommended Advisory Clauses
Drawings A-1 and A-2	Drawings submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photos

**PLANNING DEPARTMENT
MAY 2018**