

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

**APPLICATION NO. A/YL-NTM/399**

- Applicant** : Cornerstone Renewable Energy Limited
- Site** : Lots 978 (Part), 979 (Part), 1043 and 1047 in D.D. 102, Ngau Tam Mei, Yuen Long
- Site Area** : About 2,264 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Public Utility Installation (Solar Photovoltaic System)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed public utility installation (solar photovoltaic system). The Site falls within an area zoned “Green Belt” (“GB”) on the approved Ngau Tam Mei OZP No. S/YL-NTM/12. According to the Notes of the OZP, the proposed solar photovoltaic (SPV) system, which is regarded as ‘Public Utility Installation’, is a Column 2 use within the “GB” zone and requires planning permission from the Town Planning Board (the Board). The Site is largely agricultural land and is currently vacant.
- 1.2 According to the applicant, the proposed system involves 4 sets of CLP outdoor meter boxes (each about 1.15m long x 1.5m wide x 1.9m high, with GFA of 1.73 m<sup>2</sup>) and 774 solar panels (each about 1.67m long x 1m wide x 0.035m thick) installed on expandable metal stands (each 4m long x 3.3m wide x 1.5m high in scaffolding style with 8 panels installed), which are supported on ground using

concrete blocks laying on top of existing soil/vegetation (grass) (**Drawing A-2**). The stands with solar panels will cover about 66.8% of the Site. The proposed SPV system is to facilitate the participation in the 'Renewable Energy Feed-in Tariff (FiT) Scheme' by CLP. According to the submission, the applicant has applied for electricity supply but is yet to apply to CLP for participation in the FiT Scheme, and no Acknowledgement Letter from CLP on the FiT application has been obtained. The entrance to the Site is proposed at the northwestern boundary of the Site. No parking or loading / unloading space is proposed.

1.3 The Site is accessible from Kwu Tung Road via local access road (**Plans A-1 and A-2**). The layout plan and the indicative solar panel installation submitted by the applicant are at **Drawings A-1 to A-2**. In support of the application, the applicant has submitted the following documents:

- (a) Application Form with supplementary information received on 6.2.2020 (**Appendix I**)
- (b) Further Information (FI) received on 30.7.2020 with responses to departmental comments and clarification of background information\* (**Appendix Ia**)
- (c) FI received on 28.8.2020 with responses to departmental comments\* (**Appendix Ib**)

*\*exempted from publication requirement*

1.4 On 26.5.2020, the Rural and New Town Planning Committee (the Committee) decided to defer a decision on the application for a period of 2 months as requested by the applicant pending submission of FIs to address departmental comments. On 30.7.2020 and 28.8.2020, the applicant submitted FIs, and the application is scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form in **Appendix I** and the FI in **Appendices Ia and Ib**. They can be summarized as follows:

- (a) The proposed SPV system is in line with the Hong Kong's Climate Action Plan 2030+ by the Environment Bureau to encourage private sectors or individuals to invest in supply and consumption of renewable energy (RE).
- (b) The application, which does not involve any land filling, tree felling or adverse impact to the land, is pursuant to the prevailing environmental policies to provide clean energy source through solar energy system, in order to reduce carbon emission and to improve air quality.
- (c) The applicant has made an application to CLP for electricity supply and installation of new electric meters at the Site. CLP has responded with a

Confirmation Notice of Application of Electricity Supply. The applicant will proceed with the installation of CLP's electric meters and FiT application subsequent to the Board's approval.

- (d) The support frames of the metal stands are installed on concrete blocks (about 254 nos, each of 0.45m long x 0.45m wide x 0.2m high) placing on top of existing soil/vegetation (grass) (**Drawing A-2**). Vegetation (or grass) clearance will be involved where the SPV panels (774 nos.) are installed. No tree felling will be involved at the Site.
- (e) For transportation of construction/maintenance materials to the Site, truck will be used on the vehicular track portion and village vehicle/trolley will be used on the village path portion.
- (f) The SPV panels are made from glass with anti-reflective coating such that reflective lights are reduced and chance for bird strike could be avoided.

### **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 TPB Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' is relevant to this application. The relevant assessment criteria are summarized as below:

- (a) There is a general presumption against development (other than redevelopment) in "GB" zone.
- (b) An application for new development in a "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds.
- (c) Applications for G/IC uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available. The plot ratio of the development site may exceed 0.4 so as to minimize the land to be allocated for G/IC uses.
- (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 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.
- (f) 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.

## **5. Assessment Criteria for Considering Applications for Solar Photovoltaic System**

The set of assessment criteria for considering applications for SPV system made under Section 16 of the Town Planning Ordinance was approved by the Board on 3.7.2020 and promulgated on 21.7.2020 (**Appendix II**). The relevant assessment criteria for “GB” zone are summarized as follows:

- (a) It is a prerequisite for the applicant to obtain the ‘Consent Letter’ or ‘Acknowledgement Letter’ from CLP/HKE and submit a copy of the document together with the application to demonstrate the technical feasibility of the scheme in terms of serviceability, electrical safety and output generated by the SPV system.
- (b) Unless with strong justifications, the SPV system, including the height of the proposed structures, should be in keeping with the surrounding area/developments and commensurate with the function(s) it performs.
- (c) For optimisation of use of land, favourable consideration may be given if viability of co-existence of the proposed SPV system and uses that are in line with the long-term planning intention of the land use zoning of the Site could be satisfactorily demonstrated.
- (d) It has to be demonstrated to the satisfaction of the relevant government departments that the SPV system will not have significant adverse impacts, including but not limited to those relating to the environment, drainage, sewerage, traffic, geotechnical safety, landscape and visual<sup>1</sup> and, where needed, appropriate measures are to be adopted to mitigate the impacts.
- (e) Unless with strong justifications, proposals involving extensive site formation, vegetation clearance/tree felling, excavation or filling of land/pond are generally not supported.
- (f) As there is a general presumption against development in the “GB” zone, planning application within the “GB” zone is normally not supported unless with

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<sup>1</sup> The applicant has to demonstrate that the proposal would not affect the visual and landscape amenities/character of the area adversely by, for instance, causing a significant change of landscape resources/character, dwarfing the surrounding developments or catching the public’s visual attention due to the scale and prominence of the proposed installation. Where appropriate, measures should be taken to mitigate the visual/landscape impact, for example, by peripheral screen planting.

strong justifications. It has to be demonstrated to the satisfaction of the relevant government departments that the SPV system would not adversely affect the landscape character/resources of the “GB” zone and jeopardise the integrity of the zone as a buffer.

- (g) All other statutory or non-statutory requirements of the relevant government departments must be met. Depending on the specific land use zoning of the Site, the relevant TPB guidelines should be observed, as appropriate.
- (h) Approval conditions to address the technical issues, if any, within a specified time and clauses to revoke the permission for non-compliance with approval conditions may be imposed as appropriate.

## **6. Background**

6.1 The Site is not subject to any active enforcement case.

6.2 The FiT scheme is an initiative introduced by the Government under the post-2018 Scheme of Control Agreements with the two power companies for promoting the development of distributed RE. It aims to encourage the private sector to consider investing in RE as the power generated could be sold to the power companies at a rate higher than the normal electricity tariff to help recover the costs of investment in the RE systems and generation.

6.3 Any non-governmental bodies or individuals, who as customers of the relevant power company plan to install distributed RE systems at their premises in the respective power company’s supply area, are eligible for prescribed FiT rates from that power company as long as they have been connected to the latter’s grid. To join the Scheme, an applicant may make submission direct to the relevant power company with the required documents including the preliminary layout diagram and other information of the proposed RE system. After meeting the requirements specified by the power company on technical assessment, system test and installation works, the power company will proceed to install a smart meter in the applicant’s premises to facilitate connecting the proposed RE system to the power grid. The successful applicant would be offered the FiT rate throughout the project life of the RE system until end 2033. The applicant shall ensure that the design, installation, operation and maintenance of the RE system comply with the applicable laws, guidelines and safety and technical guidelines.

## **7. Previous Application**

The Site is not the subject of any previous application.

## **8. Similar Application**

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

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

9.1 The Site is:

- (a) largely low-lying agricultural land covered with vegetation, and currently vacant; and
- (b) accessible via a village path leading to a local access road and Ka Lung Road branching off Kwu Tung Road.

9.2 The surrounding areas are predominantly rural in character mixed with vacant land, ponds and scattered residential dwellings, and have the following characteristics:

- (a) to its immediate north and further north are scattered residential dwellings and agricultural land;
- (b) to its east and south are ponds and agricultural land; and
- (c) to its immediate and further west are ponds and scattered residential dwellings.

**10. Planning Intention**

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

**11. Comments from Relevant Government Departments**

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

**Land Administration**

11.1.1 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) Should planning approval be given to the planning application, the lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Besides,

given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. 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 rent or fee, as may be imposed by the LandsD.

### **Traffic**

#### 11.1.2 Comments of the Commissioner for Transport (C for T):

- (a) It is considered that the traffic flow for the Site would be negligible under the application.
- (b) The Site is connected to Ka Lung Road via section of a local access which is not managed by TD. The land status of the local access should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly.
- (c) As there is no information about the vehicular access at the private lot(s) to the concerned site, he presumes the applicant should arrange by themselves if necessary, and should seek the relevant land owner(s) on the right of using the vehicular access.

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

The village type access between the Site and Ka Lung Road is not and will not be maintained by HyD.

#### 11.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

The Site falls within the area of influence (“AOI”) of the proposed Northern Link (“NOL”), which is a recommended railway scheme under the Railway Development Strategy 2014. Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL. He has no objection in principle to the application from the development point of view of the NOL, provided that the applicant is satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of NOL.

## **Environment**

### 11.1.5 Comments of the Secretary for the Environment (SEN):

- (a) He strongly supports the development of RE systems, especially larger-scale systems such as the one proposed under the current application as they would be better able to meaningfully contribute to increasing the use of RE in Hong Kong.
- (b) Development of RE is an important part of Environment Bureau (ENB)'s efforts in combating climate change. Increasing the use of RE, a zero-carbon energy, can help decarbonise the electricity generation sector, which contributes to about two-thirds of the carbon emissions in Hong Kong. In particular, if Hong Kong is to achieve a carbon reduction that is compliant with Paris Agreement's well below 2°C target in 2050, it is estimated that about 80% of the electricity would need to come from zero-carbon energy sources hence promoting the development of RE has been an integral part of Hong Kong's decarbonisation strategy.
- (c) The policy is for the Government to take the lead in developing RE where technically and financially feasible and to create conditions that are conducive to community participation. For the private sector, ENB and the power companies have introduced the FiT Scheme, providing financial incentives which can encourage the private sector to invest in distributed RE. ENB has also introduced a series of measures to facilitate and support members of the public in developing RE. Examples include relaxing the restrictions in relation to installation of PV systems at the rooftop of village houses and introducing a new scheme called "Solar Harvest" to install small-scale RE systems for eligible schools and welfare non-Governmental organizations. Electrical and Mechanical Services Department (EMSD) has also revamped its 'HK RE Net' to provide useful information in respect of developing RE to the public.

### 11.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) Based on the information provided, the applicant proposes to construct a SPV system with 774 no. of solar panels in the Site of about 2,264 m<sup>2</sup> to generate renewable energy.
- (b) In view of the nature and scale of the proposed development, he has no objection to the application. The applicant is reminded to strictly comply with relevant pollution control ordinances, including Waste Disposal Ordinance and Water Pollution Control Ordinance and to implement appropriate pollution control measures to minimize any potential environmental impacts during construction of the project. Reference could be made to relevant publications /guidelines including Recommended Pollution Control Clauses for Construction Contracts and Professional Persons Environmental



Consultative Committee Practice Notes (ProPECC PN) 1/94, “Construction Site Drainage”.

### **Nature Conservation**

11.1.7 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) The Site falls within the “GB” zone on the Ngau Tam Mei OZP. Upon his site inspection, the Site is vegetated with herbaceous plants and common trees. The Site is surrounded by active/inactive agricultural fields and fishponds.
- (b) It is noted from the FI that vegetation clearance of weed and small bushes would be required, and no tree felling would be involved for the proposed use. The Board shall consider whether the proposed use is compatible with the planning intention of the “GB” zone which is primarily to promote the conservation of the natural environment and to safeguard it from encroachment by urban-type developments.

### **Landscape and Visual Aspects**

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

#### **Urban Design and Visual**

- (a) The Site of about 2,264 m<sup>2</sup> falls within “GB” zone on the respective OZP and is situated in an area surrounded by active/fallow agricultural land, which is predominantly rural in character.
- (b) The current application seeks planning permission for a SPV system involving the installation of about 774 solar panels (measuring about 1.67m long x 1m wide x 0.035m thick each) and four structures (measuring 1.15m long x 1.5m wide x 1.9m high each) for the outdoor meter installation on the Site. According to the Assessment Criteria for Considering Applications for SPV System made under Section 16 of the Town Planning Ordinance promulgated by Town Planning Board in July 2020, the height of the proposed structures should be in keeping with the surrounding area/developments and the applicant has to demonstrate that such SPV system will not have significant adverse visual impacts which would catch the public’s visual attention due to the scale and prominence of the proposed installation.
- (c) In the submitted FI, the applicant has claimed that the visual impact on the surrounding environment would be minimised, given the tall vegetation at the Site boundary would be retained to filter the proposed SPV system while the height of the SPV panels and

structures proposed on a low-lying ground would be below the eye-sight of an adult. Considering the scale of proposed SPV system involving 774 solar panels and four structures covering about 67% of the Site is quite extensive, it would inevitably bring forth visual changes to the surrounding rural environment.

#### Landscape Planning

- (d) He has reservation on the application from landscape planning perspective.
- (e) The Site, located to west of Ka Lung Road and southeast of Shek Wu Wai, falls within an area zoned “GB” on the approved Ngau Tam Mei OZP No. S/YL-NTM/12. The Site is not covered by any previous planning application.
- (f) With reference to the aerial photo taken in 2018, the Site is situated in an area of rural landscape character. The surrounding area comprises agricultural land, ponds and scattered tree groups. The proposed use is considered not entirely compatible with the existing landscape setting in proximity.
- (g) Based on the aerial photo taken in 2018, the Site is covered by vegetation. With reference to the application, 774 SPV panels covering about 67% of the Site are proposed.
- (h) Having reviewed the submitted FI, it is noted that no felling of tree is proposed within the Site and along the transportation path. Although significant adverse impact on landscape resources within and adjacent to the Site arising from the proposed development is not anticipated, given that there is no similar application within the same “GB” zone have previously been approved by the Board, there is concern that approval of the application would set an undesirable precedent for other similar use, which is not entirely compatible with the existing landscape setting in proximity, and further alter and degrade the landscape character of the “GB” zone.

#### Fire Safety

##### 11.1.9 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to the satisfaction of D of FS.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised on the following points:

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant should be reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

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

- (a) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are UBW under the Building Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the Site under the BO.
- (c) 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) Regulation (B(P)R) respectively.
- (d) 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 B(P)R at the building plan submission stage.
- (e) Detailed comments under the BO will be provided at building plan submission stage.

### **Drainage**

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

- (a) He has no objection in principle to the application from the drainage operation and maintenance point of view.
- (b) The applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains & the proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations & charts should be included. ( For preparation of the drainage proposal, the Guideline on preparation of the drainage proposal is available in DSD homepage at [http://www.dsd.gov.hk/EN/Files/Technical\\_Manual/dsd\\_guideline/Drainage\\_Submission.pdf](http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf) for reference ). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on Site.
- (c) After completion of the required drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs.
- (d) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (e) The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction.
- (f) The applicant should consult DLO/YL regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the application site in future.
- (g) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the site.

### **Electricity Safety**

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

- (a) He has no particular 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, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) 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 concerned site. They 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.

### **District Officer’s Comments**

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

His office has no comment on the application and the local comments shall be submitted to the Board directly, if any.

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

- (a) Commissioner of Police (C of P);
- (b) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Project Manager (West) (PM(W)), CEDD;
- (d) Director of Leisure and Cultural Services (DLCS); and
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

## **12. Public Comments Received During Statutory Publication Period**

The application was published for public inspection on 21.2.2020. During the 3-week statutory publication period which ended on 13.3.2020, 7 public comments were received from World Wide Fund for Nature Hong Kong (WWF), Hong Kong Bird Watching Society (HKBWS), Kadoorie Farm and Botanic Garden Corporation (KFBG), Designing Hong Kong and individuals. An individual supports the application as RE protects the environment and gradually replaces fuel energy. The remaining commenters, including WWF, HKBWS, KFBG and Designing Hong Kong, object to/raise concerns on the grounds that the proposed development is not compatible with the surrounding; not in line with the planning intention of the “GB” zone, would set an undesirable precedent for similar applications, and would bring about ecological, visual and landscape impacts (**Appendix III**).

### 13. Planning Considerations and Assessments

- 13.1 The application is for proposed public utility installation (SPV system), involving 4 sets of meter boxes and 774 solar panels (each 1.67m x 1m x 0.035m) covering about 67% of the Site (site area of about 2,264 m<sup>2</sup>) (**Drawings A-1 and A-2**). The SPV panels will be accommodated on metal stands each with a dimension of 4m long x 3.3m wide x 1.5m high, and supported on about 254 nos. of concrete blocks (of 0.45m long x 0.45m wide x 0.2m high) placed on existing soil/vegetation (grass). The proposed system, which falls within an area zoned “GB”, is not in line with the planning intention of the “GB” zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. No strong planning justification has been given in the submission for a departure from the planning intention.
- 13.2 The surrounding areas are predominantly rural in character, comprising mainly agricultural land, fish ponds and scattered residential dwellings (**Plans A-2 and A-3**). The proposed system with 774 solar panels (1.5m high in total) mounting on metal stands sitting on concrete blocks and covering about 67% of the Site is rather massive in scale and is considered not compatible with the scale of development in the surrounding areas. According to TPB PG-No. 10, development in “GB” zone should not affect the existing natural vegetation and landscape or cause any adverse visual impact on the surrounding environment. The application is not in line with the Guidelines as it affects the existing natural landscape and causes adverse visual impact on the surrounding environment. CTP/UD&L of PlanD considers the proposed SPV system extensive and would bring forth visual changes to the surrounding rural environment. He also has reservation from landscape planning perspective as the proposed development is considered not entirely compatible with the existing landscape setting in proximity and approval of the application would set an undesirable precedent for other similar use which would further alter and degrade the landscape character of the “GB” zone. DAFC pointed out that the Site is vegetated and is surrounded by active/inactive agricultural fields and fishponds, and stated that the Board should consider whether the proposed use is compatible with the planning intention of the “GB” zone which is primarily to promote the conservation of the natural environment and to safeguard it from encroachment by urban-type developments. The proposed system, which is massive in scale, is considered incompatible with the surrounding rural environment.
- 13.3 According to the applicant, he has not applied to CLP for participation in the FiT Scheme and no Acknowledgement Letter from CLP has been obtained. SEN supports the development of RE systems, and DEP and DEMS have no objection to the application. Nevertheless, the acceptability and technical feasibility of the proposal is yet to be ascertained. Other relevant departments consulted, including C for T, CE/MN of DSD and D of FS have no adverse comment on the application from traffic, drainage and fire safety perspectives.
- 13.4 The proposed use is not in line with the assessment criteria for considering applications for SPV system promulgated by the Board on 21.7.2020 in that the

applicant has yet to obtain CLP's Acknowledgement Letter to demonstrate the technical feasibility of the scheme in terms of serviceability, electrical safety and output generated by the SPV system, there are adverse comments from relevant departments on visual and landscape aspects, and the applicant has failed to demonstrate that the proposed use would not adversely affect the landscape character/resources of the "GB" zone and jeopardize the integrity of the "GB" zone as a buffer.

- 13.5 There is no similar application for the solar energy system within the "GB" zone on the OZP. The approval of the application would set an undesirable precedent for similar applications to proliferate in the "GB" zone. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment of the area.
- 13.6 There are 7 public comments objecting to the application as detailed in paragraph 12. The planning assessment and departmental comments above are of relevance.

#### **14. Planning Department's Views**

- 14.1 Based on the assessment made in paragraph 13 and having taken into account the public comments in paragraph 12, the Planning Department does not support the application for the following reasons:
- (a) the development is not in line with the planning intention of the "GB" zone, which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
  - (b) the development is not in line with the Town Planning Board Guidelines for 'Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance' in that the design and layout of the proposed development is incompatible with the surrounding area, affects the existing natural landscape and causes adverse visual impact on the surrounding environment; and
  - (c) the proposed use is not in line with the assessment criteria for considering applications for SPV system in that the applicant has yet to obtain CLP's acknowledgement letter, there are adverse comments from relevant departments on visual and landscape aspects, and the applicant has failed to demonstrate that the proposed use would not adversely affect the landscape character/resources of the "GB" zone and jeopardize the integrity of the zone as a buffer.

- 14.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 4.9.2024, 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 of drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.3.2021;
- (b) in relation to (a) above, the implementation of drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.6.2021;
- (c) the submission of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.3.2021; and
- (d) in relation to (c) above, the implementation of fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.6.2021; and
- (e) if any of the above planning condition (a), (b), (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory Clauses

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

**15. Decision Sought**

- 15.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 15.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 15.3 Alternatively, 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.

**16. Attachments**

<b>Appendix I</b>	Application Form received on 6.2.2020
<b>Appendix Ia</b>	FI received on 30.7.2020
<b>Appendix Ib</b>	FI received on 28.8.2020
<b>Appendix II</b>	Assessment Criteria For Considering Applications For Solar Photovoltaic System Made Under Section 16 Of The Town Planning Ordinance
<b>Appendix III</b>	Public comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Indicative Solar Panel Installation
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2020**