

RNTPC Paper No. A/YL-KTS/764
For Consideration by
the Rural and New Town
Planning Committee
on 12.1.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/764

- Applicant** : Golden Moon Development Limited represented by SLN & Associates Ltd.
- Site** : Lot 243 S.AK (Part) in D.D. 106, Shek Wu Tong, Kam Sheung Road, Kam Tin, Yuen Long
- Site Area** : 48.3 m² (about)
- Lease** : Block Government lease (demised for agricultural use)
- Plan** : Draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/14
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Utility Installation for Private Project (Transformer Room) and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed utility installation for private project (transformer room) and excavation of land. According to the Notes of the OZP for the “V” zone, ‘Utility Installation for Private Project’ is a Column 2 use and excavation of land require planning permission from the Town Planning Board (the Board). The Site is not the subject of any previous planning application and is currently occupied by a single-storey vacant building (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposed transformer room with a floor area of about 48.3 m² (8.05 m x 6 m) and 3.9 m in height would provide

electricity supply to 55 village houses development adjoining the Site. The proposed development will involve excavation of land of about 1.2 m in depth for cable trench. The equipment and fix installation inside the transformer room will be maintained by CLP Power Hong Kong Ltd, whilst the building structure will be maintained by the applicant. The Site is accessible to Kam Sheung Road via a local track. The layout plan, section and ground floor plan submitted 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 with supplementary information (**Appendix I**) received on 24.11.2017
 - (b) Further information (FI) received on 29.12.2017 (**Appendix Ia**) providing response to departmental comments
(accepted and exempted from publication and recounting requirements)
 - (c) FI received on 3.1.2018 providing minor (**Appendix Ib**) clarification on the application
(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 in **Appendix I** and FI in **Appendix Ib**. They can be summarized as follows:

- (a) The utility installation is required by CLP Power Hong Kong Ltd. for providing adequate and reliable electricity supply to 55 village house development.
- (b) The transformer room would not generate any air emission, water discharge and noise, and therefore no pollution and hygiene problem will be generated as to adversely affect the surrounding environment.

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 not subject to any current enforcement action.

5. **Previous Application**

The Site is not the subject of any previous application.

6. **Similar Applications**

- 6.1 There are 4 similar applications (No. A/YL-KTS/299, 334, 489 and 518) for proposed electricity substation within the same “V” zone on the OZP. Details of these applications are summarized in **Appendix II** whilst the location of these applications is shown on **Plan A-1**.
- 6.2 Application No. A/YL-KTS/299 for proposed electricity substation was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 10.10.2003 on the consideration that the proposed development was an essential facility to serve the nearby area and was in line with the planning intention of the “V” zone; the proposed development would not cause any significant adverse impact on the surrounding environment given its relatively small size; and there was no adverse comment from the relevant departments. Subsequently, the applicant applied for review on one of the conditions related to landscape aspect imposed by the Committee. The review application was rejected by the Board on 19.3.2004 on the grounds that the landscaping condition was necessary to soften the impact of the utility structure on the surrounding areas and provide screening effect and there was no information to demonstrate that there were problems in seeking additional land for landscaping purpose. Hence, the approval condition related to landscape aspect imposed under application No. A/YL-KTS/299 was retained.
- 6.3 Application No. A/YL-KTS/334 for proposed package substation (electricity substation), application No. A/YL-KTS/489 for proposed public utility installation (electricity package substation) and excavation of land, and application No. A/YL-KTS/518 for proposed utility installation for private project (electricity package substation) and excavation of land were approved with conditions by the Committee on 28.1.2005, 9.4.2010 and 23.12.2010 respectively for similar consideration in approving Application No. A/YL-KTS/299 as mentioned in paragraph 6.2 above.

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

7.1 The Site is:

- (a) located at Shek Wu Tong and is currently occupied by a single-storey vacant building; and
- (b) accessible via a local track leading to Kam Sheung Road.

7.2 The surrounding areas are rural in character predominated by residential dwellings/structures, sites under construction and open storage (**Plan A-2**):

- (a) to its immediate south is a site with works in progress;
- (b) to its east, northeast, southeast and further south are residential dwellings/structures; and
- (c) to its north is an open storage yard, and to the further north are residential dwellings/structures.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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 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 to Kam Sheung Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (c) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA.
- (d) Should approval be given to the planning application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on Site. 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(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) According to his record, there is no Small Houses application approved or under processing within the Site.

Traffic

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

Considering there is no parking provision nor vehicular access to the Site and the induced traffic is minimal, he has no comment on the application.

9.1.3 Comments of the Chief Highway Engineer/ NT West, Highways Department (CHE/NTW, HyD):

- (a) HyD is not and shall not be responsible for the maintenance of the access road connecting the Site and Kam Sheung Road.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains.

Environment

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

- (a) He has no objection to the application.
- (b) In view of the nature and the small scale of the proposal, the proposed development, with suitable design, will unlikely cause any adverse environmental impact to the surroundings.
- (c) His detailed comment on the public concern on noise, air pollution and water pollution are in **Appendix III**.

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 and (ii) the implementation of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included.
- (c) The applicant should be reminded to maintain all the drainage facilities on Site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.

Water Supply

9.1.6 Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)

- (a) He has no objection to the application.
- (b) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The

applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Nature Conservation

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

Noting that the Site is located in "V" zone and is disturbed, he has no comment on the application from nature conservation perspective.

Fire Safety

9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no in-principle objection to the proposal subject to water supplies for firefighting and fire services 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) 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 41D which is administered by the BD.

Electricity

9.1.9 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) In the interest 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 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 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 electricity supply lines.

Health Aspect

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

- (a) The proposed transformer room may generate extremely low frequency electromagnetic fields, which are a type of non-ionizing radiation. Unlike ionizing radiation such as X-rays and nuclear radiation, non-ionizing radiation has lower energy and is insufficient to change the chemical properties of substances. It cannot cause harm by breaking chemical bonds in the human body.
- (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.

Building Matters

9.1.11 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) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the

co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO).

- (b) If the existing structures (not being a NTEH) are erected on leased land without the approval of the Buildings Department(BD), they are UBW under the BO and should not be designated for any proposed use under the application.
- (c) 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.
- (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 (B(P)R) 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 B(P)R at the building plan submission stage.
- (f) Detailed checking with be carried out in the building plan submission stage.

District Officer's Comments

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

He has no particular comment on the application. His office has received a comment from the village representatives of Yuen Kong San Tsuen and Shek Wu Tong Tsuen and two villagers of Yuen Kong San Tsuen. They object to the application mainly on the grounds that the proposed transformer room would affect the health of the residents in the nearby villages and would cause noise, adverse ecological impact, air and water pollutions and hygiene problem. Also, the proposed transformer room would intensify the flooding problem in the area.

- 9.2 The following Government departments no comments on the application:
- (a) Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD);
 - (b) Commissioner of Police (C of P); and
 - (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD).

10. Public Comment Received During Statutory Publication Period

On 1.12.2017, the application was published for public inspection. During the three weeks of the statutory public inspection period, which ended on 22.12.2017, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The Site falls within “V” zone which is intended to reflect existing recognized and other villages, and to provide 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 the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. DLO/YL, LandsD has no adverse comment on the application and advises that at present there is no Small House application approved/being processed at the Site. The proposed transformer room, as requested by CLP Power Hong Kong Ltd., is to provide electricity supply to village houses development adjoining the Site. In view of this, the proposed development is considered not in conflict with the planning intention of the “V” zone.
- 11.2 The proposed transformer room involves excavation of land of about 1.2 m in depth is of a small scale (about 48.3 m² in area and 3.9 m in height) and is considered not incompatible with the surrounding area which is in rural character predominated by residential dwellings/structures. Four similar applications within the same “V” zone have also been approved by the Committee (paragraph 6 and **Plan A-1** refer). Approval of the current application is in line with the decision of the Committee on similar applications.
- 11.3 Relevant government departments consulted including DLO/YL of LandsD, DEP, C for T, CHE/NTW of HyD, CE/MN of DSD, CTP/UD&L of PlanD, DAFC, CE/C of WSD and D of FS have no adverse comment on the application. DEP considers that this small-scale development will unlikely cause significant environmental impacts on the surrounding environment. DEMS has no comment on the application from the

electricity supply safety perspective and D of Health has no adverse comment on the application. Approval conditions related to submission and implementation of drainage proposal and FSIs proposal are recommended in paragraph 12.2 (a) and (b) below to address the technical requirement of CE/MN, DSD and D of FS.

- 11.4 No public comment has been recorded during the statutory public inspection period. One local comment received by DO(YL) of HAD objects to the application mainly on the grounds of adverse ecological, environmental, health and drainage aspects as mentioned in paragraph 9.1.12 above. In this regards, relevant government departments including DEP, D of Health, DAFC and CE/MN of DSD have no adverse comment on the application. The planning considerations and assessments as stated above are also relevant.

12 Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment in paragraph 9.1.12, 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 12.1.2022, 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 conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

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

Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

The proposed development is not in line with the planning intention of the "V " zone which is to reflect existing recognized villages, and to provide land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such planning intention.

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 24.11.2017
Appendix Ia	FI received on 29.12.2017 providing response to departmental comments
Appendix Ib	FI received on 3.1.2018 providing clarification on the application
Appendix II	Similar applications within the same "V" zone on the Kam Tin South OZP
Appendix III	DEP's Detailed Comments
Appendix IV	Advisory Clauses
Drawing A-1	Layout Plan and Section
Drawing A-2	Ground Floor Plan

Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2018**