

RNTPC Paper No. A/YL-KTN/587  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 16.3.2018

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

**APPLICATION NO. A/YL-KTN/587**

<b><u>Applicant</u></b>	: CLP Power Hong Kong Limited
<b><u>Site</u></b>	: Government land in D.D. 109, Ko Po Tsuen, Kam Tin, Yuen Long
<b><u>Site Area</u></b>	: 11.95 m <sup>2</sup>
<b><u>Lease</u></b>	: Government Land
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) [restricted to a maximum building height of 3 storeys (8.23m)]
<b><u>Application</u></b>	: Proposed 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 proposed utility installation (package substation) and excavation of land. According to the Notes of the OZP for the “V” zone, ‘Public Utility Installation’ is a Column 2 use and excavation of land requires planning permission from the Town Planning Board (the Board). The Site is not the subject of any previous planning application and is partly paved and vacant (**Plan A-4**).
- 1.2 According to the applicant, the proposed package substation with a floor area of 11.95 m<sup>2</sup> (4.96 m x 2.41 m) and a height of about 2.991 m will house a transformer, switchboard, a low voltage distribution board and associated

accessories. The proposed development will also involve excavation of land of about 1.8 m in depth for construction of cable trench. Maintenance operation will be infrequent (less than 5 times a year) and no parking or loading/unloading space will be provided at the Site. The Site is accessible to Ying Ho Road via a local track. The layout plan as submitted by the applicant is at **Drawing A-1**.

- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form with supplementary information (**Appendix I**) received on 18.1.2018
  - (b) Further information (FI) received on 25.1.2018 (**Appendix Ia**) clarifying the site address

## **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**. They can be summarized as follows:

- (a) Having considered the load growth of the existing services/customer, development of new small houses and to avoid power overloading, the proposed package substation is suggested to be installed for alleviating the loading condition of existing supply facilities and enhancing the reliability of the electricity supply system to the vicinity villages around Ko Po Tsuen.
- (b) The proposed substation is of prefabricated design and totally enclosed to accommodate the required equipment. It is of unmanned design, easy to install, maintenance free and made of fireproof materials. Its impact on the nearby areas and local traffic is minimal.
- (b) The applicant has obtained support from the Village Representative of Ko Po Tsuen on the application.

## **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. 31) are not applicable to the application.

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 Application**

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

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

7.1 The Site is:

- (a) partly paved and vacant; and
- (b) accessible to Ying Ho Road via a local track.

7.2 The surrounding areas are rural in character predominated by residential dwellings/structures, restaurants and education centres on the ground floor of village houses, construction sites, parking of vehicles and unused land (**Plan A-2**):

- (a) to its south and east are some residential dwellings/structures, restaurants and education centres on the ground floor of village houses, parking of vehicles and construction sites;
- (b) to its west is unused land and to its further west across the Ying Ho Road are a residential estate namely the Riva; and
- (c) to its north are Ko Po Road and Kam Tin River.

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 is located on unleased Government Land (GL).
- (b) No permission is given for occupation of GL (about 11.95m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed.
- (c) The Site is accessible to Ying Ho Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site.
- (d) 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.
- (e) Should planning approval be given to the planning application, the applicant has to apply for a formal approval prior to the actual occupation of the 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(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.
- (f) According to his record, there is no Small Houses application(s) approved or currently under process at the Site.

### **Traffic**

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

Considering there is no vehicular access and the induced traffic would be minimal, he has no objection to the application from traffic engineering perspective.

#### 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 Ying Ho 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.

### **Drainage**

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

- (a) Given that the Site has an area of only 11.95m<sup>2</sup>, he has no objection in principle to the proposed development from the public drainage point of view.
- (b) Nevertheless, the applicant should draw attention to the following matters:
  - (i) The applicant should aware that there is existing foul sewer in the vicinity. Trial pits should be excavated and utility detection should be conducted to verify the

alignments of utilities shown in utility records to provide sufficient clearance and eliminate any conflict caused.

- (ii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas etc.
- (iii) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.

### **Nature Conservation**

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

Noting that the Site is located within “V” zone and is disturbed, he has no comment on the application from nature conservation point of view.

### **Fire Safety**

#### 9.1.8 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) 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 Buildings Department.

### **Electricity**

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

- (a) He had no comment on the application as far as electricity supply safety and reliability are concerned.
- (b) For the design and operation of electricity package substation, CLP Power has to comply with the 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. 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 Aspect**

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

- (a) Since electrical installations and facilities are not under the purview of D of Health, he 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.

### **Building Matters**

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

- (a) If the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application.
- (b) Before any new building works (including container/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the 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 BO.
- (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 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 respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at 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):

His office has not received any comment from the locals on the application.



9.2 The following Government departments no comments on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD); and
- (c) Commissioner of Police (C of P).

## **10. Public Comment Received During Statutory Publication Period**

On 26.1.2018, the application was published for public inspection. During the three weeks of the statutory public inspection period, which ended on 16.2.2018, 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 package substation, as submitted by the applicant, is to provide essential electricity supply to existing village houses and future development in the area. In view of this, the proposed development is considered not in conflict with the planning intention of the “V” zone.
- 11.2 The proposed package substation involves excavation of land of about 1.8 m in depth is of a small scale (about 11.95 m<sup>2</sup> in area and 2.991 m in height) and is considered not incompatible with the surrounding area which is in rural character predominated by residential dwellings/structures, parking of vehicles, sites under construction and unused land.
- 11.3 Relevant government departments consulted including DLO/YL of LandsD, DEP, C for T, CHE/NTW of HyD, CE/MN of DSD, 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. Technical

requirement of D of FS is recommended to be included in approval condition (a) in paragraph 12.2 (a) below.

- 11.4 No public comment has been received during the statutory public inspection period.

## **12 Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 16.3.2022, 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 Condition

- (a) 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 II**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:
- (a) 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.
- (b) The approval of the application would set an undesirable precedent for similar applications within the "V" zone. The cumulative effect of approving such applications would reduce the land available for Small House development.

**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**

<b>Appendix I</b>	Application form with supplementary information received on 18.1.2018
<b>Appendix Ia</b>	FI received on 25.1.2018 clarifying the site address
<b>Appendix II</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2018**