

RNTPC Paper No. A/YL-KTN/608  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 6.7.2018

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

**APPLICATION NO. A/YL-KTN/608**

<b><u>Applicant</u></b>	: CLP Power Hong Kong Limited
<b><u>Site</u></b>	: Government Land in D.D. 107, Mo Fan Heung, 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>	: “Other Specified Uses” annotated “Railway Reserve” (“OU(Railway Reserve)”)
<b><u>Application</u></b>	: Proposed Public Utility Installation (Package Substation)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed public utility installation (package substation). According to the Notes of the OZP for the “OU(Railway Reserve)” zone, ‘Public Utility Installation’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is not the subject of any previous planning application and is currently used for parking of vehicles (**Plan A-4**).
- 1.2 According to the applicant, the proposed package substation with a floor area of 11.95m<sup>2</sup> (4.96m x 2.41m) and a height of 2.991m will house a transformer, switchboard, a low voltage distribution board and associated accessories. The proposed development will also involve excavation of land

of about 1.8m 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 San Tam Road via a local track. The layout plan and catchment area plan of the proposed development as submitted by the applicant are at **Drawing A-1 and A-2**.

- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form with plan received on 15.5.2018. (**Appendix I**)
  - (b) Further Information (FI) received on 29.6.2018 (**Appendix Ia**) providing justification and catchment area plan of the proposed development to response to departmental comment.  
*(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 detailed in Part 9 of the Application Form and FI in **Appendices I and Ia**. They can be summarized as follows:

- (a) The proposed package substation is to enhance the electricity supply reliability and to cater for the load growth of houses and other industrial workshops in the vicinity. The location of the proposed package substation is selected after the consideration of technical feasibility, including the cable routing and accessibility, and its close proximity to the nearby uses.
- (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.
- (c) The applicant noted that the Site may need to be vacated in future for the construction of the Northern Link (“NOL”). Also, the applicant will make appropriate arrangement to relocate the proposed structure on the Site, at their own cost, as per the requirement of the government.

**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 the subject to any active enforcement case.

**5. Previous Application**

The Site is not the subject of any previous application.

**6. Similar Application**

There is no similar application within the same “OU(Railway Reserve)” zone on the OZP.

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

7.1 The Site is:

- (a) currently used for parking of vehicles; and
- (b) accessible to San Tam Road via a local track.

7.2 The surrounding areas are rural in character predominated by residential dwellings/structures, warehouses, storage/open storage yards, parking of vehicles/trailer, cultivated agricultural land and unused/vacant land (**Plan A-2**):

- (a) to its south are parking of vehicles/trailer, warehouses, storage/open storage yards, residential dwellings/structures and vacant land;
- (b) to its immediate east is unused land. To its further east are some residential dwellings/structures, parking of vehicles and vacant land;
- (c) to its north are unused land, residential dwellings/structures, open storage yard, parking of vehicles and cultivated agricultural land; and

- (d) to its west is San Tam Road.

## **8. Planning Intention**

The planning intention of the “OU(Railway Reserve)” is intended primarily for railway development. According to the Explanatory Statement, the area covers the proposed NOL alignment. The exact alignment of the NOL has yet to be finalized.

## **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 San Tam Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site does not falls within Shek Kong Airfield Height Restriction Area (SKAHRA).
- (e) Should the application be approved, 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 the LandsD.

9.1.2 Comments of the Chief Estate Surveyor/Railway Development, LandsD (CES/RD, LandsD):

The Site falls within “RDS 2014 Northern Link and Kwu Tung Station Limit of Area of Influence” and “RDS 2014 Northern Link and Kwu Tung Station Administrative Route Protection Boundary”. Provided that the proposed development would not pose obstacles to the acquisition of land for the implementation of the Northern Link (“NOL”) project, he has no strong view against the application.

**Traffic**

9.1.3 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.

9.1.4 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 San Tam 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.

9.1.5 Comments of the Chief Engineer/Railway Development 1-1, Railway Development Office, Highways Department (CE/RD1-1, RDO, HyD):

- (a) He has no adverse comment on the application from the development point of view of the NOL Project.
- (b) The Site falls within the administrative route protection boundary for the NOL. Attention should be drawn on the following:
  - (i) The applicant shall satisfy itself as to the extent of the railway to be constructed within the NOL route protection boundary.
  - (ii) The applicant shall ensure that the activities to be carried out within the NOL route protection boundary will not

cause disruption to the construction, use and operation of the NOL.

- (iii) If required by the Government or MTR Corporation Limited, the applicant shall at his own expense, relocate the proposed structures to facilitate the implementation of the NOL.
- (iv) The applicant shall, at all times, permit the Government, MTR Corporation Limited or other duly authorized officers, servants and contractors without payment of any nature whatsoever the right of ingress/egress and regress to, from and through including occupation and staying at the lot or any part of the lot at all times with or without tools, vehicles, machinery or equipment to carry out works, and for the purposes of any survey, inspection, examination, maintenance, operation, improvement or development in connection with the NOL. The development in connection with the NOL includes, but not limited to, using the lot or any part of the lot as temporary works site, or temporary carriageway or footpath, etc., for the construction of or re-construction of NOL.
- (v) The applicant should be reminded that although the programme and the alignment of the proposed NOL are still under review, those areas within the administrative route protection boundary may be required to be vacated at the time for the construction of the NOL.

### **Nature Conservation**

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

Noting that the Site is located at a disturbed area close to San Tam Road, he has no comment on the application from nature conservation point of view.

### **Environment**

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

- (b) He has no objection to the application.

- (c) 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**

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

Given that the proposed development only occupies site area of 11.95m<sup>2</sup>, he has no objection in principle to the proposed development from the public drainage point of view.

### **Fire Safety**

#### 9.1.9 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**

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

- (a) He has 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**

#### 9.1.11 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**

#### 9.1.12 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**

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

His office has not received any locals' comment 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 25.5.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 15.6.2018, no public comment has been received.

## **11 Planning Considerations and Assessments**

- 11.1 The Site falls within “OU(Railway Reserve)” zone which is intended primarily for railway development, i.e., the NOL. Although the development is not in line with the planning intention, CE/RD1-1, RDO of HyD advised that the development programme and alignment of the NOL are still under review and he has no adverse comment on the application. According to CE/RD1-1, RDO of HyD, the Site may be required to be vacated at the time for the construction of the proposed NOL and the applicant shall ensure that the activities to be carried out within the NOL route protection boundary will not cause disruption to the construction, use and operation of the NOL. In this regards, the applicant stated that he will make appropriate arrangement to relocate the proposed structure at his own cost as per the requirement of the government.
- 11.2 The proposed package substation involves excavation of land of about 1.8m in depth is of a small scale (about 11.95m<sup>2</sup> in area and 2.991m in height) and is considered not incompatible with the surrounding area which is in rural character predominated by residential dwellings/structures, warehouses, storage/open storage yards, parking of vehicles/trailer, cultivated agricultural land and unused/vacant land. According to the applicant, the proposed package substation is required to enhance the reliability of electricity supply and cater for the load growth of the development in the vicinity. The applicant stated that the Site is selected based on the consideration of technical feasibility, including cable routing and accessibility, and its close proximity to the catchment area.
- 11.3 Relevant government departments consulted including DLO/YL of LandsD, CE/RD1-1, RDO of HyD, CES/RD, 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 6.7.2022, 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 condition 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:

The proposed development is not in line with the planning intention of the "OU(Railway Reserve)" zone which is intended primarily for railway development. No strong planning justification has been given in the submission to justify for a departure from the 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**

<b>Appendix I</b>	Application form with supplementary information received on 15.5.2018
<b>Appendix Ia</b>	FI received on 29.6.2018 providing justification and catchment area plan in response to departmental comment.
<b>Appendix II</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Catchment Area 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  
JULY 2018**