

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

**APPLICATION NO. A/SK-CWBS/30**

- Applicant** : CLP Power Hong Kong Limited represented by Kum Shing (K.F.) Construction Company Limited
- Site** : Government Land in D.D. 225, Sheung Sze Wan, Clear Water Bay, Sai Kung
- Site Area** : About 82m<sup>2</sup>
- Land Status** : Government Land
- Plan** : Approved Clear Water Bay Peninsula South Outline Zoning Plan (OZP) No. S/SK-CWBS/2
- Zonings** : “Conservation Area” (about 86%), “Green Belt” (about 12%), and “Village Type Development” (about 2%)
- Application** : Proposed Public Utility Installation (Underground Cables) and Excavation and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (underground cables) and associated excavation and filling of land at the application site (the Site). The proposal includes laying of two 82m long 380 V underground cables and associated excavation of land with an area of about 82m<sup>2</sup> and depth of 1m. The cable trench will be backfilled to original ground level. The Site falls within an area partly zoned “Conservation Area” (“CA”) (86%), partly zoned “Village Type Development” (“V”) (2%), and partly zoned “Green Belt” (“GB”) (12%) on the approved Clear Water Bay Peninsula South Outline Zoning Plan (“OZP”) No. S/SK-CWBS/2 (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘public utility installation’ and excavation and filling of land within the “CA” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 In support of the application, the applicant has submitted an application form and attachments on 4.5.2018 (**Appendix I**).

1.3 The location and section plans submitted by the applicant are shown in **Drawings A-1 and A-2**.

## **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) In order to provide stable and reliable electricity to Sheung Sze Wan, the existing network is proposed to be reinforced. The two existing electricity networks are proposed to be linked up by underground LV cables;
- (b) New underground cable will be laid along the existing concrete carriageway, where no trees or shrubs will be affected before and after the works. Visual impact after the installation is also not anticipated; and
- (c) No extra wood poles will need to be erected above ground.

## **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. Previous Application**

There is no previous application at the Site.

## **5. Similar Applications**

- 5.1 There are 2 similar applications in the vicinity of the Site (**Plan A-1**).
- 5.2 Application No. A/SK-CWBS/16 for proposed public utility installation (cable duct) and excavation of land within an area zoned “V” and “CA” to the southeast of the Site was approved by the Rural and New Town Planning Committee (“the Committee”) on 31.10.2014 mainly on the grounds that the proposed works are essential ancillary facilities providing electricity to the public; the proposal was the only technically feasible alignment; no trees were found on the proposed alignment; and no adverse impacts were anticipated.
- 5.3 Application No. A/SK-CWBS/29 for proposed public utility installation (underground cables) and excavation of land within an area partly zoned “CA” and partly zoned “V” to the southwest of the Site was approved by the Committee on 16.03.2018 on similar grounds mentioned in paragraph 5.2 above.

5.4 Details of the similar applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

## **6. The Site and Its Surrounding Areas (Plans A-1 to A-3 and Photos in Plan A-4)**

6.1 The Site:

- (a) is partly located within the Village Environ (“VE”) of Sheung Sze Wan; and
- (b) covers mostly the sideway of an existing track.

6.2 The surrounding areas have the following characteristics:

- (a) to the east and west are Small Houses within the Sheung Sze Wan and Ha Yeung villages; and
- (b) to the north and south are vegetated slopes within the “CA” zone.

## **7. Planning Intention**

The planning intention of “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, education and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only development that are needed to support conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

## **8. Comments from Relevant Government Departments**

8.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

8.1.1 Comments of District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) no objection to the application;
- (b) the relevant excavation permit (XP) for the proposed works was issued on 25 July 2016 under which the applicant is required to consult PlanD as portion of the Site falls within areas zoned “CA” and “GB”; and
- (c) the proposed public utility installation and excavation works fall on unleased government land. As the Government Land License No. S12040 is affected, the applicant is required to consult the licensee concerned prior to commencement of works.

### **Traffic**

#### 8.1.2 Comments of Commissioner for Transport (C for T):

- (a) no comment on the application from traffic engineering viewpoint; and
- (b) as the access road to the Site is not managed by the Transport Department, the applicant should seek comments / agreement of the owner or relevant management / maintenance authorities.

### **Landscape**

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

- (a) no objection to the application from the landscape planning point of view; and
- (b) there is no tree found within the Site, while tree groups of 3 native species in proximity to the proposed development shall be preserved. With reference to the planning statement and recent site visit, the Site is located along a local vehicular road. As the new underground cables will be mainly laid along the carriageway, adverse landscape impact is not anticipated from the proposed installation and presumably, for the preservation of the surrounding vegetation and associated reinstatement works, relevant clauses will be included in the concerned land grant / permits under LandsD's purview.

### **Nature Conservation**

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

- (a) no comment on the application; and
- (b) it is noted that the proposed underground cable laying works, which are small in scale, would be conducted along existing vehicle carriageway. According to the application, no tree felling would be required.

### **Fire Safety**

#### 8.1.5 Comments of Director of Fire Services (D of FS):

- (a) no specific comment on the application; and

- (b) the following requirements shall be observed throughout the project period so far as is reasonably practicable:
  - (i) a thoroughfare of 3.5m wide shall be maintained for passage of fire appliances at all times;
  - (ii) any road opening affecting the emergency vehicular access (“EVA”) should be decked over, capable of withstanding 30-tonne loading for emergency traffic;
  - (iii) an inner turning radius of 6.1m and an outer turning radius of 11m shall be maintained; and
  - (iv) any excavation / construction works should under no circumstances cause obstruction to the nearby hydrants and ground valves. Should any fire hydrants be affected, comments from his department should be sought.

### **Water Supply**

8.1.6 Comments of Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD):

- (a) no objection to the application; and
- (b) existing water mains are affected (**Plan A-2**). The applicant is required to observe the “Conditions of Working in the Vicinity of Waterworks Installations” and “Flow Chart on Procedures for Safe Working near Water Mains” (**Appendix III**).

### **Risk Aspect**

8.1.7 Comments of Director of Electrical and Mechanical Services (DEMS):

- (a) no particular comment on the application; and
- (b) the applicant should 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. If the works are near the underground cable or overhead line under the application and carried out by Contractors, the Contractor(s) should approach the electricity supplier 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.

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

- (a) Chief Engineer (Works)/ Home Affairs Department (CE/Works, HAD);
- (b) Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H (GEO), CEDD);
- (c) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE. HyD);
- (d) Chief Building Surveyor/NTE2 & Rail, Buildings Department (CBS/NTE2 & Rail, BD);
- (e) Chief Engineer/ Mainland South, Drainage Services Department (CE/MS, DSD);
- (f) Director of Environmental Protection (DEP); and
- (g) District Officer/ Sai Kung, Home Affairs Department.

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

On 11.5.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 1.6.2018, no public comment was received.

## **10. Planning Considerations and Assessments**

10.1 The application is to seek planning permission for proposed public utility installation (underground cables) and excavation and filling of land within an area partly zoned “CA” (about 86%), partly zoned “V” (about 12%) and partly zoned “GB” (about 2%) on the approved Clear Water Bay Peninsula South OZP. The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, education and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted. The proposed installations and associated works are essential utility for providing stable electricity to Sheung Sze Wan.

10.2 The Site is mainly along the existing track. There is no tree within the Site, landscape impact arising from the proposal is not anticipated. Both CTP/UD&L and DAFC have no objection to / comment on the application.

10.3 In view of the small scale of the proposed development, no adverse environmental, drainage, and traffic impacts to the surrounding areas are anticipated. Relevant government departments, including DEP, H(GEO) of CEDD, CE/MS of DSD and C for T have no adverse comments on / no objection to the application.

10.4 No public comment on the application has been received.

**11. Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 15.6.2022, 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 advisory clauses at **Appendix IV** are also suggested for Members' reference.
- 11.3 There is no strong reason to recommend rejection of the application.

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the advisory clause(s) to be attached to the permission, and the period of which the permission should be valid.
- 12.3 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.

**13. Attachments**

<b>Appendix I</b>	Application form and attachments received on 4.5.2018
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	“Conditions of Working in the Vicinity of Waterworks Installations” and “Flow Chart on Procedures for Safe Working near Water Mains”
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Section 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