

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

**APPLICATION NO. A/SK-HC/287**

- Applicant:** CLP Power Hong Kong Limited represented by Kum Shing (K.F.) Construction Company Limited
- Site:** Government Land in D.D. 223, Mok Tse Che, New Territories
- Site Area:** About 36m<sup>2</sup>
- Land Status:** Government Land
- Plan:** Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11
- Zoning:** “Conservation Area” (“CA”)
- Application:** Proposed Public Utility Installation (Poles with Transformers, Underground Cables and Overhead Cable) and Excavation and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (poles with transformers, underground cables and overhead cable) and associated excavation and filling of land at the application site (the Site). The proposal includes laying of one 20m long 380V underground cable, and two 4m long 11,000V underground cables, installation of two poles and pole mount transformers, one 16m long overhead cable, and associated excavation of land with area of about 36m<sup>2</sup>. The depth of the excavation is about 1m for the cables and 1.5m for the erection of poles with transformers. The cable trench will be backfilled to original ground level and reinstatement will be carried out according to the original road surface material. The Site falls within an area zoned “CA” on the approved Ho Chung OZP No. S/SK-HC/11 (**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 require planning permission from the Town Planning Board (the Board).
- 1.2 In support of the application, the applicant has submitted the following documents:
- (a) Application form dated 16.4.2018 (Appendix I)
  - (b) Further Information (FI) dated 11.5.2018 providing a (Appendix Ia)

revised location plan

1.3 The location, layout and section plans submitted by the applicant are shown in **Drawings A-1 to A-4**

**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) CLP received application for power supply in Mok Tse Che, Sai Kung. The existing power network is insufficient for the new power supply, therefore new poles and pole mount transformers need to be erected. Since it is not possible to lay underground cable across the existing drainage, overhead cable will be installed for connecting the poles.
- (b) Underground cables will be laid from the poles to customers to provide electricity. Using underground cable can prevent voltage drop compared with using overhead cable.
- (c) Due to the complex environmental and the limitation of existing power network, the proposal will be the most suitable method for power supply.

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

**4. Previous Application**

There is no previous application at the Site.

**5. Similar Application**

There is one similar application No. A/SK-HC/257 for proposed public utility installation (underground cables) and excavation of land within the same “CA” zone. The application was approved without condition by the Rural and New Town Planning Committee (the Committee) on 29.7.2016 on grounds that the proposed underground cables and associated excavation were essential for supplying electricity to meet the power demand of the residential developments; there was no tree felling; and no ecological, environmental, geotechnical, drainage, traffic and landscape impacts were anticipated. Application No. A/SK-HC/289 for proposed utility installation (underground cables and pole with transformer) to the east of the Site will be considered in the same meeting. Locations of the similar applications are shown on **Plan A-1**.

**6. The Site and Its Surrounding Areas (Plans A-1 and A-2, Aerial Photo on Plan A-3 and Site Photo on A-4)**

6.1 The Site is :

- (a) located within the Village Environs (“VE”) of Mok Tse Che; and
- (b) partly at the sideway of an existing track and partly within areas covered by weeds and shrubs.

6.2 The surrounding areas have following characteristics:

- (a) to its northeast and southeast are village houses of Mok Tse Che;
- (b) existing stream course is running between the northern and southern parts of the Site; and
- (c) to its south, southwest and northwest are vegetated slopes within the “CA” zone.

**7. Planning Intention**

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, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest or 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 the 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 summarized as below:

**Land Administration**

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

- (a) she has no objection to the application;
- (b) the relevant application of Excavation Permit (XP) for the proposed works is being processed by his office. The proposed duration of excavation is 9 months and the Site falls within an area zoned “CA”. It is noted that the applicant is seeking planning permission in the meantime for the proposed utility installation and excavation and filling of land; and

- (c) the proposed works of the planning application fall on unleased government land.

### **Traffic**

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

he has no comment on the application from traffic engineering viewpoint. As the access road from Wo Mei Hung Min Road to the Site is not managed by Transport Department, the applicant should seek comments/agreement of the owner or relevant management/maintenance authorities.

### **Landscape**

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

- (a) she has no objection to the application from the landscape planning point of view;
- (b) according to site photos, the Site seems to be mainly hard paved with concrete (as a vehicular access) at both sides of a drainage channel. No tree is observed within Site boundary, while vegetation cover, which seems to be self-seeded overgrown of shrub, is observed for a small piece of verged area and the channel embankment. Significant impact to landscape resource (e.g. tree) is not anticipated; and
- (c) given there will be other administrative control mechanism for excavation works (including reinstatement if any is involved) on government land (such as XP), she has no objection in principle from landscape planning point of view. In view of the nature of the proposed works and other effective administrative control (under XP mechanism) in place, it is considered not necessary to impose landscape condition to the application in case the Board approves the application.

### **Drainage**

#### 8.1.4 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) has no in-principle objection to the proposed works from a drainage maintenance viewpoint; and
- (b) the proposed works would be in close proximity to the existing streamcourses and the overhead cable would be installed across a streamcourse. The applicant shall ensure the proposed works would not cause adverse drainage impact to the existing

streamcourse and increase the flooding risk to the adjoining areas.

### **Nature Conservation**

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

the proposed works areas are largely vacant and covered in weeds and shrubs of common species. There is a natural stream along the proposed alignment of the 20V underground cable. In view of the limited scale of the proposed works, he has no strong view on the application. The applicant should be reminded to implement appropriate measures in Appendix B of the Buildings Department Practice Note for Authorised Person and Registered Structural Engineer No. 295 to avoid impacts to the natural stream during the construction stage.

### **Risk Aspect**

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

he has no particular comment on the application from electricity supply safety aspect. The applicant should be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of the electricity supply lines.

### **Health Aspect**

#### 8.1.7 Comments of the Director of Health (D of Health):

- (a) since electrical installations and facilities are not under the purview the D of Health, she is not in a position to comment on the site selection or issues related to the installations or operation of electrical facilities; and
- (b) according to the World Health Organisation (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 electricity facilities.

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

- (a) Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD);
- (b) Chief Building Surveyor/NTE2&Rail, Buildings Department (CBS/NTE2&Rail, BD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD);
- (d) Chief Engineer (Works), Home Affairs Department (CE(Works), HAD);
- (e) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (f) Director of Fire Services (D of FS);
- (g) Director of Environmental Protection (DEP);
- (h) District Officer/Sai Kung, Home Affairs Department (DO/SK, HAD);  
and
- (i) Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD).

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

On 24.4.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 15.5.2018, no public comment was received on the application.

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

10.1 The application is to seek planning permission for proposed public utility installation (underground cables and poles with transformers) and associated excavation and filling of land within an area zoned “CA” on the 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, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest or Country Park from the adverse effects of development. There is a general presumption against development within the “CA” zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure project with overriding public interest may be permitted. The proposed installations and associated works are essential utility for supplying electricity for the residents of Mok Tse Che.

10.2 The Site is partly at the sideway of an existing track and partly within area covered by weeds and shrubs of common species. There is no tree within the Site, landscape impact arising from the proposal is not anticipated. Both CTP/UD&L, PlanD and DAFC have no objection to/no strong view on the application.

10.3 In view of the small scale of the proposed development, no adverse environmental, geotechnical, drainage and traffic impacts on 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 comment on/objection to the application.

10.4 There is also no public comment received on the application.

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

11.1 Based on the assessment 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 following advisory clauses are also suggested for Members' reference:

### Advisory Clauses

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

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 clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.

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 dated 16.4.2018
<b>Appendix Ia</b>	FI dated 11.5.2018
<b>Appendix II</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Layout Plan
<b>Drawings A-3 and A-4</b>	Section Plans
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo

**Plan A-4**

Site Photo

**PLANNING DEPARTMENT  
JUNE 2018**