

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HC/289

- 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 116m²
- Land Status:** Government Land
- Plan:** Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11
- Zonings:** “Conservation Area” (“CA”) (about 75m² or 35.3%)
“Village Type Development” (“V”) (41m² or 64.7%)
- Application:** Proposed Public Utility Installation (Underground Cables and Pole with Transformer) and Excavation and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (underground cables and pole with transformer) and associated excavation and filling of land at the application site (the Site). The proposal includes laying of two 110m long LV underground cable, and two 20m long HV underground cable, installation of one pole and pole mount transformer, and associated excavation of land with area of about 116m². The depth of the excavation is about 1m for the underground cables and 1.5m for the erection of pole with transformer. 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 partly zoned “CA” (35.3%) and partly zoned “V” (64.7%) 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 19.4.2018 (Appendix I)
- (b) Email from applicant dated 20.4.2018 providing replacement pages to the application form (Appendix Ia)

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 an application from the customer at Lot 68A in D.D. 223 requesting them to relocate the existing pole mount transformer as it obstructed the development at the lot. Pole relocation is preferred instead of pole removal as the existing pole mount transformer is providing electricity for the region.
- (b) CLP considered some locations inside “V” zone for relocate the pole, however, they are either too close to resident house or too close to main vehicle access or inside private area. The Site is selected as it is far away from residential house and main vehicle access, and it is the nearest government land.
- (c) The new underground cables will be laid under existing concrete carriageway and no impact to existing landscape is anticipated.

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 involved in

the proposal; and there was no ecological, environmental, geotechnical, drainage, traffic and landscape impacts were anticipated. Application No. A/SK-HC/287 for proposed utility installation (pole with transformers, underground cables and overhead cable) and excavation and filling of land to the west of the Site will be considered in the same meeting.

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

6.1 The Site is :

- (a) located within the Village Environs (“VE”) of Mok Tse Che; and
- (b) along the existing track.

6.2 The surrounding areas have following characteristics:

- (a) to its northeast, east and west are village houses of Mok Tse Che; and
- (b) to its further north, southeast and south 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 was issued by her office on 30.11.2017 under which the applicant is required to consult Planning Department as portion of

the Site falls within the area zoned “CA”; and

- (c) the proposed public utility installation and excavation works fall on unleased government land. As the project limits of PWP Item No. 4272DS – ‘Port Shelter Sewerage, Stage 2, Package K, Sewerage at Wo Mei, Heung Chung and Mok Tse Che’ is affected, the applicant is required to consult Drainage Services Department prior to commencement of works.

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 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 the justification and drawing in the Planning Statement (**Appendix Ia** and **Drawing A-1**) provided by the applicant, the new underground cables would be laid under existing concrete carriageway and the new pole location is a parking area. According to the site photos, the area seems to be hard paved with concrete (as vehicular access and car parking area). Impact to any 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) he has no in-principle objection to the proposed works from a drainage maintenance viewpoint; and

- (b) it is noted that the application site falls within the project limit of 'Port Shelter Sewerage, Stage 2, Package K, Sewerage at Wo Mei, Heung Chung and Mok Tse Che'. He has no comment from project interfacing viewpoint.

Nature Conservation

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

the proposed works area is along concrete paved road. In view of the limited scale of the proposed works, he has no strong view on the application. The applicant should be reminded to avoid impacts to trees on government land.

Water Supply

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

- (a) he has no objection to the application; and
- (b) the existing water mains are affected. 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" (**Annex A of Appendix II**).

Risk Aspect

- 8.1.7 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

- 8.1.8 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 (Works), Home Affairs Department (CE(Works), HAD);
- (d) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (e) Director of Fire Services (D of FS);
- (f) Director of Environmental Protection (DEP);
- (g) District Officer/Sai Kung, Home Affairs Department (DO/SK, HAD); and
- (h) Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD):

9. Public Comment Received During Statutory Publication Period

On 27.4.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 18.5.2018, 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 partly zoned "CA" (35.3%) and partly zoned "V" (64.7%) 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 along the existing track. 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

Appendix I

Appendix Ia

Appendix II

Application form dated 19.4.2018

Email from applicant dated 20.4.2018

Advisory Clauses

Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Drawings A-3 and A-4	Section Plans
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
JUNE 2018**