

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

**APPLICATION NO. A/SK-HC/291**

- Applicant:** CLP Power Hong Kong Limited represented by Kum Shing (K.F.) Construction Company Limited
- Site:** Government Land in D.D. 247 and 249, Wang Che, Sai Kung, New Territories
- Site Area:** About 40m<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 (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 cable and pole with transformer) and associated excavation and filling of land at the application site (the Site). The proposal includes laying of two 34m long 11,000V underground cables, installation of a pole with transformer, and associated excavation of land with area of about 40m<sup>2</sup>. The depth of the excavation is about 1m for the cables and 1.5m for the erection of pole with transformer. The cable trench will be backfilled to original ground level. 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 documents:

- (a) Application form dated 14.5.2018 **(Appendix D)**
- (b) Email dated 15.5.2018 providing clarification on the site **(Appendix Ia)**  
area
- (c) Further information (FI) dated 28.5.2018 and 29.5.2018 **(Appendix Ib)**  
providing revised location plans and site photos

1.3 The location, section and layout plans submitted by the applicant are shown in **Drawings A-1 to A-3**.

**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) the application is to reinforce the stability and reliability of the existing electricity network at Wang Che by erecting a new pole-mounted transformer;
- (b) area zoned “Village Type Development” (“V”) is too close to residents’ houses; and
- (c) overhead line is not suitable for the proposed works due to unstable and unreliable electricity supply. The new underground cables will be laid along existing concrete carriageway and no visual impact or major landscape impact 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 no similar application in the vicinity of the Site.

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

6.1 The Site is :

- (a) located within the Village Environs (“VE”) of Kai Ham;
- (b) located within the upper indirect Water Gathering Grounds (WGG); and
- (c) covered mostly the sideway of an existing track.

6.2 The surrounding areas have following characteristics:

- (a) to its north are village houses of Wang Che; and
- (b) to its south, east and west 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 Excavation Permits (XP) for the proposed works were issued by her office on 16.4.2018 and 14.12.2016 respectively under which the applicant is required to consult Planning Department as the Site falls within the area zoned “CA”; and
- (c) the proposed installation and excavation works fall on unleased government land. As WGG is affected, the applicant is required to consult Water Supplies 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 village road is not managed by Transport Department, the applicant should seek comments/agreement of the owner or relevant management/maintenance authorities.

### **Environment**

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

as the Site falls within the WGG, the applicant is reminded to follow Environmental Protection Department's (EPD's) "Recommended Pollution Control Clauses for Construction Contract" available on EPD's website to take standard precautionary measures against site runoff.

### **Landscape**

#### 8.1.4 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 Item 9 (Justification) of the Planning Statement (**Appendix I**), and drawings with site photos submitted under FI (**Appendix Ib**), the new underground cables would be laid along existing concrete carriageway. Impact to any landscape resource (e.g. tree) is not anticipated. With reference to aerial photo, it appears that the Site is situated in an area of rural landscape character dominated by village houses at the end of an existing access road and woodland with dense vegetation along both sides of the road. According to site photos taken in May 2018, the concerned area seems to be hard paved with concrete (as a vehicular access); 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 in case the Board approves the application.

### **Nature Conservation**

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

the revised alignment in the FI (**Appendix Ib**) provided by the applicant is at reasonable distance to existing trees nearby. He has no further comment on the application.

### **Fire Safety**

#### 8.1.6 Comments of the Director of Fire Services (D of FS):

- (a) he has no objection to the application;

- (b) the following requirements shall be observed throughout the project period so far as if reasonably practicable:
  - (i) a thoroughfare of 3.5m wide shall be maintained for passage of fire appliances at all time;
  - (ii) any road opening affecting the emergency vehicle 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 any obstruction to the nearby fire hydrants and grounds valves. Should any fire hydrant be affected, comments from Fire Services Department should be sought.

### **Water Supply**

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

- (a) he has no objection to the application; and
- (b) the Site falls within upper indirect WGG. The applicant is required to observe the “Conditions for Working within Gathering Grounds” (**Annex A of Appendix III**).

### **Geotechnical**

8.1.8 Comments of the Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD):

- (a) he has no objection to the application;
- (b) it is noted that trench/pit openings are located near existing slopes. The proposed openings would appear to pose a threat to the slope if extreme care and control is not exercised in the planning, design, construction or supervision of the works. The applicant is required to pay attention to the “Guide to Trench Excavations (Shoring Support and Drainage Measures)” jointly published by Highways Department and CEDD which provides good technical guidelines on trench excavation. Besides, the applicant is required to note the following particulars:
  - (i) excavation at the slope crest should not be opened up during the wet season unless unavoidable;
  - (ii) design of trench above slopes should take into consideration of potential land flooding and performance of land drainage in the

vicinity;

- (iii) adequate trench drainage measures against water ingress should be provided (e.g. upstand, sandbags, protective aprons, pumps, etc.);
  - (iv) any voids/gaps/leakage areas surrounding the trench should be promptly rectified to avoid water ingress or leakage;
  - (v) the trench support wall should be installed ahead of excavation if such excavation is critical to the stability of slope adjacent to the trench;
  - (vi) it is not desirable to have the whole length of a long trench opened up at any one time, even with support. Excavations should be in sections of shortest practical length; and
- (c) it is recommended that the trench/pit be backfilled with fine fill material in accordance with the specification and standard of Section 6 of the General Specification for Civil Engineering Works (CEDD, 2006 or as amended or updated).

### **Risk Aspect**

#### 8.1.9 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” 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 Site.

### **Health Aspect**

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

- (a) since electrical installations and facilities are not under the purview of the D of Health, she is not in a position to comment on site selection issues or issues related to the installation or operation of electrical facilities; and
- (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 effect to workers and the public. As such, the applicant 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.

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;
- (b) Chief Building Surveyor/NTE2&Rail, Buildings Department;
- (c) Chief Engineer (Works), Home Affairs Department;
- (d) Chief Highway Engineer/New Territories East, Highways Department;
- (e) Chief Engineer/Mainland South, Drainage Services Department; and
- (f) District Officer/Sai Kung, Home Affairs Department.

## **9. 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, one comment was received from an individual of the public (**Appendix II**). He indicates that he has no comment on the application and suggests that consents from the locals should be obtained.

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

10.1 The application is to seek planning permission for proposed public utility installation (underground cables and pole with transformer) 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 installation and associated works are essential utility for electricity supply for the residents of Wang Che.

10.2 The Site is located mostly along the existing village access road. 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 adverse comment on the application.

10.3 In view of the small scale of the proposed development, no adverse

environmental, drainage, traffic and fire safety impacts on the surrounding areas are anticipated. Relevant government departments including DEP, CE/MS of DSD, C for T and D of FS have no adverse comment on/objection to the application. The applicant will be advised to note H(GEO) of CEDD's concern on trench/pit openings near slopes.

10.4 No public comment objecting to the application is received.

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

11.1 Based on the assessment made in paragraph 10 and taken into account public comment in paragraph 9, 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 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 advisory clauses are also suggested for Members' reference:

### Advisory Clauses

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

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 14.5.2018
<b>Appendix Ia</b>	Email dated 15.5.2018
<b>Appendix Ib</b>	FI dated 28.5.2018 and 29.5.2018
<b>Appendix II</b>	Public Comment
<b>Appendix III</b>	Advisory Clauses
<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
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Section Plan
<b>Drawing A-3</b>	Layout Plan

**PLANNING DEPARTMENT  
JULY 2018**