

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

**APPLICATION NO. A/SK-HC/297**

- Applicant:** CLP Power Hong Kong Limited represented by Kum Shing (K.F.) Construction Company Limited
- Site:** Government Land in D.D. 247, Ngau Pui Wo, Sai Kung, New Territories
- Site Area:** About 118m<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 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 118m long 380V underground cables and associated excavation of land with area of about 118m<sup>2</sup>. The depth of the excavation is about 1m for the underground cables. 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 19.6.2018 (Appendix I)
- (b) Email dated 20.6.2018 providing clarification on the site area (Appendix Ia)
- (c) Emails dated 21.6.2018 providing replacement pages of the application form and a revised location plan (Appendix Ib)

1.3 The location plan and section plan 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) CLP received a new application for electricity supply to a village house at Ngau Pui Wo. There is no existing power network nearby and new cable or overhead line (OHL) is required. However, OHL is not feasible due to insufficient power transfer;
- (b) new underground cables will be connected to the nearest existing underground cable. Since the existing underground cable and the village house fall within “CA” zone, it is unavoidable for the works to fall within “CA” zone; and
- (c) new underground cables will be laid along existing concrete carriageway, no native trees and shrubs will be affected. Minimum landscape impact and no visual impact would incur after the underground cable laying works.

**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 within the same “CA” zone on the OZP.

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

6.1 The Site is :

- (a) mainly located along an existing paved road;
- (b) partly within the Village Environs (“VE”) of Tai Lam Wu; and
- (c) falls within the upper indirect water gathering ground (WGG).

6.2 The surrounding areas are mainly rural in character with village houses and densely vegetated slopes.

## **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 and public comment are summarized as below:

### **Land Administration**

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

- (a) no objection to the application;
- (b) the application of Excavation Permit (XP) for the proposed works is being processed by DLO/SK; and
- (c) the proposed works fall entirely on unleased government land. As the WGG and Government Land Licences No. S8967 and S10230 are affected, the applicant is required to consult Water Supplies Department (WSD) and the Licensees concerned respectively prior to commencement of works.

### **Traffic**

8.1.2 Comments of the Commissioner of 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 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):

in view that the Site falls within the WGG and WSD has no objection to the application. 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 and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) according to Part 9 (Justification) (**Appendix I**) and drawing of the application form provided by the applicant (**Drawing A-1**), 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 woodland along an existing access road with some village houses nearby. According to site photos taken in June 2018, the concerned area seems to be hard paved with concrete (as a vehicular access); and
- (b) 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.

### **Nature Conservation**

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

the Site is along paved carriageway and at reasonable distance from existing trees on government land. He has no comment on the application from nature conservation perspective. Nevertheless, the applicant should also be advised to avoid works within the tree protection zone of the trees along the alignment to avoid root damages and implement necessary tree protection measures by making reference to the "Guidelines on Tree Preservation during Development" promulgated by Greening, Landscape & Tree Management Section of Development Bureau in April 2015.

### **Water Supply**

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

- (a) 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**).

### **Risk Aspect**

8.1.7 Comments of the Director of Electrical and Mechanical Services:

- (a) he has no particular comment on the application from electricity supply safety aspect; 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.

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

- (a) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (b) Antiquities and Monuments Office, Leisure and Cultural Services Department;
- (c) Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Chief Building Surveyor/NTE2&Rail, Buildings Department;
- (e) Chief Engineer (Works), Home Affairs Department;
- (f) Chief Highway Engineer/New Territories East, Highways Department;
- (g) Director of Fire Services; and
- (h) District Officer/Sai Kung, Home Affairs Department.

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

On 26.6.2018, the application was first published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 17.7.2018, one comment was received from an individual of the public (**Appendix II**). The commenter 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 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 underground cables and associated works are essential facilities for supplying electricity for the residents of Ngau Pui Wo.

- 10.2 The Site is mainly located along an existing paved road. There is no tree within the Site, landscape impact arising from the proposal is not anticipated. Both CTP/UD&L of PlanD and DAFC have no objection to/no comment on the application.
- 10.3 In view of the small scale of the proposed development, no adverse environmental, geotechnical, water supply, drainage and traffic impacts on the surrounding areas are anticipated. Relevant government departments including DEP, H(GEO) of CEDD, CE/Construction of WSD, CE/MS of DSD and C for T have no adverse comment on/objection to the application.
- 10.4 The public comment regarding consents from the locals is noted. No public comment has been received objecting to the application.

## **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 17.8.2022, 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 19.6.2018
<b>Appendix Ia</b>	Email dated 20.6.2018
<b>Appendix Ib</b>	Emails dated 21.6.2018
<b>Appendix II</b>	Public Comment
<b>Appendix III</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>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2018**