

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

**APPLICATION NO. A/MOS/121**

<b><u>Applicant</u></b>	CLP Power Hong Kong Limited (CLP)
<b><u>Site</u></b>	Government Land in D.D. 167, Sai O Village, Sai Kung North
<b><u>Site Area</u></b>	11.97 m <sup>2</sup> (about)
<b><u>Land Status</u></b>	Government Land
<b><u>Plan</u></b>	Approved Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/22
<b><u>Zoning</u></b>	“Green Belt” (“GB”)
<b><u>Application</u></b>	Proposed Public Utility Installation (Electricity Package Substation)

**1. The Proposal**

- 1.1 On 27.2.2019, the applicant, CLP Power Hong Kong Ltd., sought planning permission to construct an electricity package substation (ESS) at the application site (the Site) which falls within an area zoned “GB” on the approved Ma On Shan OZP No. S/MOS/22. According to the Notes of the OZP, ‘Public Utility Installation’ within “GB” zone requires planning permission of the Town Planning Board (the Board).
- 1.2 The proposed ESS is a single storey structure of about 4.96m (length) x 2.414m (width) x 2.991m (height) (**Drawing A-1**) to provide electricity supply for village houses in the vicinity. It will house one 1000 kVA transformer, one 11kV switchboard, one low voltage distribution board and associated accessories. An underground cable trench will be embedded in a concrete plinth of 1.8m depth underground. The Site is currently vacant and covered by ground covers.
- 1.3 In support of the application, the applicant has submitted the following documents:
  - (a) application form and attachments of location plan, layout drawing and supporting letter from village representative of Sai O Village received on 27.2.2019 **(Appendix I)**
  - (b) applicant’s email dated 22.3.2019 enclosing further information in response to departmental comments **(Appendix Ia)**
  - (c) applicant’s email dated 1.4.2019 enclosing further information to clarify site selection outside “V” zone **(Appendix Ib)**

## 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 at **Appendix I** and the further information at **Appendices Ia and Ib**. They can be summarised as follows:

- (a) the proposed ESS is for replacement of the existing Sai O Package Substation to facilitate Sai Sha Road widening project (**Plan A-3**). It serves to provide adequate electricity supply to the large areas of existing village and future development in the vicinity. It will be connected to a full underground system with 11kV close ring network and improve the electricity supply security and quality of the electricity network at the area;
- (b) according to the programme of the Sai Sha Road Widening project, the existing Sai O substation is required to be relocated by September 2020 to make way for the piling works of a proposed footbridge. The project proponent has advised that the proposed ESS will not affect the road works;
- (c) the ESS is specially designed electrical equipment that occupies an area not exceeding 12m<sup>2</sup> and has been widely adopted in village area. It is of prefabricated design and totally enclosed to accommodate the required equipment. It is of unmanned design, easy to install, maintenance free and made of fireproof material. Its impact to the nearby areas and local traffic is minimal; and
- (d) the Site is supported by the local villages. A supporting letter from the Village Representative of Sai O Village is at **Appendix I**. Alternative sites in the nearby “V” zone have been considered but the Site is selected due to technical feasibility and to avoid sloping areas, felling of trees, drainage facilities, conflict with access road and manoeuvring of local vehicles (**Appendix 1b**).

## 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) is not applicable to the application.

## 4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) are relevant to this application. The relevant assessment criteria are summarised as follow:

- (a) There is a general presumption against development (other than redevelopment) in a “GB” zone. In general the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use.
- (b) An application for new development in a “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site

coverage and building height should be compatible with the character of surrounding areas. With the exception of New Territories Exempted Houses, a plot ratio up to 0.4 for residential development may be permitted.

- (c) Applications for G/IC uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available. The plot ratio of the development site may exceed 0.4 so as to minimize the land to be allocated for G/IC uses.
- (d) The design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment.
- (e) The vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided.
- (f) The proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area.
- (g) The proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution.
- (h) Any proposed development on a slope or hillside should not adversely affect slope stability.

## 5. **Previous Application**

There is no previous application at the Site.

## 6. **Similar Application**

There is no similar application within the same “GB” zone on the OZP.

## 7. **The Site and Its Surrounding Areas** (Plans A-1 and A-2, and aerial photo on Plan A-4 and site photos on Plan A-5 )

7.1 The Site is:

- (a) located to the north of Sai O Village;
- (b) a piece of vacant land with ground covers; and
- (c) abutting Sai Sha Road.

7.2 The surrounding area is predominantly rural in character with village type

developments to the south, west and northeast, a public carpark and Hong Kong Baptist Theological Seminary across the Sai Sha Road to the north.

## **8. Planning Intention**

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

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

9.1 The following Government departments have been consulted and their views are summarised as follows:

### **Land Administration**

9.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, Lands D):

- (a) he has no objection to the application; and
- (b) should the application be approved by the Board, the applicant should apply to DLO/TP for excavation permit. However, there is no guarantee at this stage that the excavation permit application would be approved. If the excavation permit application is approved by his department acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by his department.

### **Fire Safety**

9.1.2 Comments of the Director of Fire Services (D of FS):

- (a) he has no in-principle objection to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of his department. Emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by Buildings Department; and
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

### **Water Supply**

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

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

- (b) an existing 1400mm water mains will be affected by the works of the proposed ESS. The applicant is required to forward a proposal for WSD's consideration and agreement to assure that the operation and maintenance of the water mains will not be affected at all times; and
- (c) the Site falls within the consultation zone of Ma On Shan Water Treatment Works, which is a Potentially Hazardous Installation. Comments from EPD should be sought in this respect.

### **Nature Conservation**

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

- (a) the Site is vacant; and
- (b) he has no comment on the application from nature conservation point of view.

### **Landscape and Visual**

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

- (a) according to the aerial photo on 13.3.2018, the Site is situated in an area of rural landscape character comprising scattered trees groups and village houses. The proposed development is not incompatible with the surrounding environment. No existing tree is found within the Site;
- (b) in view of the small scale of the development (less than 12m<sup>2</sup> area), adverse landscape impact arising from the proposed development is not anticipated. As such, she has no objection to the application from the landscape planning perspective; and
- (c) given that adverse visual impact due to the proposed development is not anticipated and there is inadequate space for quality landscape to benefit the public realm, no landscape condition is recommended should the Board approve the application.

### **Environment**

9.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small scale and nature of the proposed development, it will unlikely cause major pollution; and
- (b) it is noted that this streamlined case falls within the consultation zone of Ma On Shan Water Treatment Works. Based on the information provided, we have no objection from chlorine risk point of view.

### **Health Aspect**

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

- (a) since the electrical installations and facilities are not under the purview of his Department, he 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 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 electrical facilities.

### **Electrical Safety**

#### 9.1.8 Comment of the Director of Electrical and Mechanical Services (DEMS):

- (a) he has no comment on the application as far as electricity supply safety and reliability are concerned;
- (b) for the design and operation of electricity package substation, the applicant has to comply with the Electricity Ordinance and relevant statutory requirements. As the ESS is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substation as far as possible. The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (c) the project proponent shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of the existing high pressure underground town gas transmission pipeline (running along Sai Sha Road) or planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development. The project proponent/consultant/works contractor is required to observe the Electrical and Mechanical Services Department’s requirements on the “Avoidance of Damage to Gas Pipes 2ed Edition” for reference.

#### 9.2 The following Government departments have no comment on the application:

- (a) District Officer(Tai Po), Home Affairs Department;
- (b) Chief Engineer/Mainland North, Drainage Services Department (CE/MN,

- DSD);
- (c) Commissioner for Transport (C for T)
- (d) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD)
- (e) Project Manager/North, Civil Engineering and Development Department; and
- (f) Head of the Geotechnical Engineering Office, Civic Engineering and Development Department.

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

On 8.3.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

## 11. **Planning Considerations and Assessments**

- 11.1 The application is for a proposed ESS at the Site which falls within an area zoned "GB". The planning intention of the "GB" zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.
- 11.2 The Site is a piece of vacant land with ground covers and is in close proximity to an access road and the village cluster of Sai O. DAFC has no comment on the application from nature conservation point of view. The proposed ESS, which is a single storey structure of about 4.96m (length) x 2.414m (width) x 2.991m (height) (**Drawing A-1**), is small in scale and not entirely incompatible with the surrounding rural environment. No tree felling would be involved. As advised by CTP/UD&L of PlanD, the proposed small scale installation is anticipated to have no adverse visual and landscape impact and she has no objection to the application.
- 11.3 The proposed ESS is an essential public utility facility for the provision of adequate and reliable power supply to the existing villages and future developments in the vicinity. The applicant has provided justifications that the Site is selected due to technical feasibility and to avoid sloping areas, felling of trees, drainage facilities, conflict with access road and manoeuvring of local vehicles. DEMS has no adverse comment on the application from regulatory services perspective. In view of the nature and design of the proposed ESS, it is also unlikely to cause adverse drainage, environmental and traffic impacts on the surrounding areas. Relevant departments including DEP, CE/MN, DSD and C for T have no objection to/comment on the application. Given the above considerations, the proposed development is generally in line with the relevant criteria of the TPB PG-No. 10 as stated in paragraph 4.
- 11.4 The proposed ESS is supported by the Village Representatives of Sai O Village and no public comment was received.

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

- 12.1 Based on the assessment made in paragraph 11, the Planning Department has no objection to the application.

- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 12.4.2023, 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 conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "GB" zone, for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is no strong planning justification in the current submission for a departure from the planning intention.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

**14. Attachments**

Appendix I	Application form and attachments
Appendix Ia	Applicant's email dated 22.3.2019 enclosing further information to address departmental comments
Appendix Ib	Applicant's email dated 1.4.2019 enclosing further information to clarify site selection outside "V" zone
Appendix II	Recommended Advisory Clauses
Drawing A-1	Layout Drawing submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Sai Sha Road Widening
Plan A-4	Aerial Photo
Plan A-5	Site Photos

**PLANNING DEPARTMENT  
APRIL 2019**