

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/MOS/126

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

1. The Proposal

- 1.1 On 26.9.2019, 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’ in “GB” zone is a Column 2 use requiring 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-2**) 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 and layout drawing received on 26.9.2019 (**Appendix I**)
 - (b) applicant’s letter dated 5.11.2019 enclosing further information to clarify site selection and supporting letter from the Village Representatives of Cheung Muk Tau Village (**Appendix Ia**)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Parts 8 and 9 of the application form at **Appendix I** and the further information at **Appendix Ia**. They can be summarised as follows:

- (a) there are two existing package ESS at the upper part of Cheung Muk Tau Village. However, they are unable to serve the proposed supply area (the lower part of the village) due to technical constraints (**Appendix Ia**). The proposed ESS serves to alleviate the loading condition of the existing supply facilities and provide adequate electricity supply for existing villages and future Small House development in the vicinity. It will be connected to a full underground system with 11kV close ring network and enhance the security of electricity supply;
- (b) the ESS is specially designed electrical equipment that occupies an area of less than 12m² 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;
- (c) since the size of the proposed ESS is small and the surrounding grounds of the Site remain unpaved, adverse drainage impact to the adjacent land is not anticipated and overland flow will not be obstructed;
- (d) according to the applicant, the proposed supply area is only connected by a single-lane bridge overpassing a local stream and there is no other vehicular access. Without the record of the bridge specification, the applicant could not ascertain that the bridge could withstand the 38-ton truck that is used to transport the factory-assembled ESS. From safety point of view, the uncertainty renders the areas beyond the bridge technically infeasible.
- (e) Considering the restriction of access, the effect on existing trees and watercourse, alternative sites in the nearby “V” zone have been considered but the Site is considered the only feasible option to establish ESS at the lower part of Cheung Muk Tau Village; and
- (f) the Site is supported by the local village. A supporting letter from the Village Representatives of Cheung Muk Tau Village is at **Appendix Ia**.

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.
- (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 a similar application for public utility installation within the same “GB” zone on the OZP (No. A/MOS/121 as shown on **Plan A-1**). It was submitted by the same applicant for the replacement of the existing Sai O ESS to facilitate Sai Sha Road widening project. It was approved with condition on 12.4.2019 by the Rural and New Town Planning Committee (the Committee) of the Board on the consideration that the proposed development is an essential public utility facility for the provision of adequate and reliable power supply to the surrounding area; it is in line with the TPB PG-No. 10; and there would

be no adverse drainage, environmental and traffic impacts generated.

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 southeast of Cheung Muk Tau Village and southwest of Symphony Bay;
- (b) entirely within the village 'environs' ('VE') of Cheung Muk Tau Village;
- (c) a piece of vacant land with ground covers; and
- (d) accessible by a local track leading to Nin Fung Road and Sai Sha Road.

7.2 The surrounding area is predominantly rural in character with village type development to the west and low-density residential development to the east. To the south of the Site are the abandoned agricultural land and vegetated slope.

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;
- (b) the Site consists of a piece of unallocated Government land of 11.97m² in D.D.167, Cheung Muk Tau Village, Sai Kung North;
- (c) if and after approval has been granted by the Board, the applicant is required to submit an Excavation Permit ("EP") application to his department for the excavation of any Government land. The applicant is also required to submit an application for Short Term Tenancy ("STT") in respect of the proposed ESS if it is not covered by the relevant Block Licence. However, there is no guarantee at this stage that the EP/ STT applications would be approved. If the EP/STT applications are approved by LandsD 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 LandsD including the payment of fee and administrative fee as considered appropriate; and

- (d) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access arrangement thereto.

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 under the Building (Planning) Regulation 41D administered by Buildings Department; and
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority.

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; and
- (b) 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 urban fringe landscape character comprising of scattered tree groups, village houses and medium-rise residential development. The application is considered not incompatible with the surrounding

environment. Referring to her site visit dated 16.10.2019, no existing tree is found within the Site. Significant adverse impact arising from the proposed development on landscape resources is not anticipated. In view of the above, she has no objection to the application from the landscape planning perspective; and

- (b) given that the nature and scale of the proposed development, significant adverse landscape and visual impact is not anticipated. No landscape condition is recommended should the Board approve the application.

Environment

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

- (a) he has no objection from chlorine risk perspective on the proposed electricity package substation within Consultation Zone of Ma On Shan Water Treatment Works; and
- (b) in view of the small scale and nature of the proposed development, it will unlikely cause major pollution.

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; and
- (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.

9.2 The following Government departments have no objection to/ no comment on the application:

- (a) Commissioner for Transport (C for T);
- (b) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (c) District Officer (Tai Po), Home Affairs Department;
- (d) Project Manager/North, Civil Engineering and Development Department;
- (e) Chief Highway Engineer/New Territories East, Highways Department;
- (f) Commissioner of Police; and
- (g) Head of the Geotechnical Engineering Office, Civic Engineering and Development Department.

10. Public Comment Received During Statutory Publication Period

On 11.10.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from a private individual concerning the ESS proposed on government land and green belt was received (**Appendix II**).

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 Cheung Muk Tau. 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 the only feasible location to establish ESS for the proposed supply area (lower part of Cheung Muk Tau Village) due to the concerns on restriction of access and affecting existing trees and watercourse. 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 One public comment concerning the ESS on government land and green belt was received during the statutory public inspection period. In this regard, the planning assessment and the comments of government departments above are relevant. The proposed ESS is supported by the Village Representatives of Cheung Muk Tau Village.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, 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 15.11.2023, 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 condition 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 III**.

- 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 letter dated 5.11.2019 enclosing further information to clarify site selection and supporting letter from the Village Representatives of Cheung Muk Tau Village
Appendix II	Public comment
Appendix III	Recommended Advisory Clauses
Drawing A-1	Location Plan submitted by the applicant
Drawing A-2	Layout Drawing submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2019**