

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/580

<u>Applicant</u>	CLP Power Hong Kong Limited (CLP)
<u>Site</u>	Government Land in D.D. 9, Yuen Leng, Kau Lung Hang, Tai Po
<u>Site Area</u>	7.44 m ² (about)
<u>Land Status</u>	Government Land
<u>Plan</u>	Approved Kau Lung Hang Outline Zoning Plan No. S/NE-KLH/11
<u>Zoning</u>	Agriculture (“AGR”)
<u>Application</u>	Proposed Public Utility Installation (Cabinet Transformer)

1. The Proposal

- 1.1 The applicant, CLP, seeks planning permission to construct a cabinet transformer at the application site (the Site) in an area zoned “AGR” on the approved Kau Lung Hang Outline Zoning Plan No. S/NE-KLH/11. According to the Notes of the OZP, ‘Public Utility Installation’ in “AGR” zone is a Column 2 use requiring planning permission of the Town Planning Board (the Board).
- 1.2 The proposed cabinet transformer is a single storey structure of 2.7m (length) x 2.0m (width) x 1.95m (height) (**Drawings A-3 and A-4**) to provide electricity supply for village houses in the vicinity. It will house one 1000 KVA transformer and associated accessories. The development proposal involves excavation of land with an area of 7.44 m² and a depth of 1.83m. The location and site plans, layout drawings, catchment area plan and site selection plan submitted by the applicant are shown on **Drawings A-1 to A-6**. The Site is currently vacant and covered mainly by weeds.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) application form and attachments dated 14.11.2019 **(Appendix I)**
 - (b) further information received on 28.11.2019 clarifying the site selection criteria[^] **(Appendix Ia)**
 - (c) further information received on 28.2.2020 providing responses to Water Supplies Department (WSD)’s comments[^] **(Appendix Ib)**

- (d) further information received on 16.4.2020 elaborating on (Appendix Ic) the site selection exercise[^]

[^] *accepted and exempted from publication*

1.4 On 3.1.2020, the Rural and New Town Planning Committee (the Committee), upon the applicant's request, agreed to defer making a decision on the application for two months to allow time for preparation of further information to support the application. The applicant submitted further information on 28.2.2020. The application is scheduled for consideration by the Committee on 24.4.2020.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 10 of the application form at **Appendix I** and the further information at **Appendices Ia, Ib and Ic**. They can be summarised as follows:

- (a) to enhance the security and adequacy of electricity supply in the rural area, CLP has implemented the same planning standard for both urban and rural area, i.e. to adopt a fully underground supply system with 11kV closed ring network. The proposed cabinet transformer is part of the upgrading works to enhance the reliability of the electricity supply system for the villages around Yuen Leng to cater for the anticipated load growth of the existing services/customers and development of new Small Houses;
- (b) the proposed cabinet transformer is suitable for provision of electricity in the rural 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 is minimal;
- (c) since the size of the proposed cabinet transformer is small and the surrounding ground of the Site remains unpaved, adverse drainage impact to the adjacent land is not anticipated and overland flow will not be obstructed;
- (d) to address WSD's concern on possible adverse impact to the water gathering grounds (WGG), a method statement of the proposed installation and mitigation measures during construction stage and operation stage would be in place to prevent such impact;
- (e) most area in the "Village Type Development" ("V") zone of Yuen Leng is occupied by village houses. Three vacant sites within the "V" zone have been studied during site selection. They are found infeasible either because of encroachment upon village access road or being inaccessible by a road wide enough for a 38-ton truck that must be used to transport the cabinet transformer to pass through. Consideration was also given to using vacant sites that are located farther away. However, it was not feasible as extended cable length would cause unacceptable voltage drop. Under normal circumstances, a cabinet transformer has a capability to provide electricity within a range of about 200m, hence, any locations beyond the 200m range from the transformer are considered infeasible; and
- (f) the catchment area of the proposed cabinet transformer is currently served by pole-

mounted transformers. From safety point of view, these existing pole-mounted transformers could not be upgraded. It is also not possible to replace them with alternative installations with greater capacity unless a larger area is available.

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. Previous Application

There is no previous application at the Site.

5. Similar Application

There is no similar application within the same “AGR” zone.

6. The Site and Its Surrounding Areas (Plans A-1 and A-2, and aerial photo on Plan A-3 and site photo on Plan A-4)

6.1 The Site is:

- (a) located to the northwest of Yuen Leng Village;
- (b) currently vacant, and covered mainly by weeds; and
- (c) accessible by a local track leading to Tai Wo Service Road East.

6.2 The surrounding area is predominantly rural in character, with scattered tree groups, village houses, active agricultural land and storage uses. About 25m and 35m to the west of the Site are Tai Wo Service Road East and East Rail Line respectively.

7. Planning Intention

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

8. Comments from Relevant Government Departments

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

Land Administration

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

- (a) no objection to the application;
- (b) the Site consists of a piece of Government land in D.D. 9, Yuen Leng. Neither occupation nor works of any kind thereon is allowed, without the prior approval from LandsD;
- (c) should the Board approve the application, the applicant is required to submit an Excavation Permit (EP) application to the LandsD 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 cabinet transformer if it is not covered by the relevant Block Licence permitting utility companies to install such facility. However, there is no guarantee at this stage that the EP/STT application would be approved. If the EP/STT application is 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 waiver fee/rent 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 thereto.

Agriculture

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

the Site is overgrown with weeds. Nevertheless, there are active agricultural activities in the vicinity and agricultural infrastructure such as road access and water source is available. The Site possesses potential for agricultural rehabilitation. As such, the application is not supported from agricultural point of view.

Environment

8.1.3 Comment of the Director of Environmental Protection (DEP):

in view of the small scale and nature of the proposed development, it will unlikely cause major pollution.

Landscape

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

- (a) no objection to the application from the landscape planning perspective; and
- (b) the Site is situated in an area of rural landscape character comprising scattered tree groups and village houses. The application is considered not incompatible with the surrounding environment. Given the scale of the proposed development, significant adverse impact arising from the proposed development on landscape resources is not anticipated. Landscape condition is therefore not recommended should the Board approve the application.

Traffic

8.1.5 Comments of the Commissioner for Transport (C for T):

- (a) no in-principle objection to the application from traffic engineering point of view; and
- (b) the road/footpath next to the Site is not under Transport Department's management. He suggests that the land status, management and maintenance responsibilities of the road and footpath should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes.

Drainage

8.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) no objection in principle to the application from public drainage viewpoint;
- (b) should the application be approved by the Board, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that the proposed development will not cause adverse drainage impact to the adjacent areas;
- (c) while there are DSD's public stormwater drains in the area, the proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow

surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (d) there is existing public sewers in the vicinity of the Site. The applicant is advised to follow the established procedures and requirement for connecting sewers from the Site to the public sewerage system. A connection proposal should be submitted for approval beforehand. Moreover, the sewerage connection will be subject to DSD's technical audit, for which an audit fee will be charged; and
- (e) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought.

Water Supply

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

- (a) the Site is located within the upper indirect WGG;
- (b) the proposed development involves the installation of a new 1000 KVA cabinet transformer and the associated accessories. The construction of foundation would involve a total area of 7.44m² area and land excavation works of 1.83m in depth. There are risks of contamination to the WGG due to the land excavation works and the erection of cabinet transformer;
- (c) he notes the method statement and mitigation measures during construction stage and operation stage submitted by the applicant to safeguard the raw water quality in WGG. He has no comment on the submission and advises that the applicant shall undertake WSD's requirements as set out in **Appendix II** and implement the mitigation measures stated in the submission; and
- (d) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard.

Fire Safety

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

- (a) no in-principle objection to the application subject to water supplies for firefighting and fire service installations (FSIs) being provided to the satisfaction of his department; and
- (b) in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs for his approval. In addition, the applicant should be advised that:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.

Building Matters

8.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) no objection to the application;
- (b) noting that the proposed works will be carried out on Government land, the said works are exempted under the Buildings Ordinance (BO) pursuant to BO 2.41(1); and
- (c) in case land status changes, the applicant is reminded to appoint an Authorized Person to coordinate such works under the BO.

Electricity Supply and Safety

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

- (a) he has no comment on the captioned application as far as electricity supply safety and reliability are concerned;
- (b) for the design and operation of the proposed development, the applicant has to comply with the Electricity Ordinance and relevant statutory requirements. As the proposed cabinet transformer is to provide electricity supply to some future developments in the vicinity, it should be near the associated electricity demands far as possible; and
- (c) 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 electricity supply lines.

Health

8.1.11 Comments of the Director of Health (D of Health):

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.

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

- (a) Project Manager/North, Civil Engineering and Development Department;
- (b) Chief Highway Engineer/New Territories East, Highways Department;
- (c) Head of the Geotechnical Engineering Office, Civic Engineering and Development Department; and
- (d) District Officer (Tai Po), Home Affairs Department (DO/TP, HAD).

9. **Public Comment Received During Statutory Publication Period (Appendix III)**

On 22.11.2019, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising queries on the facilities/ residences to be served by the proposed transformer and the proposed location of it.

10. **Planning Considerations and Assessments**

- 10.1 The application is for a proposed cabinet transformer at the Site zoned "AGR" on the OZP. The planning intention of the "AGR" zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The proposed development is not totally in line with the planning intention. DAFC does not support the application because the Site possesses potential for agricultural rehabilitation, with active agricultural activities in the vicinity and availability of agricultural infrastructure such as road access and water source.
- 10.2 The proposed cabinet transformer is a public utility installation to enhance the security and adequacy of electricity supply to the villages around Yuen Leng. The applicant has undertaken a site selection exercise (**Appendices Ia and Ic**) to demonstrate that

due to the constraint on vehicular access and a need to locate the proposed cabinet transformer within 200m of the catchment area, there are no alternative sites within the nearby "V" zone which are feasible for the erection and maintenance of the proposed cabinet transformer. DEMS has no comment on the application as far as electricity supply safety and reliability are concerned.

- 10.3 The Site is a piece of vacant land covered mainly by weeds, and is surrounded by scattered tree groups, village houses and active agricultural land. The proposed cabinet transformer, which is a single storey structure of 2.7m (length) x 2.0m (width) x 1.95m (height) (**Drawings A-3 and A-4**), is small in scale and not entirely incompatible with the surrounding rural environment. CTP/UD&L of PlanD has no objection to the application given the scale of the proposed development which will unlikely cause significant adverse impact on landscape resources.
- 10.4 The Site is located within the upper WGG. To prevent causing adverse impact to the WGG, the applicant has submitted a method statement with mitigation measures during construction and operation stage of the proposed cabinet transformer (**Appendix Ib**). CE/C of WSD has no comments on the submission and advises that the applicant should undertake WSD's requirements and implement the mitigation measures stated in the submission. In view of the nature and design of the proposed cabinet transformer, it is also unlikely that the proposed cabinet transformer will cause adverse drainage, environmental and traffic impacts to the surrounding areas. Relevant departments including DEP, CE/MN of DSD, C for T, D of FS, CBS/NTW of BD, D of Health and DO/TP of HAD have no objection/adverse comment on the application.
- 10.5 Regarding the public comment raising concern on the application as mentioned in paragraph 9 above, Government department's comments and the planning assessments above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comment in paragraph 9 above, 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 24.4.2024, 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 Conditions

- (a) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and

- (b) the submission and implementation of a fire service installations and water supplies for fire fighting proposal 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 IV**.

- 11.3 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 "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from the planning intention.

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 approval condition(s) and advisory clause(s), 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	Application form and attachments dated 14.11.2019
Appendix Ia	Further information received on 28.11.2019
Appendix Ib	Further information received on 28.2.2020
Appendix Ic	Further information received on 16.4.2020
Appendix II	Detailed comments from Water Supplies Department
Appendix III	Public comment
Appendix IV	Recommended advisory clauses
Drawing A-1	Location plan submitted by the applicant
Drawing A-2	Site plan submitted by the applicant
Drawings A-3 & A-4	Layout drawings of the cabinet transformer submitted by the applicant
Drawing A-5	Catchment area plan submitted by the applicant
Drawing A-6	Site selection plan submitted by the applicant

Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photo

**PLANNING DEPARTMENT
APRIL 2020**

