

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/687

<u>Applicant</u>	CLP Power Hong Kong Limited (CLP)
<u>Site</u>	Government Land in D.D. 8, Tai Yeung Che Village, Lam Tsuen, Tai Po, New Territories
<u>Site Area</u>	5.4m ² (about)
<u>Land Status</u>	Government land
<u>Plan</u>	Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<u>Zoning</u>	“Agriculture” (“AGR”)
<u>Application</u>	Proposed Public Utility Installation (Ring Main Unit Transformer Pillar)

1. The Proposal

- 1.1 The applicant seeks planning permission to construct a ring main unit (RMU) transformer pillar at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘Public Utility Installation’ in “AGR” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board).
- 1.2 The proposed RMU transformer pillar is a single-storey structure with dimensions of about 3.0m (length) x 1.8m (width) x 1.4m (height) (**Drawing A-1**) to provide electricity for village houses in the vicinity of Tai Yeung Che Village. It will house one 630KVA transformer, one RMU, one low voltage distribution board and associated accessories. The proposed development also involves excavation of land with an area of about 5.4m² and a depth of about 0.8m. The proposed layout plan and the catchment area and site search plan submitted by the applicant are shown on **Drawings A-1** and **A-2**. The Site is currently vacant and covered by grasses.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) application form and attachments dated 14.7.2020 (**Appendix I**)
- (b) further information (FI) received on 31.8.2020 (**Appendix Ia**) providing information on site search and responses to department's comments
(*accepted and exempted from publication*)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application as stated in Part 10 of the application form at **Appendix I** and the FI at **Appendix Ia** are 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 RMU transformer pillar is to enhance the reliability of the electricity supply system for the village around Tai Yeung Che Village to cater for the anticipated load growth of the existing services/customers and development of new Small Houses;
- (b) the proposed RMU transformer pillar is a specially designed electrical equipment which occupies an area of about 5.4m² and is suitable for the village setting. 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 fire-proof material;
- (c) since the size of the proposed RMU transformer pillar is small and the surrounding grounds will remain unpaved, drainage and traffic impacts to the nearby areas are minimal;
- (d) the catchment area of the proposed RMU transformer pillar is currently served by two pole-mounted transformers, which have reached their maximum capacity;
- (e) the applicant has explored all available Government land in the nearby "V" zones. However, those sites are not feasible due to the absence of vehicular access, possible impacts on the existing trees, drainage facilities (such as U-channel and manhole), manoeuvring of vehicles and local traffic sight-line. Besides, sloping sites are not suitable for erecting the proposed development. Consideration has also been given to a vacant site at Shui Wo Village. However, it is too far away from the load centre and voltage drop problem is anticipated. Some examples of site search are shown on **Drawing A-2**;
- (f) the Site is the only suitable unleased Government land for the proposed RMU transformer pillar which is technically feasible to meet the design and operational requirements; and

- (g) in response to Water Supplies Department (WSD)'s concern on possible adverse impact to the water gathering grounds (WGG), the applicant has submitted FI to demonstrate that there will be no material increase in pollution effect with the implementation of proposed preventive measures.

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) 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 in the vicinity of the Site within the same “AGR” zone.

6. The Site and Its Surrounding Areas (Plans A-1, A-2 and photos on Plans A-3 and A-4)

6.1 The Site is:

- (a) located on the roadside of Tai Yeung Che Road; and
- (b) currently vacant and covered by grasses.

6.2 The surrounding areas have the following characteristics:

- (a) predominantly rural in character surrounded by village houses, scattered tree groups and active agricultural land;
- (b) the village proper of Tai Yeung Che Village is at 45m to the north of the Site; and
- (c) Lam Tsuen River is at about 35m to the east of the Site.

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 on the application are summarised as follows:

Land Administration

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

- (a) no objection to the application;
- (b) the Site consists of a piece of Government land in D.D. 8, Tai Yeung Che. Neither occupation nor works of any kind thereon is allowed without the prior consent from LandsD;
- (c) should the application be approved by the Board, the applicant is required to submit an Excavation Permit (EP) application to LandsD for the excavation of Government land. The applicant is also required to submit an application for Short Term Tenancy (STT) in respect of the proposed RMU Transformer Pillar if it is not covered by the relevant Block Licence permitting utility companies to erect or construct such facility. However, there is no guarantee at this stage that the EP/STT applications would be approved. If the EP/STT 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 fee/rent and administrative fee as considered appropriate; and
- (d) there is no guarantee to the grant of right of way to the Site or approval of emergency vehicular access (EVA) thereto.

Landscape

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

- (a) no objection to the application; and
- (b) the Site is situated in an area of settled valleys landscape character surrounded by clusters of trees and vegetated areas. Given the small scale of the proposed development, significant adverse impact on existing landscape resources arising from installation of the RMU transformer pillar is not anticipated.

Agriculture

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

- (a) the application is not supported from agricultural development point of view; and
- (b) the Site is currently a piece of abandoned land. 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.

Drainage

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

- (a) no in-principle objection to the application from public drainage point of view;
- (b) if the application is approved, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent areas;
- (c) there is public drain maintained by DSD in the vicinity of the Site. The proposed development should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from surrounding of the Site. The proposed development is located on unpaved ground, which will increase the impervious area resulting in a change of the flow pattern and an increase of the surface runoff and thus flooding risk in the area. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems; and
- (d) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. He should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected.

Water Supply

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

- (a) the Site is located within the upper indirect WGG, at a distance of less than 5m from the nearest watercourse;
- (b) there are risks of contamination to the WGG due to the installation works of the RMU transformer pillar as well as oil leakage and spillage in case of failure or mishandling of oil-insulated RMU;
- (c) noting that the applicant has undertaken to implement preventive measures against water pollution to the upper indirect WGG (**Appendix Ia**), he has no further comment on the application provided that adequate protective measures shall be undertaken to ensure that no pollution or siltation occurs to the WGG; and
- (d) the applicant shall be required to follow and implement the mitigation or improvement measures as proposed in the FI (**Appendix Ia**). WSD's requirements on preventive measures against water pollution to the WGG are detailed in **Appendix II**. Additional mitigation measures may be required when the actual situation renders the initial risk assessment and undertakings inviable. Should pollution be detected in future due to the proposed development, immediate remedial action to clear the pollution must be taken by the applicant.

Fire Safety

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

- (a) no in-principle to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction; and
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

8.1.7 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 s.41(1). He is not in a

position to offer comments on the proposed development; 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

8.1.8 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) he has no comment on the application from electricity supply safety and reliability aspect;
- (b) for the design and operation of the proposed development, CLP Power has to comply with the Electricity Ordinance and relevant statutory requirements. As the proposed development is to provide electricity to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substation as 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

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

- (a) since electrical installations and facilities are not under his purview, 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) he understands that EMSD's comments will be sought, which is the regulatory authority of electrical facilities and their installation. He believes that the respective regulatory authority will ensure the project proponent to comply with the relevant guidelines or international standards, and will seek his health advice directly if required.

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

- (a) Commissioner for Transport;
- (b) Director of Environmental Protection;
- (c) Chief Highway Engineer/New Territories East, Highways Department;
- (d) Project Manager (North), Civil Engineering and Development Department;
- (e) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and

(f) District Officer (Tai Po), Home Affairs Department.

9. Public Comment Received During Statutory Publication Period

On 11.8.2020, the application was published for public inspection. During the statutory public inspection period, no comment was received.

10. Planning Considerations and Assessments

- 10.1 The application is for a proposed RMU transformer pillar 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 RMU transformer pillar is a public utility installation to enhance the security and adequacy of electricity supply for the existing and future village houses in the vicinity of Tai Yeung Che Village. The Site is located on the roadside of Tai Yeung Che Road at about 45m to the south of the village proper of Tai Yeung Che Village. According to the applicant, all the Government land within the nearby “V” zones has been explored (**Appendix Ia**) but there are no other suitable sites for the proposed RMU transformer pillar mainly due to impacts on existing trees or drainage facilities; affecting traffic sight-line; sloping sites; absence of vehicular access, etc. The applicant points out that the Site is the only suitable site for the proposed development, which is technically feasible to meet the design and operational requirements. DEMS has no comment on the application from electricity supply safety and reliability point of view.
- 10.3 The Site is a piece of vacant land covered by grasses, and the surrounding area is mainly occupied by village houses, scattered tree groups and active agricultural land. The proposed RMU transformer pillar, which is a single storey structure of about 3.0m (length) x 1.8m (width) x 1.4m (height) (**Drawing A-1**), is small in scale occupying a small site area of only about 5.4m² and not incompatible with the surrounding rural environment. CTP/UD&L of PlanD has no objection to the application as the proposed development is small in scale and significant adverse impact on landscape resources is not anticipated.
- 10.4 The Site is located within the upper indirect WGG, and the applicant has undertaken to implement preventive measures to ensure there will be no pollution to WGG (**Appendix Ia**). CE/C of WSD has no comment on the application and advises that the applicant shall undertake WSD’s requirements as set out in **Appendix II** and implement the mitigation measures stated in the applicant’s submission. In view of the small scale and design of the proposed

RMU transformer pillar, it is unlikely that the proposed development will cause adverse traffic, environmental and drainage impacts to the surrounding areas. Relevant departments including C for T, DEP, CE/MN of DSD, D of FS, CBS/NTW of BD, D of Health and DO/TP of HAD have no objection to or adverse comment on the application.

10.5 No public comment was received during the statutory public inspection period.

11. **Planning Department's Views**

11.1 Based on the assessments made in paragraph 10, 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 4.9.2024, 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;
- (b) the submission and implementation of a proposal on fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

Advisory Clauses

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

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 "Agriculture" ("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 conditions and 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 applicants.

13. Attachments

Appendix I	Application form and attachment received on 14.7.2020
Appendix Ia	Further information received on 31.8.2020
Appendix II	Detailed comments from Water Supplies Department
Appendix III	Recommended advisory clauses
Drawing A-1	Layout plan submitted by the applicant
Drawing A-2	Catchment area and site search plan 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
SEPTEMBER 2020**