

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-SSH/115

- Applicant** : CLP Power Hong Kong Limited represented by Kum Shing (K.F.)
Construction Company Limited
- Site** : Government Land in D.D. 163, O Tau, Shap Sz Heung, New Territories
- Site Area** : About 17 m²
- Lease** : Government Land
- Plan** : Approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/11
- Zoning** : “Conservation Area” (“CA”)
- Application** : Proposed Utility Installation for Private Project (Electric Cable), Land
Filling and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) (**Plan A-1**) for proposed utility installation for private project (electric cable) and associated land filling and excavation of land. The proposal includes laying of one 17m long 380V underground cable and associated land filling and excavation of land involves an area of about 17m² and depth of 1m. The cable trench will be backfilled to original ground level. Reinstatement will be carried out according to the original road surface material. The Site falls within an area zoned “CA” on the approved Shap Sz Heung OZP No. S/NE-SSH/11 (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Utility Installation for Private Project’ and excavation and filling of land within the “CA” zone require planning permission of the Town Planning Board (the Board).
- 1.2 In support of the application, the applicant has submitted the application form and attachments dated 16.3.2018 and supplementary information dated 19.3.2018 (**Appendix I**). 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 at **Appendix I**. They can be summarized as follows:

- (a) CLP (the applicant) received a new application for electricity supply at No. 3D, O Tau, Sai Kung;
- (b) there is an underground cable located close to the Site and available to provide electricity;
- (c) as the Site and the existing underground cable are within the “CA” zone, the proposed works will unavoidably fall within the “CA” zone;
- (d) underground cable is selected instead of overhead line (OHL) to supply electricity because the loading of OHL cannot transfer 60A electricity as requested; and
- (e) new underground cable would be laid under existing concrete carriageway, which would create minor impact to existing landscape and environment of the “CA” zone and no visual impact will 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) 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 “CA” 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 a gentle slope, hard-paved and currently vacant;
- (b) situated to the west of an orchard and the south of a cluster of village houses; and
- (c) accessible via a local track leading to Sai Sha Road.

6.2 The surrounding areas are predominantly rural in character, mainly covered with dense woodland. To the west and east of the Site are Ma On Shan Country Park and Sai Kung West Country Park respectively.

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 the development is an essential infrastructure project 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 are summarized 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 falls within the licence area of Government Land Licence No. T19359 (the “GLL”). The GLL was issued for the purpose of “Temporary Structures and Cultivation” and temporary structures for (i) Dwelling, (ii) Kitchen and (iii) Balcony are permitted on the licence area;
- (c) the applicant has to obtain consent from the GLL licensee prior to commencement of the proposed works;
- (d) the applicant is reminded to submit an application for Excavation Permit. Should the application be approved by the Board, LandsD will process the excavation permit application. However, there is no guarantee at this stage that the application would be approved. If the application is approved, such approval will be subject to such terms and conditions as may be imposed by LandsD; and
- (e) no Small House application has been received for the Site.

Environment

8.1.2 Comments 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

8.1.3 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;
- (b) the Site is situated in an area of rural landscape character comprising of woodlands and village houses. Although the proposed development is not in line with the planning intention of "CA" zone, it is not incompatible with the surrounding environment;
- (c) the Site is vacant and hard paved. No tree is spotted within the Site. Adverse impact on significant landscape resources is not anticipated;
- (d) noting that the application is for small scale proposed utility installation that is laying underground electric cable, with land filling and excavation of land and no permanent and temporary structure above ground, significant landscape impact arising from this nature of works is not anticipated. Therefore, the standard condition for submission and implementation landscape proposal is not recommended; and
- (e) upon completion of the proposed excavation works, the applicant should carry out reinstatement works to the satisfaction of the LandsD.

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 viewpoint; and
- (b) the applicant should make sure that any existing flow path affected would be re-provided and ensure that the proposed works would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. No adverse drainage or environmental impact would be caused to the area due to the proposed works. The applicant/ owner is required to maintain such system properly and rectify the system if it is 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 system.

Nature Conservation

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

- no comment on the application as the Site is vacant and paved.

Water Supply

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

- (a) no objection to the application; and
- (b) the Site falls within the upper indirect water gathering grounds (WGG). The applicant is required to observe the “Conditions for Working within Gathering Grounds” at **Appendix II**.

Electricity and Town Gas Safety

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

Electricity Safety

- (a) no comment on the application from electricity supply safety aspect;
- (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. If the works is near the underground cable or overhead line under the application and carried out by sub-contractor(s), the sub-contractor(s) should approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site;

Town Gas Safety

- (c) there is a high pressure underground town gas transmission pipeline (running along Sai Sha Road) in the vicinity of the Site;
- (d) the applicant/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing 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; and

- (e) the applicant/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes" for reference.

Health

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

- (a) since electrical installations and facilities are not under the purview of the Department of Health, 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-Ionizing 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/comment on the application:

- (a) Commissioner for Transport;
- (b) Chief Highway Engineer/New Territories East, Highways Department;
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (d) District Officer/Tai Po, Home Affairs Department; and
- (e) Director of Fire Services.

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

On 23.3.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received on the application.

10. Planning Considerations and Assessments

- 10.1 The application is to seek planning permission for the laying of underground electric cable 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 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 the development is an essential infrastructure project with overriding public interest may be permitted. The proposed underground electric cable and associated works are required to enable the supply of electricity to the area issued with a GLL (No. T19359) for the purpose of temporary structures and cultivation (**Plan A-2**).
- 10.2 The Site is vacant and hard paved without any trees and vegetation. According to the applicant, the new underground cable would be laid under existing concrete carriageway. The cable trench will be backfilled and the surface will be reinstated upon completion of the proposed works and no tree felling would be involved. While the surrounding areas are mainly covered with woodland and village houses, significant impact to the existing landscape resources arising from the proposed installation works is not anticipated. CTP/UD&L of PlanD and DAFC have no objection to/no comment on the application from landscape planning and nature conservation perspectives.
- 10.3 In view of the small scale of the proposed development, no adverse ecological, environmental, geotechnical, drainage and traffic impacts on the surrounding areas are anticipated. Relevant government departments including C for T, DEP, H(GEO) of CEDD and CE/MN of DSD have no objection to/ adverse comment on the application. There is no public comment received on the application.

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 **4.5.2022**, 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 recommended advisory clauses are attached at **Appendix III** for Members’ reference.
- 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 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 and supplementary information received on 16.3.2018 and 19.3.2018 respectively
Appendix II	Conditions for Working within Gathering Grounds
Appendix III	Recommended advisory clauses
Drawing A-1	Site plan submitted by the applicant
Drawing A-2	Section 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
MAY 2018**