

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/634

<u>Applicant</u>	CLP Power Hong Kong Limited
<u>Site</u>	Government Land in D.D. 28, Tai Mei Tuk, Tai Po, New Territories
<u>Site Area</u>	About 11.95 m ²
<u>Land Status</u>	Government land currently formed part of a Short Term Tenancy (STT) No. 1365 for a non-profit making village office and ancillary uses
<u>Plan</u>	Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<u>Zoning</u>	“Village Type Development” (“V”)
<u>Application</u>	Proposed Public Utility Installation (Electricity Package Substation (ESS))

1. The Proposal

- 1.1 The applicant seeks planning permission to construct an ESS at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “V” on the approved Ting Kok OZP No. S/NE-TK/19. According to the Notes of the OZP, the proposed ESS, which is regarded as ‘Public Utility Installation’ use, within the “V” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 The proposed ESS is a structure with a floor area of about 11.95m² (4.96m x 2.41m) with a height of 2.99m housing a 1000KVA transformer, a 11KV switchboard, a low voltage distribution board and associated accessories (**Drawing A-1**). The application involves excavation of land for construction of a concrete plinth of 1.8m in depth to embed an underground cable trench. There is no parking and loading/unloading space requirements. The proposed ESS will be an unmanned installation after commissioning.
- 1.3 In support of the application, the applicant has submitted an application form with attachments (**Appendix I**).

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) to enhance the security of supply and provide adequate electricity in the rural area, the applicant has implemented the same planning standard for both urban and rural areas, i.e. to adopt a fully underground supply system with 11kV closed ring network. Having considered the load growth of the existing services/customer, development of new Small Houses and avoid power overloading, a new package substation is suggested to be installed for alleviating the loading condition of existing supply facilities and enhancing the reliability of the electricity supply system for the villages in the vicinity of Tai Mei Tuk Village;
- (b) the package substation is specially designed electrical equipment that occupies an area of less than 12m² and has been widely adopted in 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 materials. Its impact to the nearby areas and local traffic is expected to be minimal; and
- (c) the proposed development is supported by existing tenants of the STT at the Site.

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 planning application within the same “V” zone.

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

6.1 The Site is :

- (a) generally flat, hard-paved with no vegetation;
- (b) located to the immediate north of Tai Mei Tuk Village Office; and
- (c) situated adjacent to a local access leading to Ting Kok Road.

6.2 The surrounding areas are predominantly rural in character with village houses, cycling tracks and a bus terminus. A cluster of village houses in Tai Mei Tuk is located to the east of the Site, while another cluster of village houses in Wong Chuk Tsuen is located to the west of the Site. Ting Kok Road is situated to the further south of the Site (**Plan A-3**).

7. Planning Intention

The planning intention of the "V" zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

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 tenancy area of a valid STT No.1365 for a non-profit making village office and ancillary uses as approved by DLO/TP;
- (c) as the applicant had obtained the tenant's support to build the electricity substation at the Site and if the application is approved by the Board, the applicant should immediately approach the tenant of the STT requesting him (i.e. the Village Representative of Tai Mei Tuk) to submit an application to DLO/TP for excluding the Site from the STT; and
- (d) if the application is approved by the Board, the applicant should properly apply for the installation of an electricity package substation from LandsD under the mechanism of Block Licence that covers the Site of not exceeding 12m² in due course.

Environment

8.1.2 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.

Drainage

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

- (a) no adverse comments on the application;
- (b) the applicant should take all precautionary measures to prevent any disturbance, damage and pollution from the proposed development to any parts of the existing drainage facilities in the vicinity of the lot; and
- (c) in the event of any damage to the existing drainage facilities, the applicant would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom.

Building Matters

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

- (a) noting the application site is currently held under a Short Term Tenancy, the applicant should note that:
 - (i) before any new building works are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with the Building (Planning) Regulations 5 and 41D respectively;
 - (iii) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under the Building (Planning) Regulation 19(3) at the building plan submission stage;
 - (iv) detailed comments will be made at the building plan submission stage; and
- (b) in case of any change in land status to unleased land (e.g. government land held under a land licence), he is not in a position to comment on the planning application under the BO

as it shall be exempted from the provisions of the BO under section 41(1) (ba).

Fire Safety

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

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

Health

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

- (a) since electrical installations and facilities are not under the purview of the D 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.

Electricity and Town Gas Safety

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

- (a) no comment on the application as far as electricity supply safety and reliability are concerned;
- (b) for the design and operation of ESS, 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; 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 the electricity supply lines.

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

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Commissioner for Transport
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Highway Engineer/New Territories East, Highways Department;
- (e) Project Manager/North, Civil Engineering and Development Department;
- (f) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (g) District Officer/Tai Po, Home Affairs Department.

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

On 16.1.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 6.2.2018, no public comment was received.

10. **Planning Considerations and Assessments**

10.1 The Site falls within an area zoned “V” which is primarily intended to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The proposed ESS is required for the provision of electricity supply to the village type developments in the “V” zone. DLO/TP, LandsD advises that the Site falls within the tenancy area of a STT for a village office. As the applicant has obtained the tenant’s support to build the ESS at the Site, DLO/TP, LandsD has no objection to the application.

10.2 The Site is generally flat and hard paved with no vegetation. The proposed ESS, with a total floor area of about 11.95m² and a building height of about 2.99m, supported by an underground concrete plinth at a depth of 1.8m (**Drawing A-1**), is small in scale and not incompatible with the surrounding rural environment mainly consists of village houses. DAFC has no comment on the application.

- 10.3 To the east and west of the Site, there are a number of village houses in Tai Mei Tuk and Wong Chuk Tsuen (**Plan A-3**). The proposed ESS is an essential public utility facility to enhance the security and reliability of electricity supply to the existing villages and future development in the area. DEMS has no comment on the application as far as electricity supply safety and reliability are concerned. In view of the small scale of the proposed ESS, it is unlikely to cause significant adverse drainage, environmental and traffic impacts on the surrounding areas. Other concerned Government departments, including C for T, CE/MN, DSD, DEP, CE/C, WSD and D of FS have no objection to/adverse comment on the application.
- 10.4 No public comment was 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 2.3.2022, 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 following approval condition and advisory clauses are also suggested for Members' reference:

Approval Condition

- the provision of fire service installations and water supplies for firefighting 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**.

- 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 approval conditions and 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
Appendix II	Recommended advisory clauses
Drawing A-1	Layout plan of the proposed ESS submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4a	Site photo
Plan A-4b	Site photo

**PLANNING DEPARTMENT
MARCH 2018**