

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/313

<u>Applicant</u>	:	China Light and Power (CLP) Hong Kong Limited
<u>Site</u>	:	Government Land in D.D. 129, San Hing Tsuen, Near Lau Fau Shan Road, Yuen Long
<u>Site Area</u>	:	11.95m ² (about)
<u>Lease</u>	:	Government Land (GL)
<u>Plan</u>	:	Draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/8
<u>Zoning</u>	:	“Village Type Development” (“V”)
<u>Application</u>	:	Proposed Public Utility Installation (Package Substation) and Excavation of Land (1.8m)

1. The Proposal

- 1.1 The application seeks planning permission to use the application site (the Site) for proposed public utility installation (package substation) and excavation of about 1.8m depth of land for the construction of underground cable trench. The proposal is to provide electricity supply to the existing village (San Hing Tsuen) and to cater for electricity supply for future developments, alleviate the loading condition and enhance the reliability of the electricity supply system. The Site falls within an area zoned “V” on the OZP (**Plan A-1**). The Site does not involve any previous planning application and is currently vacant.
- 1.2 The proposed public utility installation (package substation) (substation) is regarded as a ‘Public Utility Installation’. According to the Notes for “V” zone on the OZP, ‘Public Utility Installation’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Remarks (c) of the Notes for “V” zone stipulates that any excavation of land, including that to effect a change of use to any of those specified in Column 1 and 2 within the “V” zone, requires planning permission from the Board.
- 1.3 As shown at **Drawings A-2** and **A-3**, the proposed substation (with an area of about 11.95m²) has a maximum height of about 2.991m and a cable trench will be embedded in a concrete plinth of 1.8m depth underground.

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 20.3.2018 with location plan, general layout drawing of the package substation and underground concrete plinth plan **(Appendix I)**
 - (b) Further information on no impact on the entrance to the adjacent parking area received on 7.5.2018 **(Appendix Ia)**

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 summarised as follows:

- (a) The proposed substation is not only to provide electricity to the existing village, but also cater for the supply for future developments and the new village houses in the vicinity around San Hing Tsuen, alleviate the loading condition and enhance the reliability of the electricity supply system.
- (b) The substation 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. A fully underground supply system with 11kV closed ring network will be provided. Minimal impact will be caused to nearby areas.
- (c) The proposed location of the substation is the only technically viable site for provision of power supply to the vicinity villages at San Hing Tsuen.
- (d) The proposed substation will have no impact on the entrance to the adjacent parking area as there is level difference between the proposed substation and the road leading to the adjacent parking area.

3. Compliance with the “Owner’s Consent/Notification” Requirements

As the Site involves Government Land (GL) 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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No.31) is not applicable to the application.

4. Previous Application

The Site does not involve any previous application.

5. Similar Application

There are 2 similar applications (Nos. A/YL-LFS/241 and A/YL-LFS/298) for public utility installation (package substation) with excavation of land within the same “V” zone on the OZP approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 9.11.2012 and 23.6.2017 respectively. Details of the application are summarized in **Appendix II**. The location of the application site is shown on **Plan A-1**.

6. The Site and Its Surrounding Areas (Plans A-1 to A-4)

6.1 The Site is:

- (a) currently vacant; and
- (b) accessible to Lau Fau Shan Road through GL and private land.

6.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) predominantly residential dwellings, some small houses under construction, vacant land and unused land;
- (b) fallow agricultural land and vacant land for a temporary public vehicle park in the vicinity of the Site operating under the planning permission No. A/YL-LFS/310;
- (c) except those having valid planning permissions or being “existing uses”, other open storage site, vehicle park and vehicle repair workshop in its vicinity are mostly suspected unauthorised developments (UD); and
- (d) further southwest across Lau Fau Shan Road are some residential dwellings, a vehicle repair workshop and open storage site which are suspected UD and a warehouse under the planning permission of Application No. A/HKS/5 for temporary logistics centre use.

7. Planning Intention

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. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

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/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The application site situates on GL (about 11.95m² subject to verification) and no permission is given for occupation of GL included in the Site. The act of occupation of GL without Government's prior approval is not allowed.
- (b) The Site is accessible to Lau Fau Shan Road through both GL and private land. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should planning approval be given to the planning application, the applicant has to apply for a formal approval prior to the actual occupation of the GL. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Traffic

8.1.2 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/ drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road.

Nature Conservation

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

As the Site is paved and disturbed, she has no adverse comment on the application from nature conservation point of view. Nevertheless, should the application be approved, the applicant is advised to adopt necessary measures to avoid any impacts to the trees and vegetation on government land during the proposed works.

Landscape

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

- (a) With reference to the aerial photo of 2017, the site is observed to be hard paved and vacant. The site is situated in an area of village landscape character. Significant change to the landscape character arising from the application is not anticipated.
- (b) The applicant is advised that approval of the application by the TPB does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree work applications should be submitted direct to LandsD for approval.
- (c) The applicant is advised to minimise the works area and/or extent of excavation as far as practical to avoid unnecessary damage to the root system of the nearby trees and vegetation if any.
- (d) In view of the 100% site coverage, it is impractical to impose a landscape condition.

Drainage

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

He has no objection in principle to the application from drainage point of view. However, the applicant is reminded that the installation should neither obstruct the overland flow nor adversely affect any existing watercourse, village drains or ditches, etc.

Fire Safety

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

- (a) He has no objection to the proposal subject to fire service installations (FSIs) being provided to the satisfaction of the Director of Fire Services.
- (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 to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.
- (d) The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (e) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Health Aspect

8.1.7 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-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.

Geotechnical Aspect

8.1.8 Comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

He has no in-principle geotechnical objection to the application. Regarding the excavation of land with depth of 1.8m for constructing an electricity substation, the applicant is reminded to submit the proposed works to the BD for approval as required under the provisions of the BO if appropriate.

Others

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

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) 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. They should also 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.

District Officer’s Comments

8.1.10 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any comment from the locals and he has no objection to the application.

8.2 The following departments have no comment on the application:

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD)
- (b) Chief Engineer/Special Tasks, Civil Engineering and Development Department (CE/SP, CEDD);
- (c) Project Manager (New Territories West), Civil Engineering and Development Department (PM (NTW), CEDD);
- (d) Chief Engineer/Sewerage Projects, Drainage Services Department (CE/SP, DSD);
- (e) Director of Environmental Protection (DEP);
- (f) Commissioner of Police (C of P);
- (g) Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD); and
- (h) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

9. Public Comment Received During the Statutory Publication Period

On 27.3.2018, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 17.4.2018, no public comment was received.

10. Planning Considerations and Assessments

- 10.1 The Site is zoned “V”, which 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. According to the applicant, the proposed public utility installation (package substation) with excavation of about 1.8m depth of land (**Drawings A-2 and A-3**) is to provide electricity supply to serve the village and enhance the reliability of the electricity supply system. In this regard, the proposed development is considered not in conflict with the planning intention of the “V” zone.
- 10.2 The proposed development is not incompatible with the surrounding areas comprising mainly small houses or vehicle park (**Plan A-2**).
- 10.3 There is no objection or adverse comments from concerned Government departments, including DEP, AC for T/NT of TD, CE/MN of DSD and CTP/UD&L, PlanD. Given the nature and small scale of the proposed substation (with a total floor area of about 11.95m²) (**Drawing A-2**) and the excavation of land for underground cable trench of about 1.8m depth of land (**Drawing A-3**), it is expected the proposed development and the associated excavation of land would not cause any significant adverse environmental, traffic, drainage and landscape impacts on the surrounding areas and the technical requirements of D of FS could be addressed by approval condition in paragraph 11.2 below.
- 10.4 The Committee has approved 2 similar applications (Nos. A/YL-LFS/241 and A/YL-LFS/298) for public utility installation within the same “V” zone (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decision.
- 10.5 There is no public comment received.

11. Planning Department’s Views

- 11.1 Based on the assessment 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 18.5.2022, 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

following conditions of approval and advisory clauses are also suggested for Member's reference:

Approval Condition

- (a) the submission and implementation of fire service installations 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 III**.

- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that the proposed development is at the most suitable location for electricity package substations and that no alternative site is available.

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 received on 20.3.2018 with location plan, general layout drawing of the package substation and underground concrete plinth plan
Appendix Ia	Further information on no impact on the entrance to the adjacent parking area received on 7.5.2018
Appendix II	Similar application within the same "V" zone on the draft Lau Fau Shan and Tsim Bei Tsui OZP
Appendix III	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	General Layout Drawing of Package Substation
Drawing A-3	Underground Concrete Plinth Plan
Plan A-1	Location Plan with Similar Application

Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & 4b	Site Photos

**PLANNING DEPARTMENT
MAY 2018**