

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/489

<u>Applicant</u>	: CLP Power Hong Kong Limited
<u>Site</u>	: Government Land in D.D. 117, Tai Tong, Yuen Long, New Territories
<u>Site Area</u>	: 11.97m ² (about)
<u>Land Status</u>	: Government Land (GL)
<u>Plan</u>	: Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
<u>Zoning</u>	: “Recreation” (“REC”)
<u>Application</u>	: Proposed Public Utility Installation (Package Substation)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed public utility installation (package substation) (**Plan A-1**). According to the Notes of the OZP for “REC” zone, ‘Public Utility Installation’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, the proposed package substation would be enclosed in a steel structure measuring some 4.96m in length, 2.41m in width and 2.99m in height. The proposed structure would house a 1000kVA transformer, a 11kV switchboard, a low voltage distribution board and associated accessories. Plans showing the vehicular access leading to the Site and a general layout drawing submitted by the applicant are at **Drawings A-1 to A-2** respectively.
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with plans received on 12.11.2019 (**Appendix I**)
 - (b) Further Information (FI) received on 16.12.2019 (**Appendix Ia**)
responding to departmental comments
[accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are mainly detailed in Part 10 of the Application Form at **Appendix I**. They can be summarised as follows:

- (a) Having considered the load growth of the existing services/customers and development of new Small Houses around the area, a new package substation is proposed to enhance the reliability of the electricity supply system and provide adequate electricity to the area around Tai Tong Organic Ecopark.
- (b) The package substation is prefabricated and fully enclosed. It is an unmanned design, easy to install, maintenance-free and made of fireproof materials. Minimal traffic and drainage impacts to the nearby areas are envisaged.
- (c) Vacant unallocated sites at the nearby “Open Storage” zone were considered technically infeasible as they are located away from the supply area, and extended cable length would cause unacceptable voltage drop.

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

As the Site involves 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.31A) is not applicable to the application.

4. Previous Application

The Site was the subject of one previous application (No. A/YL-TT/15) covering a much larger site for rural theme park, which was approved with conditions on review by the Board on 31.1.1997 for the reasons that the proposal was compatible with the planning intention; a large portion of the vegetation was preserved and the agricultural activities will be retained; the proposed development was compatible with the surrounding area; there was no adverse traffic and environmental impacts; and other technical issues and requirements were not insurmountable. The proposal did not commence and the permission lapsed on 1.2.1999. Details of the application are summarised in **Appendix II** and the site boundary is shown on **Plan A-1**.

5. Similar Application

There is no similar application within the subject “REC” zone.

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

6.1 The Site is:

- (a) accessible from Tai Tong Shan Road to its north via a local track (**Plans A-1 to A-3**); and

- (b) currently vacant amongst an amenity area.

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

- (a) predominately rural but mixed in character with recreation facilities, open storage/storage yards, animal farm, office, food factory, graves, agricultural land and unused/vacant land;
- (b) there is a stream to the west of the Site; and
- (c) the aforementioned open storage/storage yards and food factory in the vicinity are mostly suspected unauthorised developments subject to enforcement action taken by the Planning Authority.

7. Planning Intention

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

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) According to her desktop checking, the Site falls within unleased and unallocated GL in D.D. 117. The actual site area and boundary of the Site involved will be subject to verification upon receipt of application if any.
- (b) Should planning approval be given to the application, the applicant must ensure the proposed public utility installation would in all respect comply in full with the terms and conditions of the relevant Block Licence, and apply to her office for an Excavation Permit on the subject location. Upon receipt of the application, her department will consider the application in accordance with applicable policy and practice and there is no guarantee that the application will be approved. The said application if approved would be subject to such terms and conditions, to be imposed by her department in the landlord capacity at its sole discretion.

Traffic

- 8.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The land status of the access road/path/track leading to the Site from Tai Tong Shan Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (c) In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

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

His department shall not be responsible for the maintenance of any access connecting the Site and Tai Tong Shan Road.

Health

8.1.4 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.
- (b) 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.

Environment and Landscape

8.1.5 Comments of the Director of Environmental Protection (DEP):

In view of the small scale and nature of the proposed development, the application alone is unlikely to cause major pollution. He has no objection to the application.

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

- (a) She has no objection to the application from landscape planning perspective.
- (b) With reference to the aerial photo of 2019 (**Plan A-3**), the Site appears to be used for agricultural uses. The Site is situated in an

area of rural landscape character. The applied use is not incompatible with the surrounding landscape character.

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

- (a) She has no adverse comment on the application from nature conservation point of view.
- (b) The Site is disturbed in nature and small. The proposed development would not involve any tree felling according to the applicant's submission. Should the application be approved, the applicant should adopt appropriate measures to avoid causing pollution or disturbance to the adjacent stream during installation of the package substation.

Drainage

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) The Site is in close proximity to a slope maintained by his department. The applicant should ensure the works would not encroach and affect the concerned slope. The applicant is reminded to properly arrange the proposed installation to avoid unforeseeable flooding affecting its service and to provide his own drainage facilities to collect the runoff generated from the Site or passing through the Site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant is also reminded to consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to water supplies for firefighting and fire service installations (FSIs) being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) Furthermore, the emergency vehicular access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under

Building (Planning) Regulation 41D which is administrated by the Buildings Department (BD).

Electricity Supply

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

- (a) He has no comment on the application as far as electricity supply safety and reliability are concerned.
- (b) For the design and operation of electricity package substation, the applicant has to comply with Electricity Ordinance and relevant statutory requirements. As the electricity package substation 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. The Electricity Supply Lines (Protection) Regulation (the 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.

District Officer’s Comments

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

Her office has not received any comment, from the village representatives in the vicinity, regarding the subject application.

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

- (a) Chief Building Surveyor/New Territories West, BD (CBS/NTW, BD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (d) Commissioner of Police (C of P).

9. Public Comments Received During Statutory Publication Period

On 22.11.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 13.12.2019, 32 public comments were received. One member of the general public (**Appendix III-1**) questioned the catchment of the proposed substation and opined that the proposal should be located on private land instead of GL. The remaining 31 comments were made on a standard letter from alleged residents of Tai Tong Shan Road (a sample of the letter is at **Appendix III-2**) supporting the application on the grounds that the proposal could help resolve the current unstable electricity supply in the area, especially during hotter months.

10. Planning Considerations and Assessments

- 10.1 The subject application is for proposed public utility installation (package substation) at a site zoned “REC” on the OZP. Although the proposed development is not entirely in line with the planning intention of the “REC” zone, which is primarily intended for recreational developments for the use of the general public and the development of active and/or passive recreation and tourism/eco-tourism, the proposal is intended to alleviate the loading condition of the existing electricity supply facilities and to enhance the reliability of the electricity supply system for existing and future developments in and adjacent the subject “REC” zone.
- 10.2 The proposed development is considered not incompatible with the surrounding area, which is predominately rural but mixed in character with recreation facilities, open storage/storage yards and animal farm, etc. (**Plan A-2**).
- 10.3 Given the nature and small scale of the proposed package substation (with a total floor area of about 11.97m²), significantly adverse environmental, traffic and drainage impacts on the surrounding areas are not envisaged. Relevant government departments consulted, including CE/MN, DSD, DEMS, C for T and DEP have no adverse comment on/no objection to the application. Besides, the technical requirements of D of FS could be addressed by approval condition in paragraph 11.2 below.
- 10.4 There are 32 public comments, including 31 supporting comments and one comment providing recommendations on site selection, on the application as summarised in paragraph 9 above. The planning considerations and assessments in paragraphs 10.1 to 10.3 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 comments in paragraph 9, 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 3.1.2024, 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 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 at **Appendix IV**.

- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member’s reference:

The proposed development is not in line with the planning intention of the “REC” zone, which is intended primarily for recreational developments for the use of the general public and the development of active and/or passive recreation and tourism/eco-tourism. No strong planning justification has been given in the submission to justify 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 with plans received on 12.11.2019
Appendix Ia	FI received on 16.12.2019 responding to departmental comments
Appendix II	Previous Application covering the Site
Appendices III-1 and III-2	Public Comments received during Statutory Publication Period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	General Layout Drawing
Plan A-1	Location Plan with Previous Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2020**