

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/STT/20

<u>Applicant</u>	:	CLP Power Hong Kong Limited represented by ERM-Hong Kong, Limited
<u>Site</u>	:	Government land (GL) in D.D. 96, near Lok Ma Chau Village, San Tin
<u>Site Area</u>	:	About 61m ²
<u>Land Status</u>	:	GL
<u>Plan</u>	:	Approved San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/2
<u>Zoning</u>	:	“Conservation Area” (“CA”)
<u>Application</u>	:	Proposed Public Utility Installation (Low Voltage Underground Cable) and Associated Excavation and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (low voltage underground cable) and associated excavation and filling of land at the application site (the Site), which falls within an area zoned “CA” on the OZP (**Plan A-1**). According to the Notes of the OZP for “CA” zone, ‘Public Utility Installation’, which is a Column 2 use, as well as excavation and filling of land require planning permission from the Town Planning Board (the Board). The Site is located on an existing hard-paved local access (**Plans A-3 and A-4a**).
- 1.2 The Site is accessible from Lok Ma Chau Road via a local access (**Plan A-1**). According to the applicant, the proposed installation is intended to provide electricity for water pumps, pond pumps and other ancillary equipment/facilities to support a proposed fish farm for self-consumption¹ at the existing ponds at Lots 2053, 2054, 2055 and 2056 in D.D.96 (the Lots) to the north of the Site within the same “CA” zone (**Drawing A-1 and Plan A-2**).
- 1.3 The proposed installation involves laying of an underground low voltage cable of about 61m in length with excavation of land for a cable trench of 1m in width, resulting in a total excavation area of about 61m², and the trench will be about 1.2m in depth. The underground cable will connect the existing electricity outlet

¹ According to the Notes of the OZP for “CA” zone, the proposed fish farm is regarded as ‘Agricultural Use (Fish Pond Culture only)’ and is always permitted within the “CA” zone.

at the eastern end of the proposed cable and an existing electricity pole at the western end, where the applicant's meter box will be installed (**Drawing A-1**). Upon completion of the proposed works, the excavated area will be backfilled and reinstated to its original ground level. According to the applicant, the proposed works will be conducted in daytime hours only (i.e. 8:00 a.m. to 5:00 p.m.). The layout plan and section plan for the proposed installation submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.4 According to the submitted Ecological Impact Assessment (EcoIA), mitigation measures such as erecting temporary fence at the boundary of works area to reduce disturbance to surrounding habitats and wildlife, avoiding the use of direct lighting on adjacent habitats, checking the presence of wildlife in open trenches prior to commencing works, and adopting good site practices and measures in accordance with relevant practice notes to control surface runoff and potential pollution to watercourses, will be implemented to mitigate the potential ecological impacts. With the implementation of the proposed mitigation measures, residual ecological impacts of the proposed works would be of low/negligible significance and acceptable.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on (**Appendix I**) 11.3.2025 and Supplementary Information (SI) received on 19.3.2025
 - (b) Further Information (FI) received on 24.4.2025 and (**Appendix Ia**) 25.4.2025*

** 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 detailed in the Application Form, SI and FI at **Appendices I to Ia**, which can be summarised as follows:

- (a) There is currently no power supply to the Lots for the proposed fish farm. The proposed installation is necessary to provide electricity to support the operation of a proposed family-run fish farm at the Lots, including water pumps, pond pumps and other ancillary equipment/facilities, which will be in operation once there is electricity supply. The fish production from the proposed fish farm, which is always permitted in the "CA" zone according to the Notes of the OZP, will be for self-consumption.
- (b) The proposed installation is to support the provision of 13.2kW power supply for at least three water/pond pumps and other ancillary equipment/ facilities of the proposed fish farm. Alternative electricity sources such as mobile generator have been considered, however, continuous generation of noise and air pollutants as well as potential wastewater leakage arising from the use of generator could cause adverse environmental disturbance to the surrounding areas. Taking into account

the scale of the fish farm, the proposed installation is considered the most suitable option for a reliable source of electricity supply.

- (c) According to the EcoIA, with the implementation of the mitigation measures as mentioned in paragraph 1.4 above, residual ecological impacts of the proposed works would be of low/negligible significance and acceptable.
- (d) There is no existing tree at the Site and no tree felling or pruning will be involved. Adverse landscape impact is not anticipated.
- (e) To minimise the construction impact on the “CA” zone, the proposed cable has been designed to be laid under an existing paved local access and to minimise the construction footprint of the cable as far as practicable. Also, the construction of the proposed cable will mainly utilize small-scale construction machineries and hand-held equipment/machineries. Good construction traffic management practice including temporary traffic control measures will also be adopted to minimise impacts on road traffic during construction phase.
- (f) No alternative alignment outside the Wetland Conservation Area (WCA) and the “CA” zone could be identified. The Site is located at the edge of the WCA and only involves excavation works along an existing local access. As demonstrated in the submitted EcoIA, it is anticipated that the proposed works will not result in a net loss of habitat, pollution loading to the Deep Bay Area and negative disturbance impact. Hence, the proposed works will not jeopardise the planning intention of “CA” zone and is in line with the Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C).

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

As the Site involves GL only, the 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. 31B) are not applicable.

4. Town Planning Board Guidelines

The Site falls mainly within the WCA (about 80.6%), with minor portion within Wetland Buffer Area (WBA) (about 19.4%) in Deep Bay Area (**Plan A-1**). The TPB PG-No. 12C are relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

5. Background

The Site is not subject to active planning enforcement action.

6. Previous Application

There is no previous application covering the Site.

7. Similar Applications

- 7.1 During the past five years, there are four similar applications (No. A/YL-ST/612, 618, 653 and 661) submitted by the current applicant for proposed public utility installations (underground cables or pole and pole stay erection) with associated filling and excavation of land within or straddling the same “CA” zone on the OZP. One of these applications was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2022, and the remaining three covering the same sites were rejected by the Committee in 2023 and 2024.
- 7.2 Application No. A/YL-ST/612² to the further south-west of the Site was for proposed public utility installation for underground cables with associated filling and excavation of land for new power supply for the development of the Hong Kong-Shenzhen Innovation and Technology Park at the Loop. The application was approved by the Committee in 2022 mainly on the considerations that the proposed installation and associated works being an essential infrastructure with overriding public interest was in line with the planning intention of the “CA” zone; there was no other alternative location of the alignment outside the “CA” zone; the proposal complied with TPB PG-No. 12C; and there were no objection to or no adverse comments from relevant government departments.
- 7.3 The three rejected applications (No. A/YL-ST/618, 653 and 661) covering the same sites for proposed public utility installation (pole and pole stay erection) and associated filling and excavation of land was for provision of electricity to support the intended agricultural use of fish rearing facilities³ (No. A/YL-ST/618) and the installation of a video surveillance system and pumping devices for drainage and flood prevention in a proposed structure⁴ (No. A/YL-ST/653 and 661). These applications were rejected by the Committee in 2023 and 2024 mainly on the considerations that the proposed installation and associated works were not in line with the planning intentions of the “CA” and “Green Belt” (“GB”) zones; the applicant failed to demonstrate that the proposed installation and associated works were essential to support a permitted use within the “CA” zone and that there were exceptional circumstances and strong planning grounds for the proposed installation and associated works within the “GB” zone; and the proposed installation and associated works were not in line with the relevant TPB-

² The similar application fell within “CA” zone and area shown as ‘Road’ on the then approved San Tin OZP No. S/YL-ST/8 at the time of consideration by the Committee.

³ Under application No. A/YL-ST/618, the applicant advised that electricity supply was required for the proposed fish farming with installation of two canvas tanks in the same “CA” zone. Although ‘Agricultural Use (Fish Pond Culture only)’ is permitted within the “CA” zone, ‘Fish Pond Culture’ excludes fish rearing facilities such as concrete pools or tanks according to the Definitions of Terms published by the Board. The intended fish farming purpose indicated by the applicant is not a use that is always permitted within the “CA” zone.

⁴ Under applications No. A/YL-ST/653 and 661, the installation of the pumping device and the associated structure to accommodate the pump equipment required excavation at the lot. There was no valid planning permission for the said proposed excavation works at the lot.

PG No. 10 and TPB PG-No. 12C.

- 7.4 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) located on an existing hard-paved local access;
- (b) accessible by a local access connecting to Lok Ma Chau Road; and
- (c) mainly located within the WCA, with minor portion within WBA, in Deep Bay Area.

8.2 The surrounding areas are rural in character comprising ponds, grassland, agricultural land and scattered residential structures. The Lots to the north of the Site within the same “CA” zone, which the proposed installation is intended to serve, are currently ponds without fish farm operation (**Plans A-2 and A-4b**).

9. Planning Intention

9.1 The planning intention of the “CA” zone is to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. The “no-net-loss in wetland” principle is adopted for any change in use within this zone. The primary intention is to discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest.

9.2 As stated in the Explanatory Statement (ES) of the OZP, filling and excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the environment. In view of the conservation value of the area within “CA” zone, permission from the Board within “CA” zone is required for such activities.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

10.2 The following government department has comments on the application:

Nature Conservation and Fisheries

10.2.1 Comments of the Director of Agricultural, Fisheries and Conservation (DAFC):

- (a) no adverse comment on the application from nature conservation perspective;
- (b) the Site falls partly within WCA. It is noted that an EcoIA has been conducted and mitigation measures have been proposed. With proper implementation of the proposed mitigation measures, no significant residual ecological impact is anticipated; and
- (c) no comment on the proposed installation and proposed fish farm from fisheries perspective.

11. Public Comment Received During Statutory Publication Period

On 21.3.2025, the application was published for public inspection. During the statutory publication period, one public comment was received from an individual objecting to the application mainly on the grounds that no approval has been given for operating the proposed fish farm at the existing ponds, the proposed installation is not in line with the planning intention, and the cumulative impact with the development of the San Tin Technopole would degrade the natural habitats in the area (**Appendix VI**).

12. Planning Considerations and Assessments

12.1 The application is for proposed public utility installation (low voltage underground cable) and associated excavation and filling of land at the Site zoned “CA” on the OZP. According to the applicant, the Site involves an existing hard-paved local access only and the proposed installation is intended to provide electricity for the operation of a proposed fish farm (which is a permitted use at the “CA” zone), including water pumps, pond pumps and other ancillary equipment/facilities, at the existing ponds at the Lots within the same “CA” zone. Upon installation of the underground cable along the existing hard-paved local access, the entire cable trench will be back-filled to ground level and reinstated. No tree felling would be involved for the proposed installation with associated excavation and filling of land. The applicant also indicates that no suitable alternative locations outside the “CA” zone and WCA could be identified and other alternative means of electricity provision explored, e.g. mobile generator, may cause environmental nuisance to the surrounding. While the proposed installation with associated excavation and filling of land is not entirely in line with the planning intention of the “CA” zone, it is essential to support the provision of electricity for the operation of a permitted fish pond culture use within the same “CA” zone.

12.2 Filling and excavation of land within the “CA” zone require planning permission

from the Board as they may cause adverse drainage impacts on the adjacent areas and adverse impacts on the environment. In this regard, Director of Environmental Protection (DEP), Chief Engineer/Mainland North of Drainage Services Department and DAFC have no adverse comments on the application from environmental, drainage and nature conservation perspectives respectively.

- 12.3 The Site falls mainly within WCA, with minor portion within WBA under TPB-PG No. 12C. According to the applicant, to mitigate the potential ecological impact, the proposed installation works will be conducted in daytime hours only (i.e. 8:00 a.m. to 5:00 p.m.). Besides, mitigation measures are proposed in the submitted EcoIA, such as provision of temporary fences and avoidance of the use of direct lighting on adjacent habitats, and good site practices will also be adopted during the construction of the project (details at paragraph 1.4 above). As demonstrated in the submitted EcoIA, it is anticipated that the proposed works will not result in a net loss of habitat, pollution loading to the Deep Bay Area and negative disturbance impact. DAFC has no adverse comment on the application from nature conservation perspective and considers that with proper implementation of the mitigation measures proposed in the EcoIA, no significant residual ecological impact are anticipated. DEP also has no objection to the application from environmental perspective. In view of the above, the proposed installation with associated works is considered not in conflict with TPB-PG No. 12C.
- 12.4 The Site is located along an existing hard-paved local access connecting to Lok Ma Chau Road. The proposed installation with associated excavation and filling of land, which is small in scale with no tree felling involved, is considered not incompatible with the surrounding rural environment. The Chief Town Planner/Urban Design and Landscape of the Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective, and considers that the proposed installation with associated works is not incompatible with the surrounding landscape character and that adverse landscape impact arising from the proposed installation and associated works at the Site is not anticipated. Other concerned government departments consulted including the Commissioner for Transport, Director of Fire Services and Director of Electrical and Mechanical Services have no objection to or no adverse comment on the application.
- 12.5 As detailed in paragraph 7 above, there are four similar applications (No. A/YL-ST/612, 618, 653 and 661) for proposed public utility installation and associated filling and excavation of land within the same “CA” zone on the OZP, with the former one approved by the Committee in 2022 and the latter three covering the same sites rejected by the Committee between 2023 and 2024. The three applications (No. A/YL-ST/618, 653 and 661) were rejected by the Committee mainly on the consideration that the applicant failed to demonstrate that the proposed installation and associated works were essential to support the end uses, which are not permitted use within the “CA” zone. However, the planning circumstances of the current application are different from that of the three rejected applications, in that the proposed installation with excavation and filling of land is to support a permitted use within the “CA” zone, and no adverse impacts on the surrounding areas are anticipated. Approval of the current application is in line with the Committee’s previous decisions.

- 12.6 Regarding the public comment objecting to the application as detailed in paragraph 11, the departmental comments and planning assessments above are relevant.

13. **Planning Department's Views**

- 13.1 Based on the assessment made in paragraph 12 and having taking into account the public comment mentioned in paragraph 11, PlanD has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 2.5.2029, 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 V**.
- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed installation with associated excavation and filling of land is not in line with the planning intention of the "CA" zone which is to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. There is no strong planning justification given in the submission for a departure from the planning intention.

14. **Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. **Attachments**

Appendix I	Application form with attachments received on 11.3.2025 and SI received on 19.3.2025
Appendix Ia	FI received on 24.4.2025 and 25.5.2025
Appendix II	Relevant extracts of TPB PG-No. 12C
Appendix III	Similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses

Appendix VI

Public comment

Drawing A-1

Layout plan

Drawing A-2

Section plan

Plan A-1

Location plan with similar applications

Plan A-2

Site plan

Plan A-3

Aerial photo

Plans A-4a to A-4b

Site photos

**PLANNING DEPARTMENT
MAY 2025**