

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-CWBS/51

- Applicant** : CLP Power Hong Kong Limited represented by Kum Shing (K.F) Construction Company Limited
- Sites** : Government Land (GL) near Siu Hang Hau Road, Sheung Sze Wan, Sai Kung, New Territories
- Site Area** : About 163m²
- Land Status** : GL
- Plan** : Approved Clear Water Bay Peninsula South Outline Zoning Plan (OZP) No. S/SK-CWBS/2
- Zoning** : “Conservation Area” (“CA”)
- Application** : Proposed Public Utility Installation (Underground Cables, Electrical Pillar and Poles) and Associated Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (underground cables, electrical pillar and poles) and associated excavation of land at the application sites (the Sites), which fall within an area zoned “CA” on the approved Clear Water Bay Peninsula South OZP No. S/SK-CWBS/2 (**Plan A-1**). According to the Notes of the OZP, ‘Public Utility Installation’ and excavation of land within the “CA” zone require permission from the Town Planning Board (the Board).
- 1.2 The Sites comprise scattered portions of land including one along the pavement of Siu Hang Hau Road, one on a sloping soil track branching off Siu Hang Hau Road and the remaining one on the adjoining vegetated slopes (**Plans A-1 and A-2**). The proposed installation includes three sections of underground cables, an electrical pillar and two poles with switchgears (**Drawings A-1 to A-4**). The dimensions of the proposed installation and the proposed excavation areas are set out in the table below. The total proposed excavation area is about 163m² with depths ranging from about 1.2m to 1.8m and the excavated area will be backfilled to its original level upon completion of the proposed works. The layout plan,

section plans and existing electricity network plan submitted by the applicant are at **Drawings A-1 to A-5**.

Proposed Item	Number of provision	Dimension (sub-total)	Depth of Excavation
Underground cables	3	157m (L) x 1m (W)	1.2m
Poles with switchgear	2	4m (L) x 1m (W) x 7.2m (H)	1.8m
Electrical pillar	1	2m (L) x 1m (w) x 2m (H)	1.8m
Total Excavation Area		About 163m ²	

1.3 The proposed installation is for providing electricity supply to a private lot, i.e. Lot 140 in D.D. 230 (the Lot) to the immediate southeast of the Sites in the same “CA” zone. The Lot is currently a fenced-off area which is mainly covered with grass and shrubs, partly occupied by an existing meter kiosk¹ at its southern tip and miscellaneous items deposited on its northern portion (**Plans A-3 and A-4b**). According to the applicant, the Lot would operate as a farm for scheduled visits from the general public and for different activities including sowing, weeding, manuring, irrigating and harvesting crops. The applicant states that the proposed installation would connect the existing electrical system and meter kiosk in the Lot to supply electricity (**Plans A-2 and A-4b**).

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 6.1.2025 (**Appendix I**)
- (b) Further Information (FI) received on 24.4.2025* and (**Appendix Ia**) 28.4.2025*

* *accepted and exempted from publication and recounting requirements*

1.5 On 28.2.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ia**, and are summarised as follows:

- (a) the proposed installation would provide electricity for lighting, irrigation, weeding, heating of water and operation of the CCTV system to support the agricultural activities of the farm in the Lot. The farm would operate by accepting scheduled visits from the general public and to provide farming experience to visitors through participating in activities such as sowing, weeding, manuring, irrigating and harvesting crops;

¹ The existing metre kiosk in the southern tip of the Lot is the subject of the application No. A/SK-CWBS/36 for proposed excavation and filling of land (installation of electricity meter kiosk for permitted agricultural use) (**Plans A-2 and A-4b**) approved by the Committee on 5.2.2021 as detailed in paragraph 6.2 below.

- (b) power supply from the proposed installation is stable, clean and will not pollute the surrounding environment as compared with other alternative means of power generation such as solar panels and mobile generators;
- (c) there are no feasible alternative locations for the installation; and
- (d) there would be no visual impact and only minimal impact on the existing landscape. No tree felling is required and the works area would be kept at least 1.5m from the existing trees.

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

As the Sites involve 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 Sections 12A and 16 of the Town Planning Ordinance” (TPB PG-No. 31B) are not applicable to the application.

4. Background

- 4.1 The Lot is the subject of an application for proposed tent camping ground and excavation of land (Application No. A/SK-CWBS/40) and another application for proposed temporary place of recreation, sports or culture (hobby farm) and excavation of land (Application No. A/SK-CWBS/44), which were subsequently withdrawn by the applicants.
- 4.2 An application (No. A/SK-CWBS/42) in the same “CA” zone submitted by the same applicant also for public utility installation to provide electricity supply to the Lot but for agricultural use was rejected by the Committee in 2022 for reasons detailed in paragraph 6.3 below.
- 4.3 The Sites and the Lot are currently not subject to any active planning enforcement action.

5. Previous Application

- 5.1 The northeastern portion of the Sites is the subject of a previous application (No. A/SK-CWBS/28) submitted by the same applicant for proposed public utility installation (pole with transformer and underground cable) and excavation of land, which was approved by the Committee in 2018 mainly on the considerations that the proposed installations and associated excavation of land were essential facilities to provide electricity supply to the village houses in the Siu Hang Hau area and no adverse impacts on the surrounding areas were anticipated.
- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plans A-1** and **A-2**.

6. Similar Applications

- 6.1 There are two similar applications (No. A/SK-CWBS/36 and 42) in the past five years in the same “CA” zone on the OZP for proposed public utility installation and associated excavation of land as well as proposed excavation and filling of land for installation of an electricity meter for permitted agricultural use.
- 6.2 Application No. A/SK-CWBS/36 for proposed excavation and filling of land for installation of an electricity meter was approved by the Committee in 2021 mainly on sympathetic considerations that electricity supply was required for lighting and automatic water sprinkler system for permitted agricultural use, and no adverse impact on the surrounding areas was anticipated.
- 6.3 Application No. A/SK-CWBS/42 for proposed public utility installation (poles, underground cables) and associated excavation of land was also intended to provide electricity supply to the same Lot for agricultural use. The application was rejected by the Committee in 2022 mainly on the grounds that the proposed installation with excavation of land was not in line with the planning intention of the “CA” zone; the applicant failed to demonstrate that the proposed installation was an essential infrastructure project with overriding public interest that warranted a departure from the planning intention of the “CA” zone and it would not cause adverse landscape impacts on the site and its surrounding areas.
- 6.4 Details of the similar applications are summarised in **Appendix III** and its locations are shown on **Plans A-1** and **A-2**.

7. The Sites and Their Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3, and site photos on Plans A-4a and A-4b)

- 7.1 The Sites comprise scattered portions of land including one along the pavement of Siu Hang Hau Road, one on a sloping soil track branching off Siu Hang Hau Road and the remaining one on adjoining vegetated slopes in the “CA” zone.
- 7.2 The surrounding areas are predominantly rural in character with woodland to the south and west and existing village clusters of Sheung Sze Wan and Siu Hang Hau to the north and east. To the immediate southeast is the Lot for which the proposed installation intends to serve in the same “CA” zone, which comprises a fenced-off area currently covered with grass, shrubs and partly occupied by an existing meter kiosk and miscellaneous items deposited on it without observable sign of active cultivation activity (**Plans A-3** and **A-4b**).

8. Planning Intention

- 8.1 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 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 are essential infrastructure projects with overriding public interest may be permitted.

- 8.2 As stated in the Explanatory Statement (ES) of the OZP, as excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such works and related activities in the “CA” zone.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraph 9.2 below, other government 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.

- 9.2 The following government departments have comments on the application:

Geotechnical

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

with reference to “GEO Advice Note for Planning Applications”, the Sites meet criterion (i)² for the requirement of Geotechnical Planning Review Report (GPRR) submission. However, the applicant failed to submit the required GPRR to confirm the geotechnical feasibility of the proposed installation.

Landscape

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

- (a) the Sites are located adjacent to Siu Hang Hau Road and fall within an area zoned “CA” on the OZP. According to the aerial photo in 2023 and the site photos taken in January 2025, the Sites and the surrounding areas are generally covered with lush vegetation with trees. Considering the size and scale of the proposed installation (underground cables, electrical pillar and poles), the proposed works are considered not incompatible to the landscape character of the surrounding environment;
- (b) although the applicant indicated that no tree felling would be involved, the proposed works may require site clearance of the existing trees to meet construction and future maintenance needs. The tree crowns and roots might be affected by the works. Since the applicant has

² According to criterion (i) of the above-mentioned GEO Advice Note, in general, a GPRR will be required “where the maximum gradient across a site from boundary to boundary, or for a large site across any 50m long strip, is greater than 15°”.

failed to provide the required information on the existing trees (e.g. tree survey with demarcation of the proposed works area), the proposed tree treatment(s) and the proposed construction methodology, the potential landscape impact on the trees could not be reasonably assessed; and

(c) other advisory comments are at **Appendix V**.

10. Public Comment Received During Statutory Publication Period

On 14.1.2025, 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 there are concerns on unauthorised development within the Sites, the operation in the Lot proposed to be served with electricity supply and the integrity of the “CA” zone (**Appendix VI**).

11. Planning Considerations and Assessments

11.1 The application is for proposed public utility installation (underground cables, electrical pillar and poles) and associated excavation 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 and topographical features of the area for conservation, educational and research purposes and to separate natural environment such as 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 are essential infrastructure projects with overriding public interest may be permitted.

11.2 According to the applicant, the proposed installation will provide electricity supply to the Lot to the immediate southeast of the Sites in the same “CA” zone where electricity will be required to support the agricultural activities of the farm therein (**Plan A-2**). The Lot for which the proposed installation intends to serve is currently a fenced-off area covered by grass and shrubs, and occupied by an existing meter kiosk and miscellaneous items without observable sign of active cultivation activity (**Plans A-3 and A-4b**). Nevertheless, the applicant indicated that the operation of the concerned farm would involve accepting scheduled visits from the general public to experience farming through activities such as sowing, weeding, manuring, irrigating and harvesting crops, which is akin to a hobby farm. ‘Hobby Farm’ is regarded as ‘Place of Recreation, Sports and Culture’ use, which is not permitted within the “CA” zone. The applicant fails to provide strong justification to demonstrate that the proposed installation with excavation of land for a hobby farm is an essential infrastructure project with overriding public interest which warrants a departure from the planning intention of the “CA” zone.

11.3 H(GEO), CEDD advises that with reference to “GEO Advice Note for Planning Applications”, the Sites meet the criterion for the requirement of GPRR submission. However, the applicant failed to submit the required GPRR to confirm the geotechnical feasibility of the proposed installation. According to the ES of the

OZP, excavation of land within the “CA” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas and the natural environment. In this regard, the Chief Engineer/Mainland South, Drainage Services Department and the Director of Environmental Protection have no objection to the application from drainage and environmental planning perspectives.

- 11.4 The Sites comprise scattered portions of land including one along the pavement of Siu Hang Hau Road, one on a sloping soil track branching off Siu Hang Hau Road and the remaining one on adjoining vegetated slopes in an area predominantly rural in character with woodland and existing village clusters. The Sites and the surrounding areas are generally covered with lush vegetation with trees (**Plan A-3**). CTP/UD&L, PlanD considers that the scale of the proposed installation is not incompatible with the landscape character of the surrounding environment. However, since the applicant failed to provide the required information on the existing trees (e.g. tree survey with demarcation of the proposed works area), the proposed tree treatment(s) and the proposed construction methodology, the potential landscape impact on the trees could not be reasonably assessed.
- 11.5 Other concerned government departments including Commissioner for Transport, Director of Fire Services and Director of Electrical and Mechanical Services have no objection to or no comment on the application from traffic, fire safety and electricity supply safety aspects respectively.
- 11.6 The planning circumstances of the current application are similar to the application No. A/SK-CWBS/42 submitted by the same applicant for the same applied use to serve the same Lot for agricultural use in the same “CA” zone, which was rejected by the Committee in 2022, in that the applicant fails to demonstrate that the proposed installation with excavation of land is an essential infrastructure project with overriding public interest. There was another similar application in the same “CA” zone for proposed excavation and filling of land for installation of an electricity meter (No. A/SK-CWBS/36) but its planning circumstances differ from the current application in which the applied excavation and filling of land for an electricity meter was considered small in scale, the installation was required to provide electricity for permitted agricultural use and no adverse impact on the surrounding areas was anticipated, which could be approved on sympathetic considerations. The northeastern portion of the Sites overlaps with the site of a previous approved application (No. A/SK-CWBS/28) for proposed public utility installation (pole with transformer and underground cable) and excavation of land. However, the planning circumstances of the current application are also different from this previous application which was intended to provide electricity supply to support the village houses in Siu Hang Hau area and was considered as an essential infrastructure project with overriding public interest. Rejection of the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comment objecting to the application as detailed in paragraph 10 above, the departmental comments in paragraph 9 and planning assessments in paragraphs 11.1 to 11.6 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment in paragraph 10, the Planning Department does not support the application for the following reason:

The proposed installation with excavation of land is not in line with the planning intention of the "Conservation Area" ("CA") zone which is primarily to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes. There is a general presumption against development within the "CA" zone. The applicant fails to provide strong justification to demonstrate that the proposed installation with excavation of land is an essential infrastructure project with overriding public interest which warrants a departure from the planning intention of the "CA" zone.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 20.6.2029, 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. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, should the Committee decide to approve the application, Members are invited 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. Attachments

Appendix I	Application Form with attachments received on 6.1.2025
Appendix Ia	FI received on 24.4.2025 and 28.4.2025
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan
Drawings A-2 to A-4	Section Plans
Drawing A-5	Existing Electricity Network Plan
Plan A-1	Location Plan

Plan A-2

Site Plan

Plan A-3

Aerial Photo

Plans A-4a and A-4b

Site Photo

**PLANNING DEPARTMENT
JUNE 2025**