

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-PK/313

<u>Applicant</u>	:	CLP Power Hong Kong Limited represented by Kum Shing Civil Engineering Limited
<u>Sites</u>	:	Government Land (GL) near Keng Pang Ha Road, Sai Kung
<u>Site Area</u>	:	About 41m ²
<u>Land Status</u>	:	GL
<u>Plan</u>	:	Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11
<u>Zonings</u>	:	“Conservation Area” (“CA”) (about 26m ² or 63.4%) “Green Belt” (“GB”) (about 15m ² or 36.6%)
<u>Application</u>	:	Proposed Public Utility Installation (Underground Cables, Overhead Cable, Stays and Poles) and Associated Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (underground cables, overhead cable, stays and poles) and associated excavation of land at the application sites (the Sites), which fall within areas zoned “CA” and “GB” on the approved Pak Kong and Sha Kok Mei OZP No. S/SK-PK/11 (**Plan A-1**). According to the Notes of the OZP, provision of ‘Public Utility Pipeline’ is always permitted in “GB” zone but the excavation works for the pipeline (underground cable) requires planning permission from the Town Planning Board (the Board). Moreover, ‘Public Utility Installation’ and excavation of land within “CA” zone also require permission from the Board. The current application covers the proposed underground cables, overhead cable, stays and poles, and associated excavation of land in “CA” zone, and excavation of land for laying of permitted underground cable in “GB” zone.
- 1.2 The Sites are located at an elongated land along the edge of Keng Pang Ha Road and another piece of land on a soil path covered with shrubs and grass (**Plans A-2 and A-4a**). According to the applicant, the proposed installation includes two poles (1m (L) x 1m (W) x 7.2m (H)) supported by four stays (1m (L) x 1m (W))

each), three sections of underground cables with a width of 1m and a total length of 35m (20m in “CA” zone and 15m in “GB” zone) and overhead cable (about 34m in length in total) (**Drawings A-1 to A-5**). The area for the associated excavation works is about 41m² (1.2m in depth for the underground cable and stays and 1.8m in depth for the poles) (**Plan A-2**). The applicant indicates that no tree felling will be involved. Upon completion of the proposed works, the Sites will be backfilled to their original level. The layout plans and section plans submitted by the applicant are at **Drawings A-1 to A-5**.

- 1.3 According to the applicant, the proposed installation is for providing electricity supply to a private lot for agricultural purposes, i.e. Lot 152 RP in D.D. 220 (the Lot) (about 360m²) to the north of the Sites within the same “CA” zone. The Lot is currently a fenced-off area which is mainly covered by dense vegetation and shrubs, and partly occupied by miscellaneous items (**Plans A-3 and A-4b**). As indicated by the applicant, the Lot would operate as a farm for cultivating crops like vegetables and fruits and will not be opened to the public. The applicant states that the proposed installation would connect to the existing electrical system to the south and a meter box¹ provided in the Lot to supply electricity (**Plans A-3 and A-4b**).

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

- (a) Application Form with attachments received on 29.9.2025 (**Appendix I**)
and Supplementary Information (SI) received on 6.10.2025
- (b) Further information (FI) received on 5.11.2025* (**Appendix Ia**)
**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 and Ia**, and are summarised as follows:

- (a) the proposed installation would supply 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 Lot would operate as a farm for cultivating crops like vegetables and fruits, which will not be opened to the public;
- (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; and
- (c) there would be no visual impact and only minimal impact on the existing landscape and there is also no tree felling involved.

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

As the Sites involve GL only, the “owner’s consent/notification” requirements as set out

¹ There is no valid planning permission for the meter box within the Lot.

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. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Development within Green Belt zone under section 16 of the Town Planning Ordinance” (TPB-PG No. 10) are relevant to the application. The relevant assessment criteria are detailed at **Appendix II**.

5. Background

- 5.1 The Sites and the Lot are not subject to any active planning enforcement action.
- 5.2 Part of the Sites and the Lot, together with Lot 152 S.A in D.D. 220 and the adjoining GL were the subject of a planning enforcement case against unauthorized developments involving filling and excavation of land (E/SK-PK/97) (**Plan A-2**). Subsequent to the Enforcement Notice and Reinstatement Notice issued in February and May 2022 respectively, the unauthorized developments had been discontinued and the concerned site had been reinstated, with Compliance Notices issued in November 2022. The Planning Department will continue to monitor the situation and take appropriate action.
- 5.3 Besides, according to the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD), lease enforcement actions were carried out against the unauthorized structures at Lot 152 RP in D.D. 220 (i.e. the Lot) and a warning letter dated 19.9.2022 was issued requesting the lot owner to purge the breach of lease. Since some unauthorized structures are still situated within the Lot, LandsD is liaising with the lot owner to remove the unauthorized structures.

6. Previous Applications

- 6.1 Part of the Sites were the subject of three previous applications (No. A/SK-PK/263, 279 and 287) rejected by the Rural and New Town Planning Committee (the Committee) of the Board. Application No. A/SK-PK/263 was for proposed filling and excavation of land for permitted agricultural use at the Lot and the adjoining GL. The proposed works involved excavation of an area of 720m² with 1m in depth, and filling of an area of 428.23m² with 1.2m in height. Application No. A/SK-PK/279 was for proposed utility installation for private project (meter room and underground cable for permitted agricultural use) and associated excavation of land, which was for supplying electricity to the concerned farm at the Lot for irrigation purpose. Application No. A/SK-PK/287 was submitted by the same applicant as the current application for proposed public utility installation (poles and underground cables) and associated excavation of land, which was also for supplying electricity to the concerned farm at the Lot. The current application involves larger excavation area as compared with the last previous application.

- 6.2 All three previous applications were rejected by the Committee on 30.4.2021, 13.1.2023 and 13.10.2023 respectively mainly on the considerations that the proposed works were not in line with the planning intention of the “CA” zone in that there was no strong justification in the submission for the departure from the planning intention and the applicants failed to demonstrate that the proposed works were essential infrastructure with overriding public interest and would not have adverse environmental and landscape impacts on the surrounding area. For the latter two applications (No. A/SK-PK/279 and 287), the applicants also failed to demonstrate that the proposed installation was an essential infrastructure project with overriding public interest.
- 6.3 Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

7. Similar Applications

- 7.1 There are three similar applications (No. A/SK-PK/286, 288 and 292) for proposed public utility installation (poles and/or underground cables) and associated excavation of land within the same “CA” zone, but no similar applications within the same “GB” zone on the OZP in the past five years. The applications were rejected by the Committee on 11.8.2023, 25.8.2023 and 21.6.2024 respectively mainly on the grounds that the proposed installations with excavation of land were not in line with the planning intention of the “CA” zone in that the applicants failed to demonstrate that the proposed installations were essential infrastructure projects with overriding public interest that warranted a departure from the planning intention of the “CA” zone.
- 7.2 Details of the similar applications are summarised in **Appendix IV** and their locations are shown on **Plan A-1**.

8. 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 to A-4c)

- 8.1 The Sites comprising two elongated strips of land and two smaller areas nearby, are situated in the upland of Pak Kong and located along the edge of Keng Pang Ha Road and on a soil path covered with shrubs and grass respectively.
- 8.2 The surrounding areas are predominantly rural in character with hillside mature woodland to the north, west and east of the Sites (**Plans A-3** and **A-4c**). To the immediate north of the Sites is the Lot for which the proposed installation intends to serve, which is currently a fenced-off area mainly covered by dense vegetation and shrubs, and partly occupied by miscellaneous items deposited on it without observable sign of active agricultural activity (**Plan A-4b**). To the further west and north are the woodland in Ma On Shan Country Park and a natural stream course. To the further south and southeast are some existing village houses.

9. **Planning Intentions**

- 9.1 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.
- 9.2 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is also a general presumption against developments in this zone.
- 9.3 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 activity in both “CA” and “GB” zones.

10. **Comments from Relevant Government Departments**

- 10.1 Apart from the government department as set out in paragraph 10.2 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 V** and **VI** respectively.
- 10.2 The following government department has comments on the application:

Landscape

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

- (a) the Sites are largely covered by vegetation and are situated in an uplands and hillsides landscape predominated by woodland and vegetation. The proposed use is considered not incompatible with the surrounding woodland setting and landscape character; and
- (b) although “no tree felling” is claimed by the applicant, the Sites are currently covered with vegetation. Supplementary board-brush tree survey, additional section(s) or other relevant illustration(s) and site photos to effectively demonstrate the proposed works alignment would not involve tree felling are not provided by the applicant and hence there is insufficient information from the applicant to demonstrate that the existing landscape resources at the Sites would not be adversely affected by the proposed uses/works.

11. Public Comments Received During Statutory Publication Period

On 10.10.2025, the application was published for public inspection. During the statutory publication period, two comments were received from individuals objecting to the application mainly on the grounds that the purported purpose of the proposed public utility installation to serve agricultural use at the Lot is questionable, the Sites were the subject of previous unauthorized developments and structures, improper activities such as karaoke and cooking had been found at the Lot, and the proposed public utility installation will encourage continuation of such activities and exacerbate the noise and air pollution impacts caused to the surrounding residents and environment (**Appendix VII**).

12. Planning Considerations and Assessments

12.1 The application is for proposed public utility installation (underground cables, overhead cable, stays and poles) and associated excavation of land within areas partly zoned “CA” and partly zoned “GB” on the OZP. The proposed development is not in line with the planning intentions of “CA” and “GB” zones as set out in paragraph 9 above. There is a general presumption against development in both “CA” and “GB” zones. According to the applicant, the proposed installation is for providing electricity supply to the Lot to the north of the Sites within the same “CA” zone for agricultural activities (**Plan A-2**). The Lot is currently a fenced-off area mainly covered by dense vegetation and shrubs, and partly occupied by miscellaneous items without observable sign of active agricultural activity (**Plan A-4b**). Director of Agriculture, Fisheries and Conservation (DAFC) confirms that no Letter of Approval for erecting agriculture structures has been approved by the LandsD at the Lot and advises the need of electrical supply for agricultural activities depends on the mode of commercial agricultural production. The applicant fails to provide strong justification to demonstrate that the proposed installation with excavation of land is an essential infrastructure project which warrants a departure from the planning intention of the “CA” zone.

12.2 According to the TPB PG-No. 10, an application for new development in a ‘GB’ zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. Moreover, the proposed development should not involve extensive clearance of existing natural vegetation and should not affect the existing landscape character. The Sites are largely covered by vegetation and the surrounding areas are well-vegetated and predominated by woodland and vegetation on upland and hillside. In view of the site context, CTP/UD&L, PlanD requested the applicant to submit tree/vegetation survey or broad-brush tree survey and additional section plans or relevant illustrations or site photos to demonstrate ‘no tree felling’ as claimed by the applicant. However, the applicant did not provide the requested information to address the concerns of CTP/UD&L, PlanD on potential impact on existing landscape character. Whilst provision of ‘Public Utility Pipeline’ is always permitted in “GB” zone, the proposed excavation in the “GB” zone is not in line with the TPB PG-No. 10 as it will affect the existing landscape and may involve extensive vegetation clearance. There is also no strong justification in the submission for a departure from the planning intention of

the “GB” zone.

- 12.3 According to the ES of the OZP, excavation of land within “CA” and “GB” zones 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, Chief Engineer/Mainland South, Drainage Services Department and Director of Environmental Protection have no objection to or no adverse comment on the application from drainage and environmental protection points of view.
- 12.4 DAFC has no comment on the application from nature conservation perspective as the scale of the proposed works is minor. Other concerned government departments including Commissioner for Transport, Director of Fire Services and Head of Geotechnical Engineering Office, Civil Engineering and Development Department have no objection to or no adverse comment on the application from traffic, fire safety and geotechnical aspects respectively.
- 12.5 The planning circumstances of the current application are similar to those of the previous and similar rejected applications as detailed in paragraphs 6 and 7 above in that there is no strong justification in the submission for a departure from the planning intentions and the applicant fails to demonstrate the proposed installation is an essential infrastructure project with overriding public interest. In view of the above, rejection of the current application is generally in line with the Committee’s previous decisions.
- 12.6 Regarding the public comments objecting to the application as detailed in paragraph 11 above, the departmental comments in paragraph 10 and planning assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11, the Planning Department does not support the application for the following reasons:
 - (a) the proposed public utility installation with the associated excavation of land is not in line with the planning intentions of the “Conservation Area” (“CA”) zone which 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 from adverse effects of development and that of “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within both “CA” and “GB” zones. There is insufficient information in the submission to demonstrate that the proposed installation is an essential infrastructure project with overriding public interest. There is also no strong justification in the submission for a departure from the planning intentions of both “CA” and “GB” zones; and
 - (b) the proposed excavation of land is not in line with the Town Planning Board

Guidelines No. 10 for ‘Application for Development within “GB” zone’ in that the applicant fails to demonstrate there are exceptional circumstances and strong planning grounds and there is no adverse impact on the existing landscape for the proposed works in the “GB” zone.

- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 21.11.2029, 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 VI**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

15. Attachments

Appendix I	Application Form with attachments received on 29.9.2025 and SI received on 6.10.2025
Appendix Ia	FI received on 5.11.2025
Appendix II	Relevant Extract of Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No.10)
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments’ General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawings A-1 and A-2	Layout Plans
Drawings A-3 to A-5	Section Plans
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos