

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PN/87

- Applicant** : Mr. Woo Ma Man
- Site** : Lot 60 S.D (Part) in D. D. 135, Sheung Pak Nai, Yuen Long, New Territories
- Site Area** : About 2,280m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan (OZP) No. S/YL-PN/9
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Public Utility Installation (Solar Photovoltaic System) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public utility installation (solar photovoltaic (SPV) system) for a period of five years at the application site (the Site) (**Plan A-1**) zoned “AGR” on the OZP. According to the Notes of the OZP for “AGR” zone, ‘Public Utility Installation’ is Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, fenced-off and partly used for deposit of containers and partly for the applied use without valid planning permission (**Plans A-2, and A-4a to A-4b**).
- 1.2 The Site is accessible from Nim Wan Road (**Plan A-2**). As shown on the layout plan at **Drawing A-1**, the applied use comprises a total of 639 SPV panels (2m (L) x 1m (W)), including 139 panels installed on top of the meter room, electricity transformer room and storage room with a height not more than 6.5m as well as 500 panels mounted on metal frames with a height not more than 3m which the applicant proposes to plant aloe vera, ginger and okra underneath.
- 1.3 According to the applicant, the SPV system would be connected to the existing electrical power network of CLP Power Hong Kong Limited (CLP Power) under the ‘Renewable Energy Feed-in Tariff Scheme’ (FiT Scheme), and the total generation capacity of the system is 170kW. All electricity generated would be sold to CLP Power on commercial basis. The applicant has obtained an Application Acknowledgement Letter from CLP Power which confirmed the preliminary technical feasibility of the proposal (**Appendix I**).

1.4 The development parameters of the application are summarised as follows:

Site Area	2,280m ²
Total Floor Area	1,279.78m ² - 1,000m ² (for SPV panels mounted on metal frames) - 279.78m ² (for structures ¹ with SPV panels above)
Height	Not more than 3m (for SPV panels mounted on metal frames) Not more than 6.5m (for structures with SPV panels above)
Number of SPV Panels	639
Number of Structures	3 (for meter room, electricity transformer room and storage room)

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

- (a) Application Form with attachments received on 22.5.2025 (Appendix I)
- (b) Supplementary Information (SI) received on 2.6.2025 (Appendix Ia)
- (c) Further Information (FI) received on 20.6.2025* (Appendix Ib)
- (d) FI received on 3.9.2025* (Appendix Ic)
- (e) FI received on 7.11.2025* (Appendix Id)

**accepted and exempted from publication and recounting requirements*

1.6 On 18.7.2025 and 24.10.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application each 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 the application form, SI and FI at **Appendices I to Id**. They can be summarised as follows:

- (a) the applied use is temporary in nature and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone;
- (b) the applicant undertakes to submit drainage proposal and implement drainage facilities to mitigate potential adverse drainage impacts;
- (c) the applied use would cater for the electricity needs of the people living in the surrounding areas;
- (d) the meter room requires a larger area in order to accommodate both the SPV system connected to CLP Power’s network and an off-grid SPV system with inverters and battery to supply electricity for the Site; and

¹ Structures refer to the 5m high electricity transformer room and meter room, and a 4m high storage room.

- (e) as recommended by CLP Power, the electricity transformer room is needed for future electricity connection as the existing electricity transformer poles at the north of the Site will be demolished to pave way for road widening works². The transformer room is larger than typical ones as three transformers would be accommodated and buffer space is required in between electricity transformers for fire prevention and temperature control.

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

The applicant is not a “current land owner” but has complied with 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 Ordinance (TPB PG-No. 31B) by obtaining owner’s consent. Detailed information would be deposited at the meeting for Members’ inspection.

4. Assessment Criteria for Considering Applications for Solar Photovoltaic System

The ‘Assessment Criteria for Considering Applications for Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance’ first promulgated on 21.7.2020 is relevant to the application. The latest set of Assessment Criteria which was promulgated on 7.10.2022 are detailed at **Appendix II**.

5. Background

The FiT Scheme

- 5.1 The FiT Scheme is an initiative introduced by the Government under the post-2018 Scheme of Control Agreements with the two power companies for promoting the development of distributed renewable energy. It aims to encourage the private sector to consider investing in renewable energy as the power generated could be sold to the power companies at a rate higher than the normal electricity tariff to help recover the costs of investment in the renewable energy systems and generation.
- 5.2 Any non-governmental bodies or individuals, who as customers of the relevant power company plan to install distributed renewable energy systems at their premises in the respective power company’s supply area, are eligible for prescribed FiT rates from that power company as long as they have been connected to the latter’s grid. To join the FiT Scheme, an applicant may make submission to the relevant power company direct with the required documents including the preliminary layout diagram and other information of the proposed renewable energy system. After meeting the requirements specified by the power company on technical assessment, system test and installation works, the power company will proceed to install a smart meter in the applicant’s premises to facilitate connecting the proposed renewable energy system to the power grid. The successful applicant would be offered the FiT rate throughout the project life of the renewable energy system until end-2033. The applicant shall ensure that the design, installation, operation and maintenance of the renewable energy system comply with the applicable laws,

² The investigation study for the Upgrading of Nim Wan Road (North) is still in progress.

guidelines and safety and technical guidelines.

Site history and enforcement status

- 5.3 The Site³ had been hard-paved before the incorporation of land filling restriction to the subject “AGR” zone in the Sheung Pak Nai and Ha Pak Nai OZP No. S/YL-PN/7 gazetted in 2005 (**Plan A-3b**).
- 5.4 The use of the Site for storage of containers and SPV system would be subject to planning enforcement action.

6. Previous Application

The Site was involved in a previous application No. A/YL-HT/414 covering a much larger site for temporary racing circuit which was rejected by the Committee of the Board in 2005. Details of the previous application are summarised in **Appendix III** and its location is shown on **Plan A-1**. Considerations of the previous application are not relevant to the current application which involves a different use.

7. Similar Application

There is no similar application for public utility installation (SPV system) use within the subject “AGR” zone.

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

8.1 The Site:

- (a) is hard-paved, fenced-off and partly used for deposit of containers and partly for the applied use without valid planning permission;
- (b) is accessible from Nim Wan Road to the north of the Site; and
- (c) falls within the Sheung Pak Nai Site of Archaeological Interest.

8.2 The surrounding areas are predominated by residential dwellings, temporary structures with SPV panels, cultivated agricultural land and shrubland/woodland. Other uses/features such as storage/open storage yards, plant nursery and a pond are also located in the vicinity.

9. Planning Intention

The “AGR” zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

³ As advised by District Lands Officer/Yuen Long of Lands Department, the Site is covered by a Short Term Waiver for watchman shed and industrial storage first granted in 1985.

10. Comments from Relevant Government Bureau / Departments

10.1 Apart from the government bureau / department as set out in paragraphs 10.2 and 10.3 below, other bureau / 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 bureau supports the application:

Policy Aspect

10.2.1 Comments of the Secretary for Environment and Ecology (SEE):

- (a) The Government has set net-zero electricity generation as one of the major decarbonisation strategies in the Hong Kong's Climate Action Plan 2050 promulgated in October 2021. To achieve the long-term carbon neutrality target before 2050, zero-carbon electricity supply through renewable energy development are needed to be increased as far as possible.
- (b) The policy is for the Government to take the lead in developing renewable energy at various buildings and facilities where technically and financially feasible, and to create conditions that are conducive to community participation. For the private sector, the Government and the power companies have introduced the FiT Scheme, providing financial incentives which can encourage the private sector to invest in distributed renewable energy. The Government has also introduced a series of measures to facilitate and support members of the public in developing renewable energy.
- (c) He supports the development of renewable energy systems, including systems such as the one proposed under the application in the subject "AGR" zone involving the installation of 639 solar panels for meeting the annual electricity demand of about 51 households. The application, if approved, could make good use of the land to coexist agricultural use and solar energy generation while achieving the carbon neutrality target.
- (d) The applicant should note his advisory comments in **Appendix V**.

10.3 The following government department does not support the application:

Agriculture and Nature Conservation

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

- (a) The Site falls within the "AGR" zone and is generally vacant with some structures. The agricultural activities in the vicinity are active, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site

possesses potential for agricultural rehabilitation, the application is not supported from agricultural perspective.

- (b) There is a watercourse at the southeastern corner of the Site. Should the application be approved, the applicant is advised to take appropriate measures to avoid/ minimise impacts e.g. pollution to the watercourse.

11. Public Comment Received During Statutory Publication Period

On 3.6.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix VI**) was received objecting to the application mainly on the ground that the application for temporary public utility installation is for disguising brownfield uses at the Site.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary public utility installation (SPV system) for a period of five years within the “AGR” zone of the OZP (**Plan A-1**). The applied use is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The DAFC does not support the application from agricultural point of view in that the Site possesses potential for agricultural rehabilitation. Nevertheless, the applied use is for participation in the FiT Scheme jointly introduced by the Government and the two power companies for the private sector to invest in renewable energy, which will last until end of 2033. In this regard, SEE supports the application for development of renewable energy systems and considers that approval of the application could make good use of the land to coexist agricultural use and solar energy generation while achieving the carbon neutrality target. In order to address the concern of DAFC, the applicant has proposed to plant aloe vera, ginger and okra underneath the SPV panels. In view of the policy support from SEE and taking into account the planning assessments below, there is no objection to the applied use on a temporary basis for a period of five years.
- 12.2 The Site is located in an area predominated by scattered residential dwellings, temporary structures with SPV panels, cultivated agricultural land and shrubland/woodland. The applied use is considered not entirely incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape of Planning Department has no comment on the application from landscape planning perspective since significant landscape impact on existing landscape resources within the Site is not anticipated.
- 12.3 Other concerned government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD), Director of Fire Services (D of FS) and Chief Heritage Executive (Antiquities and Monuments) of Antiquities and Monuments Office have no objection to or no adverse comment on the application on traffic, environmental, drainage, fire safety and archaeological aspects respectively. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions recommended in paragraph 13.2 below.

The applicant will also be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ should the application be approved by the Committee.

- 12.4 The Site had been hard-paved before the incorporation of land filling restriction to the subject “AGR” zone in the Sheung Pak Nai and Ha Pak Nai OZP No. S/YL-PN/7 gazetted in 2005 (**Plan A-3b**). Nonetheless, since the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 12.5 Regarding the public comment objecting to the application as stated in paragraph 11 above, any unauthorized development on the Site would be subject to planning enforcement action.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department 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 on a temporary basis for a period of five years until **19.12.2030**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission of a drainage proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Drainage Services and the Chief Heritage Executive (Antiquities and Monuments) of Antiquities and Monuments Office or of the Town Planning Board by **19.6.2026**;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Drainage Services and the Chief Heritage Executive (Antiquities and Monuments) of Antiquities and Monuments Office or of the Town Planning Board by **19.9.2026**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **19.6.2026**;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **19.9.2026**;

- (f) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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 applied use is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning 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 period of which permission should be valid on a temporary basis.
- 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 22.5.2025
Appendix Ia	SI received on 2.6.2025
Appendix Ib	FI received on 20.6.2025
Appendix Ic	FI received on 3.9.2025
Appendix Id	FI received on 7.11.2025
Appendix II	Assessment Criteria for Considering Applications for Solar Photovoltaic System Made Under Section 16 of the Town Planning Ordinance
Appendix III	Previous Applications

Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment Received During Statutory Publication Period
Drawing A-1	Layout Plan
Drawing A-2	Section Plan
Drawings A-3 to A-4	Layout and Section Plans of Transformer Room
Plan A-1	Location Plan with Previous Application
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos taken in 2024 and 2005
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**