

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/226

<u>Applicant</u>	: Mr. LI Chi To
<u>Site</u>	: Lot 37 S.B ss.1 in D.D. 81, Sha Tau Kok, New Territories
<u>Site Area</u>	: About 223.5m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Temporary Public Utility Installation (Solar Photovoltaic System) with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public utility installation (PUI) (solar photovoltaic (SPV) system) with ancillary facilities for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for “AGR” zone, ‘Public Utility Installation’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is being used for the applied use without valid planning permission.
- 1.2 The Site is accessible via a local track leading to Sha Tau Kok Road – Wo Hang (**Plan A-2**). According to the applicant, the proposal comprises a total of 30 solar panels (about 1.7m(L) x 1.3m(W) x 0.03m(H) each) mounted on supporting frames of about 1.5m in height, a single-storey store room and a single-storey meter room (2m to 2.7m in height) with a total floor area of about 14.76m². The applicant has applied to take part in the ‘Renewable Energy Feed-in Tariff Scheme’ (the FiT Scheme) and an Acknowledgment Letter was received from CLP Power Hong Kong Limited (CLP). The SPV system at the Site will be connected to CLP’s existing network and the generation capacity of the proposed installation is 10kW. The applicant confirms that the applied use will not involve site formation or excavation/filling of land. No parking space or loading/unloading bay will be provided within the Site. The layout plan submitted by the applicant is shown in **Drawing A-1**.

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

- (a) Application Form with attachments received on 16.12.2025 (Appendix I)
- (b) Supplementary Information (SI) received on 18.12.2025 (Appendix Ia)
- (c) Further Information (FI) received on 27.1.2026 and 28.1.2026* (Appendix Ib)
**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 Ib**, as summarised below:

- (a) development of renewable energy (RE) is essential in combatting climate change;
- (b) considering that there has been no agricultural activities at the Site in recent years and the development trend, the Site has no potential for agricultural rehabilitation. With a view to better utilising land resources and achieving carbon reduction, the applicant takes part in the FiT Scheme; and
- (c) no vegetation clearance, felling of trees and excavation or filling of land is involved for the applied use. Adverse drainage, sewerage, traffic, landscape, geotechnical, water supply, aviation safety and ecological impacts are not anticipated. Only temporary and removal device will be involved in the application. The Site could be resumed for agricultural use at any time.

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

The applicant is one of the “current land owners” and 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 Town Planning Ordinance (TPB PG-No. 31B) by obtaining the consents of two other “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Assessment Criteria**

The set of Assessment Criteria for Considering Applications for SPV System made under Section 16 of the Town Planning Ordinance (Assessment Criteria) was first promulgated on 21.7.2020. The latest set of Assessment Criteria which was promulgated on 7.10.2022 is at **Appendix II**.

5. **Background**

5.1 The Site is subject to planning enforcement case (No. E/NE-LK/156) against unauthorized development (UD) involving use for place for solar panels installations. An Enforcement Notice (EN) was issued on 20.11.2025 requiring discontinuation of the UD by 20.2.2026.

- 5.2 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 RE. It aims to encourage the private sector to consider investing in RE 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 RE systems and generation.
- 5.3 Any non-governmental bodies or individuals, as customers of the relevant power company planning to install distributed RE systems at their premises in the respective power company's supply area, are eligible for prescribed FiT rates from that power company if they have been connected to the latter's grid. An applicant for the Scheme may make submission direct to the relevant power company with the required documents including the preliminary layout diagram and other information of the proposed RE system. After meeting the requirements specified by the power company on technical assessment, system test and installation works, the power company will proceed with installing a smart meter in the applicant's premises to facilitate connection the proposed RE system to the power grid. Successful applicant would be offered the FiT rate throughout the project life of the RE system until end 2033. The applicant shall ensure that the design, installation, operation and maintenance of the RE system comply with the applicable laws, guidelines and safety and technical guidelines.

6. Previous Application

The Site is not the subject of any previous application.

7. Similar Application

There is no similar application within the same "AGR" zone in the vicinity of the Site in the past five years.

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

8.1 The Site is:

- (a) being used for the applied use without valid planning permission; and
- (b) accessible via a local track leading to Sha Tau Kok Road – Wo Hang.

8.2 The surrounding areas are of rural character mainly comprising domestic structures, fallow agricultural and vacant land.

9. Planning Intention

The planning intention of the "AGR" zone is 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.

10. Comments from Relevant Government Bureau/ Departments

10.1 Apart from the government bureau and department as set out in paragraphs 10.2 and 10.3 respectively 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 at **Appendices III** and **IV** 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, it is needed to increase zero-carbon electricity supply through RE development as far as possible;
- (b) the policy is for the Government to take the lead in developing RE at various buildings and facilities where technically and financially feasible, and to create conditions that are conducive to community participation. For the private sector, he and the power companies have introduced the FiT Scheme, providing financial incentives which can encourage the private sector to invest in distributed RE. He has also introduced a series of measures to facilitate and support members of the public in developing RE;
- (c) should the Planning Department (PlanD) have no objection to the application, he supports the development of RE systems, including the temporary PUI under this application in the subject "AGR" zone, involving the installation of 30 solar panels with a capacity of approximately 10kW, which is sufficient to fulfil the annual electricity demand of about three households. The application, if approved, could make good use of the land for solar energy generation while achieving the carbon neutrality target; and
- (d) his advisory comments are at **Appendix IV**.

10.3 The following government department does not support the application:

Agriculture

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

- (a) the application is not supported from the agricultural perspective; and
- (b) the Site falls within the "AGR" zone and is generally vacant with some structures. The agricultural activities are active in the vicinity, 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. The Site possesses potential for agricultural rehabilitation.

11. Public Comments Received During Statutory Publication Period

On 23.12.2025, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix V**). Two comments from Kadoorie Farm and Botanic Garden (KFBG) and an individual object to the application mainly on the grounds that the installation is not in line with the planning intention of the “AGR” zone; and agricultural land should be reserved for agricultural use. KFBG also provides view that the Board should consider whether the Site falls within the proposed Man Uk Pin Agricultural Priority Area (APA), and whether the applied use will cause potential impacts on this APA. The remaining two comments from the Chairman of Lung Shan Area Committee and a member of the North District Council indicate no comment on the application.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary PUI (SPV system) with ancillary facilities for a period of three years at the Site falling within an area zoned “AGR” on the OZP. The applicant advises that the SPV system at the Site will be connected to the CLP network via the FiT Scheme, which is jointly introduced by the Government and the two power companies for the private sector to invest in the RE until end of 2033. The applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective. Nevertheless, according to the applicant, as the SPV system only involves temporary and removable devices and the installation does not require any site formation or excavation/filling of land, agricultural activities can be resumed at the Site anytime. SEE supports the RE system under the application. Given the electricity generated from the SPV system is equivalent to about three domestic households’ annual energy demand, SEE considers that the application could make good use of land for solar energy generation while achieving the carbon neutrality target. 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 of three years.
- 12.2 The surrounding areas of the Site are of rural character mainly comprising domestic structures, fallow agricultural and vacant land. The applied use, comprising 30 solar panels mounted on supporting frames with a height of about 1.5m and two structures of 2m to 2.7m in height with a total floor area of 14.76m², is considered not entirely incompatible with the surrounding area. The Chief Town Planner/Urban Design and Landscape of PlanD has no adverse comment on the application and considers that significant adverse landscape impact arising from the application 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, Director of Electrical and Mechanical Services, Director of Health and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to follow the requirements of the ‘Code of Practice on

Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise possible environmental nuisance on the surroundings. As 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.

- 12.4 The applied use is generally in line with the Assessment Criteria (**Appendix II**) for considering applications for SPV system in that the applicant has obtained CLP's Acknowledgement Letter; height of the structures of the installation (i.e. not more than 2.7m) is in keeping with the surrounding areas and commensurate with the function it performs; relevant departments consulted in general have no adverse comments on the application from various technical perspectives; and the long-term planning intention of the "AGR" zone would not be frustrated.
- 12.5 Regarding the public comments as detailed in paragraph 11 above, the government departments' comments and planning assessments 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 above, 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 on a temporary basis for a period of three years until 6.2.2029. The following conditions of approval and advisory clauses are 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 or of the Town Planning Board by 6.8.2026;
- (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 or of the Town Planning Board by 6.11.2026;
- (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 6.8.2026;
- (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 6.11.2026;

- (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 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 at **Appendix IV**.

- 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 the 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 the 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 16.12.2025
Appendix Ia	SI received on 18.12.2025
Appendix Ib	FI received on 27.1.2026 and 28.1.2026
Appendix II	Assessment Criteria for Considering Applications for SPV System made under Section 16 of the Town Planning Ordinance
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments

Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**