

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HH/85

- Applicant** : CLP Power Hong Kong Limited represented by Kum Shing Civil Engineering Limited
- Sites** : Government Land (GL) in D.D. 214 near Nam Wai, Sai Kung
- Site Area** : About 103m²
- Plan** : Approved Hebe Haven Outline Zoning Plan (OZP) No. S/SK-HH/8
- Zoning** : “Conservation Area” (“CA”)
- Application** : Proposed Public Utility Installation (Underground Cable, 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 cable, overhead cable, stays and poles) and associated excavation of land¹ at the application sites (the Sites), which fall within an area zoned “CA” on the approved Hebe Haven OZP No. S/SK-HH/8 (**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 several scattered portions with majority situated on densely vegetated slopes and a minor portion located along a paved local track (**Plans A-1** and **A-2**). The proposed works involve laying an 89m long underground cable and erecting four poles, each 7.2m in height, connected by about 191m long overhead cables across the vegetated slopes (**Drawing A-1**). The proposed excavation area is about 103m² with, excavation depths of 1.2m and 1.8m. All excavation areas will be backfilled to their original levels upon completion of the works. The dimensions of the proposed installation and excavation areas are summarised in the table below. The layout plan, existing electricity network plan and section plans submitted by the applicant are at **Drawings A-1** to **A-5**.

¹ The entire installation includes two portions of the proposed underground cable and overhead cable, and one pole and stays falling within the “Village Type Development” (“V”) zone (**Plan A-2**) which are permitted under the covering Notes of the OZP and not to be included in planning assessment.

Proposed Item	Number of provision	Dimension (each)	Depth of Excavation	Excavation Area
Underground cable	1	89m (L) x 1m (W)	1.2m	89m ²
Pole	4	1m (L) x 1m (W) x 7.2m (H)	1.8m	4m ²
Stay	10	1m (L) x 1m (W)	1.2m	10m ²
Total Excavation Area				About 103m ²

1.3 According to the applicant, the proposed installation is intended solely to provide electricity supply to a village house, which is under construction at Lot 666 in D.D. 214, falling within the “V” zone in Nam Wai (**Drawing A-2** and **Plan A-2**). The applicant also indicates that there are currently no other requests for electricity provision in the nearby village area.

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

- (a) Application Form with attachments received on 4.3.2026 (**Appendix I**) and Supplementary Information (SI) received on 11.3.2026
- (b) Further Information (FI) received on 27.5.2026* (**Appendix Ia**)

**accepted and exempted from publication and recounting requirements*

1.5 On 17.4.2026, 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 is for provision of electricity supply to one village house at Lot 666 in D.D. 214 in Nam Wai;
- (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 as the alternative cable routing will cross several third-party private lots in the village area;
- (d) the applicant commits to carry out a tree and plant assessment before excavation works, maintain a 2m distance between the proposed installation and any existing tree(s) as well as reinstate any affected vegetation; and

- (e) the applicant will comply with environmental protection and relevant preventive measures before carrying out excavation works.

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**

The Sites are not subject to any active planning enforcement action.

5. **Previous Application**

There is no previous application at the Sites.

6. **Similar Application**

6.1 There is one similar application (No. A/SK-HH/70) for proposed public utility installation (poles, pole with transformer and underground cables) and associated excavation of land in the same “CA” zone, which was approved with conditions by the Committee on 14.9.2016 mainly on the grounds that the application sites were located along an existing track with areas occupied by shrubs/grasses; the proposed installation was an essential installation to ensure reliable electricity supply for Nam Wai village area; and no adverse impact on the surrounding areas was anticipated.

6.2 Details of the similar application are summarised in **Appendix II** and its location is shown on **Plan 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 several scattered portions with majority situated on densely vegetated slopes and a minor section located along a paved local track. A portion of the Sites for proposed underground cable and pole erection falls within Nam Wai Site of Archaeological Interest (**Plans A-1** and **A-2**).

7.2 The surrounding areas are predominantly rural in character, comprising clusters of village houses to the west and north, and dense woodland to the east and south. In a wider context, the Sites form part of the dense woodland within the “CA” zone of Cheung Kung Shan (**Plan A-1**). To the southwest is the village house currently under construction at the southern edge of the “V” zone of Nam Wai, which the

proposed installation is intended to serve (**Plans A-3 and A-4b**). The existing village clusters of Nam Wai are mainly concentrated along both sides of Nam Wai Road to the further northwest and north, where an existing electricity network is available within the “V” zone (**Plan A-2**).

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 department 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 II and III** respectively.
- 9.2 The following government department has reservation on the application:

Landscape

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

- (a) reservation on the application from landscape planning perspective;
- (b) the Sites fall within the “CA” zone. According to aerial photo taken in 2025 (**Plan A-3**), the Sites are located in an area of miscellaneous urban fringe landscape characterised by village houses and dense woodland;
- (c) according to the site photos taken in March 2026 (**Plans A-4a and A-4b**), the Sites are mainly covered with vegetation and existing trees are observed on site;
- (d) based on the layout plan (**Drawing A-1**) and the aerial photo taken in 2025 (**Plan A-3**), it is observed that the proposed installations may be in conflict with the vegetation or existing trees in the “CA” zone. The applicant should

provide further information indicating the relationship between the proposed installations and the existing trees;

- (e) should the application be approved, an approval condition requiring the applicant to submit and implement a landscape proposal should be imposed; and
- (f) other advisory comments are at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 13.3.2026, 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 is no record of application or approval for construction of residential use in the “CA” zone and the approval of the planning application would encourage extensive development in the area (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is to seek planning permission for proposed public utility installation (underground cable, overhead cable, stays and poles) and associated excavation of land within an area zoned “CA” on the OZP. The proposed development is not in line with the planning intention of “CA” zone as set out in paragraph 8 above. According to the applicant, the proposed installation involves laying 89m long underground cable and erecting four poles, each 7.2m in height, connected by about 191m long overhead cables across densely vegetated slopes, for providing electricity supply to a village house currently under construction in Nam Wai (**Plan A-2**). The applicant also indicates that there is no current plan for the proposed installation to serve other village areas. While the applicant claims that no alternative feasible alignment is available, it is noted from the submitted drawing (**Drawing A-2**) that vacant land within the “V” zone exists between the said village house and the nearest existing electricity network in Nam Wai. This land could potentially accommodate an alternative routing that would not require traversing the “CA” zone. However, the applicant has neither assessed the feasibility of alternative alignments outside the “CA” zone (i.e. through vacant land within the “V” zone) nor provided justification for the extent of underground cable laying and pole erection across the densely vegetated “CA” zone. As such, the applicant fails to demonstrate that the proposed public utility installation with excavation of land is an essential infrastructure project with overriding public interest that warrants a departure from the planning intention of the “CA” zone.

11.2 The Sites are located in an area of miscellaneous urban fringe landscape characterised by village houses and dense woodland (**Plan A-3**). Although Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation perspective, CTP/UD&L, PlanD points out that the Sites are mainly covered with vegetation and existing trees. It is observed from the layout plan (**Drawing A-1**) and the aerial photo (**Plan A-3**) that the proposed installations may be in conflict with the vegetation or existing trees in the “CA” zone. While the applicant proposes that a 2m distance will be maintained

between the proposed installation and any existing tree(s), and commits to reinstate any affected vegetation, the applicant has not provided the required information indicating the relationship between the proposed installation and the existing trees. As such, CTP/UD&L, PlanD has reservation on the application from the landscape planning perspective.

- 11.3 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 respectively.
- 11.4 Other concerned government departments including the 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.
- 11.5 The planning circumstances of the current application differ from those of the similar approved application as detailed in paragraph 6 above in that the applicant fails to demonstrate that the proposed installation solely serving one village house is an essential infrastructure project with overriding public interest, which warrants a departure from the planning intention of “CA” zone. The applicant also fails to demonstrate that the proposed installation would not generate adverse landscape impacts on the vegetation or existing trees within the densely vegetated “CA” zone. In view of the above, rejection of the current application would not be in conflict with the Committee’s previous decision.
- 11.6 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 11.5 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 reasons:
 - (a) 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; and
 - (b) the applicant fails to demonstrate that the proposed installation with

excavation of land would not generate adverse landscape impact on the application sites and the surrounding areas.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 24.7.2030, 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 following condition of approval and advisory clauses are suggested for Members' reference:

Approval Condition

The submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Recommended Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

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 4.3.2026 and SI received on 11.3.2026
Appendix Ia	FI received on 27.5.2026
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Existing Electricity Network Plan
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 and A-4b

Site Photos

**PLANNING DEPARTMENT
JULY 2026**