

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-TMT/87

- Applicant** : CLP Power Hong Kong Limited represented by Kum Shing Civil Engineering Limited
- Site** : Government Land (GL) in D.D. 216 near Tai Wan, Sai Kung
- Site Area** : About 152m²
- Plans** : Approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan No. S/SK-TMT/4 (TMT OZP) and Approved Pak Kong and Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11 (PK OZP)
- Zoning** : “Conservation Area” (“CA”) (66% on TMT OZP and 34% on PK OZP)
- Application** : Proposed Public Utility Installation (Underground Cable) and Associated Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (underground cable) and associated excavation of land¹ at the application site (the Site), which falls within an area zoned “CA” straddling the TMT OZP and PK OZP (**Plan A-1**). According to the Notes of both OZPs, ‘Public Utility Installation’ and excavation of land within the “CA” zone require permission from the Town Planning Board (the Board).
- 1.2 The Site is located along a paved track branching off the village cluster of Tai Wan (**Plans A-2 and A-4a**). The proposed installation includes a 152m-long underground cable of 1 m in width, requiring excavation to a depth of 1.2 m (**Drawings A-1 to A-3**). Upon completion of the proposed works, the excavation area will be backfilled to its original level. The layout plan, existing electricity network plan and section plan submitted by the applicant are at **Drawings A-1 to A-3**.
- 1.3 According to the applicant, the proposed installation is intended to provide

¹ The entire installation includes a portion of proposed underground cable falling within the “Village Type Development” zone (**Plan A-2**), which is permitted under the covering Notes of the OZP and not to be included in planning assessment.

electricity supply to a private lot for agricultural purpose, i.e. Lot 482 in D.D. 216 (the Lot), to the immediate northwest of the Site within the same “CA” zone. The proposed installation would connect to the meter box² within the Lot to provide the required electricity. Currently, the Lot is a fenced-off hillside slope covered with trees and dense vegetation, with no observable sign of active agricultural activity (**Plans A-3, A-4a and A-4b**). The applicant indicates that containers and temporary supporting facilities will be placed within the Lot for agricultural production, including storage of crops and farming tools, and the Lot will not be open to the public. The applicant has not submitted any information on the proposed crop farming activities, including the farm layout, type of crops to be cultivated, and the intended operation of the farm (whether for self-consumption or for commercial sale).

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

- (a) Application Form with attachments received on 2.3.2026 (**Appendix I**) and Supplementary Information (SI) received on 4.3.2026
- (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 would provide electricity for lighting, irrigation, weeding, heating of water and operation of the CCTV system to support the agricultural activities and daily farm management in the Lot. There will be containers and temporary supporting facilities on the Lot for agricultural production and storage of crops/farming tools. The Lot will be used strictly for agricultural farming purposes and will not open 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;
- (c) there are no feasible alternative locations for the installation; and
- (d) the applicant will comply with environmental protection and relevant preventive measures before carrying out excavation works.

² There is no valid planning permission for meter box within the Lot.

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

As the Site involves 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 Site and the Lot are not subject to any active planning enforcement action.

4.2 The Lot and the adjoining GL were the subject of a planning enforcement case against unauthorised developments involving excavation and filling of land (E/SK-TMT/29) (**Plan A-2**). Subsequent to the Enforcement Notice and Reinstatement Notice issued in February and May 2021 respectively, the unauthorised developments had been discontinued and the concerned site had been reinstated, with Compliance Notices issued in July 2021.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

6.1 There is one similar application (No. A/SK-PK/275) in the past five years in the same “CA” zone on the approved PK OZP for proposed public utility installation (pole with transformer and underground cable) and associated excavation of land, which was approved by the Committee in August 2022 mainly on the grounds that the proposed installation with excavation of land was considered an essential infrastructure project for supplying electricity to the existing village houses in Tai Wan 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-1**.

7. The Site and Its 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 Site is entirely located along an existing paved track connecting the village clusters of Tai Wan and Nam A to Tai Mong Tsai Road with a very small portion abutting a bare slope at the northern end.

7.2 The surrounding areas are predominantly rural in character with woodland to the north, east and west, and existing village houses of Tai Wan and Nam A to the immediate south and further north respectively. To the immediate northwest is the Lot for which the proposed installation intends to serve in the same “CA” zone, which comprises a fenced-off hillside slope covered with trees and dense

vegetation with no 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 PK OZP and TMT 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 III and IV** respectively.
- 9.2 The following government departments provide views on the application:

Fire Safety

9.2.1 Comments of the Director of Fire Services (D of FS):

- (a) no objection to the proposed installation;
- (b) the Site overlaps with one of the access routes leading to Nam A, which is a village located to the north of the Site (**Plan A-2**). To ensure that firefighting and rescue operations in the affected village are not impeded, the applicant shall submit additional information regarding the excavation works, specifically the width of the access road that will be retained throughout the excavation works;
- (c) according to the submitted information, his office is unable to further assess the potential impact of the proposed excavation works as there is no concrete information regarding the width of the access road that can be maintained during the excavation works; and
- (d) should the application be approved, an approval condition should be

imposed to require the applicant to submit a plan demonstrating the minimum access width for fire appliances to Nam A Village before the commencement of excavation works and maintain the aforementioned width of access throughout the excavation works period.

Nature Conservation

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

- (a) no comment on the application from nature conservation perspective in view that the proposed installation works are along an established track;
- (b) the need for supplying electricity for agricultural purpose(s) generally depends on the kind and complexity of farming activity involved; and
- (c) his department has not received any application for a Letter of Approval (LoA) to erect agricultural structures in the Lot and currently there is no farm participating in Agriculture, Fisheries and Conservation Department (AFCD)'s schemes (i.e. Organic Farming Support Service Scheme, Voluntary Registration Scheme, Accredited Farm Scheme or "Agri enjoy" Scheme) in the Lot.

10. Public Comment Received During Statutory Publication Period

On 9.3.2026, 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 alternative means of electricity supply should be explored, no information on the type and scale of the agricultural use has been provided by the applicant to justify the need for electricity supply to the Lot and approval of the application would encourage further development in the "CA" zone (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is to seek planning permission for proposed public utility installation (underground cable) and associated excavation of land within an area zoned "CA" on the PK OZP and TMT 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. Although DAFC has no comment on the application from nature

conservation perspective, the proposed installation with excavation of land is not in line with the planning intention of “CA” zone.

- 11.2 The applicant has not submitted any information on the proposed crop farming activities, including the farm layout, type of crops to be cultivated, and the intended operation of the farm (whether for self-consumption or for commercial sale), to support his claim that the proposed installation is intended to provide electricity supply to support agricultural activities in the Lot within the same “CA” zone, which is currently a fenced-off hillside slope covered by trees and dense vegetation with no observable sign of active agricultural activity (**Plans A-2 and A-4b**). DAFC also confirms there is no record of any application for a LoA to erect agricultural structures nor any participation in AFCD farming schemes at the Lot. He further advises that the need of electricity supply for agricultural activities depends on the kind and complexity of farming activity involved. In this regard, the applicant has neither substantiated the need of the proposed installation to support agricultural activities nor demonstrated that proposed installation is intended to provide electricity for genuine agricultural activities. As such, 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.
- 11.3 The Site comprises an existing paved track branching off the village clusters of Tai Wan in an area predominantly rural in character with dense woodland and existing village clusters (**Plan A-3**). Based on the site photos taken in March 2026 (**Plan A-4a**), the Site for the proposed installation is hard-paved, the proposed works are within an existing path and no tree felling will be involved as indicated by the applicant. The Chief Town Planner/Urban and Landscape, Planning Department considers that no significant adverse landscape impact is anticipated from the proposed installation.
- 11.4 According to the ES of the PK OZP and TMT 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 in view of the small scale of the proposed installation.
- 11.5 The Site overlaps with one of the access routes leading to Nam A, a village located to the north of the Site (**Plan A-2**). From fire safety aspect, while D of FS has no objection to the proposed installation, the potential impacts on firefighting and rescue operations in the Nam A Village arising from the associated excavation works along the said access cannot be fully assessed as the applicant has not provided concrete information on the width of the access road that can be maintained during the excavation works. Other concerned government departments, including the Commissioner for Transport and Head of Geotechnical Engineering Office, Civil Engineering and Development Department, have no objection to or no adverse comment on the application from traffic and geotechnical aspects respectively.

- 11.6 The planning circumstances of the current application differ from those of the approved similar application as detailed in paragraph 6 above in that there is no strong justification in the submission for a departure from the planning intention of “CA” zone and the applicant fails to demonstrate the proposed installation with excavation of land is an essential infrastructure project with overriding public interest. In view of the above, rejection of the current application would not be in conflict with the Committee’s previous decision.
- 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 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 of a plan demonstrating the minimum access width for fire appliances to Nam A Village before the commencement of excavation works and maintain the aforementioned width of the access throughout the excavation works period to the satisfaction of the Director of Fire Services 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 2.3.2026 and SI received on 4.3.2026
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
Drawing A-3	Section Plan
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**