

Assessment Criteria for Considering Applications for Solar Photovoltaic System
made under Section 16 of the Town Planning Ordinance

Feed-in Tariff and Solar Photovoltaic System

1. Development of renewable energy (RE) is an important part of the Government's efforts in combating climate change. Increasing the use of RE, a zero-carbon energy, can help decarbonize the electricity generation sector, which contributes to about two-thirds of the carbon emissions in Hong Kong. The policy is for the Government to take the lead in developing RE where technically and financially feasible and to create conditions that are conducive to community participation. Against this background, Feed-in Tariff (FiT) was introduced under the post-2018 Scheme of Control Agreements (SCAs) between the Government and the two power companies, i.e. The Hongkong Electric Company, Limited (HKE) and CLP Power Hong Kong Limited (CLP) to provide incentives for individuals and non-Government bodies to invest in RE, including solar photovoltaic (SPV) system. Under the SCAs, FiT is offered for electricity generated by the RE systems throughout the project life of the RE systems¹ or until 31 December 2033, whichever is the earlier.
2. A SPV system includes SPV panels, inverter(s), energy meters, distribution board(s), cables and other components as necessary to form a complete grid connected SPV installation. The two key components are SPV panels and inverter(s). SPV panels convert sunlight into electricity. The inverter(s) convert the output direct current (DC) of the solar panels into alternating current (AC). A typical SPV system is shown in **Figure 1**.

Statutory Planning Provision for Solar Photovoltaic System

3. In general, SPV systems are commonly found on (i) rooftop of buildings (including New Territories Exempted House (NTEH)); and (ii) vacant land.
4. If installation of SPV system is incidental to, directly related and ancillary to and commensurate in scale with a permitted use/development within the same zone or at the rooftop of buildings, it is regarded as an ancillary use for supplementing power supply to the use/development, household or building². No planning permission for the system is required.
5. Installation of SPV system as a stand-alone facility on vacant land for the FiT Scheme would be regarded as 'Public Utility Installation' ('PUI'), which is always permitted in "Commercial", "Government, Institution or Community", "Industrial", "Industrial (Group D)", "Open Storage", "Other Specified Uses" ("OU") annotated "Business" and "OU" annotated "Industrial Estate" zones. Planning application is required for stand-alone SPV system for FiT Scheme in areas where 'PUI' is a Column 2 use under the statutory plan concerned. Any such planning permission granted would be for 'Public Utility Installation (Solar Photovoltaic System for the FiT Scheme)'. Only temporary approval would be considered where there may be potential impact generated by the proposed SPV system

¹ The lifespan of a SPV system is about 20 to 25 years.

² Installation of SPV system for generating electricity for a permitted use, such as that for a farm, green house/farm structures in the "Agriculture" zone mainly for generating electricity for agricultural purposes, or that installed in connection with NTEH in "Village Type Development" zone, are also regarded as an ancillary use.

which needs to be closely monitored or that the long term planning intention of the zone may be frustrated by the proposed use.

Assessment Criteria for Planning Applications

6. The following criteria should be taken into account in assessing planning applications for SPV system made under section 16 of the Town Planning Ordinance:
 - a) it is a prerequisite for the applicant to obtain the ‘Consent Letter’ or ‘Acknowledgement Letter’/‘Network Reinforcement Condition Letter’ (or similar confirmation letter) from HKE and CLP respectively and submit a copy of the document together with the application to demonstrate the preliminary technical feasibility of the scheme in terms of serviceability, electrical safety and output generated by the SPV system;
 - b) unless with strong justifications, the SPV system, including the height of the proposed structures, should be in keeping with the surrounding area/developments and commensurate with the function(s) it performs;
 - c) for optimisation of use of land, favourable consideration may be given if viability of co-existence of the proposed SPV system and uses that are in line with the long-term planning intention of the land use zoning of the application site could be satisfactorily demonstrated;
 - d) it has to be demonstrated to the satisfaction of the relevant government departments that the SPV system will not have significant adverse impacts, including but not limited to those relating to the environment, drainage, sewerage, traffic, geotechnical safety, landscape and visual³ and, where needed, appropriate measures are to be adopted to mitigate the impacts;
 - e) unless with strong justifications⁴, proposals involving extensive site formation, vegetation clearance/tree felling, excavation or filling of land/pond or causing adverse impacts to wetland are generally not supported;
 - f) planning applications with proposed felling of existing Old and Valuable Trees (OVTs), potentially registrable OVTs, and trees of rare or protected species should not be supported. If tree removal is unavoidable, subject to the advice of relevant government departments, compensatory tree planting and/or landscape treatments should be provided within the application site as appropriate;

³ The applicant has to demonstrate that the proposal would not affect the visual and landscape amenities/character of the area adversely by, for instance, causing a significant change of landscape resources/character, dwarfing the surrounding developments or catching the public’s visual attention due to the scale and prominence of the proposed installation. Where appropriate, measures should be taken to mitigate the visual/landscape impact, for example, by peripheral screen planting.

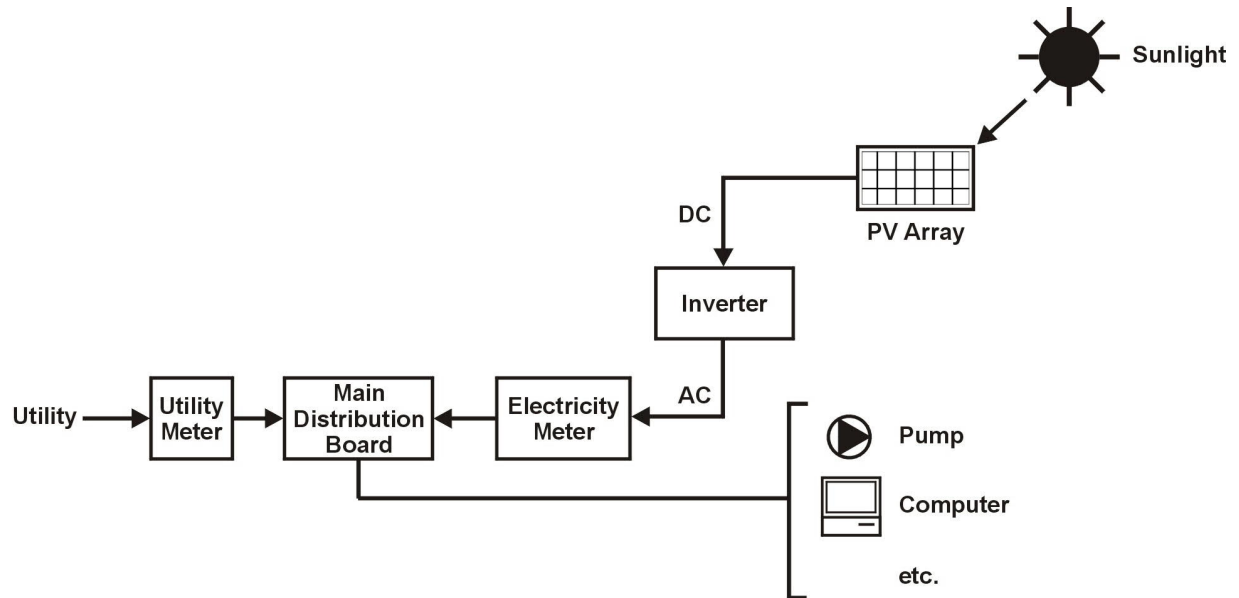
⁴ Ground-mounted SPV system is usually on steel frame or concrete plinth. It should normally not involve extensive site formation, excavation or filling of land.

- g) for SPV system falling within water gathering grounds, information should be provided to the satisfaction of the relevant government departments that the system, including its installation, maintenance and operation, will not contaminate the water supply. The SPV system should not cause material increase in pollution effect and affect yield collection within water gathering grounds;
- h) where the installation is proposed to be in area close to airports and/or heliports⁵, or major roads, it has to be demonstrated to the satisfaction of the relevant government departments that the SPV system should not cause glare to pilots/drivers and/or unacceptable adverse impact on aviation and/or traffic safety;
- i) the planning intention of “Agriculture” (“AGR”) zone is to retain and safeguard good quality agricultural farm land/fish ponds for agricultural purposes. SPV system ancillary to agricultural use would not require planning permission (as explained in Footnote 2 under Paragraph 4). Planning application for stand-alone SPV system as ‘PUI’ use in the “AGR” zone is generally not supported except those on land with no active farming activities and low agricultural rehabilitation potential. For application on fish ponds in the “AGR” zone, the applicant has to demonstrate that the SPV system will not hinder the use of the site for fisheries purposes;
- j) notwithstanding a general presumption against development in the “Green Belt” (“GB”) zone, planning permission for SPV system within the “GB” zone may be granted if after taking into consideration the conditions of the application site, among others, the SPV system would not adversely affect the landscape character/resources of the “GB” zone and jeopardise the integrity of the zone as a buffer and is in compliance with other assessment criteria particularly criterion (e);
- k) due to the sensitive nature of the conservation zones, such as the “Conservation Area”, “Coastal Protection Area” and “Site of Specific Scientific Interest” zones, planning application for SPV system within such zones is normally not supported to avoid any possible irreversible damages caused to the ecology or environment of the area within the zone;
- l) all other statutory or non-statutory requirements of the relevant government departments must be met. Depending on the specific land use zoning of the application site, the relevant Town Planning Board guidelines should be observed, as appropriate; and
- m) approval conditions to address the technical issues, if any, within a specified time and clauses to revoke the permission for non-compliance with approval conditions may be imposed as appropriate.

(Revised on 7 October 2022)

⁵ For installation of SPV system in area close to airports and/or heliports, the reflection rate of the SPV system with anti-reflection coating shall not exceed 5%.

Figure 1



Extracted from EMSD website HK RE Net:

https://re.emsd.gov.hk/english/solar/solar_ph/PV_Systems.html

Typical Solar Photovoltaic System

Previous s.16 Applications Covering the Application Site

Approved Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>
A/YL-PS/70	“G/IC” & “R(B)1”	Proposed Temporary Open Storage of Plastic Materials and Ancillary Workshop for Compact Disc Destruction for a Period of 3 Years	18.2.2000
A/YL-PS/150	“G/IC” & “R(B)1”	Temporary Open Storage of Plastic Materials and Workshop for a Period of 3 Years	31.10.2003 (TPB)
A/YL-PS/488	“G/IC”, “R(B)1” & “V”	Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) and Car Testing Centre (Private Cars and Light Goods Vehicles) with Ancillary Office for a Period of 3 Years	23.10.2015
A/YL-PS/587	“G/IC”, “R(B)1” & “V”	Temporary Car Testing Centre with Ancillary Office for a Period of 3 Years	17.5.2019 (Revoked on 17.10.2021)
A/YL-PS/618	“G/IC”, “R(B)1” & “V”	Temporary Shop and Services (Car Showroom) and Car Testing Centre with Ancillary Office for a Period of 3 Years	20.11.2020 (Revoked on 20.2.2023)
A/YL-PS/720	“G/IC”, “R(B)1” & “V”	Proposed Temporary Shop and Services (Car Showroom) and Car Testing Centre with Ancillary Office for a Period of 3 Years	2.8.2024 (Revoked on 2.2.2026)

Rejected Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
A/YL-PS/129	“G/IC” & “R(B)1”	Temporary Open Storage of Plastic Materials and Workshop for a Period of 3 Years	11.4.2003 (TPB)	(1) & (2)
A/YL-PS/154	“G/IC” & “V”	Temporary Open Storage of Construction Machinery for a Period of 3 Years	25.7.2003	(1) & (2)
A/YL-PS/281	“G/IC” & “R(B)1”	Temporary Recyclable Collection Centre for a Period of 3 Years	28.3.2008	(2) & (3)

Rejection Reasons

- (1) Not in line with the planning intention of the zone(s)
- (2) Insufficient information to demonstrate no adverse environmental and/or drainage impacts on the surrounding areas
- (3) Setting an undesirable precedent for similar uses to proliferate in the surrounding areas

**Previous Applications within/straddling the “G/IC”, “R(B)1”
and “V” zones in the Past 5 Years**

Approved Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>
A/YL-PS/676	“G/IC”, “R(B)1” & “V”	Temporary Shop & Services and Wholesale of Food Products for a Period of 3 Years	19.5.2023 (Revoked on 19.2.2025)

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- no adverse comment on the application;
- the application site (the Site) comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- Lot 31 RP in D.D. 121 is covered by Short Term Waiver (STW) No. 4973 for the purpose of “Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) and Car Testing Centre (Private Cars and Light Goods Vehicles) with Ancillary Office”; and
- there is no Small House application approved or under processing at the Site.

2. Traffic

(a) Comments of the Commissioner for Transport (C for T):

No objection from traffic engineering perspective.

(b) Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

No objection to the application from highways maintenance point of view.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- no in-principle objection to the development from a drainage point of view; and
- according to the applicant's submission, the existing drainage facilities which were implemented under an approved applications no. A/YL-PS/618 and 720 will be maintained. Should the application be approved, a condition should be included to request the applicant to maintain the existing drainage facilities and submit a condition record of the existing drainage facilities to the satisfaction of DSD.

4. Fire Safety

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

- no in-principle objection to the application subject to fire service installations (FSIs) being provided to his satisfaction; and

- regarding the submitted FSIs proposal, the applicant should note his advisory comments at **Appendix VI**.

5. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection to the application; and
- it is noted that four structures are proposed in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of Buildings Authority should be obtained, otherwise they are Unauthorised Building Works. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with Buildings Ordinance.

6. **Environment**

Comments of the Director of Environmental Protection (DEP):

No objection to the application.

7. **District Officer's Comments**

Comments of the District Officer (Yuen Long), Home Affairs Department:

No feedback from locals was received.

8. **Other Departments**

The following departments have no comment on the application:

- Director of Electrical and Mechanical Services (DEMS);
- Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) the planning permission is given to the development/use(s) and structures under application. It does not condone any other development/use(s) (i.e. parking of vehicle) not covered by the application. Immediate action should be taken to discontinue such development/use(s) and remove such structures not covered by the permission;
- (c) should the applicant fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would not be given to any further applications;
- (d) to resolve any land issue relating to the applied uses with the concerned owner(s) of the Site;
- (e) to note the comments of the Secretary for Environment and Ecology (SEE) that the applicant should observe the relevant requirements as set forth in statutory provisions and various design and maintenance guidelines, and conduct regular inspections and check-ups in order to ensure the electrical and structural safety as well as resilience of solar panels amid the impact of extreme weather conditions (such as super typhoons) throughout their lifespan;
- (f) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Short Term Waiver (STW) holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) without STW shall apply to his office for a STW to permit the structure(s) erected within the private lot(s). The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be subject to such terms and conditions, including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (g) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring space shall be provided within the Site. The local track leading to the Site is not under Transport Department's purview;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Kwai Road;
- (i) to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any potential nuisance;

- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal;
- (k) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) the applicant should note the following comments regarding the submitted fire service installations (FSIs) proposal:
 - (a) for enclosed structure with gross floor area not exceeding 230m², fire extinguisher and stand-alone fire detector shall be provided;
 - (b) for enclosed structure with gross floor area exceeding 230 m², sprinkler system, wheeled type dry chemical fire extinguisher, stand-alone fire detector, emergency lighting and directional & exit signs shall be provided;
 - (c) a sufficient number of directional & exit signs shall be provided;
 - (d) provision of FSIs at two meter rooms shall be clearly indicated on the plan;
 - (e) fire alarm system is considered as self-upgrade and is not a mandatory requirement of this Department; and
 - (f) section drawings with dimensions and calculation of openable windows shall be clearly demonstrated on the plans to justify item 1.6 in the FS Notes;
 - (ii) moreover, the distribution of solar panels should be arranged to minimise fire risk and to facilitate the access of firefighter and escape of person in case of emergency with provision of access points to the Site. An emergency disconnection to electricity, such as manual emergency shut-off system, shall be provided. Measures to avoid unauthorised access to the Site should also be considered; and
 - (iii) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of Buildings Authority, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the captioned application;

- (ii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO;
 - (iii) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the application site, the prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;
 - (iv) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
 - (v) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage; and
- (m) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that:
- (vi) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the mentioned document should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant should also observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines;
 - (vii) since there are also potential electrical hazards arising from the damage of underground cables of the applicant’s SPV system, by third party, within or in the vicinity of the Site, the applicant should review in subsequent stages (design, construction, operation) that any precautionary measures necessary to be implemented to mitigate potential electrical hazards arising from third party damage to the cables, if underground and as part of the applicant’s SPV system; and
 - (viii) electrical work on fixed electrical installation shall be conducted by the Registered Electrical Contractors and the Registered Electrical Workers with all the involved electrical work fully comply with the requirements stipulated under the Electricity Ordinance (Cap 406) and its subsidiary regulations. Regarding renewable energy power system, the applicant should refer to the requirements stipulated under Code 26P of the Code of Practice for the Electricity (Wiring) Regulations (2020 Edition).

☐Urgent ☐Return receipt ☐Expand Group ☐Restricted ☐Prevent Copy ☐Confidential

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年09月06日星期日 0:54
收件者: tpbpd/PLAND
主旨: A/YL-PS/794 DD 121 Ping Shan GIC / FiT
類別: Internet Email

Dear TPB Members,

720 approved 2 8Aug 2024, revoked 2 Feb 2026. It is unacceptable that n operation in existence for such a long time is allowed to flaunt the regulations.

Now back with the addition of a solar farm that has already been installed since 2021 without the requisite approval.

The solar photovoltaic system has been connected to the existing electrical power network of CLP Power Hong Kong Limited under the "Feed-in Tariff Scheme" **since 10.6.2021.**

About 111 nos. of solar panels are provided within the "V" zone on the OZP, which require planning permission from the Town Planning Board. The remining solar panels are provided within the "G/IC" zone on the OZP, where 'Public Utility Installation' is a Column 1 use that is always permitted.

This comment is questionable as all solar farms require approval. No data on the total number of panels?

One has to question what the govt authorities responsible for this area have allowed this unapproved use for so many years while at the same time he operator has failed to implement Fire Conditions.

The application should be rejected in view of the long term illegal activities.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Thursday, 4 July 2024 2:55 AM HKT
Subject: A/YL-PS/720 DD 121 Ping Shan GIC

A/YL-PS/720

Lots 31 RP and 32 RP in D.D. 121, Ping Shan, Yuen Long

Site area: About 2,259sq.m

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Zoning: "VTD", "GIC" and "Res (Group B) 1"

Applied use: Car Showroom and Testing Centre / 7 Vehicle Parking

Dear TPB Members,

Conditions of 618 approved in Nov 2020 were never fulfilled. The lots were subsequently part of 664 application for "Wholesale Trade" in 2022 that was subsequently withdrawn. Probably something to do with inclusion of Government Land of about 2,138sq.m.

So back with the existing operation. Why has no enforcement action been taken?

Members have a duty to inquire into the conditions issue. The site is next to a residential development so failure to comply with fire regulations should not be tolerated much less encouraged by rolling over approval.

Mary Mulvihill