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 systems[1] 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 New Territories Exempted House (NTEH); (ii) rooftop of private buildings; and (iii) 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 NTEH or private building, it is regarded as an ancillary use for supplementing power supply to the use/development, household or building[2]. 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 which needs to be closely monitored or that the long-term planning intention of the zone

[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.

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' from HKE and CLP respectively and submit a copy of the document together with the application to demonstrate the 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 visual[3] and, where needed, appropriate measures are to be adopted to mitigate the impacts;

e) unless with strong justifications[4], proposals involving extensive site formation, vegetation clearance/tree felling, excavation or filling of land/pond 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;

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;

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[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.

h) where the installation is proposed to be in area close to airports and/or heliports, 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;

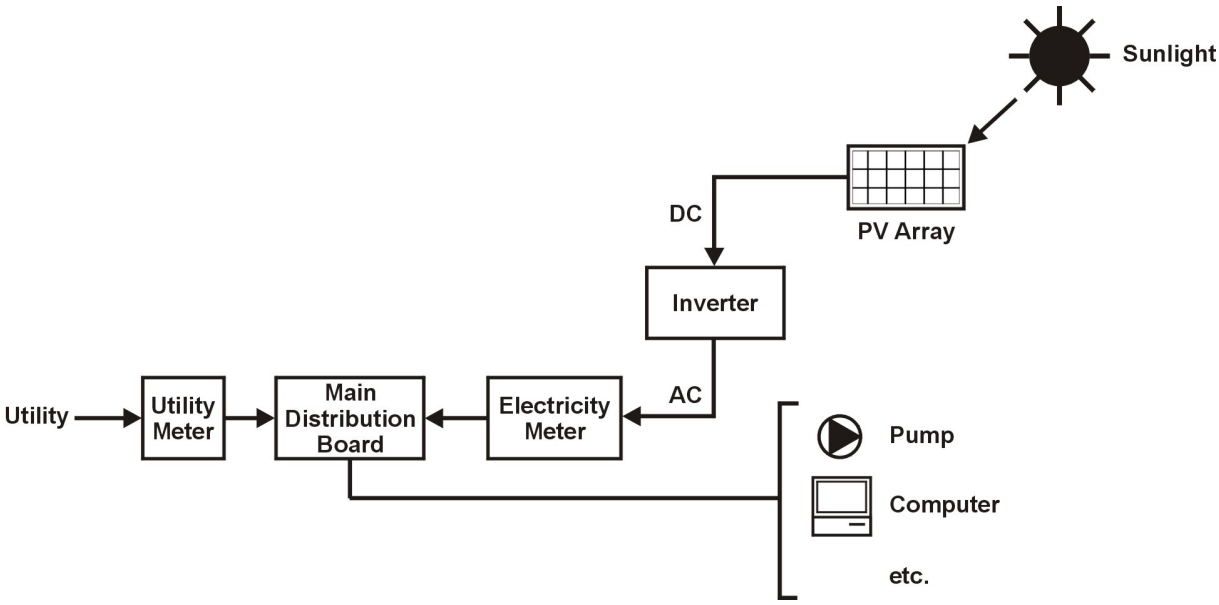
j) as there is a general presumption against development in the "Green Belt" ("GB") zone, planning application within the "GB" zone is normally not supported unless with strong justifications. It has to be demonstrated to the satisfaction of the relevant government departments that the SPV system would not adversely affect the landscape character/resources of the "GB" zone and jeopardise the integrity of the zone as a buffer;

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.

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

Similar s.16 Applications within the Same "Agriculture" Zone in the Vicinity of the Application Site in the Past Five Years

Approved Applications

	Application No.	Use/Development	Date of Consideration
1.	A/YL-KTN/925	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of Three Years and Filling of Land	11.8.2023 [revoked on 11.2.2025]
2.	A/YL-KTN/928	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of Three Years and Filling of Land	11.8.2023 [revoked on 11.2.2025]
3.	A/YL-KTN/940	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of Three Years and Filling of Land	25.8.2023 [revoked on 25.2.2025]
4.	A/YL-KTN/959	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Office and Open Storage or a Period of Three Years and Filling of Land	10.11.2023 [revoked on 10.5.2025]
5.	A/YL-KTN/976	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of Three Years and Filling of Land	19.4.2024 [revoked on 19.10.2025]
6.	A/YL-KTN/978	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of Three Years and Associated Filling of Land	1.3.2024 [revoked on 1.9.2025]
7.	A/YL-KTN/988	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Office for a Period of Three Years and Filling of Land	5.4.2024 [revoked on 5.1.2026]
8.	A/YL-KTN/1000	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of Three Years and Associated Filling of Land	5.7.2024 [revoked on 5.1.2026]
9.	A/YL-KTN/1010	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) for a Period of Three Years and Associated Filling of Land	4.10.2024 [revoked on 4.7.2026]
10.	A/YL-KTN/1082	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) for a Period of Three Years and Associated Filling of Land	28.2.2025 [revoked on 28.8.2026]

	Application No.	Use/Development	Date of Consideration
11.	A/YL-KTN/1088	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) for a Period of Three Years and Associated Filling of Land	4.7.2025
12.	A/YL-KTN/1091	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Open Storage and Facilities and Associated Filling of Land for a Period of Three Years	19.9.2025
13.	A/YL-KTN/1096	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) for a Period of Three Years and Associated Filling of Land	28.3.2025 [revoked on 28.9.2026]
14.	A/YL-KTN/1100	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Office and Associated Filling of Land for a Period of Three Years	2.5.2025 [revoked on 2.11.2026]
15.	A/YL-KTN/1146	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of Three Years	5.9.2025
16.	A/YL-KTN/1149	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land and Pond for a Period of Three Years	24.10.2025
17.	A/YL-KTN/1203	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of Three Years	27.3.2026
18.	A/YL-KTN/1226	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Office and Associated Filling of Land for a Period of Three Years	22.5.2026
19.	A/YL-KTN/1227	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of Three Years	22.5.2026
20.	A/YL-KTN/1244	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of Three Years	24.7.2026

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department:

- no adverse comment on the application;
- the application site (the Site) comprises Old Schedule Agricultural Lot 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; and
- advisory comments are at **Appendix V**.

2. Traffic

Comments of the Commissioner for Transport:

- no adverse comment on the application from traffic engineering perspective; and
- advisory comments are at **Appendix V**.

Comments of the Chief Highway Engineer/New Territories West, Highways Department:

- no in-principle objection to the application from highways maintenance point of view; and
- advisory comments are at **Appendix V**.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department:

- no in-principle objection to the application from drainage point of view;
- should the application be approved, approval conditions should be stipulated requiring the submission of a drainage proposal and the implementation and maintenance of the proposed drainage facilities to his or the Town Planning Board's satisfaction; and
- advisory comments are at **Appendix V**.

4. Fire Safety

Comments of the Director of Fire Services:

- no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction; and

- advisory comments are at **Appendix V**.

5. Landscape Aspect

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department:

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo, the Site was situated in an area of rural inland plain landscape character comprising open storage sites/warehouses, village houses and scattered tree groups. The applied uses are considered not incompatible with the landscape setting in the proximity;
- with reference to the aerial photo and site photos, the Site was largely formed and vacant. No vegetation was observed within the Site. According to the applicant's submission, no tree felling will be involved; and
- in view of the above, significant adverse landscape impact arising from the applied uses is not anticipated.

6. Building Matters

Comments of the Chief Building Surveyor/New Territories West, Buildings Department:

- no objection to the application; and
- advisory comments are at **Appendix V**.

7. District Officer's Comments

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

- no comment on the application and his office has not received any comment from the locals on the application.

8. Other Departments

The following government departments have no objection to/no comment on the application and their advisory comments, if any, are at **Appendix V**:

- Project Manager (West), Civil Engineering and Development Department;
- Chief Engineer/Construction, Water Supplies Department; and
- Director of Electrical and Mechanical Services.

Recommended Advisory Clauses

(a) prior planning permission should have been obtained before commencing the applied uses at the application site (the Site);

(b) failure to reinstate the Site as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;

(c) to resolve any land issues relating to the applied uses with the concerned owner(s) and/or occupant(s);

(d) to note the comments of the Secretary for Environment and Ecology that the applicant shall 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;

(e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lot owner(s) shall apply to his office for Short Term Waiver(s) (STWs) to permit the structure(s) erected within the private lot(s) covered by the application. The application for STWs will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application, 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 applied uses are temporary in nature, only erection of temporary structure(s) will be considered;

(f) to note the comments of the Commissioner for Transport that:

  (i) the Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

  (ii) sufficient manoeuvring space shall be provided within the Site; and

  (iii) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

(g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:

  (i) Kong Po Road is not maintained by HyD. HyD shall not be responsible for the maintenance of the proposed access connecting the Site, including Kong Po Road and local tracks, if any; and

  (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;

(h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:

(i) the applicant shall be liable for any adverse drainage impact due to the applied uses; and

(ii) to encourage a higher quality submission and avoid rounds of comments, thereby shortening the processing time, the applicant shall complete the checklist previously provided as part of preparing the revised drainage proposal and include it in the submission. Otherwise, a longer processing time may be required;

(i) to note the comments of the Director of Environmental Protection that:

(i) the applicant shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';

(ii) the applicant shall follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs), in particular the ProPECCPN 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department';

(iii) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied uses; and

(iv) the applicant shall meet the statutory requirements under relevant environmental legislation;

(j) to note the comments of the Director of Fire Services that:

(i) the applicant shall submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of proposed FSIs to be installed should be clearly marked on the layout plans; and

(ii) if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and

(k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:

(i) it is noted that two structures and associated filling of land 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 the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;

(ii) 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;

(iii) the Site does not abut a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at building plan submission stage;

(iv) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any applied uses under the application;

(v) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the 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;

(vi) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of B(P)R;

(vii) the 9m high structures are considered excessive. It should be justified upon formal plan submission to BD; and

(viii) detailed checking under BO will be carried out at building plan submission stage; and

(l) to note the comments of the Director of Electrical and Mechanical Services that:

(i) 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 under the application shall approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans to find out whether there is any underground cable within and/or in the vicinity of the Site. They shall also observe the Electricity Supply Lines (Protection) Regulation (the 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; and

(ii) 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 shall observe the requirements stipulated under Code 26P of the "Code of Practice for the Electricity (Wiring) Regulations (2025 Edition)".

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tpbpd/PLAND

寄件者: [redacted]
寄件日期: 2026年10月23日星期五 0:41
收件者: tpbpd/PLAND
主旨: A/YL-KTN/1294 DD 110 Kam Tin North FiT

類別: Internet Email

A/YL-KTN/1294
Lot 177 (Part) in D.D. 110, Kam Tin North
Site area: About 1,232sq.m
Zoning: "Agriculture"
Applied use: Warehouse / 32 Panel Solar Farm / 6 Vehicle Parking / **Filling of Land**

Dear TPB Members,

Strong Objection. This is a Destroy to Build. Operator has already filled in land and installed the solar panels with the collusion of CLP. FiT solar farm should have been subject to an application.

The application should be rejected for abuse of process. It is high time that the board ensures that the planning process is in line with the application of law and order that is implemented

Mary Mulvihill