

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/H18/86**

<b><u>Applicant</u></b>	: HKL (Project Management) Limited represented by KTA Planning Limited
<b><u>Site</u></b>	: 9 Big Wave Bay Road, Shek O
<b><u>Site Area</u></b>	: about 61.9 m <sup>2</sup>
<b><u>Land Status</u></b>	: (a) Government Land (10.3m <sup>2</sup> , about 17%); and (b) Garden Lot No. 91 (GL 91) (51.6m <sup>2</sup> , about 83%) <ul style="list-style-type: none"><li>- 75 years commencing from 21.1.1932 and renewable for a further term of 75 years</li><li>- restricted for the purpose of garden grounds</li><li>- shall not erect any buildings upon GL 91 except such as may be required for the proper maintenance care and enjoyment of GL 91 as a garden</li></ul>
<b><u>Plan</u></b>	: Approved Tai Tam & Shek O Outline Zoning Plan (OZP) No. S/H18/10
<b><u>Zoning</u></b>	: “Green Belt” (“GB”) (51.6m <sup>2</sup> , about 83%) and Area shown as ‘Road’ (10.3m <sup>2</sup> , about 17%)
<b><u>Application</u></b>	: Proposed Utility Installation for Private Project (Utility Pipelines)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed installation of utility pipelines to serve a proposed residential redevelopment within the adjacent “Residential (Group C) 4” (“R(C)4”) zone at 9 Big Wave Bay Road, Shek O (**Plan A-2**). The application site (the Site) falls within an area mainly zoned “GB” with a minor portion within the area shown as ‘Road’ on the approved Tai Tam & Shek O OZP No. S/H18/10 (**Plan A-1**). The proposed utility installation is regarded as ‘Utility Installation for Private Project’ use and according to the Notes of the OZP, such use within “GB” zone and the area shown as ‘Road’ requires planning permission from the Town Planning Board (the Board).

- 1.2 The proposed utility installation involves telecommunication cable, power cable and water lead-in (**Plan A-2, Drawings A-1 and A-2**). The applicant has undertaken a tree survey for the Site. The details of the proposed utility installation at the Site are shown below:

	Nos.	Dimension (mm)	Pipeline Alignment (color shown on <b>Plans</b> )
Telecommunication Cable			
Ducts	2	Ø107	Green
Cable Draw Pit	1	710(W) x 1170(L) x 1235(D)	
HEC Power Supply Cable			
Ducts	6	Ø200	Red
Cable Draw Pits	2	1800(W) x 1800(L) X 1500(D)	
	1	2000(W) x 2000(L) x 1500(D)	
Water Lead-in			
Pipe	1	Ø40-42	Blue
Meter Cabinet	1	1700(W) x 600(D) x 1400(H)	

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

- (a) Application form received on 6.5.2021 (**Appendix I**)
- (b) Supporting Planning Statement (SPS) with Tree Survey (**Appendix Ia**) Report
- (c) Further information (FI) dated 16.6.2021 providing (**Appendix Ib**) clarifications on the SPS <sup>#</sup>
- (d) FI dated 18.6.2021 providing clarifications on the (**Appendix Ic**) Application Form <sup>#</sup>

<sup>#</sup> accepted and exempted from publication and recounting requirement

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are at **Appendices Ia** and **Ib**, which are summarised as follows:

- (a) The proposed utility installation is necessary to support and serve solely the permitted house redevelopment at 9 Big Wave Bay Road (**Drawings A-1 and A-3**).
- (b) The applicant has explored various ways via the existing lead-ins or service driveway to connect the proposed utility installation to the permitted house redevelopment. The existing lead-ins option may pose risk of slope failures caused by the leakage from water-carrying services and other buried services/ conduits such as electric cable ducts (**Drawing A-3**). It is noted that the laying of the underground utilities in slope is no longer accepted by government departments and utilities companies in accordance with Buildings Department's (BD) Practice Note for Authorized Persons and Registered Structural Engineers

No. APP-76. For the telecommunication cable lead-in, while the current one is damaged due to exposure above ground for years, it is considered more suitable to bury it underneath the driveway for protection as well as amenity and visual consideration. After reviewing the above, the applicant proposes to lay the proposed utility pipelines under or at the edge of the existing driveway with the intention to replace the existing facilities to meet current standards and requirements.

- (c) The extent of the proposed utility installation/lead-ins laying on the “GB” zone has been minimised and would thus create the least impact to the surrounding environment without extensive clearance of vegetation, affecting the natural landscape and being a source of pollutant. According to tree survey report, no tree is affected by the proposed utility installation. It is therefore considered that the proposed utility installation complies with the TPB Guideline.
- (d) The Hong Kong Telecom, The Hongkong Electric Company and Water Supplies Department (WSD) have no in-principle objection to the proposed utility installation.

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

The applicant is not the “current land owner” of the private lot (GL 91), but 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. 31A) by giving notification to the current landowner of the lot. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “Green Belt” Zone under Section 16 of the Town Planning Ordinance’ is relevant to this application. The relevant assessment criteria are summarized as follows:

- (a) there is a general presumption against development in “GB” zone;
- (b) applications for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning ground. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas;
- (c) applications for government, institution or community uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available;

- (d) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (e) the vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided;
- (f) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (g) the proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution; and
- (h) any proposed development on a slope or hillside should not adversely affect slope stability.

## **5. Previous Application**

There is no previous application covering the Site.

## **6. Similar Application**

There is a similar planning application No. A/H18/68 for proposed Utility Installation for Private Project (Utility Cabinet for Electricity and Water Meters) and Widening of the Existing Right of Way within “GB” zone approved with condition by the Committee on 16.12.2011 (**Plan A-1**). Details of the application are at **Appendix II**.

## **7. The Site and Its Surrounding Areas (Plans A-1 to A-3 and Photos on Plans A-4 and A-5)**

7.1 The Site is:

- (a) mainly located in GL 91 which is a private landscaped garden with an outdoor tennis court and some vegetated slopes; and
- (b) mainly occupied by an existing driveway of about 6m wide leading from Big Wave Bay Road to the adjoining house redevelopment on Rural Building Lot (RBL) 279 under “R(C)4” zone.

7.2 The surrounding areas have the following characteristics:

- (a) Big Wave Bay Road is located at the north-east of the Site. View to the Site from Big Wave Bay Road is screened off by trees and vegetation grown on the roadside slope; and
- (b) the surrounding area is scattered with low-rise residential developments embraced by woodland.

## **8. Planning Intention**

The planning intention of “GB” zone is primarily for the conservation of the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is a general presumption against development within this zone.

## **9. Comments from Relevant Government Departments**

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

9.1.1 Comments of the District Lands Officer/Hong Kong West & South, Lands Department (LandsD):

- (a) notwithstanding the proposed utility installation would be ancillary to and serve the residential redevelopment within the adjacent “R(C)4” zone at 9 Big Wave Bay Road, the proposed utility installation is not permitted under the lease of the lot; and
- (b) if this planning application is approved by the Board, the Lot owner shall apply to LandsD for separate approval or consent under the lease of the Lot. However, there is no guarantee that the approval or consent would be given even though planning permission is given by the Board. If the approval or consent is granted by LandsD in the capacity as landlord at its sole discretion, it will be subject to those terms and conditions, including the payment of fees and premium as appropriate, as imposed by LandsD.

### **Highways/Traffic Aspect**

9.1.2 Comments of the Chief Highway Engineer/Hong Kong, Highways Department (HyD):

- (a) no objection to the application; and

- (b) the applicant shall apply for an excavation permit from his office for any excavation works on public pavement and roadside slope which are under HyD's maintenance jurisdiction.

9.1.3 Comments of the Commissioner for Transport:

- (a) no comment from the traffic engineering point of view; and
- (b) the applicant shall note that for any works involving the public road, a temporary traffic arrangement shall be submitted to TD and Road Management Office for approval.

**Visual Aspect**

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

given that the proposed utility pipelines installation is of small scale, no significant visual impact is anticipated.

9.1.5 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department:

- (a) no particular comment noting that the application is related to utility pipelines only; and
- (b) it is noted that there is dense vegetation at the Site. The applicant is recommended to avoid/minimize transplanting or felling of trees for the proposed utility installation.

**Landscape Aspect**

9.1.6 Comments of CTP/UD&L, PlanD:

- (a) no objection to the application from the landscape planning perspective;
- (b) based on aerial photo, the Site is located in an area comprising densely vegetated woodland, low-rise houses and recreational/sports facilities. According to sections 4 and 5 of the SPS, the proposed works lay under the existing service driveway and along the edge of an existing slope. Significant change or impact to the landscape character of the surrounding area arising from the proposed works is hence not anticipated. In addition, based on the tree survey report, there are 14 trees of common species observed in close proximity of the Site and no tree felling will be involved; and
- (c) the applicant is advised that approval of the application under Town Planning Ordinance does not imply approval of tree works such as

pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to relevant authority for approval.

**Building Aspect**

9.1.7 Comments of the Chief Building Surveyor/Hong Kong East and Heritage, BD:

- (a) no objection to the application;
- (b) for any building works subject to Buildings Ordinance (BO) associated with the proposed utilities installation works on GL 91, detailed comments on compliance with the BO will be made at building plan submission stage.

**Geotechnical Aspect**

9.1.8 Comments of Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO) of CEDD):

- (a) no adverse geotechnical comment;
- (b) the applicant should be reminded that the “Code of Practice on Monitoring and Maintenance of Water-Carrying Services Affecting Slopes” shall be followed for new, replacement or rehabilitation of water-carrying services of all sizes closed to existing geotechnical features. Adequate measure(s) should be provided to minimize the effect of any possible water leakage and prevent any significant increase in landslide risk resulting from the works.

9.2 The following departments have no comment on / no objection to the application:

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Director of Environmental Protection;
- (c) Director of Electrical and Mechanical Services;
- (d) Director of Fire Services;
- (e) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (f) Chief Engineer/Construction, WSD;
- (g) Commissioner of Police; and
- (h) District Officer (Southern), Home Affairs Department.

**10. Public Comment Received during Statutory Publication Period**

On 16.3.2018, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 4.6.2021, one objecting comment from individual was received. The major objecting grounds are that the Site

has already gained access to the public utilities and there is no justification to requisition more “GB” area in addition to the “R(C)4” footprint. It is also queried whether the exiting service driveway on the “GB” zone was approved.

## **11. Planning Considerations and Assessment**

- 11.1 The applicant seeks planning permission for installation of utility pipelines for telecommunication, electricity and water supplies at the Site, which mainly falls within a piece of private land (i.e. GL 91) to serve a permitted private residential redevelopment under “R(C)4” zone (**Plan A-2**). Majority of the Site falls within a paved driveway leading to the adjoining RBL 279 where the private residential redevelopment is located.
- 11.2 According to the applicant, the proposed power supply cable and water lead-in along the existing driveway is intended to avoid a risk of possible slope failures along the section of Big Wave Bay Road near RBL 279 caused by the leakage from water-carrying services and other buried services/conduits such as electric cable ducts, while the relocation of the existing telecommunication cables underneath the driveway is for better protection of the cables and to minimise the visual impacts to the surrounding area. The tree survey report as submitted by the applicant indicates that no tree would be affected by the proposed utility installation. Given that the proposal is small in scale and it is to serve the adjoining residential development, the proposed utility installation is not envisaged to have significant geotechnical, environmental, visual and landscape impacts. Except for the meter cabinet, all proposed utility pipelines are underground and considered not incompatible with the surrounding environment. All concerned government departments have no objection to or no adverse comment on the application. In view of the above, it is considered that the application complies with the relevant assessment criteria laid down in TPB PG-No. 10.
- 11.3 Regarding the adverse public comment, the planning assessment in paragraph 11.2 above is relevant. As for the existing driveway, it is a right-of-way under RBL 279 and was built before the publication of the first OZP in 1988.

## **12. Planning Department’s Views**

- 12.1 Based on the assessment made in paragraph 11, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 25.6.2025, 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 advisory clauses are also suggested for Members’ reference:

### Advisory Clauses



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

12.3 There is no strong reason to recommend rejection of the application.

### **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 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 date when the validity of the permission should expire.
- 13.3 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.

### **14. Attachments**

<b>Appendix I</b>	Application Form Received on 6.5.2021
<b>Appendix Ia</b>	Supporting Planning Statement
<b>Appendix Ib</b>	FI dated 16.6.2021
<b>Appendix Ic</b>	FI dated 18.6.2021
<b>Appendix II</b>	Similar Application
<b>Appendix III</b>	Public Comment
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan submitted by the Applicant
<b>Drawing A-2</b>	Proposed Layout submitted by the Applicant
<b>Drawing A-3</b>	Existing Lead-in(s) Option submitted by the Applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4 and A-5</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2021**