

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HT/23

<u>Applicant</u>	:	Mr. LI Yuen Yam represented by Honest Land Surveys Company
<u>Site</u>	:	Various Lots in D.D. 76, San Uk Tsai, Fanling, New Territories
<u>Site Area</u>	:	About 1,497m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Hok Tau Outline Zoning Plan (OZP) No. S/NE-HT/7
<u>Zoning</u>	:	“Village Type Development” (“V”)
<u>Application</u>	:	Proposed Temporary Public Utility Installation (Solar Photovoltaic System) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public utility installation (PUI) (solar photovoltaic (SPV) system) for a period of three years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Public Utility Installation’ is a Column 2 use within the “V” zone, which requires planning permission from the Town Planning Board (the Board). The Site is fenced off, generally covered with weeds, and currently occupied by metal supporting frames and a container-converted structure (**Plan A-4**).
- 1.2 The Site is accessible from Sha Tau Kok Road – Ma Mei Ha via a local access to the north (**Plan A-1**). According to the applicant, the proposed SPV system will be connected to the existing electrical power network of CLP Power Hong Kong Limited (CLP Power) under the ‘Renewable Energy Feed-in Tariff Scheme’ (the FiT Scheme) with a generation capacity of 170kW. The proposal comprises a total of 570 solar panels (2m (L) × 1.1m (W) × 0.35m (H) each) mounted on metal supporting frames with height of not more than 1.5m and gross floor area (GFA) of 1,254m² (**Drawings A-1** and **A-2**). One single-storey container-converted structure with height of not more than 2.9m and GFA of not more than 14.8m² would be provided on-site for control room and storage room (**Drawing A-2**). The layout and section plans submitted by the applicant are in **Drawings A-1** and **A-2** respectively. The major development parameters are summarised below:

Major Development Parameters	Proposed Scheme
Site Area	About 1,497m ²
Gross Floor Area	About 1,269m ²
Building height	Not more than 2.9m (one storey)
Number of Solar Panels	570
Annual Electricity Generation	170kW (equivalent to about 51 domestic households' annual demand)
Anticipated Completion Time	Q3 2025

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

- (a) Application Form with Attachments received on 20.1.2025 (**Appendix I**)
- (b) Further Information (FI) received on 7.3.2025[^] (**Appendix Ia**)
[^] accepted and exempted from the publication and recounting requirements

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I** and **Ia**, as summarised below:

- (a) the proposed SPV system is in line with the government policy of promoting energy efficiency and use of renewable energy (RE);
- (b) application for participation in the FiT Scheme was submitted and the Network Reinforcement Condition Letter was obtained from CLP Power to approve the applicant's participation in the FiT Scheme;
- (c) should the application be approved, the applicant shall comply with all approval conditions attached in the planning permission. Besides, the proposed use would also comply with the relevant ordinance and statutory requirement(s); and
- (d) the proposed use is not incompatible with the surrounding environment; and it would not induce adverse traffic, environmental, drainage, visual and landscape impacts and fire safety issue on the surrounding areas.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not "current land owner" and 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. 31B) by obtaining consent of the "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. Assessment Criteria

The set of Assessment Criteria for Considering Applications for SPV System made under Section 16 of the Town Planning Ordinance (Assessment Criteria) was first promulgated

on 21.7.2020. The latest set of Assessment Criteria which was promulgated on 7.10.2022 is at **Appendix II**.

5. Background

- 5.1 The Site is currently not subject to any active planning enforcement action.
- 5.2 The FiT Scheme is an initiative introduced by the Government under the post-2018 Scheme of Control Agreements with the two power companies for promoting the development of distributed RE. It aims to encourage the private sector to consider investing in RE as the power generated could be sold to the power companies at a rate higher than the normal electricity tariff to help recover the costs of investment in the RE systems and generation.
- 5.3 Any non-governmental bodies or individuals, as customers of the relevant power company planning to install distributed RE systems at their premises in the respective power company's supply area, are eligible for prescribed FiT rates from that power company if they have been connected to the latter's grid. An applicant for the Scheme may make submission direct to the relevant power company with the required documents including the preliminary layout diagram and other information of the proposed RE system. After meeting the requirements specified by the power company on technical assessment, system test and installation works, the power company will proceed with installing a smart meter in the applicant's premises to facilitate connection the proposed RE system to the power grid. Successful applicant would be offered the FiT rate throughout the project life of the RE system until end 2033. The applicant shall ensure that the design, installation, operation and maintenance of the RE system comply with the applicable laws, guidelines and safety and technical guidelines.

6. Previous Application

There is no previous application at the Site.

7. Similar Application

There is no similar application for SPV system within the same "V" zone in the vicinity in the past five years.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

- 8.1 The Site is:
- (a) fenced off, generally covered with weeds, and currently occupied by metal supporting frames and a container-converted structure;
 - (b) situated at the northeastern fringe of the village proper of San Uk Tsai, with clusters of village houses located to the southwest and east; and

- (c) accessible from Sha Tau Kok Road – Ma Mei Ha via a local access to the north.

8.2 The surrounding areas are of rural character mainly dominated by village houses/domestic structures, active/fallow farmlands and unused land covered by tree groups or vegetation. There is a densely vegetated slope to the further east of the Site.

9. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Bureau/Departments

10.1 Apart from the government bureau/departments as set out in paragraphs 10.2 and 10.3 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices III and IV** respectively.

10.2 The following government bureau supports the application.

Policy Aspect

Comments of the Secretary for Environment and Ecology (SEE):

- (a) the Government has set net-zero electricity generation as one of the major decarbonisation strategies in the Hong Kong’s Climate Action Plan 2050 promulgated in October 2021. To achieve the long-term carbon neutrality target before 2050, it needs to increase zero-carbon electricity supply through RE development as far as possible. The policy is for the Government to take lead in developing RE at various buildings and facilities where technically and financially feasible, and to create conditions that are conducive to community participation. For the private sector, the Environment and Ecology Bureau (EEB) and the power companies have introduced the FiT Scheme, providing financial incentives which can encourage the private sector to invest in distributed RE. EEB has also introduced a series of measures to facilitate and support members of the public in developing RE; and
- (b) he strongly supports the development of RE systems, including the proposed system under the current application involving the installation of 570 solar panels, with a capacity of approximately 170kW, which is sufficient to fulfil the annual electricity demand of about 51 households. The application, if

approved, could make good use of the land for solar energy generation while achieving the carbon neutrality target; and

(c) his advisory comments are at **Appendix IV**.

10.3 The following government department has conveyed local views/comments on the application:

Local Comments or Views

The Resident Representative of San Uk Tsai objects to the application mainly on the grounds that the villagers/residents have strong reservation on the proposed SPV system at the Site due to its proximity to the village houses; the proposed SPV system might induce environmental nuisance, fire safety and health issues as well as adverse landscape, visual, drainage, ecological and micro-climate impacts on the surroundings; the proposed SPV system might have negative impacts on the living quality of the villagers/residents; and there was insufficient local consultation for the current application (**Appendices IIIa and b**).

11. Public Comments Received During Statutory Publication Period

On 28.1.2025, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix V**). Two comments from the Chairman and First Vice-Chairman of Fanling District Rural Committee object to the application mainly on the grounds that the proposed use would induce environmental nuisance; have adverse ecological impacts on the surroundings; and pose potential pedestrian safety issue during the construction stage. One comment from an individual objects to the application mainly on the grounds that Site should be utilised as agricultural use instead of the SPV system subsidised by the CLP Power; and the proposed SPV system at the Site in a remote location will require enhancements of local electricity network, potentially shifting the burden onto the clients of the CLP Power. The remaining one from a member of North District Council indicates no comment on the application.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary PUI (SPV system) for a period of three years at the Site zoned “V” on the OZP (**Plan A-1**). The applicant advises that the electricity generated will be sold to CLP Power via the FiT Scheme, which is jointly introduced by the Government and the two power companies for the private sector to invest in the RE until end of 2033. Though the proposed use is not entirely in line with the planning intention of the “V” zone which is primarily for development of Small Houses by indigenous villagers, DLO/N, LandsD advises that there is no Small House application at the Site. SEE strongly supports the application for the temporary use of the Site for RE systems and considers approval of the application could make good use of land for solar energy generation while achieving the carbon neutrality target. In view of the policy support from SEE and taking into account the planning assessments below, it is considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.

- 12.2 The Site, located to the northeastern fringe of the village proper of San Uk Tsai, is fenced off, generally covered with weeds and currently occupied by metal supporting frames and a container-converted structure (**Plans A-2 and A-4**). The proposed use, involving 570 solar panels mounted on metal frames with height of not more than 1.5m and an ancillary structure with height of not more than 2.9m, is considered not entirely incompatible with the surroundings which are of rural character mainly dominated by village houses/domestic structures, active/fallow farmlands and unused land covered by tree groups or vegetation (**Plan A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that no significant landscape impact arising from the proposed use is anticipated.
- 12.3 The Director of Electrical and Mechanical Services has no particular comment on the application from electrical supply safety perspective. Other concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no comment on the application from traffic, environmental, drainage and fire safety aspects respectively. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the planning application be approved, the applicant will also be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise possible environmental nuisance on the surroundings.
- 12.4 The proposed temporary use is generally in line with the Assessment Criteria (**Appendix II**) for considering applications for SPV system in that the applicant has obtained CLP’s network reinforcement condition letters to demonstrate the technical feasibility of the proposal; height of the proposed use (i.e. not more than 2.9m) is in keeping with the surrounding areas and commensurate with the function it performs; relevant departments consulted in general have no adverse comments on the application from various technical perspectives; and the long-term planning intention of the “V” zone would not be frustrated.
- 12.5 Regarding the local views/comments as conveyed by DO(N), HAD in paragraph 10.3 above and the public comments as detailed in paragraph 11 above, the government bureau’s/departments’ comments and the planning assessments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the local views/comments as conveyed by DO(N), HAD and public comments in paragraphs 10.3 and 11 above respectively, PlanD has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 14.3.2028. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 14.9.2025;
- (b) in relation to (a) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 14.12.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 14.9.2025;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 14.12.2025;
- (f) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "V" zone which is primarily to provide land for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 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 period of which the permission should be valid on a temporary basis.

- 14.3 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.

15. Attachments

Appendix I	Application Form with Attachments received on 20.1.2025
Appendix Ia	FI received on 7.3.2025
Appendix II	Assessment Criteria For Considering Applications For Solar Photovoltaic System Made Under Section 16 of The Town Planning Ordinance
Appendix III	Government Departments' General Comments
Appendix IIIa and IIIb	Local Comments conveyed by HAD
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Section Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2025**