

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/501

Applicant : Trade Advisers Company Limited represented by Vincent Lai Architects Limited

Site : Lot 934 S.AC in D.D. 100, Hang Tau Village, Kwu Tung South, New Territories

Site Area : 60.058m² (about)

Lease : Block Government Lease (demised for agricultural use)

Plan : Draft Kwu Tung South Outline Zoning Plan No. S/NE-KTS/17

Zoning : “Village Type Development” (“V”)

Application : Proposed Utility Installation for Private Project

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed utility installation for private project for construction of a transformer room. The Site falls within an area zoned “V” on the Draft Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/17 (**Plan A-1**). According to the Notes of the OZP, the proposed use is a Column 2 use within “V” zone that requires planning permission from the Town Planning Board (the Board). The Site is currently vacant, partly paved and partly covered with grass.
- 1.2 According to the applicant’s submission, the site area is about 60.058m². One single-storey (5.2m high) transformer room with a total floor area of about 46.84m² will be provided to serve 16 Small Houses in the vicinity of the Site. The electricity installation of the transformer room will be maintained by CLP Power Hong Kong Ltd. The Site is accessible via a village road connecting Hang Tau Road. The layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with supplementary document and (Appendix I)
Plans received on 13.7.2021
- (b) Further Information (FI) of 27.8.2021 (Appendix Ia)

2. **Justifications from the applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They are summarized as follows:

- (a) The utility installations is required by CLP Power Hong Kong Ltd for providing adequate electricity supply to 16 houses in the vicinity of the Site.
- (b) The small-scale development would not generate any adverse impact to its surrounding environment.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is not subject to any active enforcement action.

5. **Previous Application**

There is no previous application for the Site.

6. **Similar Application**

There is no similar application within the same “V” zone on the OZP.

7. **The Site and Its Surrounding Areas** (Plans A-1 and A-2, aerial photo on **Plan A-3** and site photos on **Plan A-4**)

7.1 The Site is:

- (a) currently vacant, partly paved and partly covered with grass; and
- (b) accessible via a village road connecting Hang Tau Road.

7.2 The surrounding areas are predominantly rural in nature with the following characteristics:

- (a) surrounding in three sides, north, east and south, are mainly village houses within the “V” zone of Hang Tau Village; and
- (b) to the immediate west are vacant house and land, and further west outside the “V” zone are fallow agricultural land.

8. **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 villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

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/North, Lands Department (DLO/N, LandsD):

- (a) The Lot is an Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guarantee of right of access. The lot is surrounded by private lots, the applicant should make his own arrangement for acquiring access to the Lot. There is no guarantee that any adjoining Government land will be allowed for vehicular access to the Site for the proposed use.
- (b) The Site falls within the Village ‘Environ’ (‘VE’) of Hang Tau.
- (c) The Site is not covered by any Modification of Tenancy/Building Licence.
- (d) There is no outstanding Small House application received or being processed on the Site by his office. He has no comment on the application from Small House Policy perspective.
- (e) An application for Short Term Waiver (STW) to cover the proposed structure has been received by his office. The application will be considered by Government in its landlord’s capacity and there is no

guarantee that it will be approved. If the STW is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administration fee as considered appropriate by his office.

Electricity

9.1.2 Comments of the Director of Electrical and Mechanical Services (DEMS):

For the design and operation of electricity package substation, CLP Power has to comply with the Electricity Ordinance and relevant statutory requirements. As the electricity package substation is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substation as far as possible. He has no comment on the application as far as electricity supply safety and reliability are concerned. The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

Fire Safety

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

He has no objection in principle to the proposal subject to fire service installations (FSI) being provided to his satisfaction. Relevant layout plans incorporated with the proposed FSI should be submitted to his department for approval. His advisory comments are at **Appendix III**.

District Officer's Comments

9.1.4 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

The North District Council (NDC) member of the subject constituency, the Chairman of Sheung Shui District Rural Committee (SSDRC), the two Indigenous Inhabitant Representatives (IIRs) of Hang Tau, the Resident Representative (RR) of Hang Tau and the Chairman of Fung Shui Area Committee have no comment on the application.

9.2 The following Government departments have no comment on/no objection to the application and their advisory comments, if any, are in **Appendix III:**

- (a) Commissioner for Transport
- (b) Director of Environmental Protection
- (c) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD)
- (d) Chief Building Surveyor/New Territories West, Buildings Department
- (e) Project Manager (North), Civil Engineering and Development Department

- (f) Chief Highway Engineer/ New Territories East, Highways Department
- (g) Commissioner of Police
- (h) Chief Engineer/Construction, Water Supplies Department

10. Public Comments Received During Statutory Publication Period

On 20.7.2021, the application was published for public inspection. During the three-week statutory publication period, a total of 2 public comments (**Appendices II-1 to II-2**) submitted by individuals were received. One comment raises concern that the adjoining 16 Small Houses are in effect a villa development instead of village houses development. The remaining comment indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed utility installation for private project for construction of a transformer room. The Site falls within an area zoned “V” on the Draft Kwu Tung South OZP No. S/NE-KTS/17 (**Plan A-1**). The planning intention of “V” zone is primarily 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. DLO/N, LandsD has no adverse comment on the application and advises that there is no Small House application approved/being processed at the Site. The proposed transformer room, as required by CLP Power Hong Kong Ltd., is to provide electricity supply to 16 village houses (**Drawing A-1**) in the vicinity of the Site which are always permitted within the same “V” zone. The proposed development is considered not in conflict with the planning intention of the “V” zone.
- 11.2 The application site area is about 60.058m². One single-storey (5.2m high) transformer room with a total floor area of about 46.84m² is proposed. It is considered not incompatible with the surrounding land uses, which are mainly the village cluster of Hang Tau Village.
- 11.3 DEMS has no comment on the application from electricity supply safety and reliability point of view. Relevant government departments consulted including C for T, DEP, CE/MN, DSD and D of FS have no adverse comment on the application. The condition suggested by D of FS is recommended in paragraph 12.2 below.
- 11.4 The Site does not involve any previous application. There is no similar application within the same “V” zone.
- 11.5 There are two public comments received as stated in paragraph 10. In this regards, the relevant departmental comments as well as planning considerations and assessments 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 comments in paragraph 10, the Planning Department 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 10.9.2025, 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 condition of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

the submission and implementation of fire service installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

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

the proposed development is not in line with the planning intention of the "V" zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small House by indigenous villagers. There is no strong planning justification in the submission for a departure from such planning intention.

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

Appendix I	Application Form with supplementary document and Plans received on 13.7.2021
Appendix Ia	FI of 27.8.2021
Appendices II-1 to II-2	Public Comments
Appendix III	Advisory Clauses

Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2021**