

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/509

<u>Applicant</u>	: Cheer Surplus Investment Limited represented by Shanghai Yaik Sang Construction Company Limited
<u>Site</u>	: Lot 457 S.C (Part) and S.E (Part) in D.D. 94, Hang Tau Village, Kwu Tung South, New Territories
<u>Site Area</u>	: 30.54m ² (about)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/18
<u>Zoning</u>	: “Village Type Development” (“V”)
<u>Application</u>	: Utility Installation for Private Project (Transformer and Equipment)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for an utility installation for private project (transformer and equipment). The Site falls within an area zoned “V” on the Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/18 (**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 used for the applied use without valid planning permission.
- 1.2 According to the applicant’s submission, the Site is an uncovered transformer yard with an area of about 30.54m² enclosed by a fence wall of about 2.79m in height. The applied use involves an existing transformer with a dimension of about 2.3m x 1.48m x 1.83m (L x W x H) and 4 switch panels with total floor area of about 7.93m² to serve New Territories Exempted Houses (NTEHs) in the vicinity of the Site. The Site is accessible via a village road connecting Hang Tau Road (**Plan A-1**). The floor plan, sections and elevations 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 received on 16.5.2021 (Appendix I)
- (b) Further Information (FI) received on 4.7.4022 clarifying (Appendix Ia)
the existing condition of the Site [*accepted and exempted
from 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**. They are summarized as follows:

- (a) The applied use was required and installed by CLP Power Hong Kong Ltd for providing electricity supply to adjacent NTEHs which were built in 1991. The subject application is for legalization of the applied use.
- (b) The applied use has regularly been maintained by CLP. It is interconnected with other sources as mutual backup to minimize any supply interruption during emergency.

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 one similar application (No. A/NE-KTS/501) for proposed utility installation for private project for construction of a transformer room within the same “V” zone approved by the Committee on 10.9.2021 on the ground that the proposed development is not in conflict with the planning intention of the “V” zone and not incompatible with the surrounding land uses. Details of this application is summarized at **Appendix II** and its location is shown on **Plan A-1**.

7. **The Site and Its Surrounding Areas (Plans A-1 to Plan A-4b)**

7.1 The Site is:

- (a) within the village 'environ' of Hang Tau Village;
- (b) fenced off and occupied by the applied use (i.e. a transformer and 4 switch panels);
- (c) accessible by a local access road leading from Hang Tau Road.

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

- (a) to the immediate north and east is a residential care home for persons with disabilities which is the subject of a s.16 application (No. A/NE-KTS/446) approved by the Committee in 2017;
- (b) to the immediate south and west are storages and a piece of vacant land; and
- (c) to the further north, east, south and west are the Village Office of Hang Tau, village houses and storages;.

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**

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III** and **IV** respectively.

10. **Public Comments Received During Statutory Publication Period**

The application was published for public inspection. During the statutory publication period, one public comment (**Appendix V**) submitted by an individual indicating no comment on the proposal was received.

11. Planning Considerations and Assessments

- 11.1 The application is for an utility installation for private project (transformer and equipment). According to the applicant, the applied use has been completed and is in operation. The Site falls within an area zoned “V” on the approved Kwu Tung South OZP No. S/NE-KTS/18 (**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. District Lands Officer/North, Lands Department has no adverse comment on the application and advises that the Site is partly within Lot Nos. 457 S.C and S.E (**Plan A-2**). The existing houses on the lots are covered by Building Licence under the NTEH Policy for erection of NTEHs and the Site falls within the non-building portions of the lots. Since the applied use (**Drawing A-1**), as required by CLP Power Hong Kong Ltd., is to provide essential electricity supply to adjacent NTEHs (**Plan A-3**) which are always permitted within the same “V” zone, the applied use is considered not in conflict with the planning intention of the “V” zone.
- 11.2 The application site area is about 30.54m². The applied use contains the existing transformer and four switch panels with a total floor area of about 7.93m². It is considered not incompatible with the surrounding land uses, which are mainly the village cluster of Hang Tau Village.
- 11.3 Director of Electrical and Mechanical Services has no comment on the application from regulatory service perspective. Other relevant government departments consulted including Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) also have no objection to/no adverse comment on the application. The conditions suggested by CE/MN, DSD and D of FS are recommended in paragraph 12.2 below.
- 11.4 There is one similar application within the same “V” zone approved by the Committee on 10.9.2021 for reasons as stated in paragraph 6 above.

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 15.7.2026, and after the said date, the permission shall cease to have effect unless before the said date, the permission is renewed. The following condition of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

- (a) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
- (b) the submission and implementation of a 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 IV**.

- 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 received on 16.5.2022
Appendix Ia	Further Information received on 4.7.2022
Appendix II	Similar application
Appendix III	Government departments' general comments
Appendix IV	Recommended Advisory clauses
Appendix V	Public comments
Drawing A-1	Floor/elevation/section plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4a and 4b	Site photos