

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/746

<u>Applicant</u>	:	CLP Power Hong Kong Limited
<u>Site</u>	:	Government Land in D.D. 83, Lung Ma Road, Kwan Tei, Fanling
<u>Site Area</u>	:	11.95 m ² (about)
<u>Land Status</u>	:	Government land
<u>Plan</u>	:	Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/17
<u>Zoning</u>	:	“Residential (Group C)” (“R(C)”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Public Utility Installation (Package Substation) for a Period of One Year until 13.5.2022

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for a temporary package substation for a further period of one year (**Plans A-1 and A-2**). The Site falls within an area zoned “R(C)” on the approved Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/17. According to the Notes of the OZP, ‘Public Utility Installation’ is a Column 2 use within the “R(C)” zone which requires planning permission from the Town Planning Board (the Board).
- 1.2 The temporary package substation is a single-storey structure of about 4.96m (length) x 2.41m (width) x 2.99m (height) (**Drawings A-1 and A-2**). The existing substation was approved under application No. A/NE-LYT/590 by the Rural and New Town Planning Committee (the Committee) of the Board in 2016 for five years until 13.5.2021. Due to the project delay for the new Queen’s Hill substation to the east of the Site (**Plan A-2**), the temporary substation use at the Site is still required for a further period of one year to maintain the electricity supply for the area. The current development proposal is the same as the previous approval which is to house one 1,000 kVA transformer, one 11 kV switchboard, one low voltage distribution board and associated accessories. There is no car parking and loading/unloading space provided within the Site.

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

- (a) Application Form with relevant Attachments on 11.3.2021 (**Appendix I**)
- (b) Further Information received on 14.4.2021 ^ (**Appendix Ia**)
- (c) Further Information received on 23.4.2021 ^ (**Appendix Ib**)

^ 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 Part 9 of the Application Form and Supplementary and Further Information in **Appendices I, Ia and Ib**. They can be summarized as follows:

- (a) the temporary package substation was approved by the Committee in 2016 for a period of five years to maintain the electricity supply for the area while the new Queen's Hill substation to the east of the Site is under construction (**Plan A-2**). Due to the project delay for the new Queen's Hill substation, the applicant would like to continue using the Site for substation use for a further year;
- (b) given the small size of the substation, there is neither adverse impact on the surrounding areas nor complaint of nuisance received; and
- (c) the layout and applied use are the same with the previous approval under the current renewal application. Approval conditions in relation to the submission and implementation of water supplies for fire-fighting and fire service installations (FSIs) have been complied with.

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

As the Site involves Government land only, the "owner's consent/notification" 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) is not applicable to this application.

4. Town Planning Board Guidelines

Town Planning Board Guidelines No. 34C (TPB-PG No. 34C) on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' are relevant to this application. The relevant planning criteria are summarized in **Appendix II**.

5. Previous Application

- 5.1 The Site is the subject of a previously approved application (No. A/NE-LYT/590) submitted by the same applicant for the same use under the current application. The application was approved by the Committee on 13.5.2016 for a period of five years mainly on the considerations that the proposed development was small in scale and temporary in nature would not frustrate the long-term planning intention of the Site; and significant adverse drainage, environmental, landscape and traffic impacts on the surrounding areas were not anticipated. All approval conditions have been complied with and the planning permission is valid until 13.5.2021.
- 5.2 Details of the previous application are summarized at **Appendix III** and the location is shown on **Plan A-1**.

6. Similar Application

There is no similar application for temporary package substation development in the “R(C)” zone in the vicinity of the Site in the Lung Yeuk Tau and Kwan Tei area.

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 used as a temporary package substation; and
 - (b) located at the junction of Sha Tau Kok Road and Lung Ma Road near Ma Liu Shui San Tsuen.
- 7.2 The surrounding areas have the following characteristics:
- (a) the surrounding area is rural in character predominated by village houses and temporary structures intermixed with some rural workshops, warehouses and open storage uses;
 - (b) the Queen’s Hill substation is located about 30m to the east of the Site across Lung Ma Road (**Plan A-2**); and
 - (c) Sha Tau Kok Road – Lung Yeuk Tau is running at its northwest, further northwest is the San Wai Barracks.

8. Planning Intention

The planning intention of “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning 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 Office/North, Lands Department (DLO/N, LandsD):

- (a) he has no comment on the renewal application from land administrative point of view; and
- (b) the applicant should be reminded to be responsible for the reinstatement of the Site at his own cost to the satisfaction of his office upon the expiry of the application.

Environment

9.1.2 Comments of the Director of Environmental Protection (DEP):

- in view of the small scale and nature of the development, it will unlikely cause major pollution.

Traffic

9.1.3 Comments of the Commissioner for Transport (C for T):

- considering that the traffic flow generated from the temporary package substation is minimal, he has no in-principle objection to the renewal application from the traffic engineering point of view.

Landscape

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

- (a) she has no objection to the renewal application from the landscape planning perspective; and
- (a) there is no significant adverse landscape impact is envisaged. In view of limited available space for landscape treatments in enhancing the quality of the public realm, a landscape condition is not required, should the application be approved by the Board.

Fire Safety

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

- he has no in-principle objection to the renewal application subject to fire service installations implemented on the Site being maintained in efficient working order at all times.

Building Matters

9.1.6 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- noting that the temporary development is located in an unleased Government land, it shall be exempted from the provisions of the Buildings Ordinance (BO) by virtue of section 41(1)(ba) of the BO. Hence, he has no comment on the renewal application.

District Officer's Comments

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

- he has consulted the locals regarding the application. The Chairman, the First Vice-Chairman and Vice-Chairman of the Fanling District Rural Committee object to the application mainly on the grounds of affecting public health and living environment. One of the three Indigenous Inhabitant Representatives (IIRs) of Lung Yeuk Tau has no comment. Other consultees including Village Representatives of Lung Yeuk Tau, Ma Liu Shui San Tsuen and the North District Council Member of the subject constituency did not reply.

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

- (a) Director of Health (D of Health);
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Director of Fire Services (D of FS);
- (f) Director of Electrical and Mechanical Services Department (DEMS);
- (g) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- and
- (h) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD).

10. Public Comments Received During Statutory Publication Period (Appendix IV)

On 19.3.2021, the application was published for public inspection. During the statutory public inspection period, four public comments were received. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. The remaining three public comments from the Chairman, the First Vice-Chairman and the Vice-Chairman of Fanling District Rural Committee object to the application mainly on the grounds that the applied use is close to the residential areas and thus it would affect the public health and living environment.

11. Planning Considerations and Assessments

- 11.1 The application is for renewal of planning approval for a temporary package substation for a period of one year at the Site zoned “R(C)” on the OZP. Due to the project delay for the new Queen’s Hill substation to the east of the Site, the temporary substation use at the Site is still required for a further period of one year to maintain the electricity supply for the area. Given that the applied use is small in scale and temporary in nature, the approval of the application would not frustrate the long-term planning intention of the “R(C)” zone.
- 11.2 The previous application under application No. A/NE-LYT/590 was approved in 2016. All approval conditions of the previous application have been complied with. The package substation is small in scale and not incompatible with the surrounding rural environment mainly consisting village houses, temporary structures and some rural workshops. All relevant government departments consulted including CTP/UD&L, PlanD, CE/MN of DSD, DEP and C for T, have no adverse comment on / no objection to the renewal application. The temporary package substation is not expected to have significant adverse landscape, drainage, environmental and traffic impacts on the surrounding areas.
- 11.3 The application generally complies with the TPB PG-No. 34C on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ in that there has been no material change in planning circumstances since the approval of the previous application; there are no major adverse departmental comments against the renewal application; all the approval conditions for the previous application have been complied with; and the approval period sought is not unreasonable.
- 11.4 Regarding the local objections conveyed by DO(N) of HAD and the adverse public comments as detailed in paragraphs 9.1.7 and 10 above respectively, the Government departments’ comments and the planning 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 local views conveyed by DO(N) of HAD and public comments mentioned in paragraphs 9.1.7 and 10 above, 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 on a temporary basis for a period of one year and **be renewed from 14.5.2021 to 13.5.2022**. The following conditions of approval are also suggested for Members' reference:

Approval Conditions

- (a) the existing fire service installations implemented shall be maintained in efficient working order at all times during the planning approval period; and
- (b) if the above planning condition (a) 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.

- 12.3 There is no strong reason to reject the renewal application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the 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 period of which the permission should be valid on a temporary basis.
- 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 Attachments dated 11.3.2021
Appendix Ia	Further Information received on 14.4.2021
Appendix Ib	Further Information received on 23.4.2021
Appendix II	Relevant Extract of TPB Guidelines No. 34C on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development
Appendix III	Previous Application
Appendix IV	Public comments
Drawing A-1	Location Plan
Drawing A-2	General Layout of the Temporary Package Substation
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos