

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

**APPLICATION NO. A/NE-LYT/776**

**Applicant** : CLP Power Hong Kong Limited

**Site** : Government Land in D.D. 76, Kan Tau Tsuen, Fanling, New Territories

**Site Area** : 11.95 m<sup>2</sup> (about)

**Lease** : Government Land

**Plan** : Draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/18

**Zoning** : “Agriculture” (“AGR”)

**Application** : Proposed Public Utility Installation (High Voltage (HV) Pillar)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed public utility installation (HV pillar) at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “AGR” on the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/18. According to the Notes of the OZP, ‘Public Utility Installation’ (‘PUI’) is a Column 2 use within the “AGR” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently partly vacant and covered with grass.
- 1.2 According to the applicant, the proposed development involves the installation of a HV Pillar to accommodate a transformer, a 11kV switchboard and other associated facilities with a dimension of 3.6m (length) x 3.32m (width) x 2.7m (height) (**Drawing A-1**). The construction of the ‘PUI’ would involve excavation of land with an area of 11.95m<sup>2</sup> and 2m in depth. The Site is accessible via a local road leading to Sha Tau Kok Road – Ma Mei Ha (**Plan A-1**). The general layout plan is at **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 13.10.2022 (**Appendix I**)
  - (b) Further Information (FI) received on 5.12.2022 (**Appendix Ia**)

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in part 10 of the Application Form at **Appendix I**, as summarized as follows:

- (a) having considered the load growth of the existing services/customers and new Small House developments in Kan Tau Tsuen, the applicant proposes to install a HV Pillar as an essential facility to alleviate the heavy load condition of existing supply facilities, catering for the anticipated load growth of new Small House developments, and to enhance the reliability of the electricity supply system to Kan Tau Tsuen and nearby villages;
- (b) the proposed HV Pillar is a specially designed electrical equipment that occupies an area of less than 12m<sup>2</sup>. It is a prefabricated design and totally enclosed to accommodate the required equipment; and it is unmanned design, maintenance free and made of fireproof materials. Hence, its impact on the nearby areas and local traffic is minimal; and
- (c) on-site inspections have been carried out on technical feasibility for several potential locations for installation including government land in “V” zone. However, considering spatial requirements, equipment delivery routings, proximity to load centre and provision of public road with adequate space for laying power cable and the coordination with existing power network to meet the needs of electrical load in the area, the proposed location was identified to be the only feasible option for installation.

## **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) are not applicable to the application.

## **4. Previous Application**

There is no previous application for the Site.

## **5. Similar Application**

There is no similar application for the proposed HV Pillar within the “AGR” zone on the OZP.

## **6. The Site and Its Surrounding Areas (Plans A-1 to A-4)**

6.1 The Site is:

- (a) partly vacant and partly covered with grass; and
- (b) accessible via a local track leading to Sha Tau Kok Road – Ma Mei Ha.

6.2 The surrounding areas have the following characteristics:

- (a) the surrounding land uses are predominantly rural in character intermixed with grass, tree clusters, village houses and active/fallow agricultural land;
- (b) to the west are active/fallow agricultural land and domestic structures, and to the further west is Kan Tau Tsuen;
- (c) to the east is fallow agricultural land, and to the further east and northeast are Tan Shan River and plant nurseries respectively; and
- (d) to the south are a footpath, a natural stream (Tan Shan River) and active/fallow agricultural land.

## **7. Planning Intention**

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

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

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

### **Land Administration**

8.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site falls entirely on unleased and unallocated government Land. The applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement; and
- (b) advisory comments are appended at **Appendix III**.

### **Visual and Landscape**

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

- (a) no objection to the application from visual and landscape planning perspective;

#### **Visual**

- (b) considering the scale and site context, the proposed HV Pillar will unlikely induce any significant adverse visual impact on the surrounding areas;

### Landscape

- (c) the Site is located in an area of rural inland plain landscape character comprising of village houses, temporary structures, vegetated areas, clusters of tree groups and a natural stream at the southeast. The Site is covered with self-seeded vegetation and no sensitive landscape resources within the Site is observed. Significant adverse impact on existing landscape resources within the Site and the landscape character arising from the proposed use is not anticipated; and
- (d) should the Board approve the application, it is considered not necessary to impose a landscape condition as there is limited space within the site for meaningful landscaping.

### Agriculture

#### 8.1.3 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) does not support the application from the agricultural perspective; and
- (b) the Site falls within the “AGR” zone and is abandoned. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water sources are also available. The Site possesses potential for agricultural rehabilitation and can be used for agricultural activities such as open-field cultivation, green houses and plant nurseries.

### Fire Services

#### 8.1.4 Comments of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to fire service installations (FSIs) being provided to the satisfaction of his department;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) the applicant is advised to observe the requirements of Emergency Vehicular Access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administrated by the Buildings Department.

### District Officer's Comments

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

- he has consulted the locals regarding the application. The Chairman of Fanling District Rural Committee indicates no comment on the application.

8.2 The following government departments have no objection to/no adverse comments on the application:

- (i) Commissioner for Transport (C for T);
- (ii) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);  
Director of Environmental Protection (DEP);
- (iii) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (iv) Director of Electrical and Mechanical Services (DEMS);
- (v) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (vi) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD); and
- (vii) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

## **9. Public Comments Received During Statutory Publication Period (Appendix II)**

On 21.10.2022, the application was published for public inspection. During the statutory public inspection period, two public comments were received. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. An individual objects to the application mainly on the grounds that the applicant did not provide any information with regard to end user, and the proposed development would encourage the encroachment of small house developments into the “AGR” zone.

## **10. Planning Considerations and Assessments**

- 10.1 The application is for a proposed HV Pillar at the Site zoned “AGR” on the OZP involving a total site area of about 12m<sup>2</sup> to accommodate one transformer, one 11kV switchboard and other associated facilities along the existing footpath. The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Whilst DAFC does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation, according to the applicant, the Site is the most suitable location in view of its proximity to the existing supply network and minimal impacts to the nearby residents are anticipated. The proposed HV Pillar is an essential installation to maintain reliable and secure electricity supply to the residents of the existing Kan Tau Tsuen. DEMS and DLO/N, LandsD have no objection to/no adverse comment on the application.
- 10.2 The Site is located near the village proper of Kan Tau Tsuen and is accessible from Sha Tau Kok Road – Ma Mei Ha via a local track (**Plan A-1**). It is partly vacant and partly covered with grass. The proposed use is considered not incompatible with the surrounding land uses which are predominantly village houses and temporary domestic structures and active/fallow agricultural land. The proposed HV Pillar is a relatively small scale structure which is not envisaged to have significant environmental, visual and landscape impacts. Relevant government departments consulted including C for T, DEP, CTP/UD&L, CE/MN of DSD, DEMS, D of FS, CHE/NTE of HyD, CBS/NTW, BD and CE/C of WSD have no adverse comment on/no objection to the application.
- 10.3 Regarding the adverse public comments as detailed in paragraph 9 above, the government departments’ comments and the planning assessments above are relevant.

## **11. Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9 respectively, Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 9.12.2026, 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 suggested for Members' reference:

### Approval Condition

- the submission and implementation of proposal for fire service installation and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

### Advisory Clauses

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

- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:
- the development is not in line with the planning intention of the "AGR" zone which is to retain primarily and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission to justify for a departure from the planning intention.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 12.2 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.
- 12.3 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.

**13. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 13.10.2022
<b>Appendix Ia</b>	FI received on 5.12.2022
<b>Appendix II</b>	Public Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	Photo References
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2022**