

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-SSH/144

- Applicant** : CLP Power Hong Kong Limited represented by Kum Shing (K.F.) Construction Company Limited
- Site** : Government Land in D.D. 163, Kei Ling Ha Lo Wai, Shap Sz Heung, Sai Kung North, New Territories
- Site Area** : About 162 m²
- Lease** : Government land
- Plan** : Approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/11
- Zonings** : “Conservation Area” (“CA”) (69%)
“Coastal Protection Area” (“CPA”) (31%)
- Application** : Proposed Public Utility Installation (Underground Cables) with Filling and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) (**Plan A-1**) for a proposed public utility installation (underground cables) with filling and excavation of land. The Site falls largely within an area zoned “CA” (about 69%) and partly zoned “CPA” (about 31%) on the approved Shap Sz Heung OZP No. S/NE-SSH/11. According to the Notes of the OZP, ‘Public Utility Installation’ is a Column 2 use within “CA” and “CPA” zones which require planning permission from the Town Planning Board (the Board). The Remarks of the Notes for both zones also stipulate that any filling or excavation of land require planning permission from the Board. The Site is currently vacant and mostly along an existing paved local track.
- 1.2 According to the applicant, the underground cables will be about 162m in length and 1m in width predominantly running along an existing concrete paved local track connecting an existing electricity substation (ESS) partly within the “Government, Institution or Community” (“G/IC”) zone (**Plan A-2**). The associated excavation of land involves an area of about 162m² and is about 1.2m in depth, which will be backfilled to the current level and reinstated to the current condition upon completion of the proposed installation. The Site is accessible via a local track connecting to Sai Sha Road. The cable route plan and section plans of the underground cables submitted by the applicant are at **Drawings A-1 to A-3**.

- 1.3 Part of the Site overlaps with an approved application No. A/NE-SSH/137 submitted by the same applicant for public utility installation (package substation and underground cables) and excavation of land. According to the applicant, such overlapping is essential for connecting the existing underground cable with the new underground cable under the current application (**Appendix Ia**). Details of the previous application is set out in paragraph 4.1 below.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form and supplementary information (SI) (**Appendix I**) received on 23.8.2022, 26.8.2022 and 27.8.2022
 - (b) Further information (FI) received on 13.9.2022 (**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 Part 10 of the application form and SI at **Appendix I** and summarized below:

- (a) the proposed installation is to support electricity supply for the new village houses in Kei Ling Ha Lo Wai. A package substation has been installed for alleviating the loading demand of existing supply facilities. The two underground cables are necessary for forming an interconnection circuit to the package substations and enhancing the reliability and stability of the power supply system to the village houses around Kei Ling Ha Lo Wai;
- (b) there is no other possible alternative for the proposed installation as land between the ESS and the village houses in Kei Ling Ha Lo Wai are zoned “CA” and “CPA”; and
- (c) the proposed installation would not result in adverse landscape, visual and environmental impact as it will lay underneath a paved local track.

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

- 4.1 Part of the Site overlaps with a previous application No. A/NE-SSH/137 submitted by the same applicant for public utility installation (package substation and underground cables) and excavation of land. The previous application was approved by the Rural and New Town Planning Committee (the Committee) on 15.9.2020 mainly on consideration that it is an essential infrastructure project for the enhancement of the reliability of the electricity supply system to the nearby villages; there is no other possible alternative for the installation; and no adverse impact to the surrounding area is anticipated.
- 4.2 Details of the previous application are summarized at **Appendix II** and its location is shown on **Plans A-1** and **A-2**.

5. Similar Application

There is no similar application within the same “CA” and “CPA” zones.

6. The Site and Its Surrounding Areas (Plans A-1 to A-3 and site photos on **Plans A-4a** to **A-4c**)

- 6.1 The Site is:
- (a) currently vacant and mostly along an existing paved local track (**Plans A-4a** to **A-4c**);
 - (b) situated near the southeastern fringe of Kei Ling Ha Lo Wai; and
 - (c) accessible via a local track connecting to Sai Sha Road.
- 6.2 The surrounding areas are predominantly rural in character, mainly covered with scattered tree groups. To the eastern end of the Site is an ESS partly within the “G/IC” zone (**Photo 7** in **Plan A-4b**). The Kei Ling Ha Lo Wai Refuse Collection Point (RCP) is located to the north of the Site (**Photo 4** in **Plan A-4a**). To the western end of the Site is the village proper of Kei Ling Ha Lo Wai. To the further north is the Kei Ling Ha Mangal Site of Special Scientific Interest (SSSI).

7. Planning Intentions

- 7.1 The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as “SSSI” or Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted.

- 7.2 The planning intention of the “CPA” zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted.

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/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site falls within unleased and unallocated government land in D.D. 163, which will be covered by the Block Licence; and
- (c) the applicant should apply from his office for an excavation permit before commencement of works.

Nature Conservation

- 8.1.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- in view that the proposed public utility installation is along existing paved road, he has no adverse comment on the application from nature conservation perspective.

Environment

- 8.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) no adverse comment on the application from environmental planning perspective; and
- (b) the applicant is advised to implement the relevant environmental pollution control clauses during construction to minimize the potential environmental impacts in accordance with the “Recommended Pollution Control Clauses for Construction Controls”.

Landscape

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

- (a) no objection to the application from landscape planning perspective;
- (b) the Site is mainly hard-paved, and existing self-seeded vegetation and trees (including one sapling of *Aquilaria sinensis*) are near to part of the Site. Based on the aerial photo taken in 2020, the Site is situated in an area of rural landscape character comprising of village houses and scattered tree groups (**Plan A-3**);
- (c) given the scale and nature of works, significant adverse impact on the surrounding landscape resources and character arising from the proposed installation is not anticipated; and
- (d) her advisory comments are at **Appendix IV**.

Water Supply

8.1.5 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) no objection to the application;
- (b) existing fresh water mains are in close proximity to the proposed installation and is likely to be affected (**Plan A-2**). The applicant is required to either divert or protect the water mains found on site; and
- (c) his advisory comments are at **Appendix IV**.

Fire Safety

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

- (a) no in-principle objection to the application;
- (b) in anticipating the involvement of extensive road works, the applicant is advised to observe requirements at **Appendix IV** throughout the project period as far as reasonably practicable.

Food and Environmental Hygiene

8.1.7 Comments of the Director of Food and Environmental Hygiene (DEFH):

- (a) no FEHD facilities will be affected;

- (b) for any waste generated from the proposed installation, the applicant should arrange disposal properly at their own expenses. The work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding; and
- (c) the proposed installation should not hinder the entry of refuse collection vehicle to the RCP nearby and the operation of the RCP should not be adversely affected during all period.

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

- (a) Commissioner for Transport (C for T);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (d) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (e) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (f) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO),CEDD); and
- (g) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

9. Public Comment Received During Statutory Publication Period (Appendix III)

On 30.8.2022, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly for reasons of not providing sufficient details on the end users of the power supply, no apparent need for the proposed installation and adverse traffic impact on the surrounding areas.

10. Planning Considerations and Assessments

10.1 The application is for proposed public utility installation (underground cables) with filling and excavation of land within an area partly zoned “CA” (about 69%) and partly zoned “CPA” (about 31%). According to the applicant, the underground cables will be about 162m in length and 1m in width predominantly running along an existing concrete paved local track. The associated excavation of land involves an area of about 162m² and is about 1.2m in depth, which will be backfilled to the current level and reinstated to the current condition upon completion of the proposed installation. Although the proposed installation and works are not entirely in line with the planning intentions of the “CA” and “CPA” zones, for which there is a general presumption against development, the current application is for enhancement of the reliability and stability of the power supply system to the nearby village houses around Kei Ling Ha Lo Wai and there is no other possible alternative for the proposed installation as only “CA” and “CPA” zones are between the existing ESS and the village houses in Kei Ling Ha Lo Wai. Therefore, the proposed installation and works can be considered as an essential infrastructure

project. As the Site is mainly along existing paved local track, DAFC has no adverse comment on the application from nature conservation perspective.

- 10.2 The Site, situated near the southeastern fringe of Kei Ling Ha Lo Wai, is running along an existing paved local track. The installation is small in scale and not entirely incompatible with the surrounding environment which is predominantly rural in character comprising village houses and scattered tree groups. CTP/UD&L of PlanD advises that significant adverse impact on the surrounding landscape resources and character arising from the proposed installation and works is not anticipated and has no objection to the application from landscape planning perspective. In view of the nature and design of the proposed installation, no adverse ecological, environmental, traffic, drainage, water supply, fire safety and geotechnical impacts on the surrounding areas are anticipated. Other government departments consulted have no objection to/adverse comment on the application from technical aspects.
- 10.3 There is a previous application (No. A/NE-SSH/137) approved by the Committee on the considerations as mentioned in paragraph 4.1 above. The planning circumstance of the previous application is applicable to the current application.
- 10.4 Regarding the objecting public comment received as detailed in paragraph 9 above, 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 comment mentioned in paragraph 9 above, the 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 **14.10.2026**, 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 recommended advisory clauses are attached at **Appendix IV**.
- 11.3 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 intentions of the "CA" and "CPA" zones which are to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as SSSI or Country Park from the adverse effects of development, and to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment respectively. There is a general presumption against development in both zones. There is no strong planning justification in the submission for a departure from such planning intentions.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clauses 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

Appendix I	Application form and SI received on 23.8.2022, 26.8.2022 and 27.8.2022
Appendix Ia	FI received on 13.9.2022
Appendix II	Previous application
Appendix III	Public comment
Appendix IV	Recommended advisory clauses
Drawing A-1	Cable route plan submitted by the applicant
Drawings A-2 and A-3	Section plans of the underground cables submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a to A-4c	Site photos

**PLANNING DEPARTMENT
OCTOBER 2022**