

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

**APPLICATION NO. A/NE-SSH/147**

- Applicant** : CLP Power Hong Kong Limited
- Site** : Government Land in D.D. 209, Sai Keng, Shap Sz Heung, Sai Kung, New Territories
- Site Area** : About 251.95m<sup>2</sup>
- Land Status** : Government land (G.L.)
- Plan** : Approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/11
- Zonings** : “Site of Special Scientific Interest” (“SSSI”) (50%)  
“Coastal Protection Area” (“CPA”) (50%)
- Application** : Proposed Public Utility Installation (PUI) (High Voltage (HV) Pillar and Underground Cables) with Associated 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 PUI (HV pillar and underground cables) with associated filling and excavation of land. The Site falls within an area partly zoned “SSSI” (about 50%) and partly zoned “CPA” (about 50%) 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 “SSSI” 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 proposed PUI site is along an existing paved village road.
- 1.2 According to the applicant, the proposed HV pillar with a floor area of about 11.95m<sup>2</sup> (3.6m x 3.32m) and a height of about 2.7m (1 storey) will be installed at the southern end of the Site within the “CPA” zone (Photo 1 on **Plan A-4a**). The underground cables will be about 240m in length and 1m in width predominantly running along an existing concrete paved village road falling within the “CPA”, “Village Type Development” (“V”)<sup>1</sup> and “SSSI” zones connecting an existing electricity substation (ESS) within the “CPA” zone at its northern end, to the proposed HV pillar at the southern end (**Plan A-2**). The associated excavation of

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<sup>1</sup> According to the Covering Notes of the OZP, provision, maintenance or repair of public utility pipeline are always permitted within the boundary of the OZP except areas zone “SSSI”, “CPA” or “Conservation Area”.

land involves an area of about 251.95m<sup>2</sup> with a depth of about 1.8m (for the HV pillar) or 1.2m (for the cables), which will be backfilled to the current level and reinstated to the current condition upon completion of the proposed PUI. The Site is accessible via local tracks connecting to Sai Sha Road. The layout plan and elevation plans of the HV pillar and route plan of the underground cable submitted by the applicant are shown in **Drawings A-1 to A-3**.

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

- (a) Application Form and attachments dated 23.3.2023 (Appendix I)
- (b) Further Information (FI) dated 26.4.2023 (Appendix Ia)
- (c) Further Information (FI) dated 11.5.2023 (Appendix Ib)

## 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 FI at **Appendices I, Ia and Ib** and summarized below:

- (a) the proposed HV pillar is essential for alleviating the heavy loading of the existing power supply facilities, catering for the anticipated growth in demand arising from new Small Houses and electric vehicle chargers, and enhancing the reliability of the electricity supply system of Sai Keng Village and the area in the vicinity;
- (b) the proposed HV pillar is a specially designed electrical equipment occupying an area of less than 12m<sup>2</sup>. It is totally enclosed with unmanned design and made of fireproof materials. Therefore, the potential impact arising from the proposed HV pillar on the nearby areas and local traffic network is minimal;
- (c) the proposed locations of the HV pillar and underground cables are considered as the only feasible option taking into account spatial requirements, equipment delivery routes, in proximity to load centre, availability of access road with adequate space for laying underground cables and connection with existing power network; and
- (d) to minimize the impact during construction stage, trench excavation will be carried out in phases to reduce road obstruction time. Concerned village representative and villager will also be notified of the works prior to commencement of the excavation works.

## 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 at the Site.

#### 5. **Similar Application**

There is no similar application within the same “SSSI” 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-4b)

6.1 The Site is:

- (a) along an existing paved village road;
- (b) situated at the eastern fringe of Sai Keng Village; and
- (c) accessible via local tracks connecting to Sai Sha Road.

6.2 The surrounding areas are predominantly rural in character, mainly comprising scattered tree groups and village houses. The northern end of the Site is connected to an ESS within the “CPA” zone (**Photo 6 in Plan A-4b**). To the east of the Site is the Kei Ling Ha Mangal Site of Special Scientific Interest (SSSI)<sup>2</sup> (**Plan A-1**). To the immediate west is the village proper of Sai Keng Village.

#### 7. **Planning Intentions**

7.1 The planning intention of the “SSSI” zone is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, corals, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as SSSI. It intends to deter human activities or developments within the SSSI. There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.

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

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<sup>2</sup> Kei Ling Ha Mangal is a designated SSSI comprising the mangal community and mudflat along the coastal area between Tseng Tau South and Kei Ling Ha Lo Wai incorporating the inner bay of Three Fathoms Cove (Kei Lung Ha Hoi) to the south of Wu Chau.

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 G.L. in D.D. 209;
- (c) the HV pillar with area of less than 12m<sup>2</sup> and underground cable route to be erected will be covered by the Block Licence.

### Nature Conservation

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

- in view that the proposed PUI is along paved road, he has no comment on the application from nature conservation perspective.

### Environment

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

- no comment to the application.

### 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) based on the aerial photo of 2022, the Site is located in a rural coastal plains landscape character comprising village houses and scattered tree groups. Kei Ling Ha Mangal, a designated SSSI is located in close proximity to the north and east of the Site. Based on the site photos taken in March 2023, the Site is hard-paved. One existing

tree of common species is found near the existing ESS at the north of the Site (Photo 6 of **Plan A-4b**);

- (c) given the scale and nature of works, significant adverse impact on the surrounding landscape resources and character arising from the proposed PUI and associated excavation works is not anticipated; and
- (d) her advisory comments are at **Appendix III**.

#### 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 PUI 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 III**.

#### Traffic

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

- no comment to the application as the concerned village road is not managed by his department.

#### Electricity Supply

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

- (a) no particular comment on the application from electricity supply safety aspect; and
- (b) his advisory comments are at **Appendix III**.

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

- (a) Director of Fire Services (D of FS);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);

- (d) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (e) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (f) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

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

On 31.3.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns on blockage of vehicular traffic and pedestrian safety during the construction period.

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

- 10.1 The application is for proposed PUI (HV pillar and underground cables) with associated filling and excavation of land within an area partly zoned “SSSI” (about 50%) and partly zoned “CPA” (about 50%) on the OZP. According to the applicant, the proposed HV pillar with a floor area of about 11.95m<sup>2</sup> (3.6m x 3.32m) and a height of about 2.7m (1 storey) would be installed at the southern end portion of the Site, and the underground cables would be about 240m in length and 1m in width running along an existing concrete village road and connecting the existing ESS in the north and the proposed HV pillar in the south. The associated excavation of land involves an area of about 251.95m<sup>2</sup> with a depth of about 1.8m (for the HV pillar) or 1.2m (for the cables), which would be backfilled and reinstated to the current condition upon completion of the proposed PUI. Although the proposed PUI and works are not in line with the planning intentions of the “SSSI” and “CPA” zones, for which there is a general presumption against development, the current application is for enhancing the reliability of the electricity supply system of Sai Keng Village. The applicant also claims that the proposed locations for the HV pillar and underground cables are the only feasible option having considered the spatial requirements, equipment delivery routes, proximity to load centre, availability of access road with adequate space for laying underground cables and connection with existing power network. The proposed PUI and works can be considered as an essential infrastructure project within “CPA” zone. As the Site is located along the existing paved village road, DAFC has no comment on the application from nature conservation perspective. Sympathetic consideration can be given to the proposed PUI and works within “SSSI” zone.
- 10.2 The Site, situated near the eastern fringe of Sai Keng Village, is running along the existing paved village road. The HV pillar 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 has no objection to the application as significant adverse impact on the surrounding landscape resources and character arising from the proposed PUI and works is not anticipated. Other government departments consulted have no objection to/adverse comment on the application from technical aspects. In view of the nature and design of the proposed PUI, no adverse ecological, environmental,

traffic, drainage, water supply, fire safety and geotechnical impacts on the surrounding areas are anticipated.

- 10.3 Regarding the concerns of traffic impact during construction stage raised by a public comment as detailed in paragraph 9 above, the applicant indicates that excavation works would be carried out in phases to reduce the traffic obstruction, and village representatives of Sai Keng and residents nearby will be notified prior to the commencement of works. Government departments' comments and the planning assessments above are also 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 **19.5.2027**, 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 III**.
- 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 "SSSI", which is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, corals, woodlands, marshes or areas of geological, ecological or botanical/biological interest, and the "CPA" zone, which 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. 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

<b>Appendix I</b>	Application form received on 23.3.2023
<b>Appendix Ia</b>	FI received on 26.4.2023
<b>Appendix Ib</b>	FI received on 11.5.2023
<b>Appendix II</b>	Public comment
<b>Appendix III</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Location plan of HV pillar submitted by the applicant
<b>Drawing A-2</b>	Cable route plan submitted by the applicant
<b>Drawing A-3</b>	Elevation plan of HV pillar submitted by the applicant
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a to A-4b</b>	Site photos

**PLANNING DEPARTMENT  
MAY 2023**