

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

**APPLICATION NO. A/NE-SSH/161**

<b><u>Applicant</u></b>	CLP Power Hong Kong Limited represented by Kum Shing (K.F.) Construction Company Limited
<b><u>Site</u></b>	Government Land (GL) in D.D. 209 near Kei Ling Ha Lo Wai, Shap Sz Heung, Sai Kung, New Territories
<b><u>Site Area</u></b>	About 10m <sup>2</sup>
<b><u>Land Status</u></b>	GL
<b><u>Plan</u></b>	Approved Shap Sz Heung Outline Zoning Plan No. S/NE-SSH/11
<b><u>Zoning</u></b>	“Conservation Area” (“CA”)
<b><u>Application</u></b>	Proposed Public Utility Installation (Underground Cable and Pole) and Associated Excavation and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (PUI) (underground cable and pole) and associated excavation and filling of land at the application site (the Site) falling within an area zoned “CA”<sup>1</sup> on the OZP (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘PUI’ is a Column 2 use within “CA” zone which requires planning permission from the Town Planning Board (the Board). Filling and excavation of land within “CA” zone also require permission from the Board. The Site is partly situated on an existing paved footpath, partly vacant and partly covered with vegetation (**Plan A-4**).
- 1.2 The Site is accessible via local track connecting to Sai Sha Road (**Plans A-1 and A-2**). According to the applicant, the proposed PUI comprises two electricity poles of about 1m (L) x 1m (W) x 7.2m (H) and two sections of underground electricity cable of about 2m (L) x 1m (W) and 6m (L) x 1m (W) (**Drawings A-1 to A-3**). The proposal also involves associated excavation of land and back-filling of land by concrete (about 1.2m to 1.8m in depth) within the Site. The layout plan and section plans of the underground cables and poles are shown at **Drawings A-1 to A-3**.

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<sup>1</sup> Although a very minor portion of the Site (about 0.4% or 0.4m<sup>2</sup>) falls within an area zoned “Coastal Protection Area” (“CPA”), the Site can be considered as falling entirely within the “CA” zone due to minor boundary adjustment allowed under the covering Notes of the OZP.

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

- (a) Application Form with attachment and Supplementary Information (SI) received on 17.12.2024 and 19.12.2024 **(Appendix I)**
- (b) Further Information (FI) received on 22.1.2025\* **(Appendix Ia)**
- (c) FI received on 7.2.2025\* **(Appendix Ib)**
- (d) FI received on 10.2.2025\* **(Appendix Ic)**

*\*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, SI and FI at **Appendices I and Ib**, as summarised below:

- (a) the proposed PUI is to upgrade and enhance the electricity supply network of Kei Ling Ha Lo Wai Village;
- (b) there is no other feasible alternative for the proposed PUI as the existing nearest electricity source are located on land zoned “CA” and “CPA” (**Plan A-2**), and the proposed installation method is the most effective as there is a level difference between the footpath and Kei Ling Ha Lo Wai Village; and
- (c) the proposed PUI would not result in significant adverse landscape, visual and environmental impacts.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

As the Site involves GL 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. 31B) are not applicable to the application.

## **4. Background**

The Site is not subject to any active planning enforcement action.

## **5. Previous Application**

There is no previous application at the Site.

## **6. Similar Applications**

- 6.1 There are two similar applications (No. A/NE-SSH/137 and 144) covering two sites for PUIs (package substation and/or underground cables) within the same “CA” and adjoining “CPA” zones in the vicinity of the Site in the past five years (**Plans A-1** and **A-2**). The applications were approved by the Rural and New Town Planning Committee (the Committee) between 2020 and 2022 mainly on the considerations that it was an essential infrastructure project for the enhancement of the reliability of the electricity supply system to the nearby village; there was no other possible alternative for the installation; and no adverse impact to the surrounding area was anticipated.
- 6.2 Details of the similar applications are at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

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

- 7.1 The Site is:
- (a) partly situated on an existing paved footpath, partly vacant and partly covered with vegetation;
  - (b) located near the south-eastern fringe of the “Village Type Development” (“V”) zone of Kei Ling Ha Lo Wai; and
  - (c) accessible via a local track connecting to Sai Sha Road.
- 7.2 The surrounding areas are predominantly rural in character and mainly covered with dense tree groups. To the immediate southeast and northwest of the Site are the village proper of Kei Ling Ha Lo Wai. To the east and northeast are the coastal area zoned “CPA” and the Kei Ling Ha Mangal Site of Special Scientific Interest (SSSI).

## **8. Planning Intention**

- 8.1 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.
- 8.2 Filling or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

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

- 9.1 The following government departments have been consulted and their views on the application are summarised below:

### **Land Administration**

- 9.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) he has no objection to the application;
- (b) the Site is on unleased and unallocated GL in D.D. 209; and
- (c) his advisory comments are at **Appendix III**.

### **Nature Conservation**

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

he has no comment on the application from nature conservation perspective, in view that the Site is covered with common plant species and close to nearby developed area.

### **Environment**

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

he has no comment on the application from environmental planning perspective.

### **Landscape**

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

- (a) she has no adverse comment on the application from landscape planning perspective;
- (b) based on the aerial photo of 2023, majority of the Site is situated in an area of settled valleys landscape character surrounded by woodland and village houses in the adjacent “V” zone. The proposed use is considered not entirely incompatible with the surrounding environment;
- (c) according to the site photos taken in December 2024, the Site consists of path and debris. No existing trees is observed within the Site, and some vegetation are observed immediately adjacent to the Site. According to the application form, no tree felling is involved. Significant adverse impact on existing landscape

resource arising from the proposed use is not anticipated; and

(d) her advisory comments are at **Appendix III**.

#### **Electricity Supply**

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

(a) he has no particular comment on the application from electricity supply safety aspect; and

(b) his advisory comments are at **Appendix III**.

#### **Water Supplies**

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

(a) he has no objection to the application; and

(b) his advisory comments are at **Appendix III**.

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

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

### **10. Public Comment Received During Statutory Publication Period**

On 24.12.2024, the application was published for public inspection. During the statutory public inspection period, one comment was received from an individual (**Appendix IV**) objecting to the application on the grounds that development should not be allowed in “CA” and “CPA” zones and the sensitive coastline should be preserved.

## 11. Planning Considerations and Assessments

- 11.1 The application is for proposed PUI (underground cable and pole) and associated excavation and filling of land at the Site falling within the “CA” zone on the OZP. Although the proposed use is not in line with the planning intention of the “CA” zone, for which there is a general presumption against development, the application is to enhance and upgrade the power supply network of Kei Ling Ha Lo Wai Village. According to the applicant, there is no other possible alternative for the proposed PUI considering the existing nearest power source located on land zoned “CA” and “CPA”. Therefore, the proposed PUI and associated works can be considered as an essential infrastructure project. DAFC has no comment on the application from nature conservation perspective.
- 11.2 The Site is partly situated on the existing paved footpath and partly covered with vegetation. No tree felling is involved. The proposed PUI is considered small in scale and not entirely incompatible with the surrounding environment which is predominantly rural in character mainly surrounded by woodland and village houses. CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective and advises that significant adverse impact on the existing landscape character arising from the proposed use is not anticipated. DEMS has no particular comment on the application from electricity supply safety aspect. Other relevant departments consulted including CE/C, WSD and D of FS have no objection to or no adverse comment on the application.
- 11.3 The application also involves excavation and filling of land within the “CA” zone, i.e. excavation and back-filling of land by concrete (about 1.2m to 1.8m in depth) within the Site, which require planning permission from the Board as it may cause adverse drainage and environmental impacts on adjacent areas. In this regard, CE/MN, DSD and DEP have no objection to or no adverse comment on the application from drainage and environmental planning perspectives respectively.
- 11.4 Regarding the public comment as detailed in paragraph 10, the government departments’ comments and planning assessments above are relevant.

## 12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and taking into account the public comment 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 14.2.2029, 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 at **Appendix III**.
- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

- the proposed installation with associated excavation and filling of land is not in line with the planning intention of the “CA” zone which 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 Site of Special Scientific Interest or Country Park from the adverse effects of development. There is a general presumption against development in this zone. 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 the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the 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**

<b>Appendix I</b>	Application Form and Supplementary Information received on 17.12.2024 and 19.12.2024
<b>Appendix Ia</b>	Further Information received on 22.1.2025
<b>Appendix Ib</b>	Further Information received on 7.2.2025
<b>Appendix Ic</b>	Further Information received on 10.2.2025
<b>Appendix II</b>	Similar Application
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendix IV</b>	Public Comment
<b>Drawing A-1</b>	Location plan submitted by the applicant
<b>Drawing A-2</b>	Section plan of the underground cable submitted by the applicant
<b>Drawing A-3</b>	Section plan of the pole 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>Plan A-4</b>	Site Photo

**PLANNING DEPARTMENT  
FEBRUARY 2025**