

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

**APPLICATION NO. A/NE-YSO/10**

<b><u>Applicant</u></b>	Yung Shue O Marine Aquaculture Association represented by Mr. WONG Yuet Sang
<b><u>Site</u></b>	Government Land (GL) in D.D. 201, Ngau Yue Tau, Yung Shue O, Tai Po, New Territories
<b><u>Site Area</u></b>	About 2.645m <sup>2</sup>
<b><u>Land Status</u></b>	GL
<b><u>Plan</u></b>	Approved Yung Shue O Outline Zoning Plan (OZP) No. S/NE-YSO/2
<b><u>Zoning</u></b>	“Coastal Protection Area” (“CPA”)
<b><u>Application</u></b>	Proposed Public Utility Installation (PUI) (Electricity Meter Kiosk) and Associated Excavation and Filling of Land

**1. The Proposal**

1.1 The applicant seeks planning permission for a proposed PUI (electricity meter kiosk) and associated excavation and filling of land at the application site (the Site) falling within an area zoned “CPA” on the approved Yung Shue O OZP (**Plans A-1 and A-2**). The proposal includes installation of an electricity meter kiosk (2.3m (L) x 1.15m (W) x 2.1m (H)<sup>1</sup>), and associated excavation and filling of land with an area of about 2.645m<sup>2</sup> (i.e. the entire Site). Whilst the depth of land excavation is about 0.7m (for the provision of underground portion of the meter kiosk), the depth of land filling (by concrete) is about 0.15m above ground to provide an elevated platform for placing the proposed meter kiosk (**Drawings A-2 to A-3**). It also includes an overhead electricity cable connecting the proposed meter kiosk at the Site to the existing electricity pole to its northeast (**Drawing A-1**). According to the Notes of the OZP, ‘PUI’ is a Column 2 use within the “CPA” zone, which requires planning permission from the Town Planning Board (the Board). Excavation and filling of land within the “CPA” zone also require permission from the Board.

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

(a) Application Form with attachments received on 22.8.2024 (**Appendix I**)

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<sup>1</sup> including 0.15m-high elevated concrete platform for placing the meter kiosk.

- (b) Further Information (FI) received on 24.9.2024\* **(Appendix Ia)**  
(\*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 and the FI at **Appendices I and Ia** as summarized below:

- (a) the current electricity supply to the fish farms within the Yung Shue Au Fish Culture Zone (FCZ)<sup>2</sup> in the Three Fathoms Cove (Kei Ling Ha Hoi) (**Plan A-1**) is marginally adequate for routine operation. The proposed electricity meter kiosk at the Site will help improve the operational efficiency of the fish farms by strengthening the power supply for operating machinery for transporting heavy objects and supplies. The additional electricity supply will also help to cater for the future demand in the area, thus enhancing a more sustainable development of the FCZ;
- (b) the nearest available electricity meter kiosk is currently located at Yung Shue O Jetty (**Plan A-1**). Due to its close proximity to the fish farms, fish boats' frequent use of Yung Shue O Jetty to obtain electricity to the fish farms creates marine safety issues (such as possible collision of fish boats and disruptions to the fish farm structures). Also, other fish boats may also be required to circumnavigate when there are boats with heavy machineries operating near Yung Shue O Jetty. Thus, the proposed electricity meter kiosk at Ngau Yue Tau (i.e. the Site), which would not interfere with most of the existing fish farms, would serve as an alternative source of electricity supply, enabling direct connection of the electricity cables to the fish farms besides through the fish boats;
- (c) the proposed location at Ngau Yue Tau (i.e. the Site) is selected for the provision of meter kiosk as per the recommendation of CLP Power Hong Kong Limited, considering that (i) it is easily accessible; (ii) there are already segments of electricity cables ready to be connected to the proposed installation (**Drawing A-1**); and (iii) no extensive excavation and cut-slope works are required, allowing shorter construction time;
- (d) the proposed meter kiosk would be painted in green or any other suitable colour suggested by relevant authorities, in order to blend well with the natural coastal environment; and
- (e) the applicant is aware of the necessity in applying for a Short Term Tenancy (STT) from Lands Department (LandsD) with policy support by relevant policy bureau.

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<sup>2</sup> Yung Shue Au FCZ is one of 28 FCZs in Hong Kong recognised by the Agriculture, Fisheries and Conservation Department (AFCD), which are protected and regulated by the Marine Fish Culture Ordinance (Cap. 353).

**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 active planning enforcement action.

**5. Previous Application**

There is no previous application at the Site.

**6. Similar Application**

There is no similar application within the same “CPA” zone on the OZP.

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

7.1 The Site is :

- (a) vegetated and located to the further west of Yung Shue O Village; and
- (b) accessible via a local footpath connecting Yung Shue O and Sham Chung.

7.2 The surrounding areas are predominantly rural in character and mainly covered with dense tree groups. To the east and south of the Site are a few temporary structures used as store/storage use and unused land.

**8. Planning Intention**

8.1 The planning intention of the “CPA” zone is intended 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 are essential infrastructure projects with overriding public interest may be permitted.

8.2 Filling or excavation of land may cause adverse drainage impacts on adjacent areas and adverse impacts on the natural environment. In view of the

conservation value of the area within the “CPA” zone, 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 summarized as below:

### **Land Administration**

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

- (a) no objection to the application;
- (b) the Site is on unleased and unallocated GL in D.D. 201. Any occupation of GL without the Government’s prior approval is not allowed;
- (c) a recent inspection revealed that the Site is situated on a slope. The applicant should consider the feasibility in carrying the construction works and resolve technical issues encountered; and
- (d) his advisory comments are at **Appendix II**.

### **Fisheries Management and Nature Conservation**

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

#### **Fisheries Management**

he has no comment on the application from FCZ management perspective, noting that the proposed installation is for the supply of electricity to the Yung Shue Au FCZ<sup>3</sup>. The applicant is reminded that the proposed project shall not exert any adverse impact upon the mariculture operations or the environment of the FCZ.

#### **Nature Conservation**

he has no comment on the application in view that the scale of the proposed installation is minor and the Site is close to nearby disturbed area.

### **Landscape**

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

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<sup>3</sup> The Government’s fisheries policy is to conserve the fisheries resources in local waters and promote the sustainable development of the fisheries industry, with a view to maintaining a steady supply of fresh fish to local consumers. His department provides infrastructural support services to promote sustainable development of the fishery and aquaculture industry.

- (a) she has no objection to the application from landscape planning perspective;
- (b) based on the aerial photo of 2023, the Site is situated in an area of bay landscape character comprising large-scale woodland and scattered temporary structures. The proposed installation is considered not incompatible with the landscape character of its surrounding environment; and
- (c) according to the site photo, the site is covered by self-seeded vegetation with no significant landscape resource observed. According to the Application Form (**Appendix I**), it is noted that no tree felling is involved. Significant adverse landscape impact on the existing landscape resources arising from the proposed installation is not anticipated.

### **Electricity Supply**

#### 9.1.4 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 II**.

### **Drainage**

#### 9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) no in-principle objection to the application from public drainage viewpoint; and
- (b) his advisory comments are at **Appendix II**.

### **Other Departments**

#### 9.1.6 The following departments have no objection/no comment on the application:

- Director of Environmental Protection (DEP);
- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- 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, Civil Engineering and Development Department (H/GEO, CEDD); and
- District Officer/Tai Po, Home Affairs Department (DO/TP, HAD).

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

On 30.8.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix III**) was received, object to the application and considering that the proposed installation would attract more traffic to Ngau Yue Tau and cause disturbance/ecological impact to the coastal protection area; and additional power outlets could be installed in the current location at Yung Shue O Jetty or in areas with existing developments such as Tseng Tau in Shap Sz Heung.

## **11. Planning Considerations and Assessment**

- 11.1 The application is for a proposed PUI (electricity meter kiosk) and associated excavation and filling of land at the Site within the “CPA” zone. Although the proposed installation and works are not entirely in line with the planning intentions of the “CPA” zone, for which there is a general presumption against development, the current application is for increasing the operational efficiency of fish farms at Yung Shue Au FCZ in the Three Fathoms Cove (Kei Ling Ha Hoi) (**Plan A-1**) and also to cater for its future expansion. According to the applicant, the Site at Ngau Yue Tau is considered the most optimal location along the coastal area to provide such essential utilities. DAFC has no comment on the application from FCZ management perspective, considering that the proposed installation is for the supply of electricity to the Yung Shue Au FCZ which supports the sustainable development of the local fisheries industry. In this regard, the proposed installation can be considered as an essential infrastructure project with public interest.
- 11.2 The Site, situated to the further west of Yung Shue O Village, adjoins an existing paved footpath (**Plans A-2 and A-4**). DAFC has no comment on the application from nature conservation perspective, noting that the proposed installation is minor in scale (with an area of about 2.645m<sup>2</sup> only) and the Site is close to nearby disturbed area. Also, the installation is not entirely incompatible with the surrounding environment which is predominantly rural in character comprising tree groups and temporary structures. CTP/UD&L of PlanD advises that significant adverse impact on the surrounding landscape resources and character arising from the proposed installation is not anticipated and has no objection to the application from landscape planning perspective. DEMS has no comment from electricity supply safety aspect. Other departments consulted, including DEP, C for T, CE/MN of DSD have no objection to or no adverse comment on the application. In view of the nature and design of the proposed installation, no adverse environmental, traffic and drainage impacts on the surrounding areas are anticipated.
- 11.3 The application also involves excavation and filling of land. Excavation and filling of land within the “CPA” zone require planning permission from the Board as it may cause adverse drainage and environmental impacts on adjacent areas. In this regard, CE/MN of DSD, DAFC and DEP have no objection to or no adverse comment on the application from public drainage, nature conservation and environmental protection perspectives respectively.

- 11.4 Regarding the public comment as detailed in paragraph 10, government departments' comments and the planning assessment above are relevant.

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

- 12.1 Based on the assessment 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 **4.10.2028**, 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 II**.
- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed public utility installation (electricity meter kiosk) and associated excavation and filling of land are not in line with the planning intention of 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, 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. 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 with Attachments Received on 22.8.2024
<b>Appendix Ia</b>	FI received on 24.9.2024
<b>Appendix II</b>	Recommended Advisory Clauses
<b>Appendix III</b>	Public Comment

<b>Drawing A-1</b>	Location Plan submitted by the applicant
<b>Drawing A-2</b>	Layout Plan submitted by the applicant
<b>Drawing A-3</b>	Elevation and Section Plan submitted by the applicant
<b>Drawing A-4</b>	Fish Culture Zone Plan 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 photos

**PLANNING DEPARTMENT  
OCTOBER 2024**