

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

**APPLICATION NO. A/SK-CWBN/67**

**Applicant:** CLP Power Hong Kong Limited (CLP) represented by Kum Shing (K.F.) Construction Company Limited

**Site:** Government Land in D.D. 238, Clear Water Bay, Sai Kung, New Territories

**Site Area:** About 23m<sup>2</sup>

**Land Status:** Government Land

**Plan:** Approved Clear Water Bay North Outline Zoning Plan (OZP) No. S/SK-CWBN/6

**Zoning** “Conservation Area” (“CA”)

**Application:** Proposed Public Utility Installation (Pole with Pole Mounted Transformer and Underground Cables) and Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (pole with pole mounted transformer and underground cables) and associated excavation of land at the application site. The proposal includes the installation of a pole which is 8.7m high (aboveground) with pole mounted transformer and underground cables.
- 1.2 While the proposed installation has a total area of 115m<sup>2</sup>, only 23m<sup>2</sup> fall within the “CA” zone, including a pole (2m<sup>2</sup>) and some of the cables (21m<sup>2</sup>). The other underground cables fall within areas shown as ‘Road’ on the OZP (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘public utility installation’ and excavation of land within the “CA” zone require planning permission from the Town Planning Board (the Board), whereas the provision of public utility pipeline (underground cables) within areas shown as ‘Road’ is always permitted.
- 1.3 The proposed excavation of land within the “CA” zone is for erecting a pole of about 2m<sup>2</sup> (2m x 1m) with a depth of 1.8m and laying of underground cables of 4m<sup>2</sup> (4m x 1m) with a depth of 1m at Site A, and laying of underground cable of 17m<sup>2</sup> (17m x 1m) with a depth of 1m at Site B (**Plan A-2**). Site A is on a vacant land partly covered by trees and shrubs while Site B is on an existing local

downward sloping road (**Plan A-3**). Areas for pole erection and cable trench will be backfilled to ground level after the works. The location plan, layout plan and section plans submitted by the applicant are shown in **Drawings A-1 to A-4**.

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

- (a) Application form and attachments received on 30.8.2021 and supplementary information received on 7.9.2021 (Appendix I)
- (b) Further Information (FI) received on 14.3.2022 (Appendix Ia)
- (c) FI received on 22.4.2022 (Appendix Ib)

1.5 On 29.10.2021 and 14.1.2022, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application each for two months as requested by the applicant. With the FI received on 14.3.2022 and 22.4.2022, the application is scheduled for considered by the Committee at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in the application form and FIs in **Appendices I, Ia and Ib**. They can be summarised as follows:

- (a) there are concerns on distributing low-voltage (LV) supply from Billows Villa Substation (**Plan A-2**). It is necessary to reinforce the power network at Hang Hau Wing Lung Road to support the usage and cover the issue of voltage drop. The proposed installation would increase the capacity of high voltage (HV) circuit network by sharing the loading between the new HV pole and package substation through underground cable connection. The circuit network at Hang Hau Wing Lung Road would be improved by reducing the loading of the existing circuit networks;
- (b) the proposed location of the pole is the most suitable one for installation and maintenance, as it has the shortest distance to the existing cable system and package substation;
- (c) no tree felling would be necessary for the proposed installation. The proposed pole will be located with a safety clearance from the crowds of nearby existing trees;
- (d) CLP has explained the proposed installation and related works to the village representative and nearby residents, and will maintain communication with the villagers regarding the proposed works; and
- (e) CLP is responsible for the construction of the new pole and cables, and the related maintenance works.

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

As Site A and Site B (the Sites) involve 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 Sites.

### **5. Similar Applications**

- 5.1 There are three similar applications (No. A/SK-CWBN/37, 58 and 65) for proposed public utility installation and excavation of land within or straddling the “CA” zone (**Plan A-1**).
- 5.2 Application No. A/SK-CWBN/37 for proposed Public Utility Installation (pole with transformer, pillar box and underground cables) and excavation of land within areas zoned “Village Type Development”, “Green Belt” and “CA” (consisting 20%, 43% and 37 % of the site area respectively), was approved with conditions by the Committee on 22.1.2016 mainly on the grounds that the proposed works are essential installation for supplying electricity for the village house development in Ng Fai Tin; no tree felling is involved in the proposal; and no adverse impacts are anticipated.
- 5.3 Application No. A/SK-CWBN/58 for proposed public utility installation (LV poles, underground cable and overhead cable) and excavation and filling of land was rejected by the Committee on 15.5.2020 mainly on the grounds of not in line with the planning intention of the “CA” zone in that the applicant failed to demonstrate that the proposed installation is an essential infrastructure project, and setting of an undesirable precedent.
- 5.4 Application No. A/SK-CWBN/65 for proposed public utility installation (underground cable) and excavation of land was approved with conditions by the Committee on 10.12.2021 mainly on the grounds that the proposed installation would enable provision of electricity to facilitate the operation of an always permitted agricultural use; no tree telling/vegetation clearance is involved; and the proposed installation and associated excavation works are not incompatible with the environment.
- 5.5 Details of the similar application are summarised at **Appendix II** and the locations are shown on **Plan A-1**.

## **6. The Sites and its Surrounding Areas (Plans A-1 to A-3 and Photos in Plans A-4)**

### **6.1 The Sites:**

- (a) are located at the fringe of the “CA” zone;
- (b) Site A, which is on a largely paved vacant land near a refuse collection point, is located adjacent to a footpath at the intersection of Hang Hau Wing Lung Road and a local road;
- (c) Site B, which is near Billows Villa Substation to the southwest of Billows Villa, is on a local downward sloping road leading to the existing village houses to the southeast of Billows Villa; and
- (d) are accessible via Hang Hau Wing Lung Road.

### **6.2 The surrounding areas have the following characteristics:**

- (a) areas along Hang Hau Wing Lung Road near the Site are predominately low-rise residential developments within the “Residential (Group C)3” zone;
- (b) to the further southeast of Site B is the village cluster of Ng Fai Tin; and
- (c) to the further north of Site A and further southwest of Site B are vegetated slopes zoned “CA”.

## **7. Planning Intention**

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 Site of Special Scientific Interest 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 are essential infrastructure projects 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 and public comments are summarised as below:

### **Land Administration**

- 8.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) no objection to the application;

- (b) there was an Excavation Permit (EP) application for the purpose of 11kV cable laying and pole erection submitted by the applicant. The EP has been issued by his office on 10.8.2020 under which the applicant is required to consult the Planning Department for the area within the “CA” zone before commencement of works. Extension of the EP has also been approved by his office on 21.6.2021; and
- (c) as Government Land Licence No. S12038 and right-of-way for Lot No. 533 in D.D. 238 (i.e. Little Palm Villa) are affected, the applicant is required to consult the concerned Licensee and lot owner prior to commencement of works.

### **Nature Conservation**

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

it is noted that the proposed works are mostly constructed underground of the existing roads. He has no strong view on the application given the limited scope of project.

### **Environment**

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

- (a) no objection to the application from environmental planning perspective; and
- (b) in view of the scale and nature of the project, adverse environmental impact is not anticipated.

### **Urban Design**

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

- (a) Site A is located at the intersection between the Hang Hau Wing Lung Road and a local road and Site B is next to Billows Villa. They are surrounded by vegetated slopes, village houses and a cluster of residential developments zoned “R(C)”; and
- (b) given the small scale of the proposed pole, it is anticipated that it would not induce significant adverse visual impact on the surrounding area.

### **Landscape**

#### 8.1.5 Comments of CTP/UD&L, PlanD:

- (a) no objection to the application from landscape planning

perspective;

- (b) with reference to the applicant's confirmation that no tree felling is required and the proposed installation of the pole is located with a safety clearance from the existing trees, she has no adverse comment from landscape planning perspective. As significant change to the landscape resources is not envisaged, and the proposed installation is small in scale, it is not incompatible with the landscape character of the surrounding area; and
- (c) the applicant is advised that approval of the s.16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling on government land. The applicant is reminded to approach relevant authority/ government department(s) direct to obtain the necessary approval on tree works.

### **Electricity Supply**

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

- (a) no particular comment on the application from electricity supply safety aspect; and
- (b) the applicant should observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

### **Traffic**

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

no in-principle objection from traffic engineering viewpoint.

### **Water Supply**

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

- (a) no objection to the application; and
- (b) detailed comments on the application are at **Appendix III**.

### **Health**

8.1.9 Comments of the Director of Health (D of Health):

based on the information provided by the applicant, he is not aware of any public health issue.

### **District Officer's Comments**

8.1.10 Comments of the District Officer/Sai Kung, Home Affairs Department (DO/SK, HAD):

no particular comment on the application from the project point of view.

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

- (a) Head (Geotechnical Engineering Office), Civil Engineering and Development Department;
- (b) Chief Engineer (Works), Home Affairs Department (CE(Works), HAD);
- (c) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (d) Chief Engineer/Mainland South, Drainage Services Department;
- (e) Chief Building Surveyor/NTE2 & Rail, Buildings Department; and
- (f) Director of Fire Services.

## **9. Public Comments Received During Statutory Publication Period**

9.1 During the statutory public inspection period, 39 public comments, including 28 objecting comments from Incorporated Owners of Valencia Gardens, Incorporated Owners of Pan Long Villa, Management Office of Pan Long Villa, Incorporated Owners of Ocean Court, Incorporated Owners of Little Palm Villa and individuals; and 11 comments raising concerns on the application from individuals, were received (**Appendix IV**). The major grounds of objection and the concerns are summarised as follows:

- (a) the proposed development is not in line with the planning intention of the "CA" zone;
- (b) insufficient justifications on the proposal and analysis on the benefit of the proposed installations are provided;
- (c) the surrounding area is a mature community and no major development or redevelopment is anticipated. There will not be significant surge in demand for electricity and the proposed installation is not an essential and necessary infrastructure project with overriding public interest;
- (d) there are grave concerns on the effect of electromagnetic field on the health of the surrounding residents as the distances between the proposed installation of the pole with transformer and the residential developments are merely 10-20m;
- (e) the location of the proposed installation is unsafe to the nearby residential development as it may be damaged during typhoon season and extreme weather conditions. Reliable electricity supply could not be provided;

- (f) the proposed pole erection, which is not compatible with the surrounding low rise buildings and rural environment, would cause adverse visual impact and affect the scenic quality of the area;
- (g) while the owners of the residential developments have the responsibility of upholding, maintaining and repairing Hang Hau Wing Lung Road, it is unacceptable for the owners to take up additional responsibility in relation to the proposed installation in Hang Hau Wing Hung Road;
- (h) no impact assessment has been submitted by the applicant that such impacts from the proposed installation on the environment and natural habitat could not be ascertained; and
- (i) part of the proposed installation (i.e. Site B) is on a vehicular access which would affect the passage to the existing houses.

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

- 10.1 The application is to seek planning permission for proposed public utility installation (pole with pole mounted transformer and underground cables) and excavation of land within areas zoned “CA” on the OZP. 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. There is a general presumption against development except essential infrastructure projects with overriding public interest may be permitted. According to the applicant, the proposed installation is necessary to reinforce the power network at Hang Hau Wing Lung Road from Billows Villa Substation to cover the issue of voltage drop. The proposed installation would increase the capacity of HV circuit network by reducing the loading of the existing circuit networks. Besides, the proposed location of the pole is the most suitable one for installation and maintenance as it has the shortest distance to the existing cable system and package substation. DEMS has no adverse comment from electricity supply safety aspect. As the proposed installation is an essential infrastructure project to the area, sympathetic consideration may be given to the application.
- 10.2 Site A is largely paved and located adjacent to a footpath at the intersection between Hang Hau Wing Lung Road and a local road while Site B is at an access road to the existing village houses to the southeast of Billows Villa. They are surrounded by a cluster of village houses and low-rise residential developments, as well as vegetated slopes. The applicant has confirmed that no tree felling would be involved and the proposed pole will be located with a safety clearance from the crowds of nearby existing trees. Given the small scale of the proposed installation, it is anticipated that no significant adverse visual impact on the surrounding area would be induced. The proposed installation is considered not incompatible with the landscape character of the surrounding environment. CTP/UD&L of PlanD has no adverse comment on the application from urban design and landscape planning perspective. DAFC also has no strong view on the application from nature conservation perspective.
- 10.3 Other relevant government departments, including DEP, CE(Works), HAD and



CHE/NTE, HyD, have no objection to or no adverse comment on the application on technical aspects.

- 10.4 There are three similar applications (No. A/SK-CWBN/37, 58 and 65) in the vicinity of the Sites. Application No. A/SK-CWBN/58 was rejected by the Committee in 2020 for reasons summarised in paragraph 5.3 above. Applications No. A/SK-CWBN/37 and 65 were approved by the Committee in 2016 and 2021 respectively mainly on the considerations that the proposed works are essential installation for supplying electricity for the village house development and an always permitted agricultural use; no tree felling/vegetation clearance would be involved; and adverse impacts are not anticipated. The proposed installation in the current application is to reinforce the power network at Hang Hau Wing Lung Road, and no tree felling would be involved. As the circumstances of the current application are similar to those of the previously approved similar applications, approval of the current application is generally in line with the Committee's previous decisions.
- 10.5 Regarding the public comments objecting to and raising concerns on the application, the departmental comments in paragraph 9 above and the assessments in paragraphs 10.1 to 10.4 above are relevant. Regarding the public concerns on the maintenance responsibility of the proposed installation, the applicant has clarified that CLP will be responsible for the related maintenance works.

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

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments in paragraph 9, 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 **6.5.2026**, 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 advisory clauses at **Appendix V** are also suggested for Members' reference.
- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed installation is not in line with the planning intention of the "Conservation Area" ("CA") zone which is primarily 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 country park from the adverse effects of development. There is a general presumption against development within this zone. The applicant fails to demonstrate that the proposed installation is an essential infrastructure project with overriding public interest that warrants a departure from the planning intention of the "CA" zone.

**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 clause(s) 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 and attachments received on 30.8.2021 and supplementary information received on 7.9.2021
<b>Appendix Ia</b>	Further Information received on 14.3.2022
<b>Appendix Ib</b>	Further Information received on 22.4.2022
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Detailed Comments from Relevant Government Departments
<b>Appendix IV</b>	Public Comments
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan submitted by the applicant
<b>Drawing A-2</b>	Layout Plan submitted by the applicant
<b>Drawings A-3 and A-4</b>	Section Plans 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  
MAY 2022**