

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

**APPLICATION NO. A/SK-CWBN/70**

- Applicant** : CLP Power Hong Kong Limited represented by Kum Shing (K.F) Construction Company Limited
- Site** : Government Land in D.D. 238 near Hang Hau Wing Lung Road, Sai Kung
- Site Area** : About 122m<sup>2</sup>
- Land Status** : Government Land
- Plan** : Approved Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/6
- Zoning** : “Coastal Protection Area” (“CPA”) (about 54%); and  
“Conservation Area” (“CA”) (about 46%)
- Application** : Proposed Public Utility Installation (Underground Cable) and Associated Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (underground cable) and associated excavation of land at the application site (the Site), which falls within areas zoned “CPA” and “CA” on the approved Clear Water Bay Peninsula North OZP No. S/SK-CWBN/6 (the OZP) (**Plan A-1**). According to the Notes of the OZP, ‘Public Utility Installation’ and excavation of land within the “CPA” and “CA” zones require permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, the proposal aims to provide post-typhoon electricity reinforcement by installing an underground cable to replace the overhead cables to enhance electricity supply reliability. The proposed installation under the subject application includes two segments of underground cable (1m(W) each, with a total length of about 122m) along two local tracks connecting to Hang Hau Wing Lung Road. The eastern segment (with a length of 71m) is on a paved local track within the “CPA” and “CA” zones while the western segment (with a length of 51m) is on an unpaved local track within the “CA” zone (**Plan A-2**). The middle segment of

the cable, which falls within an area shown as ‘Road’ (i.e. Hang Hau Wing Lung Road), is always permitted on the OZP and does not form part of the application (**Drawing A-1**). The area for proposed excavation works under the subject application is about 122m<sup>2</sup> with a depth of about 1.2m. Upon completion of the installation works, the Site will be backfilled.

- 1.3 The location plan and section plan of the proposed installation submitted by the applicant are at **Drawings A-1** and **A-2**.
- 1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 4.1.2023 **(Appendix I)**  
(b) Further information (FI) received on 20 and 21.2.2023<sup>#</sup> **(Appendix Ia)**

<sup>#</sup> *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 **Appendices I** and **Ia** and summarised as follows:

- (a) the proposed installation is a post-typhoon electricity reinforcement proposal to enhance electricity supply stability of the electricity network for the Sail Training Association of HK Ltd. Training Centre (Sail Training Centre) and the nearby residents. The proposed underground cable will replace the overhead cables and an existing pole (Pole 6), which is not very stable during typhoon or strong wind, will be removed (**Drawing A-1**);
- (b) the proposed underground cable will be connected to the nearest poles (i.e. Poles 5 and 7) (**Drawing A-1**). There is no other possible alternative alignment as the nearest electricity poles are within “CA” and “CPA” zones;
- (c) the proposed underground cable will be laid under local tracks to minimise impact on the existing landscape. No tree felling is required for the proposed installation;
- (d) no visual impact would be incurred by the underground cable laying works;
- (e) for excavation works, excavator will be the first choice if circumstances permit. Otherwise, excavation works will be conducted by hand tools to minimise the potential impacts on the surrounding area; and
- (f) the Site will be backfilled and surplus soil will be removed after 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 Applications**

- 5.1 There are four similar applications (No. A/SK-CWBN/37, 58, 65 and 67) for proposed public utility installation and associated excavation and filling of land within the same or other “CA” zones in the adjacent areas on the OZP (**Plan A-1**).
- 5.2 Three of the similar applications (No. A/SK-CWBN/37, 65 and 67) for proposed public utility installation (pole with transformer, pillar box and underground cables/underground cable/pole with pole mounted transformer) and excavation of land within areas zoned “CA”, “Green Belt” and “Village Type Development”<sup>1</sup> were approved or approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2016 and 2022. The applications were approved mainly on the grounds that the proposed works were essential installation for supplying electricity for the village house/permitted agricultural use, or reinforcing the electricity supply in the vicinity; no tree felling was involved in the proposal; and no adverse impacts on the surrounding areas were 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 within the “CA” zone was rejected by the Committee on 15.5.2020 mainly on the grounds that the proposal was not in line with the planning intention of the “CA” zone in that the applicant failed to demonstrate that the proposed installation was an essential infrastructure project and approval of the application would set an undesirable precedent for other similar applications within the “CA” zone.
- 5.4 There is no similar application within the “CPA” zone.

#### **6. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on **Plan A-3**, and site photos on **Plans A-4a** and **A-4b**)**

6.1 The Site is:

- (a) located on two sections of local tracks leading to Hang Hau Wing Lung Road;
- (b) the eastern segment of the underground cable is located on a paved track to

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<sup>1</sup> Application No. A/SK-CWBN/37 is for proposed public utility installation (pole with transformer, pillar box and underground cables) and excavation of land within "Green Belt", "Village Type Development" and "CA" zones. Application No. A/SK-CWBN/65 is for proposed public utility installation (underground cables) and excavation of land within "CA" zone. Application No. A/SK-CWBN/67 is for proposed public utility installation (pole with pole mounted transformer and underground cables) and excavation of land within "CA" zone.

the northeast of the Sail Training Centre;

- (c) the western segment of the underground cable is located on an unpaved track to the west of the Sail Training Centre; and
- (d) accessible via Hang Hau Wing Lung Road.

6.2 The surrounding areas have the following characteristics:

- (a) area in between the eastern and western segments of the proposed underground cable is the Sail Training Centre zoned “Government, Institution or Community (3)”, which is surrounded by vegetated slopes zoned “CA” and “CPA”;
- (b) to the north of the Site is a strip of gentle slope zoned “CPA” and covered by vegetation (i.e. area to the south of the Little Palm Beach);
- (c) to the southeast of the eastern segment of the underground cable is another gentle slope partly covered by vegetation and zoned “CA” and “CPA” near the Port Shelter (Ngau Mei Hoi); and
- (d) to the south and southwest of the western segment of the underground cable are vegetated slopes and the permitted burial ground (PBG) No. SK/69 within the “CA” zone. To the further southwest are low-rise residential developments and village houses of Ng Fai Tin.

## **7. Planning Intention**

- 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 Country Park from the adverse effects of development.
- 7.2 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.
- 7.3 There is a general presumption against development in the “CA” and “CPA” zones. 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.
- 7.4 According to the Explanatory Statement of the OZP, since excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, and in view of the conservation value of the area within the “CA” and “CPA” zones, permission from the Board is required for such activity within the “CA” and “CPA” zones.

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

- 8.1 The following government departments have been consulted and their views are summarised as follows:

### **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) the Site are on unleased land with PBG No. SK/69 and Government Land Licence (GLL) No. S12038 which was issued for the purpose of unimproved grazing and grass cutting and the growing of pine trees on a non-commercial basis (**Plan A-2**);
- (c) the proposed installation on the unleased land is permitted under the Block Licence issued to the applicant; and
- (d) if the subject application is approved by the Board, the applicant is required to obtain consent from Home Affairs Department (HAD) in respect of the affected PBG and the licensee of GLL No. S12038 prior to commencement of works.

### **Nature Conservation**

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

no comment on the application from nature conservation perspective in view that the proposed works would be conducted on existing local tracks.

### **Landscape**

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

- (a) no comment on the application from landscape planning perspective as no significant adverse impact on existing landscape resources and landscape character is anticipated;
- (b) according to the aerial photo of 2020 (**Plan A-3**), the Site is situated in an area of residential urban fringe landscape character comprising low-rise residential houses, woodlands and farmlands. The proposal which is small in scale, is considered not entirely incompatible with the landscape character of the surrounding environment; and
- (c) other comments are included in the advisory clauses at **Appendix III**.

### **Environment**

#### 8.1.4 Comments of the Director of Environmental Protection:

no objection to the application in view of the small scale and nature of the proposed installation with excavation of land, which will unlikely cause major pollution.

### **Traffic**

#### 8.1.5 Comments of the Commissioner for Transport:

the application is tolerable on traffic ground as the traffic impact during the excavation works will not be significant.

### **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 perspective; and
- (b) other comments are included in the advisory clauses at **Appendix III**.

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

- (a) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (b) Chief Highway Engineer/New Territories East, Highways Department;
- (c) Chief Engineer/Mainland South, Drainage Services Department;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Director of Fire Services;
- (f) District Officer/Sai Kung, HAD;
- (g) Chief Engineer (Works), HAD; and
- (h) Director of Leisure and Cultural Services

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

Two public comments from individuals objecting to the application were received during the statutory publication period (**Appendix II**). The major grounds of objection are that the proposed installation would encroach on ecological sensitive areas and cause adverse impacts on the natural environment, affect the slope stability near the road, induce traffic congestion to the local road and impose safety risks on pedestrians.

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

10.1 The application is for proposed public utility installation (underground cable) and associated excavation of land within areas zoned “CA” and “CPA” 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, whilst 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. There is a general presumption against development in the “CA” and “CPA” zones. 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. According to the applicant, the proposal is a post-typhoon electricity supply reinforcement proposal to enhance electricity supply stability for the Sail Training Centre and the nearby residents. DEMS has no comment on the application from electricity supply safety aspect. In this regard, the proposal could be considered as an essential infrastructure project for enhancing electricity supply in the surrounding area.

- 10.2 The Site falls within the alignment of two existing local tracks connecting to Hang Hau Wing Lung Road and the proposal is small in scale without tree felling. DAFC has no comment on the application from nature conservation perspective. CTP/UD&L, PlanD considers that the proposal is not entirely incompatible with the landscape character of the surrounding environment. Other concerned government departments have no objection to or no adverse comment on the application.
- 10.3 There are four similar applications (No. A/SK-CWBN/37, 58, 65 and 67) within the same or other “CA” zones in the adjacent areas on the OZP, with three of the applications (No. A/SK-CWBN/37, 65 and 67) approved by the Committee between 2016 and 2022 on the considerations that the proposed works are essential installation for supplying electricity for the village house/permitted agricultural use, or reinforcing the electricity supply at Hang Hau Wing Lung Road; no tree felling/vegetation clearance would be involved; and adverse impacts on the surrounding areas are not anticipated. Although application No. A/SK-CWBS/58 was rejected by the Committee for reasons summarised in paragraph 5.3 above, the planning circumstances of the current application are similar to those of the three approved applications in that the proposal is an essential infrastructure project for supplying electricity to the area, no tree felling would be involved and no adverse impact on the surrounding area is anticipated. Approval of the current application is generally in line with the Committee’s previous decisions.
- 10.4 Regarding the two public comments objecting to the application, the departmental comments in paragraph 8.1 above and the assessments in paragraphs 10.1 to 10.3 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 comments 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 3.3.2027, 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 There is no strong reason to recommend rejection of the application.

## **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), if any, 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 4.1.2023
<b>Appendix Ia</b>	FI received on 20 and 21.2.2023
<b>Appendix II</b>	Public Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Location Plan submitted by the applicant
<b>Drawing A-2</b>	Section 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>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2023**