

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-CWBS/39

Applicant : CLP Power Hong Kong Limited

Site : Government Land in D.D. 241, Po Toi O, Clear Water Bay, New Territories

Site Area : About 51.97m²

Land Status : Government Land

Plan : Approved Clear Water Bay Peninsula South Zoning Plan (OZP) No. S/SK-CWBS/2

Zoning : “Conservation Area” (“CA”)

Application : Proposed Public Utility Installation (Package Substation and Underground Cables) and Associated Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (package substation and underground cables) and excavation of land at the application site (the Site). The Site falls within an area zoned “CA” on the approved Clear Water Bay Peninsula South OZP No. S/SK-CWBS/2 (**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). The proposal includes the installation of a package substation with a dimension of 4.960m (length) x 2.414m (width) x 2.992m (height) and laying of underground cables, which involves an area of 50m (length) x 0.8m (width). The associated excavation of land has a total area of 51.97m², with an area of 11.97m² and a depth of about 1.6m for the package substation, and an area of 40m² and a depth of about 1m for the underground cables. The excavation area for the underground cables will be backfilled after the construction. The proposed package substation will house one 1000 kVA transformer, one 11 kV switchboard, one low voltage distribution board, and associated accessories (**Drawing A-2**). The Site is currently vacant, partly on a paved local track and partly on flat vegetated land.

- 1.2 According to the Tree Survey submitted by the applicant (**Appendix Ia**), there are 13 trees surveyed within 2m distance from the Site. No tree felling is proposed except three dead trees and two trees of common species in poor conditions.
- 1.3 The location plan and the general layout drawing of the package substation submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application form and attachments received on (**Appendix I**) 15.3.2021
 - (b) Further Information (FI) including a tree survey, (**Appendix Ia**) responses to departmental comments and revisions to the proposed trench alignment received on 9.7.2021 and 13.7.2021 (*accepted and not exempted from publication*)
 - (c) FI providing replacement pages to tree survey (**Appendix Ib**) received on 9.8.2021 (*accepted and exempted from publication*)
 - (d) FI including further justifications in support of the application and an updated location plan received on 18.8.2021 (*accepted and exempted from publication*)
- 1.5 On 14.5.2021, the Rural and New Town Planning Committee (the Committee) agreed to defer a decision on the application as requested by the applicant for the submission of FI to address departmental comments. The applicant submitted FI as indicated in paragraph 1.4 above. The application is scheduled for consideration 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 Part 10 of the application form at **Appendix I** and the FI at **Appendix Ic**. They can be summarized as follows:

- (a) as the existing package substation is inadequate to adapt to the forecasting load growth in the vicinity of Po Toi O, an additional package substation is proposed to increase the electricity supply for the catchment area without interrupting the operation of the existing package substation and to enhance the security of electricity supply in the area;
- (b) in the site selection of the proposed package substation, the applicant has made relevant enquiries to village representatives. It is found that most vacant sites in the vicinity are unsuitable for the proposed package substation installation works. Areas in the “Village Type Development” (“V”) zone are not considered as it is technically infeasible to install the package substation due to the close proximity to the coastal area, and there is a shortage of land supply in the “V” zone. Besides, areas near the village access road are not considered since the manoeuvring of local vehicles would be affected, and there is concern from the

village representative on the safety of pedestrians and vehicle drivers. Besides, the proposed package substation is required to be located closely to the existing package substation to connect with the existing underground supply system and minimize the excavation area;

- (c) a fully underground supply system with 11 kV closed ring network, which is in line with the planning standard in other urban areas is proposed. The proposed package substation is a specially designed electrical equipment that occupies an area of less than 12m² and has been widely adopted in different village areas. As it is a prefabricated and unmanned design and totally enclosed, as well as its ease of installation, being maintenance free and made of fireproof materials, its impact on the nearby areas and local traffic is minimal;
- (d) the proposed package substation, which would be in green colour and surrounded by trees and vegetation, is considered compatible with the surrounding natural environment. Most of the cable trench is proposed to be laid under paved area to minimize the potential impact on the landscape area and vegetation. No tree felling is proposed except dead trees and trees in poor condition; and
- (e) it is noted that there is a burial ground located to the south of the proposed package substation. The proposed location, which is distant from the burial ground and surrounded by trees, could minimize visual impact on the surrounding area and respond to the villagers' *feng shui* concerns.

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 covering the Site.

5. **Similar Application**

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

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 partly on a paved local track adjacent to Po Toi O Chuen Road and partly on flat vegetated land near a pavilion; and
- (b) located entirely within the ‘Village Environs’ (‘VE’) of Po Toi O.

6.2 The surrounding areas have the following characteristics:

- (a) to the east, further northeast and west are village houses within the “V” zones of Po Toi O;
- (b) to the immediate northeast is a local open space zoned “Open Space”;
- (c) to the immediate south and southwest are vegetated natural slopes with burial ground within the “CA” zone; and
- (d) to the further east and southeast is currently occupied by the Clearwater Bay Golf and Country Club within the “Other Specified Uses” (“OU”) zone annotated “Sports and Recreation Club and Marina”.

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 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 are summarized 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 proposed public utility installation and associated excavation of land for the planning permission fall on government land; and
- (c) the applicant is required to submit an Excavation Permit application. Subject to obtaining planning approval, his Office will issue an Excavation Permit to the applicant for the proposed works related to this planning application.

Landscape

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

- (a) no objection to the application from landscape impact perspective;
- (b) the Site is partly on hard paved road and partly in planter. Some existing medium sized trees of common native species, including *Sterculia lanceolata* (假蘋婆), *Macaranga tanarius* (血桐), *Microcos nervosa* (破布葉), *Mallotus paniculatus* (白楸) are observed adjacent to/ adjoining the site boundary. The Site is located in an area of rural fringe landscape character predominated by woodlands and grasslands, village houses, graves and golf course to the further east. In view that the package station is a relatively small scale structure, the proposed development is considered not incompatible with the landscape character of the surrounding area;
- (c) according to the FI submitted by the applicant, the proposed area of excavation is slightly decreased from 42.4m² to 40m². The proposed cable trench is also re-aligned to minimize the potential impact on the surrounding tree root. Although no existing tree is in direct conflict with the proposed works and development, 5 existing trees are proposed to be felled with reference to the tree survey provided by the applicant. In view that these affected trees, which include 3 dead trees and 2 trees, namely *Sterculia lanceolata* (假蘋婆) and *Macaranga tanarius* (血桐), are common species and in poor structural and health condition, significant adverse impact on landscape resources is not anticipated;
- (d) given that there are existing trees close to the Site outside the application boundary, the applicant is reminded to avoid damaging the trees during construction stage and provide adequate protective measures to the trees when necessary; and
- (e) the applicant is advised that approval of the application by the Board does not imply approval of the trees 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 necessary approval on tree works.

Nature Conservation

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

- (a) no comment on the application; and

- (b) the Environmental Protection Department should be consulted on whether the proposed works would constitute a designated project under the Environmental Impact Assessment Ordinance (EIAO).

Environment

8.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small scale and nature of the proposed development, it will unlikely cause major pollution; and
- (b) the proposed development within the “CA” zone is a designated project under Item Q.1, Part I, Schedule 2 of the EIAO. The applicant is reminded to follow the statutory EIAO process and obtain an environmental permit prior to its construction and operation if the planning application is approved.

Drainage

8.1.5 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

no objection from the drainage and sewerage maintenance viewpoint on the condition that there would not be any damages, alterations, disconnections or interferences with any public sewer or drain in connection with the works.

Fire Safety

8.1.6 Comments of the Director of Fire Services (D of FS):

- (a) no objection in principle to the proposal subject to fire service installations (FSIs) being provided to the satisfaction of the D of FS;
- (b) in consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant should be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
- (c) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Electricity Supply

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

- (a) no comment on the application from electricity supply safety and reliability aspect; and
- (b) for the design and operation of electricity package substation, CLP Power has to comply with the Electricity Ordinance and relevant statutory requirements. As the electricity package substation is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substation as far as possible. The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

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

- (a) Commissioner for Transport (C for T);
- (b) Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department;
- (c) Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD);
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (e) Chief Engineer (Works), Home Affairs Department;
- (f) Chief Highways Engineer/New Territories East, Highways Department; and
- (g) District Officer (Sai Kung), Home Affairs Department.

9. Public Comments Received During Statutory Publication Periods

On 23.3.2021 and 20.7.2021, the application and FI were published for public inspection. During the first three weeks of the statutory public inspection periods, which ended on 13.4.2021 and 10.8.2021 respectively, a total of three public comments were received from individuals (**Appendix II**). One individual supports the application without any ground. One individual objects to the application mainly on the ground that the proposed public utility installation, which is for the benefit of the nearby residential developments, should be located within the “V” zone. One individual provides views on the application, including that trees should be preserved as far as possible; stakeholders such as village representatives and the District Council member representing the area should be consulted as there is burial ground for indigenous villagers in the vicinity; and that attention should be paid to noise nuisances at construction stage.

10. Planning Considerations and Assessments

- 10.1 The application is to seek planning permission for proposed public utility installation (package substation and underground cables) and excavation of land within an area 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 and to separate sensitive natural environment such as 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. The proposed package substation and underground cables are for the enhancement of the security and reliability of electricity supply to the village development in Po Toi O, and therefore can be considered as an essential infrastructure project.
- 10.2 According to the applicant, the proposed installation is to provide adequate electricity for the increasing electricity demand in the village development at Po Toi O. Areas within the “V” zone are not considered as it is technically infeasible to install a package substation due to the close proximity to the coastal area, and there is a shortage of land supply within the “V” zone. Areas near the village access road are not considered due to safety concerns. The location of the proposed package substation has been selected taking account of the requirement in close proximity to the existing underground supply system, the nearby burial ground, and the villagers’ *feng shui* concerns. DEMS has no comment on the application from electricity supply safety and reliability aspect.
- 10.3 The Site is located partly on a paved local track and partly on flat vegetated land. In view that the proposed package substation is a relatively small scale structure with green colour and surrounded by trees, it is considered not incompatible with the landscape character of the surrounding area. The proposed cable trench has been re-aligned to minimise the potential impact on the surrounding tree root. CTP/UD&L, PlanD has no objection to the application as significant adverse impact on landscape resources is not anticipated. As there are existing trees close to the Site outside the application boundary, it is suggested to include an advisory clause reminding the applicant to avoid damaging the trees during construction stage and provide adequate protective measures to the trees when necessary (**Appendix III**). Besides, DAFC has no adverse comment on the application.
- 10.4 Other relevant government departments, including C for T, CE/Construction, WSD, CE/MS of DSD and H(GEO) of CEDD have no objection to or comment on the application on technical aspects.
- 10.5 The public comments supporting and providing views on the application are noted. Regarding the concern on burial ground, it is noted that no grave would be affected by the proposed installation. Regarding the public comment objecting to the application on grounds as detailed in paragraph 9 above, the assessments in paragraphs 10.1 to 10.4 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 mentioned 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 27.8.2025, 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 following condition of approval and advisory clauses are suggested for Members' consideration:

Approval Condition

the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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**

Appendix I	Application form received on 15.3.2021
Appendix Ia	FI received on 9.7.2021 and 13.7.2021
Appendix Ib	FI received on 9.8.2021
Appendix Ic	FI received on 18.8.2021
Appendix II	Public Comments
Appendix III	Advisory Clauses
Drawing A-1	Location plan
Drawing A-2	General layout drawing of the package substation
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and A-4b	Site photos

**PLANNING DEPARTMENT
AUGUST 2021**