

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-CWBS/43

- Applicant** : CLP Power Hong Kong Limited represented by Kum Shing (K.F) Construction Company Limited
- Site** : Government Land in D.D. 230, Lung Ha Wan Road, Sai Kung
- Site Area** : About 1.04m²
- Land Status** : Government Land
- Plan** : Approved Clear Water Bay Peninsula South Outline Zoning Plan (OZP) No. S/SK-CWBS/2
- Zoning** : “Conservation Area” (“CA”)
- Application** : Proposed Public Utility Installation (Pillar Box) and Associated Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (pillar box) and associated excavation of land at the application site (the Site), which falls within an area zoned “CA” on the approved Clear Water Bay Peninsula South OZP No. S/SK-CWBS/2 (the OZP) (**Plan A-1**). According to the Notes of the OZP, ‘Public Utility Installation’ and excavation of land within the “CA” zone require permission from the Town Planning Board (the Board). The Site is currently surrounded with vegetation (**Plans A-3 and A-4**).
- 1.2 According to the applicant, the proposed installation, which aims to support mobile generator deployment to improve electricity supply in Ha Yeung and the surrounding area, includes a pillar box with a dimension of 1.3m(L) x 0.8m(W) x 2m(H) (**Drawings A-1 and A-2**). The associated excavation works area is about 1.04 m² with a depth of about 1.5m.
- 1.3 The location plan with underground cable network, section plan and tree survey plan submitted by the applicant are at **Drawings A-1 to A-3**.

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

- (a) Application form received on 19.8.2022 (Appendix I)
- (b) Further information (FI) received on 14.12.2022 and 15.12.2022[#] (Appendix Ia)
- (c) FI received on 20.1.2023 and 26.1.2023[#] (Appendix Ib)
- (d) FI received on 30.1.2023[#] (Appendix Ic)

[#] *accepted and exempted from publication and recounting requirements*

1.5 On 14.10.2022, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months as requested by the applicant.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendices I, Ia to Ic** and summarised as follows:

- (a) the Operations Branch of CLP has reported difficulty in deploying large-rating mobile generators in the event of unplanned outage in Ha Yeung and the surrounding area. In this regard, the Hang Hau Rural Committee and CLP have agreed on an electricity supply restoration proposal involving the erection of a low-voltage (LV) pillar box at the Site and another pillar box at a selected location in the vicinity (installation work completed) to support mobile generator deployment (**Plan A-1 and Drawing A-1**). The proposed installation will improve electricity supply by shortening the outage duration in Ha Yeung and the surrounding area;
- (b) the Site is considered the most suitable location for installation and maintenance of the proposed pillar box due to its proximity to the existing cable system;
- (c) according to the tree survey report (**Appendix Ib**), seven existing trees found near the Site are all common species. No tree felling and relocation is required for the proposed installation;
- (d) a tree protection zone (TPZ) will be delineated at least 2.5m away from the trees identified to protect the trees near the Site during construction period (**Drawing A-3**). Fencing and signage will be installed along the TPZ; and
- (e) for excavation works, excavator will be the first choice if circumstances permit. Otherwise, excavation works will be conducted by hand tools to minimise potential impacts on the existing trees.

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 three similar applications (No. A/SK-CWBS/18, 28 and 42) for proposed public utility installation and associated excavation of land within the same “CA” zone on the OZP (**Plan A-1**).
- 5.2 Application No. A/SK-CWBS/18 for proposed public utility installation (earthing wire) and excavation of land and application No. A/SK-CWBS/28 for proposed public utility installation (pole with transformer and underground cable) and excavation of land were approved by the Committee on 8.5.2015 and 2.11.2018 respectively mainly on the considerations that the proposed installations were essential for providing electricity serving the surrounding villages, and no adverse impact on surrounding areas was anticipated.
- 5.3 Application No. A/SK-CWBS/42 for proposed public utility installation (poles and underground cables) and excavation of land was rejected by the Committee on 9.12.2022 on the grounds that the proposed installation was not in line with the planning intention of the “CA” zone and the applicant failed to demonstrate that the proposal would not cause adverse landscape impact on the application site and its surrounding areas.

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

- 6.1 The Site is:
 - (a) located near a downward vegetated slope at the fringe of the “CA” zone adjoining Lung Ha Wan Road; and
 - (b) accessible via Lung Ha Wan Road.
- 6.2 The surrounding areas have the following characteristics:
 - (a) to the immediate north, west and southwest are densely vegetated slopes within the same “CA” zone;
 - (b) to the east across Lung Ha Wan Road are low-rise structures in the sites of Chamshan Monastery for monastery and residential care homes for the elderly, which are zoned “Government, Institution or Community(1)” (“G/IC(1)”), “G/IC(2)” and “G/IC(3)” surrounded by a vegetated slope zoned “CA”; and

- (c) to the further north and northwest are village clusters of Mau Po and Ha Yeung respectively within areas zoned “Village Type Development”.

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. 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.
- 7.2 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” zone, permission from the Board is required for such activity within the “CA” zone.

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 is on unleased land and within an area under Government Land Licence (GLL) No. S12040, which was issued for the purposes 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 shall apply to his office for an Excavation Permit to effect the proposal and shall obtain consent from the licensee of GLL No. S12040 (i.e. the Village Representative of Ha Yeung) 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 of the small scale of the proposed installation with excavation of land.

Urban Design and Landscape

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

Urban Design and Visual

- (a) given its small scale, the proposed installation will unlikely induce adverse visual impact on the surrounding area;

Landscape

- (b) no comment on the application from landscape planning perspective as no significant adverse impact on existing landscape resources and landscape character is anticipated;
- (c) according to the aerial photo of 2022 (**Plan A-3**), the Site is situated in an area of settled valley landscape character comprising low-rise residential buildings and woodland. The proposed installation with excavation of land is small in scale and not incompatible with the landscape character of the surrounding environment;
- (d) according to site visit by her office, tree groups of common species, including *Syzygium cumini* (烏墨), *Schefflera heptaphylla* (鵝掌柴) and *Broussonetia papyrifera* (構樹), are found near the Site; and
- (e) other comments are included in the advisory clauses at **Appendix II**.

8.1.4 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) no in-principle objection to the application taking into consideration that no tree would be affected; and
- (b) other comments are included in the advisory clauses at **Appendix II**.

Environment

8.1.5 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

8.1.6 Comments of the Commissioner for Transport:

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

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

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), Home Affairs Department; and
- (g) Chief Engineer (Works), HAD.

9. Public Comment Received During Statutory Publication Period

No public comment was received during the statutory publication period.

10. Planning Considerations and Assessments

10.1 The application is for proposed public utility installation (pillar box) and associated 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. 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. According to the applicant, the proposed installation with excavation of land is an electricity supply restoration proposal to improve electricity supply and shorten the outage duration in Ha Yeung and the surrounding area. DEMS has no comment on the application from electricity supply safety perspective. In this regard, the proposal could be considered as an essential infrastructure project with overriding public interests.

10.2 The Site is located near a downward vegetated slope adjoining Lung Ha Wan Road (**Plans A-2 to A-4**) with tree groups of common species found adjacent to the Site. In view of the small scale of the proposal, DAFC has no comment on the application from nature conservation perspective. CTP/UD&L, PlanD has no adverse comment on the application from visual and landscape planning perspectives as no

adverse visual impact on the surrounding area is anticipated, no tree felling is proposed and tree protection measures are proposed by the applicant (**Drawing A-3**). Other concerned government departments, have no objection to or no adverse comment on the application.

- 10.3 There are three similar applications (No. A/SK-CWBS/18, 28 and 42) within the same “CA” zone on the OZP, with the former two approved by the Committee in 2015 and 2018 respectively and the latter one rejected by the Committee in 2022. Although application No. A/SK-CWBS/42 was rejected by the Committee mainly on the consideration that the applicant failed to demonstrate that the proposal would not cause adverse landscape impact on the application site and its surrounding area, the planning circumstances of the current application are similar to those of the two approved applications in that the proposed installation with excavation of land is essential infrastructure project to improve electricity supply in Ha Yeung and the surrounding area 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.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 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 3.2.2027, 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 II**.
- 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 19.8.2022
Appendix Ia	FI received on 14 and 15.12.2022
Appendix Ib	FI received on 20 and 26.1.2023

Appendix Ic	FI received on 30.1.2023
Appendix II	Recommended Advisory Clauses
Drawing A-1	Location Plan with Underground Cable Network
Drawing A-2	Section Plan
Drawing A-3	Tree Survey Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2023**