

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-CWBS/48

Applicant : CLP Power Hong Kong Limited

Site : Government Land (GL) in D.D. 233 near Ha Yeung San Tsuen, Sai Kung, New Territories

Site Area : About 11.99m²

Land Status : GL

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

Zoning : “Green Belt” (“GB”)

Application : Proposed Public Utility Installation (High Voltage (HV) Pillar) and Associated Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (HV pillar) and associated excavation of land at the application site (the Site), which falls within an area zoned “GB” on the approved Clear Water Bay Peninsula South OZP No. S/SK-CWBS/2 (**Plan A-1**). According to the Notes of the OZP, ‘Public Utility Installation’ and excavation of land within the “GB” zone require permission from the Town Planning Board (the Board).
- 1.2 The Site is located on the roadside of Clear Water Bay Road and is covered with shrubs (**Plans A-3 and A-4**). According to the applicant, the proposed installation is for providing electricity supply to 12 New Territories Exempted Houses (NTEHs) under construction in the “Village Type Development” (“V”) zone in Ha Yeung and enhancing the electricity supply to nearby village houses in the same “V” zone (**Plan A-2**). The proposed installation includes two HV pillars (3.32m(L) x 1.78m(W) x 2.573m(H) each) (**Drawings A-1 and A-2**). The proposed excavation area is about 11.99m² with a depth of about 2m.
- 1.3 The location plan, section plan and proposed electricity routing of the proposed installation 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 with attachments received on 26.4.2024 **(Appendix I)**
- (b) Further Information (FI) received on 7.6.2024* **(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 **Appendices I and Ia** and summarised as follows:

- (a) The proposed installation is an essential facility to alleviate the heavy load condition of the existing supply facilities and enhance the reliability of the electricity supply system to the Ha Yeung area. The proposed installation will also cater for the anticipated electricity growth from the new Small House developments in Ha Yeung (**Plan A-2**);
- (b) the proposed HV pillar is a specially designed electrical equipment that only occupies an area of less than 12m² (**Drawings A-1 and A-2**). It is prefabricated and totally enclosed to accommodate the required equipment. It is an unmanned design which is easy to install, maintenance-free and made of fireproof materials. No adverse impacts on the surrounding areas and existing trees are anticipated; and
- (c) on-site inspections have been carried out to assess the technical feasibility of various potential locations for the proposed installation. After taking into account its proximity to the intended service areas, its location with access to road with sufficient space for power cable installation and the connection to electricity delivery routings in the existing power network, the Site is identified as the most suitable location for HV pillar installation. The proposed installation will connect to the existing power network through a tentative underground cable along Clear Water Bay Road (**Drawing A-3**).

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. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Development within Green Belt zone under section 16 of the Town Planning Ordinance” (TPB-PG No. 10) are relevant to the application. The relevant assessment criteria are detailed at **Appendix II**.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

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

7. 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)

7.1 The Site is currently covered by shrubs at the fringe of the “GB” zone, facing and directly accessible to Clear Water Bay Road. It is located on unleased GL within the village ‘environs’ (‘VE’) of Ha Yeung.

7.2 The surrounding areas are predominantly rural in character with village houses and vegetated slopes. To the immediate northwest is a downward sloping local track leading to 12 NTEHs under construction¹ and the areas in Ha Yeung area of which the proposed installation is intended to serve (Plans A-2 and A-3). Village houses in Leung Fai Tin and Ha Yeung San Tsuen are located to the further northwest and further south across Clear Water Bay Road respectively.

8. Planning Intention

8.1 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

8.2 As stated in the Explanatory Statement (ES) of the OZP, as excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activity in the “GB” zone.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

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

(a) no objection to the application;

¹ According to Lands Department, Building Licences have been issued to the 12 NTEHs of which the proposed installation is intended to serve.

- (b) no Excavation Permit application has been submitted by the applicant to this office for excavation works on the unleased GL;
- (c) the Site is an unleased GL in D.D. 233 and falls within the 'VE' of Ha Yeung (including Mau Po, Siu Hang Hau). The application will not clash with any existing/planned development; and
- (d) other comments are included in the advisory clauses at **Appendix IV**.

Traffic

9.1.2 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) no comment on the application from highway maintenance point of view; and
- (b) his office does not have any existing/planned project at the Site.

Landscape

9.1.3 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;
- (b) according to aerial photo of 2023, the Site is situated in an area of coastal uplands and hillsides landscape character predominated by woodland and Small Houses. The proposed installation in small scale (less than 12m²) is considered not incompatible with the surrounding landscape character; and
- (c) other comments are included in the advisory clauses at **Appendix IV**.

Electricity Supply

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

- (a) no comment on the application as far as electricity supply safety and reliability are concerned;
- (b) for the design and operation of HV pillars, the applicant has to comply with the Electricity Ordinance and relevant statutory requirements;
- (c) as the proposed HV pillars are to provide electricity supply to some installations in the vicinity, the associated electricity demand should be provided by the nearby equipment as far as possible; and
- (d) other comments are included in the advisory clauses at **Appendix IV**.

Environment

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

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

Drainage and Sewerage

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

his office has no comment on the application for the proposed public utility installation and excavation of land from drainage and sewerage maintenance viewpoints.

District Officer's Comments

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

- (a) her office does not have any existing/planned projects at the Site; and
- (b) other comments are included in the advisory clauses at **Appendix IV**.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Engineer (Works), HAD;
- (c) Commissioner for Transport (C for T);
- (d) Director of Agriculture Fisheries and Conservation (DAFC);
- (e) Director of Fire Services (D of FS);
- (f) Director of Leisure and Cultural Services;
- (g) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (h) Project Manager/East, CEDD.

10. Public Comment Received During Statutory Publication Period

On 3.5.2024, the application was published for public inspection. During the statutory publication period, one public comment was received from an individual objecting to the application mainly on the grounds that the “GB” zone should remain undisturbed to serve as a buffer area for country parks and there is no evidence indicating a significant demand for NTEH development in the vicinity (**Appendix III**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed public utility installation (HV pillar) and associated excavation of land within an area zoned “GB” on the OZP. The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. While there is a general presumption against development within this zone, development proposals will be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines.
- 11.2 According to the TPB PG-No.10, applications for public utility installations in “GB” zone must demonstrate that the proposed development is essential and for public purpose, and that no alternative sites are available. According to the applicant, the proposed installation is an essential facility to alleviate the heavy load condition of the existing electricity supply facilities and enhance the reliability of the electricity supply system to the Ha Yeung area. The proposed installation will cater for the anticipated electricity growth from the 12 NTEHs under construction in the “V” zone and nearby village houses, which the serving area is to the immediate northwest of the Site (**Plans A-1** and **A-2**). Taking into account the proximity of the proposed installation to the intended service areas, its location with access to road with sufficient space for power cable installation, and the connection to electricity delivery routings in the existing power network, the Site is identified as the most suitable location for HV pillar installation by the applicant. The proposed HV pillars will connect to the existing power network through a tentative underground cable along Clear Water Bay Road (**Drawing A-3**). DEMS has no adverse comment on the application from electricity supply safety perspective. In this regard, the proposed installation could be considered as an essential infrastructure project for enhancing electricity supply in the surrounding area.
- 11.3 According to the ES of the OZP, excavation of land within the “GB” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. The proposed excavation area is only about 11.99m² with a depth of about 2m. CE/MS, DSD has no comment on the application for the proposed public utility installation and excavation of land from drainage perspective. Also, DEP has no objection to the proposed development with excavation of land in view of the small scale and the nature, which will unlikely cause major pollution.
- 11.4 The Site is located on the roadside of Clear Water Bay Road at the fringe of the “GB” zone and is covered by shrubs (**Plans A-3** and **A-4**). The proposed installation is small in scale which will only occupy about 12m² of land area and about 2.57m high, while no tree felling is required. DAFC has no comment on the application from nature conservation perspective. In view of the small scale of the proposed installation, CTP/UD&L, PlanD considers that the proposed installation is not incompatible with the surrounding landscape character and has no comment on the application from landscape planning perspective. The proposed installation with excavation of land is considered not in conflict with TPB PG No. 10 in that the scale of the proposed development is not incompatible with surrounding areas and no adverse impacts are anticipated.

- 11.5 Other concerned government departments including C for T, D of FS and H(GEO), CEDD have no objection to or no adverse comment on the application from traffic, fire safety and geotechnical aspects respectively.
- 11.6 Regarding the public comment objecting to the application as detailed in paragraph 10 above, the departmental comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken 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 21.6.2028, 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 IV**.
- 12.3 There is no strong reason to recommend rejection of the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 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

Appendix I	Application form received on 26.4.2024
Appendix Ia	FI received on 7.6.2024
Appendix II	Relevant Extract of Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No. 10)
Appendix III	Public Comment
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Location Plan submitted by the applicant
Drawing A-2	Section Plan
Drawing A-3	Proposed Electricity Routing
Plan A-1	Location Plan

Plan A-2

Site Plan

Plan A-3

Aerial Photo

Plan A-4

Site Photo

**PLANNING DEPARTMENT
JUNE 2024**