

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

**APPLICATION NO. A/SK-HC/333**

**Applicant** : CLP Power Hong Kong Limited

**Site** : Government Land in D.D. 244, Ho Chung, Sai Kung, New Territories

**Site Area** : About 11.97m<sup>2</sup>

**Land Status** : Government Land

**Plan** : Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11

**Zoning** : “Agriculture” (“AGR”)

**Application** : Proposed Public Utility Installation (Package Substation)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (package substation) at the application site (the Site). The Site falls within an area zoned “AGR” on the approved Ho Chung OZP No. S/SK-HC/11 (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Public Utility Installation’ (‘PUI’) is a Column 2 use within the “AGR” zone, which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site is hard paved and accessed by a local track. The proposal involves the installation of a package substation with a dimension of 4.960m (length) x 2.414m (width) x 2.992m (height) (**Drawing A-2**). For the construction of the concrete plinth and cable trench, it will involve excavation of land of 1.8 in depth.
- 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 application form and attachments which were received on 29.10.2021 (**Appendix I**).

## **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**. They can be summarised as follows:

- (a) having considered the load growth of the existing services/customers especially for newly installed electric vehicle chargers and development of new Small Houses, a new package substation is proposed to alleviate the load condition of existing supply facilities and enhance the reliability of the electricity supply system to the villages around Ho Chung; and
- (b) the proposed package substation, which occupies an area of less than 12m<sup>2</sup>, is a specially designed electrical equipment and has been widely adopted in different village areas. As it is a prefabricated and unmanned design with full enclosure, easy for installation, maintenance free and made of fireproof materials, its impact on the nearby areas and local traffic is minimal.

## **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 Applications (Plans A-1 and A-2)**

The northern part of the Site is the subject of two previous applications (No. A/SK-HC/95 and 97) by different applicants covering a larger site area for temporary open storage of bathroom accessories for a period of 18 months and 10-12 months respectively. The applications were rejected by the Rural and New Town Planning Committee (the Committee) on 7.9.2001 and 7.12.2001 respectively mainly on the grounds of being not in line with the planning intention of “AGR” zone; not compatible with the surrounding rural land uses with fallow agricultural land; failure to demonstrate no adverse traffic and environmental impacts on the surrounding areas; and setting of an undesirable precedent.

## **5. Similar Application**

There is no similar application for ‘PUI’ within the “AGR” 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 Plan A-4)**

6.1 The Site is:

- (a) currently hard paved and at the side of a paved local track connecting to Nam Pin Wai Road to the south;

- (b) currently used for informal parking of vehicles; and
- (c) located entirely within the ‘village environs’ (‘VE’) of Ho Chung and Ho Chung Site of Archaeological Interest (SAI) (**Plan A-2**).

6.2 The surrounding areas have the following characteristics:

- (a) to the immediate northeast, west and southeast are existing Small Houses within the “AGR” zone, which were approved by the Committee. The vacant/unused land to the northeast, southeast and southwest of the Site is also covered by a number of planning permissions granted by the Committee for Small House developments;
- (b) to the further east is an area zoned “Village Type Development” in which the majority of village houses in Ho Chung New Village are located;
- (c) to the south is a waterworks facility (related to water mains) and to the further south are densely vegetated slopes within the “Green Belt” zone; and
- (d) to the further west is mainly fallow and cultivated agricultural land within the water gathering ground.

## 7. **Planning Intention**

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

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

- 8.1 The following government departments have been consulted and their views on the application 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 falls on government land. If planning approval is given, the applicant is required to apply for permission for installation of the package substation and obtain an Excavation Permit from his Office before commencement of works; and

- (c) as the Site falls within Ho Chung SAI, the applicant should be required to consult the Antiquities and Monuments Office (AMO) prior to the commencement of works.

### **Traffic**

#### 8.1.2 Comments of the Commissioner for Transport (C for T):

as the traffic impact during excavation process is not significant, it is considered that the application is tolerable on traffic ground.

### **Electricity Supply**

#### 8.1.3 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 electricity package substation, the applicant 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; and
- (c) the Electricity Supply Lines (Protection) Regulation (the 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.

### **Landscape**

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

- (a) no objection to the application from landscape planning perspective; and
- (b) the Site is currently hard paved and occupied as roadside car parking. The proposed use is considered not incompatible to the landscape character of the surrounding area. No tree is observed within the Site and therefore significant impact on the landscape resources arising from the application is not envisaged.

### **Agriculture**

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

- (a) no comment on the application; and
- (b) the Site is located in a vacant area within the “AGR” zone. The potential of the Site for agricultural rehabilitation is low.

### **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 his satisfaction;
- (b) in consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant should be 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; and
  - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
- (c) the applicant should be 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.

### **Archaeological and Heritage Conservation Aspects**

#### 8.1.7 Comments of the Executive Secretary (Antiquities and Monuments), AMO (ES(AM), AMO):

- (a) no objection to the application after reviewing the scope of works and findings of previous archaeological surveys in the surrounding area; and
- (b) the Site falls entirely within the Ho Chung SAI. The applicant is required to notify AMO two weeks prior to the commencement of the construction and installation works so as to facilitate her staff to conduct site inspection in the course of excavation.

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

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

- (a) no comment on the application; and

- (b) there is no facility maintained by his Office in the vicinity of the Site.

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

- (a) Director of Environmental Protection (DEP);
- (b) Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (CBS/NTE2 & Rail, BD);
- (c) Chief Highways Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (d) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (f) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (g) Chief Engineer (Works), Home Affairs Department (CE(W), HAD).

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

On 5.11.2021, the application was published for public inspection. During the statutory publication period, no public comment was received.

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

- 10.1 The application is to seek planning permission for proposed PUI (package substation) within an area zoned “AGR” on the OZP. The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Whilst the proposed installation is not in line with the planning intention of the “AGR” zone, DAFC has no comment on the application as that the potential of the Site for agricultural rehabilitation is low.
- 10.2 According to the applicant, the proposed installation is to provide adequate electricity supply for the increasing electricity demand from the village developments at Ho Chung, and to enhance the reliability of the electricity supply system in the area. DEMS has no comment on the application from the electricity supply aspect.
- 10.3 The Site is located at the side of a paved local track and is currently hard paved. The immediate surrounding area is mainly characterised by Small Houses and vacant/ unused land approved for Small House developments. The proposed package substation, which is a relatively small scale structure (4.960m in length, 2.414m in width and 2.992m in height) occupying a small site area (about 11.97m<sup>2</sup>), is considered not incompatible with the surrounding area. CTP/UD&L, PlanD has no objection to the application from landscape planning perspective.

- 10.4 Other relevant government departments, including C for T, DEP, CE/C, WSD, CE/MS of DSD, H(GEO) of CEDD, D of FS, ES(AM), AMO and DO(SK), HAD have no objection to or no comment on the application. As the Site falls entirely within the Ho Chung SAI and excavation of land is required for the construction of the proposed development, the applicant should be advised to notify AMO prior to the commencement of works.
- 10.5 There are two previous applications (No. A/SK-HC/95 and 97) covering the northern part of the Site for temporary open storage use by different applicants, which were rejected by the Committee in 2001 for reasons as stated in paragraph 4 above. The current application for the proposed PUI is different in nature, which is to serve the local community, and no adverse impacts are anticipated.
- 10.6 No public comment was received during the statutory publication period.

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

- 11.1 Based on the assessments made in paragraph 10, 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 24.12.2025, 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 design and 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 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**

<b>Appendix I</b>	Application form received on 29.10.2021
<b>Appendix II</b>	Advisory Clauses
<b>Drawing A-1</b>	Location plan
<b>Drawing A-2</b>	General layout drawing of the package substation
<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  
DECEMBER 2021**