

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HC/360

- Applicant** : CLP Power Hong Kong Limited represented by Kum Shing (K.F) Construction Company Limited
- Sites** : Lot 2 S.A (Part) in D.D. 210 and Adjoining Government Land (GL), Hing Keng Shek, Sai Kung, New Territories
- Site Area** : About 33m² (including about 30m² of GL (about 91%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/12 (currently in force)
- Approved Ho Chung OZP No. S/SK-HC/11
(at the time of submission)
- Zoning** : “Green Belt” (“GB”)
[no change on the current OZP]
- Application** : Proposed Public Utility Installation (Poles and Stays) and Associated Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (poles and stays) and associated excavation of land at the application sites (the Sites), which fall within an area zoned “GB” on the draft Ho Chung OZP No. S/SK-HC/12 (**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). The proposed public utility installation also includes laying of underground cables, which can be regarded as ‘Public Utility Pipeline’ always permitted in the “GB” zone. However, the proposed poles and stays and the associated excavation of land of the entire installations still require permission.
- 1.2 The Sites comprise two strips of land at Hing Keng Shek Road and three scattered portions on the adjoining vegetated slope (**Plans A-3 to A-4b**). The proposed installation includes two strips of underground cables (about 24m in length in total)

in the western side for linking up with the existing electricity sub-station (ESS) to the north through existing underground electricity network and three scattered poles (about 7.2m each in height and each supported by two stays). According to the applicant, the proposed installation is for providing electricity supply to Lots 2 S.A to 2 S.E and 2 RP in D.D. 210 (the Lots) to the immediate southeast of the Sites in the same “GB” zone for permitted agricultural use of crop growing (**Plans A-4a** and **A-4b**) where electricity is required for lighting, irrigation, weeding, heating of water and CCTV system for the agricultural activity at the Lots. The location of one of the proposed poles at Lot 2 S.A also falls within the application site of another planning application (No. A/SK-HC/363) for excavation and filling of land for the same agricultural use (**Plan A-2**) submitted by a different applicant to be considered by the Rural and New Town Planning Committee (the Committee) at the same meeting. The proposed excavation area for the underground cables is about 24m (L) x 1m (W) in total, and the proposed excavation area for the poles and stays is about 1m (L) x 1m (W) each. The total proposed excavation area is about 33m² with depths ranging from about 1.2m to 1.8m and will be backfilled after the completion of the proposed installation.

- 1.3 The applicant also submitted tree treatment report indicating that among the eight existing trees surveyed within the Sites, no common native or ornamental species, no tree of particular interest and old and valuable tree was found and all trees would be retained. Four trees to be affected by overhead lines would be protected by preventative crown pruning. The layout plan, section plans and proposed electricity routing of the proposed installation submitted by the applicant are at **Drawings A-1 to A-4**.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 21.8.2024 (**Appendix I**)
 - (b) Further information (FI) received on 26.11.2024 (**Appendix Ia**)
[accepted but not exempted from publication and recounting requirements]
- 1.5 On 4.10.2024, the Committee of the Board agreed to the applicant’s request to defer making a decision on the application for two months.

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 would provide electricity for lighting, irrigation, weeding, heating of water and CCTV system for the agricultural activity in the Lots for self-consumption and family enjoyment, which is not open to public;
- (b) power supply from CLP underground cable is stable, clean and will not pollute the surrounding environment as compared with other alternatives;
- (c) other means of electricity provision (e.g. solar panel and mobile generator) have been explored but not feasible or the supply is not stable, in particular, a non-stop and stable electricity supply for CCTV system is necessary for security and

property protection; and

- (d) the proposed public utility installation is to link up with the existing ESS to the north at Hing Keng Shek Road. There are no feasible alternative locations for installing underground cables, poles and stays other than the proposed locations. No tree felling is required and there is minimal impact on the surrounding area.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current land owner” of the Sites but has complied with the 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) by obtaining the consent of the “current land owner” of the Sites. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in the TPB PG-No. 31B are not applicable.

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. Background

The Sites are currently not subject to any active planning enforcement action.

6. Previous Application

There is no previous application at the Sites.

7. Similar Application

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

8. The Sites and Their Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3, and site photos on Plans A-4a and A-4b)

8.1 The Sites:

- (a) comprise two strips of land and three scattered portions; and
- (b) consist of one strip on the hard-paved Hing Keng Shek Road while the other strip is immediately adjacent to Hing Keng Shek Road on vegetated area.

Three scattered portions are all on vegetated slope adjoining the road.

- 8.2 The surrounding areas of the Sites are predominantly rural in character comprising existing village clusters of Hing Keng Shek to the west and woodland to the further west and east in areas zoned “GB” and “Conservation Area” (“CA”) respectively. To the immediate southeast are areas intermixed with vegetated slopes and the Lots for which the proposed installation intends to serve in the same “GB” zone, which comprise a fenced-off farm under active agricultural activities with temporary structures used as hydroponics towers and sheds for farming activities (**Plans A-2 and A-4b**).

9. Planning Intention

- 9.1 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.
- 9.2 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.

10. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

11. Public Comments Received During Statutory Publication Periods

On 30.8.2024 and 6.11.2024, the application was published for public inspection. During the statutory publication periods, two public comments were received from the same individual objecting to the application mainly on the grounds that there is no sign of agricultural activity in the adjacent “GB” zone, no public benefit would be involved and insufficient justifications in support of the application (**Appendix V**).

12. Planning Considerations and Assessments

- 12.1 The application is to seek planning permission for proposed public utility installation (poles and stays) 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. There is a general presumption against development within this zone. While the proposed installation and associated excavation works are not entirely in line with the planning intention of the “GB” zone, the proposed installation is to

provide electricity for lighting, irrigation, weeding, heating of water and CCTV system for the permitted agricultural activity at the Lots. The proposed installation and associated excavation works involve an area of 33m² only which is considered as small in scale.

- 12.2 According to the TPB PG-No. 10, applications for public utility installations in “GB” zone must demonstrate that the proposed development is essential and that no alternative sites are available. According to the applicant, due to unstable electricity supply or may cause pollution to the surroundings, other alternative means of electricity provision, e.g. solar panel and mobile generator, were not feasible. In particular, a non-stop and stable electricity supply for CCTV system is necessary for security and property protection. Taking into account the needs and proximity to connect to the existing ESS and underground cable network located to the north of the Sites, there are no other feasible and suitable alternatives for the location of the proposed installation (**Plan A-2**). The proposed installation could be considered as an essential infrastructure project for enhancing electricity supply for a permitted use and generally complying with the TPB PG-No. 10. Director of Electrical and Mechanical Services has no adverse comment on the application from regulatory services perspective.
- 12.3 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 adjacent areas. The proposed excavation area is only about 33m² with a depth of ranging from about 1.2m to 1.8m and the Sites would be backfilled afterwards. Chief Engineer/Mainland South, Drainage Services Department has no comment on the application from drainage viewpoint. Also, the Director of Environmental Protection has 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.
- 12.4 Whilst the Sites are located in an area of settled valleys landscape predominated by village houses and woodland, the proposed installation is small in scale and falls partly on hard-paved road while there is no tree felling according to the applicant. Chief Town Planner/Urban Design and Landscape, Planning Department considers the proposed works are not incompatible with the surrounding landscape character and significant landscape impact arising from the application is not anticipated.
- 12.5 Other concerned government departments including Commissioner for Transport, Director of Agriculture, Fisheries and Conservation, Director of Fire Services and the Head of Geotechnical Engineering Office, Civil Engineering and Development Department have no objection to or no adverse comment on the application from traffic, nature conservation, fire safety and geotechnical aspects respectively.
- 12.6 Regarding the public comments objecting to the application as detailed in paragraph 11 above, the departmental comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the

public comments in paragraph 11, the Planning Department has no objection to the application.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 24.1.2029, 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**.

13.3 There is no strong reason to recommend rejection of the application.

14. Decision Sought

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

14.2 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.

14.3 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.

15. Attachments

Appendix I	Application form received on 21.8.2024
Appendix Ia	FI received on 26.11.2024
Appendix II	Relevant Extract of TPB PG-No. 10
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawings A-1 and A-2	Section Plans submitted by the applicant
Drawing A-3	Layout Plan submitted by the applicant
Drawing A-4	Proposed Electricity Routing
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**