

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-PK/275

Applicant : CLP Power Hong Kong Limited represented by Kum Shing (K.F) Construction Company Limited

Site : Government Land in D.D. 216, Shan Liu Lower Road, Sai Kung

Site Area : About 501m²

Land Status : Government Land

Plan : Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11

Zoning : “Conservation Area” (“CA”)

Application : Proposed Public Utility Installation (Pole with Transformer and Underground Cable) and Associated Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (pole with transformer and underground cable) and associated excavation of land at the application site (the Site). The Site falls within an area zoned “CA” on 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).
- 1.2 The Site is predominantly located along Shan Liu Lower Road and on an existing footpath (**Plans A-4a and A-4b**). According to the applicant, the proposed installation is primarily for supplying three-phase power to 10 existing village houses at Lots 769 to 776 and 780 to 781 in D.D. 216 (about 50m to the east of the Site) (**Plan A-2**). The proposal includes excavation of land (not more than 1.8m in depth) for the installation of a 11kV underground cable (495m(L) x 1m(W) x 1.2m(D)) and a pole (2m(L) x 1m(W) x 10.5m(H) x 1.8m(D)) with pole-mounted transformer and stay wires. Upon completion of the proposed works, the Site will be backfilled to the original level. The layout plan, elevation plan and section plan submitted by the applicant are at **Drawings A-1 to A-3**.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 5.7.2022 (Appendix I)
- (b) Further information received on 19.8.2022 providing further justifications for the application (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 primarily for supplying three-phase power to 10 existing village houses at Lots 769 to 776 and 780 to 781 in D.D. 216 (**Plan A-2**);
- (b) there is currently only one transformer supplying power to Tai Wan, which is not enough for the power demand growth. Additional supply sources (i.e. transformers) are necessary for upgrading the power network, improving supply reliability and adding load cases to meet the growing demand in Tai Wan;
- (c) having considered the need to minimise voltage drop and the method for transporting the pole (by helicopter), the proposed location of the pole-mounted transformer is considered the most suitable;
- (d) since the amount of electricity required (1200A) exceeds the maximum load capacity of overhead line, it is only viable to supply additional electricity to the area through underground cable;
- (e) there is only a very narrow footpath within the “Village Type Development” (“V”) zone. It is technically not feasible to lay 11kV cable thereat due to space requirement of cable bending. The proposed cable route is the only technically feasible choice; and
- (f) to minimise any potential landscape and ecological impact, the proposed installation is located either underneath or along existing paved road/footpath. No tree felling is required.

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 Application**

There is no similar application for proposed public utility installation and associated excavation of land 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) predominantly located along Shan Liu Lower Road and on an existing footpath. It abuts the “V” zone on its northern end and Lung Mei Tsuen Road on its southern end;
- (b) partly paved and partly covered with some vegetation; and
- (c) on government land, straddling areas under Government Land Licence (GLL) No. S10103 (issued to the village representative of Tai Wan for unimproved grazing and grass cutting, and growing of pine trees on a non-commercial basis), Government Land Allocation (GLA) No. GLA-DS 381 (allocated to the Home Affairs Department (HAD) for rain shelter/pavilion), and registered slopes No. 8SW-A/F80, 8SW-A/CR311 and 8SW-A/CR339 (Plan A-2).

6.2 The surrounding areas have the following characteristics:

- (a) rural in character and mostly occupied by natural slopes covered with trees and shrubs within the “CA” zone;
- (b) to the east are 12 village houses (including the 10 houses to be served by the proposed installation) at the fringe of the subject “CA” and adjoining “V” zones;
- (c) to the further northeast, southwest and northwest are village clusters within the “V” zones of Tai Wan, Ngau Liu and Shan Liu respectively; and
- (d) to the further south are mainly low-rise residential developments within sub-areas of the “Residential (Group C)” zone.

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 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 unleased land, including GLL No. S10103, GLA No. GLA-DS 381 and registered slopes No. 8SW-A/F80, 8SW-A/CR311 and 8SW-A/CR339;
- (c) the proposed installation on unleased land is permitted under the Block Licence issued to the applicant; and
- (d) if the subject application is approved, the applicant is required to obtain consent from the licensee of GLL No. S10103, the allocated department of GLA No. GLA-DS 381 and the maintenance parties of slopes No. 8SW-A/F80, 8SW-A/CR311 and 8SW-A/CR339 prior to commencement of works.

Nature Conservation

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

no adverse comment on the application from nature conservation perspective in view that the Site is partly paved and partly covered with common plant species.

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) the Site is located along Shan Liu Lower Road and surrounded by vegetated slopes without any village houses in the immediate vicinity. The nearest village cluster is about 50m away;
- (b) the proposed installation involves an underground cable and a pole for mounting the transformer which is minimal in scale. The proposed installation will unlikely induce significant adverse visual impact on the surrounding areas;

Landscape

- (c) no comment on the application from landscape planning perspective;
- (d) with reference to the aerial photo of 2020 (**Plan A-3**), the Site is situated in an area of peak landscape character predominated by village houses and woodlands. Based on recent site photos (**Plans A-4a and A-4b**), the majority of the Site is located along the existing Shan Liu Lower Road and a concrete-paved footpath. According to the applicant, the proposed underground cable will be mainly underneath existing paved area with minor impact on existing landscape resources;
- (e) given the linear shape of the Site along the existing paved road/footpath, the proposed installation is considered not incompatible with the surrounding areas. No significant adverse impact on landscape resources arising from the application is envisaged; and
- (f) the applicant should note that approval of the application, if granted, does not imply approval of trees works such as pruning, transplanting and/or felling. The applicant is reminded to approach relevant authority/government department(s) to obtain necessary approval on tree works, where appropriate.

Traffic

8.1.4 Comments of the Commissioner for Transport:

as the traffic impact during the excavation process is not significant, she considers the application tolerable on traffic ground.

Environment

8.1.5 Comments of the Director of Environmental Protection:

- (a) no objection to the application; and
- (b) the applicant should implement appropriate pollution control measures to minimise any potential environmental impact arising from construction activities of the project.

District Officer's Comments

8.1.6 Comments of the District Officer (Sai Kung), HAD:

- (a) no comment on the application; and
- (b) considering Shan Liu Lower Road and the nearby pavilion are maintained by HAD, the applicant should protect the said facilities and, if deemed necessary, reinstate the said facilities to good condition at his/her own cost.

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) Director of Electrical and Mechanical Services; and
- (g) Chief Engineer (Works), HAD.

9. Public Comment Received During Statutory Publication Period

On 12.7.2022, the application was published for public inspection. During the statutory publication period, one comment was received from an individual objecting to the application for reason that installation of street lights will cause light pollution to the surrounding natural environment (**Appendix II**).

10. Planning Considerations and Assessments

10.1 The application is for proposed public utility installation (pole with transformer and underground cable) and associated excavation of land within the “CA” zone. 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. Although the proposed installation and works are not entirely in line with the planning intention of the “CA” zone, according to the applicant, the proposed installation is primarily for supplying three-phase power to 10 existing village houses at Lots 769 to 776 and 780 to 781 in D.D. 216 (**Plan A-2**). Besides, the proposed installation will improve the power network and reliability to meet the growing demand in Tai Wan. The proposed installation and works could be considered an essential infrastructure project to residents of the existing village houses in Tai Wan. As the Site is partly paved and partly covered with common plant species, DAFC has no adverse comment on the application from nature conservation perspective. The applicant also commits to backfill the Site to the original level upon completion of the proposed works.

10.2 The Site is predominantly located along Shan Liu Lower Road and on an existing footpath (**Plans A-4a and A-4b**). The surrounding areas are rural in character and mostly occupied by natural slopes covered with trees and shrubs within the “CA” zone. According to the applicant, no tree felling is required. Given that the Site is mainly along existing paved road/footpath, the proposed installation and works are considered not incompatible with the surrounding areas, and no significant adverse landscape impact is envisaged. Furthermore, since the proposed

installation of a pole with transformer and an underground cable is minimal in scale, no significant adverse visual impact is anticipated. CTP/UD&L, PlanD has no adverse comment on the application from landscape planning and urban design perspectives.

- 10.3 Other concerned government departments have no objection to or no adverse comment on the application.
- 10.4 The public comment raised concern over installation of street lights. However, the subject application is for proposed electricity installation and associated works serving the village houses and the area.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comment 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 26.8.2026, 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 III**
- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed installation and associated excavation of land are not in line with the planning intention of the "Conservation Area" ("CA") zone which 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 within this zone. The applicant fails to demonstrate that the proposed installation and works are an essential infrastructure project with overriding public interest that warrants a departure from the planning intention of the "CA" zone.

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 5.7.2022
Appendix Ia	Further Information received on 19.8.2022
Appendix II	Public Comment
Appendix III	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Elevation Plan
Drawing A-3	Section Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2022**