

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-TMT/81

- Applicant** : CLP Power Hong Kong Limited represented by Kum Shing (K.F) Construction Company Limited
- Sites** : Government Land (GL) in Tai Mong Tsai Road, Wong Keng Tei, Sai Kung, New Territories
- Site Area** : About 28m²
- Land Status** : GL
- Plan** : Approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP) No. S/SK-TMT/4
- Zonings** : “Coastal Protection Area” (“CPA”) (about 18m² or 64%)
“Green Belt” (“GB”) (about 10m² or 36%)
- Application** : Proposed Public Utility Installation (Underground Cables) and Associated Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (underground cables) and associated excavation of land at the application sites (the Sites), which fall within areas zoned “CPA” and “GB” on the approved Tai Mong Tsai and Tsam Chuk Wan OZP No. S/SK-TMT/4 (**Plan A-1**). According to the Notes of the OZP, ‘Public Utility Installation’ and excavation of land within the “CPA” and “GB” zones require permission from the Town Planning Board (the Board).
- 1.2 The Sites, comprising two portions, are adjoining Tai Mong Tsai Road and partly hard-paved and partly covered with sparse vegetation. The proposed installation includes laying two portions of 380V underground cables with 20m long in western portion and 8m long in eastern portion for linking up with the existing and proposed underground electricity network underneath Tai Mong Tsai Road¹. The western portion will connect to an existing electricity sub-station

¹ The proposed underground electricity network along Tai Mong Tsai Road within area shown as ‘Road’ on the OZP is regarded as ‘public utility pipeline’, which is always permitted.

(ESS) within the “GB” zone near Lot 646 in D.D. 257 (**Plan A-2**). The proposed excavation areas are about 28m² in total with a depth of about 1.2m and will be backfilled after the completion of the proposed installation. According to the applicant, the proposed installation is for providing electricity supply at Lots 279 S.A ss.3, 279 S.A ss.4 and 279 S.A RP in D.D. 257 (the Lots) to the immediate west of the eastern portion of the Sites in the “CPA” zone for the permitted agricultural use, which is for self-consumption/ family enjoyment (**Plans A-4a and A-4b**). According to the applicant, the electricity is required for lighting, irrigation, weeding, heating of water and CCTV system for the agricultural activity in the Lots.

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 2.9.2024 (**Appendix I**)
- (b) supplementary information (SI) received on 6.9.2024 (**Appendix Ia**)
- (c) further information (FI) received on 8.10.2024* (**Appendix Ib**)

**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, Ia and Ib** 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 which is for self-consumption/family enjoyment and 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, in particular, a non-stop and stable electricity supply for CCTV system is necessary for security and property protection; and
- (d) there are no feasible alternatives for installing underground cables other than the proposed locations. No tree felling is required and there is minimal impact on the surrounding area. Furthermore, during the works, footpath for access to Wong Keng Tei Village will not be blocked.

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

As the Sites involve 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 Sites.

6. Similar Application

There is no similar application within the same “CPA” and “GB” zones on the OZP.

7. 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)

7.1 The Sites are:

- (a) currently partly hard-paved as local footpath and partly covered by sparse vegetation at the fringe of the “CPA” and “GB” zones;
- (b) directly accessible from Tai Mong Tsai Road; and
- (c) located within the village ‘environs’ of Wong Keng Tei.

7.2 The surrounding areas are of settled valleys landscape character predominated by Small Houses and tree groups. The Sites are adjoining Tai Mong Tsai Road, and to the north and south are the “Village Type Development” zones of Wong Keng Tei. While the remaining areas are mainly vegetated land/slopes, active farming activity is found in the Lots with several shading sheds erected thereon. To the further south is the coastal and sea areas of Tsam Chuk Wan while to the further north across Tai Mong Tsai Road is the dense hillside woodland of Tai Tun (**Plans A-2 and A-3**).

8. Planning Intention

8.1 The planning intention of the “CPA” zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against developments 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 the development is an essential infrastructure project with overriding public interest may be permitted.

- 8.2 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 also a general presumption against developments in this zone.
- 8.3 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 “CPA” and “GB” zones.

9. Comments from Relevant Government Departments

- 9.1 Apart from the departments consulted as set out in paragraph 9.2 below, other 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.
- 9.2 The following departments have comments on the application:

Land Administration

- 9.2.1 Comments of the District Lands Officer/Sai Kung, Lands Department (LandsD):
- (a) no objection to the application;
 - (b) the applicant submitted an Excavation Permit (EP) application for the purpose of LV cable laying in August 2024. The EP application is under processing; and
 - (c) other detailed comments are at **Appendix III**.

Nature Conservation

- 9.2.2 Comment of the Director of Agriculture, Fisheries and Conservation (DAFC):
- (a) no comment on the subject application from nature conservation perspective;
 - (b) an application for a Letter of Approval has been received for erecting two greenhouses on the Lots and approval has been issued by LandsD to the applicant for erection of agricultural structures subject to a number of conditions; and
 - (c) other detailed comments are at **Appendix III**.

10. Public Comments Received During Statutory Publication Period

On 10.9.2024, the application was published for public inspection. During the statutory publication period, five public comments from indigenous villagers and an individual were received objecting to the application mainly on the grounds that there is no justification for agricultural activity in the area; over-development in sensitive zonings would undermine environmental integrity and set harmful precedent; and the proposed development would obstruct the existing footpath (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is to seek planning permission for proposed public utility installation (underground cables) and associated excavation of land within areas zoned “CPA” and “GB” on the OZP. The planning intention of the “CPA” zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development, while that of “GB” zone is 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 general presumption against developments in both zones. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted in “CPA” zone. While the proposed installation and associated excavation of land are not entirely in line with the planning intention of the “CPA” zone, the proposed laying of two portions of underground cable is to provide electricity for lighting, irrigation, weeding, heating of water and CCTV system for the agricultural activity at the Lots, which is small in scale.

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 that no alternative sites are available. According to the applicant, other alternative means of electricity provision e.g. solar panel and mobile generator were not feasible or may cause pollution to the surrounding. Taking into account the needs to connect to the existing ESS located in the “GB” zone to the immediate east of western portion of the Sites, there are no feasible alternatives for the proposed installation. 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 electricity supply safety perspective.

11.3 According to the ES of the OZP, excavation of land within the “CPA” and “GB” zones 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 28m² with a depth of about 1.2m and the Sites would be backfilled afterwards. Chief Engineer/Mainland South, Drainage Services Department has no comment on the application for the proposed public utility installation and excavation of land from drainage viewpoint. Also, 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.

- 11.4 Whilst the Sites are located at an area of settled valleys landscape predominated by Small Houses and tree groups, the proposed installation is small scale and falls mostly within hard paved footpath or access road. There is also no tree felling according to the applicant. Chief Town Planner/Urban Design and Landscape, Planning Department considers that the proposed works are not incompatible with the surrounding village setting and landscape character and DAFC has no adverse comment on the application. Besides, according to the applicant, the footpath to Wong Keng Tei Village will not be blocked during the works, and District Officer/Sai Kung, Home Affairs Department has no comment on the application.
- 11.5 Other concerned government departments, including Commissioner for Transport, Director of Fire Services and Head of Geotechnical Engineering Office, Civil Engineering and Development Department have no objection to or no adverse comment on the application from traffic, fire safety and geotechnical aspects respectively.
- 11.6 Regarding the public comments 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 comments 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 25.10.2028, 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 2.9.2024
Appendix Ia	SI received on 6.9.2024
Appendix Ib	FI received on 8.10.2024
Appendix II	Relevant Extract of Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No. 10)
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Location Plan
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
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**