

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SLC/171

- Applicant** : CLP Power Hong Kong Limited represented by CLPe Solutions Limited
- Site** : Government Land in D.D. 332L near Cheung Sha Ha Tsuen, Lantau
- Site Area** : About 49.2m²
- Land Status** : Government Land
- Plan** : Approved South Lantau Coast Outline Zoning Plan No. S/SLC/21 (the OZP)
- Zoning** : “Coastal Protection Area” (“CPA”)
- Application** : Proposed Public Utility Installation (Poles, Underground Cables and Overhead Cables) and Excavation and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed public utility installation (poles, underground cables and overhead cables) and the associated excavation and filling of land at the application site (the Site) falling within an area zoned “CPA” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “CPA” zone, ‘Public Utility Installation’, which is a Column 2 use, and excavation and filling of land require planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, the proposed installation includes three poles (1.6m (L) x 1m (W) x 9m (H) each), two overhead cables (28m and 38m in length respectively) and a trench for underground cables (1m (W) each, with a total length of 44.4m). The area for proposed excavation works is about 49.2m² with a depth of about 1.2m. Upon completion of the installation works, the Site will be backfilled. The applicant claims that the proposed installation is to provide electricity for water pumping and lighting to facilitate agricultural use at Lot 254 in D.D. 332L¹, which is located to the immediate northwest of the Site (**Plan A-2**). Part of the Site (the two segments for laying underground cable) is on unpaved land along the local track connecting to South Lantau Road, while the remaining part of the Site (the three proposed poles and two segments

¹ The said lot is currently occupied by caravans and related uses.

of overhead cables) is on a vegetated slope (**Plan A-2**). The layout plan, section plan and elevation plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) application form received on 15.9.2022; (Appendix I)
- (b) supplementary information received on 22.9.2022; (Appendix Ia)
- (c) further information (FI) received on 27.10.2022; and (Appendix Ib)
[accepted but not exempted from publication and recounting requirements]
- (d) FI received on 15.12.2022. (Appendix Ic)
[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, Ib and Ic** and summarised as follows:

- (a) electricity supply is required for water pumping and lighting to facilitate agricultural use at Lot 254 in D.D. 332L. All caravans at the aforesaid lot will be removed and existing structures will be used for storage of tools and equipment;
- (b) all excavation works will be performed by hand tools and no heavy machinery/equipment will be involved. The Site will be backfilled after completion of the proposed installation. All surplus soil will be removed immediately after excavation;
- (c) helicopter may be used for pole and materials delivery on site in order to prevent the trees and vegetation from any damage during pole transportation;
- (d) there is no storage/temporary works area during the course of works for the proposed installation;
- (e) all working areas will be well fenced off; and
- (f) no impacts will be generated to the existing trees and vegetation, and no tree trimming is required for the proposed installation.

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 Applications

- 5.1 There are 10 similar applications (No. A/SLC/87, 109, 141, 145, 154, 160, 162, 166, 167 and 169) between 2008 and 2021 for proposed public utility installation with/without involving filling/excavation of land within or straddling the “CPA” zone on the OZP, with eight approved and two rejected by the Rural and New Town Planning Committee (the Committee). Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Among the eight approved applications, seven applications (No. A/SLC/87, 109, 141, 145, 154, 160 and 166) were approved by the Committee between 2008 and 2021 mainly on the consideration that the proposed installations were essential infrastructures for the area or the territory with overriding public interest and no adverse impact on the surrounding areas was anticipated. The remaining approved application (No. A/SLC/169) was approved by the Committee in 2021 mainly on the consideration that the proposed installation was to provide electricity supply to facilitate the operation of permitted agricultural use and no adverse impact on the surrounding areas was anticipated. As such, sympathetic consideration was given to the application.
- 5.3 The two rejected applications (No. A/SLC/162 and 167) were rejected by the Committee in 2020 and 2021 respectively mainly on the ground that the proposed installations were not in line with the planning intention of the “CPA” zone while the applicants failed to demonstrate that the proposed installations were essential infrastructure projects with overriding public interest.

6. The Site and Its Surrounding Areas (Plans A-1 to Plan A-3 and site photos on Plans A-4a to A-4c)

- 6.1 The Site comprises two portions:
- (a) the southeastern portion (for underground cables) is located at vacant roadside area along a local track which connects to South Lantau Road; and
 - (b) the northwestern portion (for poles and overhead cables) is located on a slope partly covered by trees and vegetation, partly vacant, and currently not accessible, which also falls within the boundary of the Cheung Sha Ha Tsuen Site of Archaeological Interest (**Plan A-2**).

6.2 The surrounding areas have the following characteristics:

- (a) to the immediate southeast are Cheung Sha Ha Tsuen Basketball Court and Cheung Sha Ha Tsuen Children's Playground;
- (b) to the west and southwest are the village cluster of the Cheung Sha Ha Tsuen on the headland to the south of Cheung Sha. To the further west is Lower Cheung Sha Beach;
- (c) to the northwest are some caravans and related uses at Lots 254, 248 and 256 in D.D. 332L² (**Plan A-4c**) not covered by valid planning permission, agricultural land, vegetated land and a stream; and
- (d) to the east and northeast is a local track road connects to South Lantau Road and vegetated land. To the further northeast across South Lantau Road are Lantau South Divisional Police Headquarter and a private residential development currently under construction.

7. Planning Intention

The "CPA" zone is intended 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 is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. 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 on the application are summarised as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/Islands, Lands Department:

- (a) no adverse comment on the application from land administration point of view;

² During the site visits conducted by this office on 27.9.2022 and 4.11.2022, it was observed that four caravans, wood fencing and platforms and outdoor furniture are placed at Lot 254 and part of the adjoining Lots 248 and 256 in D.D. 332L. There is a temporary structure at Lot 251 in D.D. 332L. These lots can be accessed via a local track from Lower Cheung Sha Beach.

- (b) the Site is on unleased government land and is within the Cheung Sha Ha Tsuen Site of Archaeological Interest. No permission is given for occupation of government land (about 49.2m² subject to verification) (i.e. the whole Site). Any occupation of government land without Government's prior approval is not allowed;
- (c) Lot 254 in D.D. 332L is an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Suspected unauthorized structures were found on the lot and his office is investigating into the case and reserves the right to take lease enforcement actions. No "letter of approval" for erecting agricultural structures at Lots 254, 248 and 256 in D.D. 332L has been issued; and
- (d) other advisory comments are at **Appendix IV**.

Lantau Development

8.1.2 Comments of the Head of the Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD):

- (a) no comment on the application; and
- (b) other advisory comments are at **Appendix IV**.

Landscape

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

- (a) having reviewed the applicant's submission, as no significant adverse impact on existing landscape resources is anticipated, she has no further comment on the application; and
- (b) other advisory comments are at **Appendix IV**.

Nature Conservation

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

- (a) no adverse comment on the application from nature conservation perspective;
- (b) no application of "letter of approval" to erect agricultural structures on Lots 254, 248 and 256 in D.D. 332L has been received; and
- (c) other advisory comments are at **Appendix IV**.

Building Matters

8.1.5 Comments of the Chief Building Surveyor/New Territories East (1) and Licensing, Buildings Department:

no approval record for the structures at Lots 248, 254 and 256 in D.D. 332L.

Licensing

8.1.6 Comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department:

- (a) no comment on the application from licensing point of view; and
- (b) no license and relevant applications for operation of hotels/guesthouses at Lots 248, 254 and 256 in D.D. 332L were issued or received by his office.

Water Supplies

8.1.7 Comments of the Chief Engineer/Construction, Water Supplies Department:

- (a) no objection in principle to the application; and
- (b) other advisory comments are at **Appendix IV**.

Electricity Safety

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

- (a) no comment on the application; and
- (b) other advisory comments are at **Appendix IV**.

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

- (a) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (b) Chief Highway Engineer/ New Territories East, Highways Department;
- (c) Commissioner for Transport;
- (d) Director of Environmental Protection Department;
- (e) Director of Fire Services;
- (f) District Officer (Islands), Home Affairs Department (DO(Is), HAD);
- (g) Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office, Development Bureau; and
- (h) Head of the Geotechnical Engineering Office, CEDD (H(GEO), CEDD).

9. Public Comment Received During Statutory Publication Periods

One public comment from an individual raising concerns on the application was received during the statutory publication periods. The concerns are that the purpose of the proposed installation is unclear and there is limited justification for supporting the application which may degrade the sensitive coastal environment within the “CPA” zone.

10. Planning Considerations and Assessments

10.1 The applicant seeks planning permission for proposed public utility installation (poles, underground cables and overhead cables) and excavation and filling of land at the Site within an area zoned “CPA” 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. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. 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. According to the applicant, the proposed installation is to provide electricity for agricultural use at Lot 254 in D.D. 332L within the same “CPA” zone (**Plan A-2**). While ‘Agricultural Use (other than Plant Nursery)’ is always permitted within the “CPA” zone, ‘Public Utility Installation’ with excavation and filling of land require permission from the Board. However, the applicant has not provided details on the agricultural use at the concerned lot. Currently, caravans, wood fencing and platforms and outdoor furniture are observed at the concerned lot and the adjoining Lots 248 and 256 in D.D. 332L, which are not covered by any valid planning permission. The applicant fails to demonstrate the proposed installation with excavation and filling of land is an essential infrastructural project with overriding public interest that warrants a departure from the planning intention.

10.2 Part of the Site (for laying underground cable) is on unpaved roadside area along the local track and part of the Site (the three proposed poles and the overhead cables) is situated on a vegetated slope (**Plans A-4a to 4c**). According to the applicant, the proposed works have no impact on the existing trees and vegetation and no tree trimming will be required. DAFC has no adverse comment on the application given that the scale of the works is relatively localised. Furthermore, CTP/UD&L of PlanD has no adverse comment on the application since no significant adverse impact on existing landscape resources is anticipated.

10.3 Other relevant government departments consulted, including DEMS, H(SLO), CEDD, H(GEO), CEDD, and DO(Is), HAD have no objection to or no comment on the application.

- 10.4 There are 10 similar applications for proposed public utility installation with/without involving excavation and/or filling of land within or straddling the “CPA” zone on the OZP. Among the 10 similar applications, eight applications were approved by the Committee between 2008 and 2021 and two applications were rejected by the Committee in 2020 and 2021 as summarised in paragraph 5. The planning circumstances of the current application are similar to those of the rejected applications in that the applicant fails to demonstrate that the proposed installation with excavation and filling of land is an essential infrastructure project with overriding public interest. Rejection of the current application is generally in line with the Committee’s previous decisions.
- 10.5 Regarding the concerns raised in the public comment, the planning assessments in paragraphs 10.1 to 10.4 above are relevant.

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 does not support the application for the following reason:

the proposed installation with excavation and filling of land is not in line with the planning intention of the “Coastal Protection Area” zone which 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 environment. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. There is a general presumption against development in this zone. The applicant fails to demonstrate that the proposed installation is an essential infrastructural project with overriding public interest that warrants a departure from such planning intention.

- 11.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until **23.12.2026**, 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 advisory clauses at **Appendix IV** are also suggested for Members’ reference.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

- 12.3 Alternatively, 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. Attachments

Appendix I	Application form received on 15.9.2022
Appendix Ia	Supplementary Information received on 22.9.2022
Appendix Ib	Further Information received on 27.10.2022
Appendix Ic	Further Information received on 15.12.2022
Appendix II	Similar Applications
Appendix III	Public Comment
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Section Plan for typical LV cable trench
Drawing A-3	Elevation Plan for pole
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2022**