

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SLC/176

- Applicant** : CLP Power Hong Kong Limited represented by CLPe Solutions Limited
- Site** : Government Land in D.D. 316L near Pui O San Wai Tsuen, Lantau Island
- Site Area** : 37.73m² (about)
- 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 (Underground Power Cables) and Associated Excavation and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (underground power cables) and associated excavation and filling of land at the application site (the Site). The Site falls within an area zoned “CPA” on the OZP (**Plans A-1 and A-2**). According to the Notes of the OZP for “CPA” zone, ‘Public Utility Installation’ use, which is a Column 2 use, and excavation and filling of land require planning permission from the Town Planning Board (the Board). The Site is partly paved and partly covered by vegetation.
- 1.2 The proposed installation includes a set of connected trench for two parallel underground power cables with a total width and length of 1m and 37.73m respectively. The area for proposed excavation works is about 37.73m² with a depth of about 1.2m. Upon completion, the cable trench will be backfilled to its original ground level. According to the applicant, the proposed installation is to provide electricity for electric charger and lighting for car park use at Lot 1211 in D.D. 316L (the Lot) which is located to the immediate south of the Site (**Plan A-2**). The layout plan and section plan submitted by the applicant are at **Drawings A-1 and A-2**.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) application form with attachments received on 13.4.2023; **(Appendix I)**
- (b) supplementary information received on 18.4.2023; **(Appendix Ia)**
- (c) further information (FI) received on 28.4.2023*; and **(Appendix Ib)**
- (d) FI received on 23.5.2023* **(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 Part 10 of the application form at **Appendix I** and **Appendices Ib and Ic**. They are summarised as follows:

- (a) electricity supply is required for the electric charger and lighting for parking of one to two vehicles for personal use at the Lot; and
- (b) the Site will be backfilled to the original ground level after completion of cable laying works.

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 (Plan A-1)

- 5.1 There are 11 similar applications (No. A/SLC/87, 109, 141, 145, 154, 160, 162, 166, 167, 169 and 171) between 2008 and 2023 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 three 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 operation of the 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 three rejected applications (No. A/SLC/162, 167 and 171) were rejected by the Committee between 2020 and 2022 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.

5.4 An additional similar application (No. A/SLC/177) will also be considered at this meeting.

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

6.1 The Site is:

- (a) partly paved and partly covered by vegetation; and
- (b) mainly along the footpath of South Lantau Road and on roadside area with/without grass where vehicle parking is observed.

6.2 The surrounding areas have the following characteristics:

- (a) to the north across South Lantau Road are predominately village houses, i.e. Pui O San Wai Tsuen which is a recognised village;
- (b) to the east, south and west are some temporary structures, open storages, car parks and vehicle workshops;
- (c) to the further southeast and south are predominately rural landscape with fallow and active agricultural land/marshes; and
- (d) to the immediate south of the Site is the Lot which is partly paved and partly vacant, with three modified containers found¹. The Lot falls within the “CPA” zone and is not covered by any valid planning permission.

¹ During site visits conducted by this office on 21.4.2023 and 23.5.2023, it was observed that the Lot was partly paved and partly vacant, with three modified containers used for storage purpose.

7. Planning Intention

- 7.1 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.
- 7.2 As stated in the Explanatory Statement of the OZP, these scenic and ecologically coastal areas should also be protected against land filling, land excavation or stream diversion and encroachment by developments.

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 (DLO/Is, LandsD):

- (a) the Site is on unleased government land and part of it is within Highway Polygon. His office has not given any permission to the applicant of the subject planning application to occupy the government land which is outside the Highway Polygon. Any occupation of government land without Government’s prior approval is not allowed. No excavation permit for the proposed works at the Site has been processed/approved;
- (b) he has reservation on the subject planning application, which is related to the Lot, since there are unauthorised building works on the Lot which are already subject to lease enforcement actions according to case priority. The owner of the Lot should rectify/regularise the lease breaches as demanded by LandsD;
- (c) the Lot 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; and
- (d) no enforcement action has been undertaken at the Site by this office.

Nature Conservation

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

according to his office inspection in late April 2023, the proposed alignment is mainly along concrete pavement and lawn. There are a few small garden trees and shrubs in the vicinity. As such, he has no comment on the application.

Landscape

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

- (a) she has no adverse comment on the application from landscape planning perspective;
- (b) according to aerial photo of 2022, the Site is located in an area of settled valley landscape character predominated by Small Houses, farmlands and woodland. The proposed installation including two parallel 37.73m LV underground cables and associated excavation and filling of land are considered not entirely incompatible with the surrounding landscape character. Given the small scale of the underground installation works and that the applicant has proposed to backfill the excavated land to the original ground level after completion of cable laying works, significant landscape impact on existing landscape resources is not anticipated; and
- (c) other advisory comments are at **Appendix IV**.

Environment

8.1.4 Comments of the Director of Environmental Protection (DEP);

- (a) he has no comment on the application; and
- (b) no complaint was received at the Site and the Lot in the past three years.

Lantau Development

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

- (a) he has no comment on the application;
- (b) the Site is not the subject of any reported environmental vandalism case. Nevertheless, a few environmental vandalism cases in the vicinity have been recorded; and

- (c) other advisory comments are at **Appendix IV**.

Electricity Safety

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

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

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

- (a) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Commissioner for Transport (C for T);
- (d) Head of Geotechnical Engineering, Civil Engineering and Development Department;
- (e) Director of Fire Services;
- (f) District Officer (Islands), Home Affairs Department;
- (g) Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office, Development Bureau; and
- (h) Chief Engineer/Construction, Water Supplies Department.

9. Public Comment Received During Statutory Publication Period

One public comment from an individual objecting to the application was received during the statutory publication period (**Appendix III**). The main grounds of objection are that the proposed installation to provide electricity for charger and lighting of car park falling within the “CPA” zone will be detrimental to the preservation of the wetland and is not in line with the planning intention of the “CPA” zone.

10. Planning Considerations and Assessments

10.1 The applicant seeks planning permission for the proposed public utility installation (underground power cables) and associated 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 are essential infrastructure projects with overriding public interest may be permitted. These scenic and ecologically sensitive coastal areas should also be protected against land filling, land excavation or stream diversion and encroachment by developments. According to the applicant, the proposed installation will provide electricity for electric charger and lighting for parking of one to two vehicles for personal use at the Lot within the same “CPA” zone. However, the Lot, which is already partly paved with three modified containers, for parking of vehicles is not covered by any valid planning permission. The applicant fails to demonstrate that the proposed installation with excavation and filling of land is an essential infrastructure project with overriding public interest that warrants a departure from the planning intention.

- 10.2 The Site is partly paved and partly covered by vegetation (**Plan A-3**). The Site is located in an area of settled landscape character predominated by Small Houses, agricultural lands and woodland. According to the applicant, the Site will be backfilled to the original ground level after completion of the proposed installation. CTP/UD&L of PlanD considers that the proposed installation for underground cables and associated excavation/filling of land are not entirely incompatible with the surrounding landscape character, and has no adverse comment on the application from landscape planning perspective as the scale of the underground installation works is small and significant landscape impact on existing landscape resources is not anticipated.
- 10.3 While the land administration matters should be dealt with separately, DLO/Is, LandsD has reservation on the current application as the proposed installation at the Site is for providing electricity to the Lot which involves unauthorised building works subject to lease enforcement actions. Other relevant government departments including DAFC, DEP, C for T, CHE/NTE, HyD, DEMS and H(SLO), CEDD have no objection to or no adverse comment on the application on nature conservation, environmental, traffic, public roads/highway maintenance, electricity safety and Lantau development aspects respectively.
- 10.4 There are 11 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 which, eight applications were approved and three applications were rejected by the Committee 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 objection 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 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. The applicant fails to demonstrate that the proposed installation is an essential infrastructure 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 **9.6.2027**, 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 with attachments received on 13.4.2023
Appendix Ia	Supplementary Information received on 18.4.2023
Appendix Ib	Further Information received on 28.4.2023
Appendix Ic	Further Information received on 23.5.2023
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
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

PLANNING DEPARTMENT
JUNE 2023