

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SLC/184

- Applicant** : CLP Power Hong Kong Limited represented by Hargreaves Power Services (HK) Limited
- Site** : Government Land in D.D. 328L, Tong Fuk, Lantau
- Site Area** : About 15m²
- Land Status** : Government Land
- Plan** : Approved South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/23 (currently in force)
- Draft South Lantau Coast OZP No. S/SLC/22
(at the time of submission)
- Zoning** : “Coastal Protection Area” (“CPA”)
[No change to the zoning]
- Application** : Proposed Public Utility Installation (Poles, Stays and Overhead Cables) and Associated Excavation and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed public utility installation (poles, stays and overhead cables) and the associated excavation and filling of land at the application site (the Site), which falls within an area zoned “CPA” on the approved South Lantau Coast OZP No. S/SLC/23 (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Public Utility Installation’ and filling and excavation of land in the “CPA” zone require planning permission from the Town Planning Board (the Board).
- 1.2 The proposed installation includes five poles (about 9.3m each in height and each supported by two stays) with overhead cables (about 90m in length in total) connecting them. The area for the proposed excavation works is about 1m (L) x 1m (W) each and 15m² in total with an excavation depth of about 1.8m and 1.5m for each pole and stay erection respectively. According to the applicant, the proposed installation is to provide electricity for a water pump and the irrigation system at Lot 889 S.A in

D.D. 328L (the Lot) with an area of 49 m², which is used for agriculture purpose¹ at the western end of the Site (**Plan A-2**). Upon completion of the installation works, the excavated land will be backfilled to its original level. The Site is located on a seasonal wet grassland with sparse vegetation (**Plan A-3**). The layout plan and elevation plan for pole and stay submitted by the applicant are at **Drawings A-1 and A-2** respectively.

1.3 According to the tree survey report submitted by the applicant, a total of nine existing trees were found near the proposed installation, which will not be affected by the proposed installation and will be retained. No Old and Valuable Tree, rare species or Champion Tree was found.

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

- (a) application form with attachments received on 3.4.2024; (**Appendix I**)
- (b) supplementary information received on 9.4.2024; (**Appendix Ia**)
- (c) further information (FI) received on 15.7.2024*; and (**Appendix Ib**)
- (d) FI received on 22.10.2024[#]. (**Appendix Ic**)

**accepted but not exempted from publication and recounting requirement*

[#]accepted and exempted from publication and recounting requirement

1.5 On 24.5.2024 and 8.9.2024, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months respectively as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I, Ia, Ib and Ic**, and summarised as follows:

- (a) electricity supply is required only for the water pump and irrigation system of the agricultural use at the Lot. The proposed installation has a lower capital cost and maintenance fees comparing to the electricity to be supplied by a power generator or a solar panel system;
- (b) there is no adverse impact to the surroundings in terms of land use, trees, sewerage, traffic, waste and landscape;
- (c) the Site will be backfilled after the completion of the pole and stay erection works; and
- (d) the alignment of the proposed installation has minimised the impacts to the surrounding areas and avoided conflicts with the proposed Tong Fuk Sewage Pumping Station (TFSPS) and the private lots.

¹ The applicant stated that the power supply is for the Lot (Lot 889 S.A.) only, which is the only lot owned by the subject lot owner. However, according to the site inspection, the neighbouring lot (Lot 889 R.P.) is also used for agricultural purpose and within the same fenced-off area.

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. 31B) are not applicable to the application.

4. Background

The Site and the Lot are within South Lantau Coast Regulated Area. They are not subject to any active planning enforcement action.

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

6.1 There are eight similar applications (No. A/SLC/160, 162, 167, 169, 171, 176, 177 and 187) in the past five years for proposed public utility installation (underground or overhead power cables) with/without involving filling/excavation of land within or straddling the “CPA” zone on the OZP, with two approved and six rejected by the Committee. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6.2 Among the two approved applications, one application (No. A/SLC/160) for the underground public utilities pipeline and associated excavation and filling of land, which formed part of the submarine cable system connecting the Integrated Waste Management Facilities (IWMF) Phase 1 (I-PARK1) at Shek Kwu Chau and the Cheung Sha Substation, was approved by the Committee in 2020 mainly on the consideration that the proposed installation was an essential infrastructure project with overriding public interest and no adverse impact on the surrounding areas was anticipated. The other application (No. A/SLC/169) for an underground power cable, a pole and associated excavation and filling of land along the verge of Chi Ma Wan Road, 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.

6.3 The six rejected applications (No. A/SLC/162, 167, 171, 176, 177 and 187) were rejected by the Committee between 2020 and 2024 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.

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

- 7.1 The Site is composed of five small pieces of land and currently vacant seasonal wet grassland with sparse vegetation. It falls within the boundary of the Tong Fuk Site of Archaeological Interest.
- 7.2 The surrounding areas are predominantly rural in character. The Site is situated amidst a large piece of seasonal wet grassland near the coastline of Tong Fuk Miu Wan. To the immediate western end of the Site is the Lot. Both the Lot and a neighbouring lot (Lot 889 R.P.) with a total area of 97m² fenced-off together are currently used for agricultural purpose. A canopy is observed at the Lot for general storage purpose. To the northwest is the site of the proposed TFSPS by the Drainage Services Department (DSD) (**Plan A-2**). To the south is a piece of private land with some temporary structures, wooden platforms and tents². To the west and southwest is Tong Fuk Ecologically Important Stream (EIS). There is a footpath to the northeast connecting to Tong Fuk Bus Terminus and South Lantau Road. Village cluster of Tong Fuk Village is located to the further north across South Lantau Road.

8. **Planning Intention**

- 8.1 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 may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. 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.
- 8.2 According to the Explanatory Statement (ES) of the OZP, any filling of land or excavation of land may cause adverse drainage and environmental impacts on the adjacent areas and the natural environment, permission from the Board is required for such works and related activities except public works co-ordinated or implemented by Government, and maintenance or repair works.

9. **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.

² According to the applicant, the temporary structures, wooden platforms and tents to the south of the Site do not form part of the Lot.

10. Public Comments Received During Statutory Publication Periods

On 12.4.2024 and 23.7.2024, the application and FI were published for public inspection respectively. During the statutory publication periods, eight objecting public comments were received from Save Lantau Alliance, Tong Fuk Village Office, Tong Fuk Indigenous Inhabitant Representative and individuals (**Appendix V**). The main grounds of the objections include that the proposed installation is not in line with the planning intention of the “CPA” zone; the proposed installation would have adverse impacts on the environment and natural landscape, which may pose threats to the village and natural environment; doubts about the actual purpose of the proposed installation; disproportionate scale of proposed installation comparing to that of agricultural use at the Lot; the proposed works of TFSPS may be affected by the alignment of the proposed installation; and the approval of the application would set an undesirable precedent for more individual agricultural lots to have electricity installation with excavation of land that affects the ecology in the surroundings.

11. Planning Considerations and Assessments

- 11.1 The applicant seeks planning permission for proposed public utility installation (poles, stays and overhead cables) and excavation and filling of land at the Site within an area zoned “CPA” on the OZP. The planning intention of “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. 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.
- 11.2 The application involves proposed excavation and filling of land to install five electricity poles and stays which has a total area of about 15m², with a depth of about 1.5m to 1.8m for each pole and stay respectively. The excavated land will be backfilled after the completion of the proposed installation. According to the ES of the OZP, any filling or excavation of land within the “CPA” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas and the natural environment. In this regard, Chief Engineer/Hong Kong & Islands of Drainage Services Department (CE/HK&I, DSD) has no comment on the application from drainage and sewerage maintenance perspective, and Principal Project Coordinator/Special Duties of Drainage Services Department (PPC/SD, DSD) advises that the Site will not be in conflict with the proposed works of TFSPS and/or associated proposed sewers. Other relevant Government departments have no objection to or no adverse comment on the application.
- 11.3 The Site is situated amidst a large piece of seasonal wet grassland near the coastline of Tong Fuk Miu Wan. According to the applicant, the proposed installation is to provide electricity for a water pump and the irrigation system at the Lot, which is used for agricultural purpose and has a lower capital cost and maintenance fees comparing to the electricity to be supplied by a power generator or a solar panel system. However, the proposed public utility installation with overhead cables and five poles would span

across the inner part of the seasonal wet grassland in the “CPA” zone, which would unavoidably cause disturbance to the natural seasonal wet grassland. The affected area of the proposed installation is disproportionate to the scale of the agricultural land where electricity is supplied for. The applicant fails to demonstrate that the proposed installation is an essential infrastructure project with overriding public interest and the proposed installation is not in line with the planning intention of the “CPA” zone.

- 11.4 Six similar applications were rejected by the Committee as summarised in paragraph 6. In which, the applicants failed to demonstrate that the proposed installation with excavation and filling of land is an essential infrastructure project with overriding public interest. A similar application (No. A/SLC/169) within the same “CPA” zone for proposed public utility installation (underground power cable and one pole) and associated excavation and filling of land was approved by the Committee in 2021, which was not incompatible with the landscape character of the surrounding environment and no adverse environmental, geotechnical and traffic impact on the surrounding areas was anticipated as the proposed installation was located at an area partly paved as footpath and partly vacant roadside area. Therefore, sympathetic consideration was given by the Committee. However, the current application is different from the abovementioned approved application due to its potential impacts on surrounding natural landscape environment along the proposed alignment, which does not warrant a sympathetic consideration. Rejection of the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the concerns raised in the public comments as detailed in paragraph 10 above, the government departments’ comments in paragraph 9 and planning assessments in paragraphs 11.1 to 11.4 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 mentioned in paragraph 10, the Planning Department does not support the application for the following reason:

The proposed public utility installation with associated excavation and filling of land is not in line with the planning intention of the “Coastal Protection Area” (“CPA”) 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. There is a general presumption against development within “CPA” zone. The applicant fails to demonstrate that the proposed installation is an essential infrastructure project with overriding public interest that warrants a departure from the planning intention of the “CPA” zone.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until **20.12.2028**, 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 at **Appendix IV** are also suggested for Member's reference.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 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.

14. Attachments

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| Appendix I | Application form with attachments received on 3.4.2024 |
| Appendix Ia | Supplementary Information received on 9.4.2024 |
| Appendix Ib | FI received on 15.7.2024 |
| Appendix Ic | FI received on 22.10.2024 |
| Appendix II | Similar Applications |
| Appendix III | Government Departments' General Comments |
| Appendix IV | Recommended Advisory Clauses |
| Appendix V | Public Comments |
| Drawing A-1 | Layout Plan |
| Drawing A-2 | Elevation Plan for pole and stay |
| Plan A-1 | Location Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plans A-4a to A-4d | Site Photos |

**PLANNING DEPARTMENT
DECEMBER 2024**