

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SLC/187

- Applicant** : CLP Power Hong Kong Limited represented by CLPe Solutions Limited
- Premises** : Government Land in D.D. 316L near Chi Ma Wan Road, Pui O, Lantau Island
- Site Area** : About 55m²
- Land Status** : Government Land
- Plan** : Approved South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/23
- Zonings** : “Conservation Area” (“CA”) (about 40m² or 73%)
“Coastal Protection Area” (“CPA”) (about 15m² or 27%)
- Application** : Proposed Public Utility Installation (Underground Cables) and Associated Excavation and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (underground cables) and associated excavation and filling of land at the application site (the Site). The Site falls within an area partly zoned “Conservation Area” (“CA”) and partly zoned “Coastal Protection Area” (“CPA”) on the OZP (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Public Utility Installation’, which is a Column 2 use in “CA” and “CPA” zones, and the excavation and filling of land require planning permission from the Town Planning Board (the Board).
- 1.2 The Site is on the paved footpath of Chi Ma Wan Road. The proposed installation includes a set of connected trenches for a new underground power cable with a total width and length of 1m and 55m respectively. The area for proposed excavation works is about 55m² with a depth of about 1.2m. Upon completion, the cable trench will be backfilled and reinstated to its original ground level. According to the applicant, the proposed installation is to provide electricity for an Electric Vehicle (EV) charger for one private car parking space at Lot 1453 in D.D. 316L¹ (the Lot) which falls within “CA” zone to the immediate south of the Site (**Plan A-2**). The layout plan submitted by the applicant is at **Drawing A-1**.

¹ During the site visit on 15.10.2024, the Lot together with the adjoining area are paved for vehicular access/parking space with some containers, construction materials and temporary structures deposited thereon.

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

- (a) application form with attachments received on 3.10.2024; and **(Appendix I)**
- (b) further information (FI) received on 8.11.2024*. **(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 Part 10 of the application form at **Appendix I**. They are summarised as follows:

- (a) electricity supply is required for the proposed meter box for an EV charger at one vehicle parking space for private use at the Lot; and
- (b) the Site will be backfilled and reinstated to its 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. 31B) are not applicable to the application.

4. Background

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

5. Previous Application

There is no previous application at the Site.

6. Similar Applications (Plan A-1)

- 6.1 There is no similar application for proposed public utility installation with/without involving excavation/filling of land in the “CA” zone on the OZP.
- 6.2 However, there are seven similar applications (No. A/SLC/160, 162, 167, 169, 171, 176 and 177) in the past five years for proposed public utility installation (underground or overhead power cables) with/without involving excavation/filling of land within or straddling the “CPA” zone on the OZP, with two approved and five 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**.

- 6.3 Among the two approved applications, one application (No. A/SLC/160) for an underground public utility pipeline and associated excavation and filling of land which forms part of the submarine power cable network connecting the Integrated Waste Management Facilities at Shek Kwu Chau, was approved by the Committee in 2020 mainly on the consideration that the proposed installation was an essential infrastructure with overriding public interest and no adverse impact on the surrounding areas was anticipated. The other approved application (No. A/SLC/169) for an underground power cable and pole and associated excavation and filling of land for permitted agricultural use, 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.
- 6.4 The five rejected applications (No. A/SLC/162, 167, 171, 176 and 177) were rejected by the Committee between 2020 and 2023 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 and A-4b)

- 7.1 The Site is on the paved footpath of Chi Ma Wan Road which connects Pui O and Chi Ma Wan. It falls within the boundary of the Pui O Site of Archaeological Interest.
- 7.2 The surrounding areas are predominantly rural in nature with shrubs and short trees on both sides of Chi Ma Wan Road, fallow and active farmland/marshes to the further north. Pui O Ecologically Important Stream (EIS) is located to the immediate east, and Ham Tin San Tsuen to the further east. The immediate south of the Site is the Lot where some containers, construction materials and temporary structures are found deposited on the Lot and the adjoining area. Furthermore, some neighbouring lots along this section of Chi Ma Wan Road are paved and temporary structures and containers are found on site.

8. Planning Intentions

- 8.1 The “CA” zone is intended to protect and retain the existing natural landscape, ecological and 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. In particular, it is intended to conserve the ecological values of the wetland habitats which form an integral part of the wetland ecosystem. 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 habitats or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

- 8.2 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.
- 8.3 As stated in the Explanatory Statement (ES) of the OZP for both zones, any filling of land or excavation of land may cause adverse drainage and environment 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 the Government, and maintenance or repair works.

9. Comments from Relevant Government Bureau/Departments

- 9.1 The following Government bureau/departments have been consulted and their views on the application are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):
- (a) the Site is on unleased Government land. No enforcement action has been undertaken at the Site by her office;
 - (b) 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. As unauthorised structure was found erected on the Lot, a warning letter was issued to the owner of the Lot and was registered in the Land Registry in October 2024; and
 - (c) she has reservation on the subject planning application, since there are unauthorised building works on the Lot which are subject to lease enforcement actions according to case priority. The owner of the Lot should rectify/regularise the lease breaches as demanded by LandsD.

Lantau Development

- 9.1.2 Comments of the Head (Sustainable Lantau Office), Civil Engineering and Development Department (H(SLO), CEDD):
- (a) the Site is not the subject of any reported environmental vandalism case;

- (b) however, the Lot which the proposed public utility installation would be serving, is the subject of environmental vandalism case. Deposition of containers and storage use at the Lot have been observed; and
- (c) other advisory comments are at **Appendix III**.

Nature Conservation

9.1.3 Comments of the Director of Agricultural, Fisheries and Conservation (DAFC):

considering the limited scope of works involving an existing land, he has no particular ecological concern and no comment on the subject application from nature conservation perspective.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) he has no comment on the application from environmental planning perspective; and
- (b) other advisory comments are at **Appendix III**.

Landscape

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

- (a) she has no comment on the application from landscape planning perspective; and
- (b) according to aerial photo of 2024, the Site is located in an area of settled valley landscape character predominated by Small Houses and tree groups. The proposed public utility installation in small scale is considered not incompatible with the surrounding landscape character. Also the proposed utility works are along the existing hard-paved footpath of Chi Ma Wan Road, significant impacts on landscape resources are not anticipated.

Electricity Safety

9.1.6 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 III**.

Fire Safety

9.1.7 Comments of the Director of Fire Services (D of FS):

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

9.2 The following departments have no comment or no objection to the application:

- (a) Commissioner for Transport (C for T);
- (b) Chief Building Surveyor/New Territories East (1) & Licence, Buildings Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD);
- (e) Chief Highway Engineer/ New Territories East, Highways Department (CHE/NTE, HyD);
- (f) Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(A&M), AMO), Development Bureau; and
- (g) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD).

10. Public Comment Received During Statutory Publication Periods

On 15.10.2024, the application was published for public inspection. During the statutory publication period, one public comment from an individual objecting to the application was received (**Appendix IV**). The main grounds of objection are that the proposed installation to provide electricity for an EV charger at one private car parking space on “CA” and “CPA” zones would set an undesirable precedent to the surrounding areas. Besides, electricity could be generated by other means (e.g. solar panels) at the Lot.

11. Planning Considerations and Assessments

11.1 The applicant seeks planning permission for the proposed public utility installation (underground cables) and associated excavation and filling of land at the Site within an area partly zoned “CA” and partly zoned “CPA” on the OZP. According to the applicant, the proposed installation will provide electricity for an EV charger at one vehicle parking space for private use at the Lot in the “CA” zone. The proposed excavation and filling of land have a total area of about 55m² with a depth of about 1.2m, and the Site will be backfilled and reinstated to its original ground level after the completion of proposed installation.

11.2 The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological and 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. In particular, it is intended to conserve the ecological values of the wetland habitats which form an integral part

of the wetland ecosystem. Meanwhile, 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 both “CA” and “CPA” zones. 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. While the proposed public utility installation (underground cables) may be considered as small in scale, it is not in line with the planning intentions of the “CA” and “CPA” zones. The applicant fails to demonstrate in the submission that the proposed public utility installation with excavation and filling of land is needed to support conservation of the area, or is an essential infrastructure project with overriding public interest that warrants a departure from the planning intentions.

- 11.3 The Site is situated along the paved footpath of Chi Ma Wan Road near Pui O EIS within an area of settled valley landscape character predominated by Small Houses and tree groups. To its immediate south is the Lot which is the proposed installation to serve. As shown on the aerial photo (**Plan A-3**), there are some containers, construction materials and temporary structures deposited at the Lot as well as its adjoining area. According to H(SLO), CEDD, the Lot is the subject of environmental vandalism case where deposition of containers and storage use at the Lot have been observed. Besides, some neighbouring areas in the same “CA” zone along Chi Ma Wan Road are also paved with temporary structures and containers put thereon for storage use. The approval of this application may set an undesirable precedent for public utility installations to serve other developments in the surrounding areas in particular those areas close to Pui O EIS largely zoned “CA” and “CPA” intended to have a general presumption against developments.
- 11.4 According to the ES of the OZP, any filling of land or excavation of land may cause adverse drainage and environment impacts on the adjacent areas and the natural environment permission from the Board is required for such works and related activities. In this regard, DEP and DAFC have no comment on the application, while 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. CTP/UD&L, PlanD has no comment on the application as significant impacts on landscape resources is not anticipated. Other relevant Government departments including CE/HK&I, DSD, C for T, DEMS, D of FS, ES(A&M), AMO and H(GEO), CEDD have no objection to or no adverse comment on the application.
- 11.5 While there is no similar application for the proposed public utility installation with/without involving excavation and/or filling of land in the “CA” zone on the OZP, there are seven similar applications for proposed public utility installation (underground or overhead power cables) with/without involving excavation and/or filling of land within or straddling the “CPA” zone on the OZP. Among which, two applications were approved and five applications were rejected by the Committee as summarised in paragraph 6. 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.

- 11.6 Regarding the objection raised in the public comment, the planning assessments in paragraphs 11.1 to 11.5 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 comment mentioned in paragraph 10, the Planning Department does not support the application for the following reason:

the proposed public utility installation with excavation and filling of land is not in line with the planning intentions of the "Conservation Area" and "Coastal Protection Area" zones. There is a general presumption against development in both zones. The applicant fails to demonstrate that the proposed installation is to support the conservation of existing natural landscape habitats or scenic quality of the area or is an essential infrastructure project with overriding public interest that warrants a departure from such planning intentions in both zones.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until **22.11.2028**, 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 advisory clauses at **Appendix III** 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 3.10.2024 |
| Appendix Ia | Further Information received on 8.11.2024 |
| Appendix II | Similar Applications |
| Appendix III | Recommended Advisory Clauses |
| Appendix IV | Public Comment |
| Drawing A-1 | Layout Plan |
| 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
NOVEMBER 2024**