

RNTPC Paper No. A/YL-KTS/949B  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 8.9.2023

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTS/949**

<b><u>Applicant</u></b>	:	Mr TANG Wing Kwan Jackson represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	:	Lots 1363 S.A (Part) and 1363 S.B RP (Part) in D.D. 106, Tin Sam San Tsuen, Kam Tin, Yeung Long
<b><u>Site Area</u></b>	:	About 3,075 m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Proposed Public Utility Installation (Solar Photovoltaic System) and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (solar photovoltaic (SPV) system) and associated filling of land at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “AGR” on the Kam Tin South OZP. According to the Notes of the OZP, ‘Public Utility Installation’ (‘PUI’) is a Column 2 use within the “AGR” zone, which requires planning permission from the Town Planning Board (the Board). Filling of land within “AGR” zone also require planning permission from the Board. The Site is currently partly fenced and paved, and partly occupied by some abandoned structures and covered with weeds (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the proposed SPV will operate under the Feed-in Tariff (FiT) Scheme until end 2033. The proposed development is anticipated to be completed by 2023/24 tentatively. The proposed development will comprise not more than 1,020 solar panels (1.755m (L) x 1.038m (W) x 0.035m (H) each), which will be mounted on metal plinths, resulting in an inclined plane with height of 2m (including below ground portion of 0.5m and 1.5m above ground) (**Drawings A-1 to A-3**). Low-reflective (with the reflection rate not exceeding 5%) solar panels with anti-reflection coatings are

proposed to be adopted. It is also proposed to adopt agrivoltaic farming to plant vegetable crops and nitrogen-fixing plants underneath the solar panels at the Site. The proposal also involves two H-poles and two single-storey structures (about 2m high) with a total non-domestic floor area of about 48m<sup>2</sup> for meter room and storeroom use, all of which would be maintained by the CLP Power Hong Kong Limited (CLP) for operation of the proposed SPV system. The applicant also proposes peripheral planting along the 4m high development fencing to enhance visual and landscape quality. For the purpose of site formation of structures and stabilising the metal plinths to support the solar panels, filling of land with concrete of about 148.7m<sup>2</sup> at depth of about 0.5m is proposed. The Site is accessible via a local access branching off from Kam Shui South Road (**Plans A-1 and A-2**). No car parking or loading/unloading spaces will be provided on-site. The major development parameters are summarized below:

Site Area (m <sup>2</sup> )	3,075
Gross Floor Area (GFA)(m <sup>2</sup> )	48
Plot Ratio	0.016
Building Height (m)	2 (1 storey)
Number of Solar Panels	Not more than 1,020
Number of H-Poles	2
Annual Electricity Generation	About 434,350 kWh (equivalent to about 131 domestic households' annual demand)
Anticipated Completion Time	2023/24

1.3 The site layout plan, elevation and section plan and land filling plan 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 received on 1.2.2023 and Supplementary Planning Statement **(Appendix I)**
- (b) Further Information (FI) received on 14.3.2023\* **(Appendix Ia)**
- (c) FI received on 20.4.2023\* **(Appendix Ib)**
- (d) FI received on 14.7.2023\* **(Appendix Ic)**
- (e) FI received on 23.8.2023\* **(Appendix Id)**
- (f) FI received on 31.8.2023\* **(Appendix Ie)**

*\*exempted from publication and recounting requirements*

1.5 As requested by the applicant, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two

months on 31.3.2023 and 9.6.2023 respectively.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary planning statement and FIs at **Appendices I to Ie**, and are briefly summarised as follows:

- (a) The proposed development can help promote the Government's policy on development of renewable energy (RE) and is in line with the Hong Kong's decarbonisation strategies, including the Hong Kong's Climate Action Plan 2030+ and Clean Air Plan for Hong Kong 2035. Application for participation in the CLP's RE FiT Scheme was submitted and Network Reinforcement Condition Letters were obtained from CLP in July 2021. As confirmed by CLP in March 2023, the said letters from CLP are still valid (**Appendix Ia**).
- (b) The proposed development is in line with the Board's assessment criteria for considering applications for SPV system in various respects. Sympathetic consideration should be given to the application as the Site has been left vacant for years and there is no active agricultural activities on-site.
- (c) Disturbance to the soil within the Site would be minimal and hence the proposed development would not affect the long-term planning intention of the "AGR" zone and its potential for future agricultural rehabilitation. The applicant will minimise the extent of excavation and filling works further to avoid unnecessary disturbance to the soil in the detailed design stage. Concrete and solar panels will be dismantled and the Site will be reinstated after the anticipated project life in 2034.
- (d) Agrivoltaic farming is proposed under the solar panels to promote plant cultivation. Appropriate plant species, e.g. nitrogen-fixing plants and vegetable crops, are selected to help retain soil quality and prevent potential soil erosion at the Site during the operation of the proposed SPV system. The Site would retain potential for future agricultural use with the applicant's initiative of planting nitrogen fixing plants on the ground that acts like natural fertilizer. The applicant also proposes peripheral planting along the 4m high development fencing to enhance visual and landscape quality.
- (e) The proposed development would not cause adverse traffic, environmental, sewerage, drainage and landscape impacts on the surrounding area.

## **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is not the "current land owner" but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by publishing site notice in local newspaper and sending notification letter to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members' inspection.

#### 4. **Assessment Criteria for Considering Applications for SPV System**

The set of assessment criteria for considering applications for SPV system made (Assessment Criteria) under Section 16 of the Town Planning Ordinance was first promulgated on 21.7.2020 and revised on 7.10.2022 (**Appendix II**). The relevant assessment criteria are summarised as follows:

- (a) it is a prerequisite for the applicant to obtain the ‘Consent Letter’ or ‘Acknowledgement Letter’ / ‘Network Reinforcement Condition Letter’ (or similar confirmation letter) from The Hongkong Electric Company Limited and CLP respectively and submit a copy of the document together with the application to demonstrate the technical feasibility of the scheme in terms of serviceability, electrical safety and output generated by the SPV system;
- (b) unless with strong justifications, the SPV system, including the height of the proposed structures, should be in keeping with the surrounding area/developments and commensurate with the function(s) it performs;
- (c) for optimisation of use of land, favourable consideration may be given if viability of co-existence of the proposed SPV system and uses that are in line with the long-term planning intention of the land use zoning of the Site could be satisfactorily demonstrated;
- (d) it has to be demonstrated to the satisfaction of the relevant government departments that the SPV system will not have significant adverse impacts, including but not limited to those relating to the environment, drainage, sewerage, traffic, geotechnical safety, landscape and visual<sup>1</sup> and, where needed, appropriate measures are to be adopted to mitigate the impacts;
- (e) unless with strong justifications, proposals involving extensive site formation, vegetation clearance/tree felling, excavation or filling of land/pond are generally not supported;
- (f) where the installation is proposed to be in area close to airports and/or heliports, or major roads, it has to be demonstrated to the satisfaction of the relevant government departments that the SPV system should not cause glare to pilots/drivers and/or unacceptable adverse impact on aviation and/or traffic safety;
- (g) the planning intention of “AGR” zone is to retain and safeguard good quality agricultural farm land/fish ponds for agricultural purposes. SPV system ancillary to agricultural use would not require planning permission<sup>2</sup>. Planning

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<sup>1</sup> The applicant has to demonstrate that the proposal would not affect the visual and landscape amenities/character of the area adversely by, for instance, causing a significant change of landscape resources/character, dwarfing the surrounding developments or catching the public’s visual attention due to the scale and prominence of the proposed installation. Where appropriate, measures should be taken to mitigate the visual/landscape impact, for example, by peripheral screen planting.

<sup>2</sup> Installation of SPV system for generating electricity for a permitted use, such as that for a farm, green house/farm structures in the “AGR” zone mainly for generating electricity for agricultural purposes, or that installed in connection with New Territories Exempted Houses (NTEH) in “Village Type Development” (“V”) zone, are also regarded as an ancillary use.

application for stand-alone SPV system as ‘PUI’ use in the “AGR” zone is generally not supported except those on land with no active farming activities and low agricultural rehabilitation potential;

- (h) all other statutory or non-statutory requirements of the relevant government departments must be met. Depending on the specific land use zoning of the Site, the relevant Town Planning Board guidelines should be observed, as appropriate; and
- (i) approval conditions to address the technical issues, if any, within a specified time and clauses to revoke the permission for non-compliance with approval conditions may be imposed as appropriate.

## **5. Background**

- 5.1 The Site is currently not subject to any active planning enforcement action.
- 5.2 The FiT Scheme is an initiative introduced by the Government under the post-2018 Scheme of Control Agreements with the two power companies for promoting the development of distributed RE. It aims to encourage the private sector to consider investing in RE as the power generated could be sold to the power companies at a rate higher than the normal electricity tariff to help recover the costs of investment in the RE systems and generation.
- 5.3 Any non-governmental bodies or individuals, who as customers of the relevant power company plan to install distributed RE systems at their premises in the respective power company’s supply area, are eligible for prescribed FiT rates from that power company as long as they have been connected to the latter’s grid. To join the Scheme, an applicant may make submission direct to the relevant power company with the required documents including the preliminary layout diagram and other information of the proposed RE system. After meeting the requirements specified by the power company on technical assessment, system test and installation works, the power company will proceed to install a smart meter in the applicant’s premises to facilitate connecting the proposed RE system to the power grid. The successful applicant would be offered the FiT rate throughout the project life of the RE system until end 2033. The applicant shall ensure that the design, installation, operation and maintenance of the RE system comply with the applicable laws, guidelines and safety and technical guidelines.

## **6. Previous Application**

There is no previous application at the Site.

## **7. Similar Application**

There is no similar application for SPV use within the same “AGR” zone in the vicinity of the Site.

**8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)**

8.1 The Site is:

- (a) partly fenced and paved, and partly occupied by some abandoned structures and covered with weeds; and
- (b) accessible via a local track branching off from Kam Shui South Road.

8.2 The surrounding area is rural in character predominated by residential structures/dwellings, fallow agricultural land, parking of vehicles, vehicle repair workshop and vacant land:

- (a) to its south are residential structures/dwellings, most of which within the “Village Type Development” (“V”) zone of Tin Sam San Tsuen, parking of vehicles and vacant land;
- (b) to its east and west are fallow agricultural land. To its further east is a vehicle repair workshop; and
- (c) to its immediate north are vacant structures and a workshop. To its further north across a nullah are fallow agricultural land, a few residential structures/dwellings and site with construction works in progress.

**9. Planning Intention**

9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

**10. Comments from Relevant Government Departments**

10.1 The following government bureau / departments have been consulted and their views on the application are summarised as follows:

**Land Administration**

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots 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.

- (b) Should planning approval be given to the application, the lots owners will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD.

### **Traffic**

#### 10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no further comment on the application from traffic engineering perspective having reviewed the FI submitted.
- (b) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Sufficient manoeuvring space shall be provided within the Site. No vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period.

#### 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Shui South Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Environment**

#### 10.1.4 Comments of the Secretary for the Environment and Ecology (SEE):

- (a) He strongly supports the development of RE systems, including systems such as the one proposed under the captioned application in an “AGR” zone in Yuen Long involving the installation of not more than 1,020 solar panels for meeting the annual electricity demand of about 130 households. The

application, if approved, could put idle land to good use while achieving our carbon neutrality target.

- (b) The Government has set net-zero electricity generation as one of the major decarbonisation strategies in the Hong Kong's Climate Action Plan 2050 promulgated in October 2021. To achieve the long-term carbon neutrality target before 2050, it is needed to increase zero-carbon electricity supply through RE development as far as possible.
- (c) The Government's policy is for the Government to take the lead in developing RE at various buildings and facilities where technically and financially feasible, and to create conditions that are conducive to community participation. For the private sector, Environment and Ecology Bureau (EEB) and the power companies have introduced the FiT Scheme, providing financial incentives which can encourage the private sector to invest in distributed RE. EEB has also introduced a series of measures to facilitate and support members of the public in developing RE.
- (d) While the applicant proposes to install solar panels at the Site, it is also proposed to adopt agrivoltaic farming to plant vegetable crops and nitrogen-fixing plants at the Site. This could demonstrate the coexistence of RE generation and agricultural activities on one hand and retain the soil quality and prevent potential soil erosion and degradation on the other hand. Also, filling of land / hard-paving would be minimised so that the potential for agricultural rehabilitation of the Site after the dismantling of the solar panels would be retained and hence the long-term planning intention of the "AGR" zone would not be affected. It is in line with the balanced approach adopted by the Committee when approving a similar case in the "AGR" zone earlier (Planning Application No. A/YL-KTN/785).

#### 10.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application in view of the nature and scale of the proposed development.
- (b) The applicant proposes to construct a SPV system with 1,020 solar panels and 2 non-domestic and one-storey structures in the application site for public utility use. The applicant also submitted the application for CLP's Renewal Energy Feed-in Tariff Scheme.
- (c) The applicant is reminded to strictly comply with the relevant pollution control ordinances, including the Waste Disposal Ordinance and the Water Pollution Control Ordinance, and to implement appropriate pollution control measures to minimise any potential environmental impacts during construction of the

project. Reference could be made to relevant publications/guidelines including the following:

- Recommended Pollution Control Clauses for Construction Contracts; and
- the Practice Note for Professional Persons on Construction Site Drainage, Environmental Protection Department, 1994 (ProPECC PN 1/94)

### **Agriculture Development and Nature Conservation**

#### **10.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):**

- (a) According to the Assessment Criteria (paragraph 4 above), planning application for stand-alone SPV System as 'PUI' use in the "AGR" zone is generally not supported except those on land with no active farming activities and low agricultural rehabilitation potential.
- (b) His field inspection revealed that the Site falls within the "AGR" zone and is occupied by some sundries. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from an agricultural perspective.
- (c) The Site is paved with a nullah located to the north of the Site. He has no comment on the application from nature conservation perspective. Should the application be approved, the applicant should be reminded to adopt good site practice to avoid impact to the watercourse nearby.

### **Urban Design, Visual and Landscape**

#### **10.1.7 Comments of the Chief Town Planner/Urban Design & Landscape, PlanD (CTP/UD&L, PlanD):**

##### **Urban Design and Visual**

- (a) The Site is located in an area which is rural in character mainly surrounded by agricultural land and village houses of up to 3 storeys. The development proposal comprises mainly 1,020 solar panels with metal plinths of 1.5m high above ground. It is noted that the applicant proposed peripheral planting along the 4m high development fencing to enhance visual and landscape quality. In view of the above, the development proposal is considered not incompatible with the surrounding context and

no significant adverse visual impact is anticipated with the proposed design measure.

#### Landscape

- (a) He has no objection to the application from landscape planning perspective. It is noted that agrivoltaic farming under the proposed solar panels will be adopted and peripheral planting along the site boundary is proposed within the Site.
- (b) With reference to the site photos taken, the Site is fenced off, partly hard paved and partly covered by self-seeded vegetation. Some temporary structures, storage of construction materials and few existing trees of common species are observed within the Site. Given that the existing trees are common species, significant adverse impact on the landscape resources arising from the proposed use is not anticipated.
- (c) The applicant should be advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works.

#### Drainage

10.1.8 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in-principle to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission of a revised drainage proposal and implementation of the drainage proposal(s) identified therein for the proposed development should be included.
- (c) His detailed comments are at **Appendix IV**.

#### Building Matters

10.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (b) The Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined

under Regulation 19(3) of the B(P)R at building plan submission stage.

- (c) Before any new building works (including containers / open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on application site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (d) The erection of supporting structure(s) for a solar PV system is building works subject to control under the BO. It may be carried out under the simplified requirements of the Minor Works (MW) Control System provided that the supporting structure is not higher than 1.5m (MW items 3.50 and 1.50). Otherwise, Buildings Department's prior approval of plans for such building works and consent for the commencement of such works are required.
- (e) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the BD's prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO.
- (f) Detailed comments under the BO will be provided at building plan submission stage.

### **Fire Safety**

#### **10.1.10 Comments of the Director of Fire Services (D of FS):**

- (a) He has no objection in-principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Others**

#### 10.1.11 Comments of the Director-General of Civil Aviation (DG of CA):

- (a) The reflection rate of solar panels with anti-reflective coating shall not exceed 5%.
- (b) As the Site is located in proximity to the Shek Kong Aerodrome, additional considerations, including but not limited to the design, tilt angle and orientation of the panels, may be required to ensure that the panels will not form solar glare and affect aircraft departing and/or approaching the aerodrome. In addition, all lights, including those installed during construction works, shall not be projected skyward and form a source of glare or in any way affect pilots in flight.

### **District Officer's Comments**

#### 10.1.12 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

he has not received any comment from the locals upon close of consultation and he has no particular comment on the application.

#### 10.2 The following government departments have no objection to / no adverse comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Director of Health;
- (c) Commissioner of Police;
- (d) Director of Electrical and Mechanical Services (DEMS); and
- (e) Project Manager (West), Civil Engineering and Development Department.

## **11. Public Comments Received During Statutory Publication Period (Appendix III)**

The application was published for public inspection. During the statutory public inspection period, 7 public comments were received from the Kadoorie Farm & Botanic Garden Corporation, the Hong Kong Aviation Club Limited and individuals. All the commenters object to the application mainly on the grounds that the proposed development is not in line with the planning intention; potential cumulative impacts of approving the application will set a precedent for other similar applications in the "AGR" zone; the solar panels will induce glare impact that will adversely affect the flight safety as well as the nearby villagers and wildlife; the Site should be used for agricultural activities; and concerns on effectiveness of the FiT Scheme and its stability in the electricity generation.

## 12. Planning Considerations and Assessments

- 12.1 The application is for a proposed SPV system involving not more than 1,020 solar panels at the Site zoned “AGR”. The applicant states that the application is for participation in the FiT Scheme jointly introduced by the Government and the two power companies for the private sector to invest in the RE, which will last until end 2033. The proposed use is not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Nevertheless, the proposed development, with the policy support of EEB, is in line with the Government’s policy of setting net-zero electricity generation as one of the major decarbonisation strategies and increasing zero-carbon electricity supply through RE development as far as possible. SEE considers that the approval of the application could put idle land to good use while achieving the carbon neutrality target.
- 12.2 According to the applicant, the electricity to be generated by the proposed SPV system will be sold to CLP via the FiT Scheme. The applicant has obtained the Network Reinforcement Condition Letter from CLP already (**Appendices I and Ia**) which demonstrates the technical feasibility of the proposed development and CLP’s undertaking to carry out the necessary network reinforcement works at the implementation stage. DEMS and DEP have no objection to the application from electricity supply safety, RE and environmental aspects respectively.
- 12.3 For the proposed filling of land at the Site, which is for site formation of structures and installation of the plinths and stands of the solar panels, CE/MN of DSD and DEP have no objection to the application.
- 12.4 The Assessment Criteria (**Appendix II**) states that stand-alone SPV system as ‘PUI’ use in the “AGR” zone is generally not supported except those on land with no active farming activities and low agricultural rehabilitation potential. DAFC does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation. In this regard, the applicant states that the Site has not been put to active farming use for years and proposes nitrogen fixing plants and vegetable crops under the solar panels in order to retain its potential for future agricultural rehabilitation. The proposed development is intended to decommission in 2034 and the applicant states that the solar panels will be removed and the Site will be reinstated upon the completion of FiT Scheme.
- 12.5 The Site is situated in an area of rural inland plains landscape character comprising of farmland, vacant land, temporary structures, village houses and scattered tree groups. (**Plan A-2**). CTP/UD&L of PlanD considers that the development proposal is not incompatible with the surrounding context and no significant adverse visual impact or landscape impact arising from the proposed development is anticipated.
- 12.6 Other relevant government departments consulted, including C for T, CE/MN

of DSD and D of FS, have no objection to or no adverse comment on the application. Their technical requirements could be addressed by appropriate approval conditions as recommended in paragraph 13.2 below. The proposed use under application is generally in line with the Assessment Criteria for considering applications for SPV system promulgated by the Board in that the applicant has obtained CLP's network reinforcement condition letters to demonstrate the technical feasibility of the proposal; height of the proposed development is in keeping with the surrounding areas and commensurate with the function it performs; relevant departments consulted in general have no adverse comments on the application from various technical perspectives; and the long-term planning intention of the "AGR" zone would not be affected. In this regard, sympathetic consideration may be given to the application taking into account the policy support of EEB.

- 12.7 A total of 7 public comments were received during the statutory publication periods, all of which object to the application for the reasons as detailed in paragraph 11 above. In this regard, the departmental comments and planning assessments above are relevant.

### 13. **Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **8.9.2027**, 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 following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) the submission and implementation of a revised drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the design and provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

#### Advisory clauses

The recommended advisory clauses are attached at **Appendix IV**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

**15. Attachments**

<b>Appendix I</b>	Application form with supplementary planning statement received on 1.2.2023
<b>Appendix Ia</b>	FI received on 14.3.2023
<b>Appendix Ib</b>	FI received on 20.4.2023
<b>Appendix Ic</b>	FI received on 14.7.2023
<b>Appendix Id</b>	FI received on 23.8.2023
<b>Appendix Ie</b>	FI received on 31.8.2023
<b>Appendix II</b>	Assessment Criteria for Considering Applications for Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance
<b>Appendix III</b>	Public comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Drawing A-3</b>	Section

<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a and A-4b</b>	Site photos

**PLANNING DEPARTMENT  
SEPTEMBER 2023**