

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

**APPLICATION NO. A/YL-LFS/513**

- Applicant** : CLP Power Hong Kong Limited represented by Pacific Extend Limited
- Site** : Government Land in D.D. 129, Sha Kiu Tsuen, Tsim Bei Tsui, Yuen Long, New Territories
- Site Area** : About 2.22m<sup>2</sup>
- Land Status** : Government Land (GL)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : “Coastal Protection Area” (“CPA”)
- Application** : Proposed Public Utility Installation (Low Voltage Underground Power Cable) and Filling and Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (low voltage underground power cable) and associated filling and excavation of land at the application site (the Site) (**Plan A-1**) zoned “CPA” on the OZP. According to the Notes for the “CPA” zone, ‘Public Utility Installation’, which is a Column 2 use, as well as filling and excavation of land require planning permission from the Town Planning Board (the Board). The Site is currently located on a concrete-paved track (**Plans A-2 and A-4**).
- 1.2 As shown on the layout plan at **Drawing A-1**, the proposal involves laying a low voltage (i.e. 380V) underground power cable of 7.4m long x 0.3m wide. To facilitate the cable laying, the Site (i.e. 2.22m<sup>2</sup>) will be excavated with a depth of about 0.55m. The Site will be backfilled to the original ground level (i.e. depth of about 0.55m) with concrete upon the completion of the cable laying. The proposal is to provide electricity supply to a residential dwelling at No. 83 Sha Kiu Tsuen (**Plans A-2 and A-4**). No tree felling is proposed.
- 1.3 The Site is accessible from Deep Bay Road via a local track (**Drawing A-2**). As indicated in the submission, there would be about three to four trips of light and medium goods vehicle trips per day during the two-week construction period. Materials and tools would be loaded/unloaded at an area to the south of the Site and manually delivered to the Site (**Drawing A-2**).

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

- (a) Application Form with attachments received on 4.3.2024 (Appendix I)
- (b) Supplementary Information (SI) received on 13.3.2024 (Appendix Ia)
- (c) Further Information (FI) received on 8.4.2024 (Appendix Ib)  
*[accepted and exempted from publication requirements]*

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

The justifications put forth by the applicant in support of the application are detailed in the SI at **Appendix Ia**. The application is to facilitate CLP Power to provide electricity supply to a residential dwelling in the area.

## 3. **Compliance with the “Owner’s Consent/Notification” Requirements**

As the Site involves GL only, the requirements 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. 31B) are not applicable.

## 4. **Background**

The Site is currently not subject to any active planning enforcement action.

## 5. **Previous Application**

The Site is not involved in any previous application.

## 6. **Similar Application**

Within the same “CPA” zone, there is one similar application (No. A/YL-LFS/15) for laying a section of 132 kV underground cable which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 18.4.1997 mainly on considerations that the proposed underground cable would not cause any significant visual, environmental and traffic impacts on the “CPA” zone; and concerned government departments had no objection to the proposal. Details of the similar application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) situated on a concrete footpath within the village settlement of Sha Kiu Tsuen, a non-indigenous village; and
- (b) accessible from Deep Bay Road via a local track.

7.2 The surrounding areas are predominated by residential dwellings. Other uses such

as cultivated and fallow agricultural land, storage yards, parking of vehicles, shrubland and mangrove are also found in the vicinity of the Site. Some of the uses are suspected unauthorized developments subject to planning enforcement action.

## **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. 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, as filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

## **9. Comments from Relevant Government Departments**

- 9.1 The following government 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/Yuen Long, LandsD (DLO/YL, LandsD):
- (a) He has no adverse comment on the application.
  - (b) No. 83 Sha Kiu Tsuen is covered by Government Land Licence No. Y19299 and is a surveyed squatter structure.
  - (c) The applicant should note his advisory comments in **Appendix III**.

### **Environment**

- 9.1.2 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 should note his advisory comments in **Appendix III**.

### **Landscape**

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

- (a) The Site is situated in area of rural coastal plains landscape predominated by village houses, ponds and scattered tree groups. The Site is concreted-paved without any existing vegetation.
- (b) According to the applicant, there would be no tree felling and landscape impact. Upon completion of cable laying, the excavated area would be backfilled with concrete back to its original condition. She therefore has no comment from landscape planning perspective.

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

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (d) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (e) Project Manager (West), CEDD (PM(W), CEDD);
- (f) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (g) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (h) Commissioner for Transport (C for T);
- (i) Commissioner of Police (C of P);
- (j) Director of Agriculture, Fisheries and Conservation (DAFC);
- (k) Director of Electrical and Mechanical Services (DEMS); and
- (l) Director of Fire Services (D of FS).

## **10. Public Comment Received During Statutory Publication Period**

On 15.3.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **11. Planning Considerations and Assessments**

11.1 The application is for proposed public utility installation (low voltage underground power cable) and associated filling and excavation of land within the “CPA” zone of the OZP. According to the applicant, the proposed low voltage underground power cable is to provide electricity supply for an existing residential structure at No. 83 Sha Kiu Tsuen. According to DLO/YL of LandsD, the structure at No. 83 Sha Kiu Tsuen is a surveyed squatter structure recorded in the 1982 Squatter Control Survey, i.e. before the introduction of statutory planning control to the area<sup>1</sup>. Since the proposed low voltage underground power cable is an essential infrastructural project to facilitate provision of electricity supply to a local residential dwelling, it is considered not in conflict with the planning intention of the “CPA” zone.

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<sup>1</sup> As the concerned residential dwelling was in existence immediately before the gazettal of the interim development permission area plan (i.e. 17.8.1990) and such use has continued on since it came into existence, it could be regarded as an ‘existing use’ under the Town Planning Ordinance.

- 11.2 To facilitate the cable laying, the applicant proposes to excavate the Site (i.e. about 2.22m<sup>2</sup>) to a depth of about 0.55m, and upon completion of the cable laying, backfill the excavated area with concrete to the original ground level. No tree felling would be undertaken for the proposed development. Filling and excavation of land within the “CPA” zone require planning permission from the Board as they may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In this regard, DAFC and CE/MN of DSD have no adverse comment on the application from nature conservation and drainage perspectives respectively.
- 11.3 The Site is located on an existing concrete local track within the village settlement of Sha Kiu Tsuen. The proposed public utility installation (low voltage underground power cable) and associated filling and excavation of land, which are small in scale, are considered not incompatible with the surrounding environment.
- 11.4 Other concerned government departments including DEP, CTP/UD&L of PlanD, C for T and DEMS have no objection to the application from environment, landscape, traffic and electricity supply safety perspectives respectively.
- 11.5 There is a similar application for laying a section of 132 kV underground cable within the same “CPA” zone which was approved by the Committee in 1997. Approval of the current application is in line with the previous decision of the Committee.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **19.4.2028**, 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 are attached at **Appendix III**.
- 12.3 There is no strong reason to recommend rejection of the application.

## **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning permission.
- 13.2 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.
- 13.3 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.

**14. Attachments**

<b>Appendix I</b>	Application Form with Attachments received on 4.3.2024
<b>Appendix Ia</b>	SI received on 13.3.2024
<b>Appendix Ib</b>	FI received on 8.4.2024
<b>Appendix II</b>	Similar Application
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan of the Proposed Low Voltage Underground Power Cable
<b>Drawing A-2</b>	Access Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2024**