

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/537

- Applicant** : Mr. 張錦超 represented by Mr. 黃榮健
- Site** : Lots 1012 (Part) and 1036 RP (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 206.4m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Public Utility Installation (Underground Cable) and Associated Excavation and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (underground cable) and associated excavation and filling of land at the application site (the Site) (**Plan A-1**) zoned “GB” on the OZP. According to the Notes for the “GB” zone, ‘Public Utility Installation’, which is a Column 2 use, as well as excavation and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently covered by grass and weeds (**Plans A-2, A-4a and A-4b**).
- 1.2 As shown on the layout plan at **Drawing A-1**, the proposal involves laying an underground power cable of 172m long × 1.2m wide. To facilitate the cable laying, the Site (i.e. 206.4m²) would be excavated with a depth of about 0.85m. The Site will be backfilled to the original ground level (i.e. depth of about 0.85m) with soil and groundcovers planting (**Drawing A-3**) will be provided upon the completion of the cable laying. The electricity supply is to facilitate the provision of electricity to the New Territories Exempted Houses (NTEHs) within the “Village Type Development” (“V”) zone to the north of the Site which are currently under construction (**Plan A-3**). The proposed underground power cable forms a section of the cable network which is planned to be connected to the existing electrical power network of CLP Power Hong Kong Limited (CLP Power) at the road to the south and the proposed electricity transformer and switch room to the north as approved

under Application No. A/YL-LFS/240 (**Drawing A-2, Plan A-1 and A-3**)¹. The applicant has provided a letter from CLP Power confirming the technical feasibility of the proposed cable and the agreement between the NTEH owners and CLP Power (**Appendix Ia**).

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

- (a) Application Form with attachments received on 17.10.2024 (**Appendix I**)
- (b) Further Information (FI) received on 19.11.2024 and 20.11.2024* (**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 the Application Form and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) the proposed cable is an essential infrastructure in providing power supply to the new village houses in Mong Tseng Tsuen;
- (b) the Site will be backfilled to the original ground level with soil and provided with groundcovers planting. The proposed cable and excavation works would not affect the landscape of the area; and
- (c) there are no feasible alternative routes within the adjacent “V” zone as it would intrude into other village house developments and involve numerous private lots under different ownership. The current route is optimal as it is the shortest route to connect with the existing CLP network and involves the least number of private lots.

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

The applicant is not a “current land owner” but has complied with the 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 Ordinance (TPB PG-No. 31B) by obtaining owners’ consent. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

4.1 Town Planning Board Guidelines for ‘Application for Development within the Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) is relevant to the application. The relevant assessment criteria are detailed at **Appendix II**.

4.2 According to Town Planning Board Guidelines for “Application for Developments

¹ According to the applicant, planning application for the remaining cable connection in the network that is located on government land will be submitted by CLP Power.

within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C), the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are detailed at **Appendix III**.

5. Background

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

6. Previous Application

The Site is not involved in any previous application.

7. Similar Application

There is no similar application for proposed public utility installation (underground cable) within the subject “GB” zone.

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

8.1 The Site is:

- (a) covered with grass and weeds;
- (b) accessible from Deep Bay Road located to its north via a local track; and
- (c) falls within the WBA designated under TPB PG-No. 12C.

8.2 The surrounding areas are predominated by unused land, plant nurseries and cultivated agricultural land. The village cluster of Mong Tseng Tsuen is located to its north and east.

9. Planning Intention

9.1 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

9.2 As filling 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.

10. Comments from Relevant Government Departments

10.1 The following government 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, LandsD (DLO/YL, LandsD):

- (a) He has no adverse comment on the application.
- (b) The Site comprises Old Schedule Agricultural Lot (OSAL) 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. It is noted that no structure is proposed on the Site.
- (c) His Office does not guarantee any right-of-way to the Site.

Nature Conservation

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

- (a) Although the Site falls within the WBA under TPB PG-No. 12C, the Site is small in area, the proposed works are of small scale and the Site would be reinstated upon completion of works.
- (b) He has no comment on the application.

Environment

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

- (a) He has no objection to the captioned application in view of the nature and scale of the proposed development.
- (b) There is no substantiated environmental complaints pertaining to the Site in the past three years.
- (c) The applicant should note his advisory comments in **Appendix IV**.

Landscaping

10.1.4 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.
- (b) The Site is situated in area of rural landscape predominated by village houses, ponds, marshland and woodland. According to the site photos taken on 29.10.2024 (**Plans A-4a and A-4b**), the Site was covered by wild grasses.
- (c) Having reviewed the submitted landscape proposal, it is noted that

groundcovers planting is proposed within the Site to mitigate the landscape impact arising from the proposed works.

Drainage

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

- (a) He has no objection in principle to the application from drainage point of view.
- (b) The applicant should note his advisory comments at **Appendix IV**.

Fire Safety

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

- (a) He has no objection in principle to the proposed public utility installation and associated excavation and filling of land.
- (b) The applicant should note his advisory comments at **Appendix IV**.

Building Matters

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

- (a) As there is no record of approval granted by the Building Authority for the existing structure at the Site, he is not in a position to offer comments on its suitability for use proposed in the application.
- (b) The applicant should note his advisory comments in **Appendix IV**.

District Officer's Comments

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

His office has not received any feedback from locals.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (c) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (d) Project Manager (West), CEDD (PM(W), CEDD);
- (e) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (f) Commissioner for Transport (C for T); and
- (g) Commissioner of Police (C of P).

11. Public Comments Received During Statutory Publication Period

On 29.10.2024, the application was published for public inspection. During the statutory public inspection period, three public comments from the Resident's Committee of Emerald Villa, The Conservancy Association and an individual (**Appendix V**) were received objecting to the application mainly on grounds that the proposed use and excavation works would cause adverse traffic and noise impacts; affect the structural safety of Emerald Villa's retaining wall and the surrounding environment and not be in line with TPB PG-No. 10 and 12C; and raising doubts on the necessity of the proposed works as electricity supply already exists within the "V" zone.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed public utility installation (underground cable) and associated excavation and filling of land within the "GB" zone of the OZP (**Plan A-1**). Although there is a general presumption against development within the "GB" zone, TPB PG-No. 10 allows for applications for public utility installations within the "GB" zone provided that the proposed development is essential and that no alternative sites are available. In this regard, the proposed underground cable and associated excavation/filling of land is required for supplying electricity for the new village houses in Mong Tseng Tsuen. According to the applicant, the proposed cable route is optimal as it is the shortest to connect to the existing electrical power network of CLP Power and involves the least number of private lots. There are no feasible alternative routes within the adjacent "V" zone as it would intrude into other village house developments and involve numerous private lots under different ownership.
- 12.2 To facilitate the cable laying, the applicant proposes to excavate the Site (i.e. about 206.4m²) to a depth of about 0.85m, and upon completion of the cable laying, backfill the excavated area with the original material to the original ground level. Filling and excavation of land within the "GB" 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. The Site also falls within the WBA under TPB PG-No. 12C. In this regard, DAFC and CE/MN of DSD have no adverse comment on the application from nature conservation and drainage perspectives respectively.
- 12.3 The Site is located at the fringe of "GB" zone, adjacent to village houses, plant nurseries, cultivated farmland and unused land. According to the applicant, no tree felling would be involved and groundcovers planting would be provided upon completion of the proposed works. CTP/UD&L of PlanD has no adverse comment on the application from landscape perspective as no adverse landscape impact arising from the proposal is envisaged. Overall, the proposed development generally complies with TPB PG-No. 10 in that the electricity cable is essential and it would not cause adverse landscape impact on the "GB" zone.
- 12.4 Other concerned departments including DEMS, H(GEO) of CEDD, C for T, DEP and D of FS have no objection to or no comment on the proposed development and associated filling of land from electricity supply safety, slope safety, traffic, environmental and fire safety perspectives respectively.
- 12.5 Regarding the public comments objecting to the application as summarised in

paragraph 11, the planning considerations and assessments in paragraphs 12.1 to 12.4 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, 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 **6.12.2028**, 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 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 installation with associated excavation and filling of land is not in line with the planning intention of the "Green Belt" zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. 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 planning 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

Appendix I	Application Form with Attachments received on 17.10.2024
Appendix Ia	FI received on 19.11.2024 and 20.11.2024
Appendix II	Extracts of Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No. 10)
Appendix III	Extracts of Town Planning Board Guidelines for Application for Development within Deep Bay Area (TPB PG-No. 12C)
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments Received During Statutory Publication Period
Drawing A-1	Layout Plan

Drawing A-2	Indicative Plan showing the Entire Cable Alignment and Service Area
Drawing A-3	Landscape Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**