

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/297

<u>Applicant</u>	: CLP Power Hong Kong Limited represented by Pacific Extend Ltd.
<u>Site</u>	: Government Land in D.D. 115 (Near Hong Kong School of Motoring Yuen Long), Shan Pui Ho East Road, Yuen Long
<u>Site Area</u>	: About 33 m ²
<u>Land Status</u>	: Government Land (GL)
<u>Plan</u>	: Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
<u>Zoning</u>	: “Conservation Area” (“CA”) (about 56.5% of the Site) “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) (about 43.5% of the Site)
<u>Application</u>	: Public Utility Installation (LV Cable Laying) and associated Filling and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for public utility installation (LV cable laying) and associated filling and excavation of land at the application site (the Site) partly zoned “CA” (56.5%) and partly zoned “OU(CDWRA)” (43.5%) on the approved Nam Sang Wai OZP (**Plan A-1**). According to the Notes of the OZP for the “CA” and “OU(CDWRA)” zones, ‘Public Utility Installation’ and excavation and back-filling of land require planning permission from the Town Planning Board (the Board). The Site is along an existing concrete-paved footpath leading from Shan Pui Ho East Road.
- 1.2 According to the applicant, the proposed installation is for providing electricity supply to the existing residential dwellings/structures next to Kam Tin River (**Plan A-2**). The proposal involves laying a LV underground cable of about 110m in length and 0.3m in width with land excavation of about 0.6m in depth, involving a total excavation area of about 33m². Upon installation of the proposed cable, the cable trench will be back-filled to ground level with the original material. The location plan and the section plan are at **Drawings A-1 and A-2**.

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

- (a) Application form received on 19.4.2022 (Appendix I)
- (b) Further Information (FI) received on 1.6.2022, 2.6.2022 and 6.6.2022 (Appendix Ia)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ia**. They can be summarised as follows:

- (a) The proposed cable laying works are for the provision of electricity supply for the existing residential dwellings/structures next to Kam Tin River.
- (b) The existing footpath will not be adversely impacted by the excavation work.
- (c) The installation works will be completed by August 2022 within 3 weeks.
- (d) All the construction work (including excavation and filling of land and laying of underground cables at the Site will be carried out in daytime hours only from 9:00 a.m. to 5:00 p.m.) from Monday to Saturday and no construction work will be carried out on Sunday and public holidays.
- (e) Mitigation measures will be implemented during construction phase to handle non-point source and point source pollution, such as disposal of debris and sewage from the Site. Compliance with relevant regulations, best practices and guidelines, such as Water Pollution Control Ordinance (WPCO), ProPECC PN 1/94 “Construction Site Drainage” etc., will be adopted in order to minimize the impacts of wastewater/runoff generated on Site. The works area would be reinstated and there would not be any discharge during operation phase.

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

As the Site involves GL 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 (TPG PG-No. 31A) are not applicable to the application.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C) promulgated by the Board in May 2014 is relevant to the application. The Site falls within Wetland Buffer Area (WBA) under TPB PG-No. 12C (**Plan A-1**). Relevant extracts of the key assessment criteria are attached at **Appendix II**.

5. Background

The site is not subject to any active planning enforcement action.

6. Previous Application

There is no previous application at the Site.

7. Similar Application

There is no similar application within the same “CA” and “OU(CDWRA)” zones in the past five years.

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

8.1 The Site is located along an existing concrete-paved footpath leading from Shan Pui Ho East Road.

8.2 The surrounding areas have the following characteristics:

- (a) to its north are some existing residential dwellings/structures next to Kam Tin River;
- (b) to its west is Yuen Long Hong Kong School of Motoring;
- (c) to its south are a pond and grassland; and
- (d) to its further east across Kam Tin River is the wetland within Nam Sang Wai.

9. Planning Intention

9.1 The planning intention of the “CA” zone is to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. The “no-net-loss in wetland” principle is adopted for any change in use within this zone. The primary intention is to discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest.

9.2 The planning intention of the “OU(CDWRA)” zone is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay. For application for uses developed individually and not forming part of a comprehensive development scheme, the requirement of the

provision of wetland restoration proposal could be exempted.

10. 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.

11. Public Comments Received During Statutory Publication Period

On 10.5.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 31.5.2022, one public comment was received from an individual objecting to the application that resources should not be wasted on providing electricity for the structure on the Site (**Appendix V**).

12. Planning Considerations and Assessments

- 12.1 The application is to seek planning permission for public utility installation (LV Cable Laying) and excavation and back-filling of land at the Site falling within the “CA” (56.5%) and “OU(CDWRA)” (43.5%) zones. The proposed underground cable has a total length of about 110m and a width of about 0.3m, with proposed excavation of about 0.6m in depth, which will be carried out mainly along the concrete-paved footpath.
- 12.2 The planning intention of the “CA” zone is to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area, while the “OU(CDWRA)” zone is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. The proposed public utility installation and its associated excavation and filling of land are not entirely in line with the planning intentions of “CA” and “OU(CDWRA)” zones. However, as indicated by the applicant, the proposed installation is to provide electricity supply for the existing residential dwellings/structures next to Kam Tin River along the footpath. Thus, sympathetic consideration could be given to the application.
- 12.3 Although the Site falls within the WBA, it is specified in TPB PG-No. 12C that planning applications for public utility installation (i.e. electricity mast, lamp pole, pipeline and telephone booth) are exempted from the requirement of EcoIA. According to the applicant, the existing footpath will not be adversely impacted by the excavation work. The construction work will be carried only between 9:00 a.m. to 5:00 p.m. from Monday to Saturday and will be completed within 3 weeks to minimize the disturbances brought to the surrounding habitat and the Site will be backfilled to the original ground level after completion of the proposed installation. DAFC has no objection from the nature conservation point of view as the construction time is short and no wetland habitat will be directly impacted.

- 12.4 The Site is located at the fringes of the “CA” and “OU(CDWRA)” zones next to Yuen Long Hong Kong School of Motoring with some temporary residential structures/dwellings in the vicinity. The proposed installation, which is mainly along an existing paved footpath, is small in scale involving an area of about 33m². DEP has no objection given that appropriate mitigation measures to handle non-point source and point source pollution will be implemented, the applicant will ensure compliance with relevant regulations, best practices and guidelines, i.e. WPCO and ProPECC PN 1/94 “Construction Site Drainage” etc., and the works area would be reinstated and no discharge during operation phase. CTP/UD&L of PlanD also has no objection as no significant impact on the landscape character and resources arising from the proposed development is anticipated given the nature and scale of the proposed works. Other relevant government departments have no objection to or no adverse comment on the application on technical aspects.
- 12.5 Regarding the public comment objecting to the application as detailed in paragraph 10, the departmental comments and planning assessments above are of relevance.

13. **Planning Department’s Views**

- 13.1 Based on the assessment made in paragraph 12, 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 10.6.2026, 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 condition of approval and advisory clauses are also suggested for Members’ reference:

Approval Condition

no construction work (including excavation and filling of land and laying of underground cables at the Site is allowed during (i) 5:00 p.m. to 9:00 a.m. from Monday to Saturday; and (ii) Sunday and public holidays.

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 installation is not in line with the planning intention of the “Conservation Area” (“CA”) zone which is to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area and that of the “OU(CDWRA)” zone which is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds

through comprehensive residential and/or recreational development to include wetland restoration area. The applicant fails to provide sufficient justification for the proposed installation.

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

Appendix I	Application form received on 19.4.2022
Appendix Ia	FI received on 1.6.2022, 2.6.2022 and 6.6.2022
Appendix II	Relevant Extracts of TPB PG-No. 12C
Appendix III	Government departments' general comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public comment
Drawing A-1	Layout Plan
Drawing A-2	Section Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2022**