

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

**APPLICATION NO. A/YL-NSW/307**

<b><u>Applicant</u></b>	: CLP Power Hong Kong Limited represented by Pacific Extend Limited
<b><u>Site</u></b>	: Government land in D.D. 123, Nam Sang Wai, Yuen Long
<b><u>Site Area</u></b>	: About 27.6 m <sup>2</sup>
<b><u>Lease</u></b>	: Government land (GL)
<b><u>Plan</u></b>	: Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
<b><u>Zoning</u></b>	: “Conservation Area” (“CA”)
<b><u>Application</u></b>	: Proposed Public Utility Installation (LV Cable Laying) and associated Excavation and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (LV cable laying) and associated excavation and filling of land at the application site (the Site) (**Plan A-1**). According to the Notes of “CA” zone of the OZP, ‘Public Utility Installation’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board), and any excavation and filling of land also requires planning permission from the Board. The Site is partly along an existing hard-paved footpath and partly located on vacant land.
- 1.2 According to the applicant, the proposed installation is for providing electricity supply to support the operation of the adjacent temporary first aid post of the Hong Kong St. John Ambulance (Application No. A/YL-NSW/300) through adaptive re-use of double decker bus which was approved on 26.8.2022 (**Plan A-2**). The proposal involves laying an underground LV cable of about 92m in length with excavation of land of about 0.3m in width and 0.55m in depth, involving a total excavation area of about 27.6m<sup>2</sup>. Upon installation of the proposed LV cable, the cable trench will be back-filled to ground level and reinstated. The user will connect the first aid post with the cable outlet for electricity supply and no additional excavation and/or filling of land is involved in this application. The location plan and 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 with attachments received on (Appendix I)  
18.1.2023
- (b) Further Information (FI) received on 27.2.2023 (Appendix Ia)
- (c) FI received on 17.5.2023<sup>#</sup> (Appendix Ib)
- (d) FI received on 18.8.2023<sup>#</sup> (Appendix Ic)
- (e) FI received on 4.10.2023<sup>#</sup> (Appendix Id)

<sup>#</sup> *exempted from publication requirement*

1.4 On 21.4.2023 and 14.7.2023, the Committee of the Board agreed to the applicant's requests to defer making a decision on the application each for a period of one month to allow more time for the applicant to prepare FI in support of the application. Subsequently, FIs were received as detailed in para. 1.3 above. The application is scheduled for consideration by the Committee at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed at **Appendices I to Id**. They are summarised as follows:

- (a) The proposed installation is for providing electricity supply to support the operation of the adjacent temporary first aid post of the Hong Kong St. John Ambulance.
- (b) According to the ecological impact assessment (EcoIA), the Site is considered to have a low level of ecological value. No tree felling or pruning will be caused by the project and cable laying work will be constructed section by section. Upon completion of works at each section, the works area will be reinstated. All construction activities will be carried out in daytime hours (i.e. 8:00 a.m. to 5:00 p.m.) only. Relevant statutory requirements for the construction activities will be complied with.
- (c) The construction work will be completed in October 2023, which will avoid the wintering season of migratory birds.
- (d) In order to mitigate potential ecological impacts, the proposed works will be conducted in daytime hours only and contractors will be checking the presence of wildlife in open trenches to minimise potential impact on wildlife. Good site practices and the measures in accordance with the Practice Notes for Professional Persons on "Construction Site Drainage" (ProPECC PN 1/94) will be applied to control surface runoff and the potential pollution to watercourse. With the implementation of the proposed mitigation measures, residual ecological impacts of the proposed works will be of low/negligible significance and acceptable.

**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 (TPB PG-No. 31A) is not applicable to this application.

**4. Town Planning Board Guidelines**

According to the Town Planning Board Guidelines for Application for Development within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) is relevant to the application, the Site falls within the Wetland Conservation Area (WCA). Relevant extract of the Guidelines is at **Appendix II**.

**5. Background**

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

**6. Previous Application**

The Site is not the subject of any previous application.

**7. Similar Application**

7.1 During the past five years, there is one similar application for public utility installation and filling and excavation of land within the same “CA” zone on the OZP.

7.2 Application No. A/YL-NSW/297 for public utility installation (LV cable laying) and filling and excavation of land was approved by the Committee in 2022 mainly on the considerations that the construction period was short and no wetland habitat would be directly impacted; the proposed installation was small in scale and appropriate mitigation measures would be implemented; and the development would unlikely generate significant adverse impacts. Details of the application is summarised at **Appendix III**. Its location is shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible via a local access from Nam Sang Wai Road;
- (b) partly located along an existing hard-paved footpath leading from Nam Sang Wai Road and partly vacant; and
- (c) located within the WCA of Deep Bay Area.

8.2 The surrounding areas have the following characteristics:

- (a) to its north are residential/storage structures, grassland and ponds;
- (b) to its east are Nam Sang Wai Road and Kam Tin River;
- (c) to its south are dried pond, ruin, residential structures, Kam Tin River and Yuen Long Bypass Floodway Engineered Wetland; and
- (d) to its west are residential structures and fish pond.

## **9. Planning Intention**

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.

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

10.1 Apart from the government department as set out in paragraph 10.2 below, other 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 IV and V** respectively.

10.2 The following government department has specific comments on the application:

### Nature Conservation

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

Given the small scale of works and the mitigation measures as proposed in Section 8 of the EcoIA (including the avoidance of the wintering season of the migratory waterbirds and minimise the work period for about 3 weeks in October 2023 and use of Quality Powered Mechanical Equipment (QPME) excavators, etc.), he has no strong view on the application from nature conservation point of view.

## **11. Public Comments Received During Statutory Publication Period**

On 17.2.2023 and 10.3.2023, the application and the FI were published for public comments. During the first three weeks of the statutory publication periods, one comment was received from an individual (**Appendix VI**) objecting to the application mainly on the grounds that the Site is located at an area of wetlands where the ponds have

been excavated. The end use of the public utility installations will be detrimental to the preservation of the wetlands and the planning intention of the conservation area.

## **12. Planning Considerations and Assessments**

- 12.1 The application is to seek planning permission for public utility installation (LV cable laying) and associated excavation and back-filling of land at the Site falling within the “CA” zone. The proposed underground LV cable has a total length of about 92m, with proposed excavation of about 0.3m in width and about 0.55m in depth. The proposed installation and excavation and filling of land will be carried out partly along the hard-paved footpath and partly on vacant land.
- 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. 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. As indicated by the applicant, the proposed installation is to provide electricity supply to support the operation of the adjacent first aid post of the Hong Kong St. John Ambulance through adaptive re-use of a double decker bus. The first aid post provides first aid and minor treatment services for the cyclists in vicinity during weekends and public holidays. Taking into account its small scale and nature of supporting the first aid services for public, the proposed public utility installation and associated excavation and filling of land are considered not in conflict with the planning intention of the “CA” zone.
- 12.3 The Site falls within the WCA of the TPB PG-No. 12C for which the planning intention is to conserve the ecological value of the fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. The Site does not involve any wetland areas. An EcoIA has been conducted to demonstrate that the proposed installation and excavation and filling of land would not result in unacceptable disturbance impact. According to the EcoIA, the Site is considered to have a low level of ecological value. No tree felling or pruning will be caused by the proposed works and cable laying work will be constructed sequentially by section. Upon completion of works at each section, the works area will be reinstated. The construction works for about three weeks will be completed in October 2023, which will avoid the wintering season of migratory birds. Relevant statutory requirements for the construction activities will be complied with. In order to mitigate potential ecological impacts, the proposed works will be conducted in daytime hours only and contractors will be checking the presence of wildlife in open trenches to minimise potential impact on wildlife. Good site practices and the measures in accordance with the ProPECC PN 1/94 will be applied to control surface runoff and the potential pollution to watercourse. With the implementation of the proposed mitigation measures, residual ecological impacts of the proposed works will be of low/negligible significance and acceptable. Given the small scale of works and the mitigation measures proposed in the EcoIA, the Director of Agriculture, Fisheries and Conservation has no

strong view on the application. The applicant has also committed that sewage produced during construction will be stored and transported to an off-site workshop for treatment. The Director of Environmental Protection has no objection to the application given that appropriate pollution control measures will be implemented to minimise potential environmental impacts of the construction works, the works area will be reinstated after the construction works and there will be no discharge during the operation phase.

- 12.4 The Site is located at the fringe of the “CA” zone and situated to the west of Nam Sang Wai Road. It is partly along an existing hard-paved footpath and partly located on vacant land. According to the applicant, the proposed development involves excavation of land with an area of about 27.6m<sup>2</sup>. Upon installation of the proposed underground LV cable, the cable trenches will be back-filled and reinstated. Chief Engineer/Mainland North, Drainage Services Department and Director of Environmental Protection have no objection to the proposed excavation and filling of land. Other concerned government departments have no objection to or no adverse comment on the application on technical aspects.
- 12.5 As detailed in paragraph 7, the Committee has approved one similar application for public utility installation (LV cable laying) and filling and excavation of land within the same “CA” zone in the past five years. Approval of the current application is in line with the previous decision of the Committee.
- 12.6 Regarding the public comment received during the statutory public inspection period of the application as detailed in paragraph 11, the planning assessment and departmental comments above are relevant.

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

- 13.1 Based on the assessment 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 13.10.2027, 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 condition of approval and advisory clauses are also suggested for Members’ reference:

#### Approval Condition

no construction work is allowed at the Site during 5:00 p.m. to 8:00 a.m. daily

#### Advisory Clauses

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

- 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 “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. The applicant fails to provide sufficient 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 attachments received on 18.1.2023
<b>Appendix Ia</b>	FI received on 27.2.2023
<b>Appendix Ib</b>	FI received on 17.5.2023
<b>Appendix Ic</b>	FI received on 18.8.2023
<b>Appendix Id</b>	FI received on 4.10.2023
<b>Appendix II</b>	Extract of TPB PG-No. 12C
<b>Appendix III</b>	Similar Application
<b>Appendix IV</b>	Government departments’ general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comment
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Typical Section
<b>Plan A-1</b>	Location Plan with similar application
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2023**