

RNTPC Paper No. A/YL-NSW/322B
For Consideration by
the Rural and New Town
Planning Committee
on 4.10.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/322

- Applicant** : CLP Power Hong Kong Limited represented by Pacific Extend Ltd.
- Site** : Government Land in D.D. 104, Nam Sang Wai, Yuen Long
- Site Area** : About 49.2m²
- Land Status** : Government Land (GL)
- Plan** : Draft Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/9
(currently in force)
- Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8
(at the time of submission)
- Zoning** : “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”)
- Application** : Proposed Public Utility Installation (Low Voltage Underground Cable) and Associated Excavation and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (low voltage (LV) underground cable) and associated excavation and filling of land at the application site (the Site), which falls within an area zoned “OU(CDWRA)” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Public Utility Installation’, which is a Column 2 use, and excavation and filling of land within the “OU(CDWRA)” zone require planning permission from the Town Planning Board (the Board). The Site is located along the existing concrete-paved footpath of Yau Pok Road (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposed installation is for provision of electricity supply for a proposed temporary shop and services (motor-vehicle showroom) use, which is covered by a valid planning permission under application No. A/YL-NSW/330, at Lot 3719 S.I in D.D. 104 (Part) located to the immediate southwest of the Site (**Drawing A-2 and Plan A-2**). The proposal involves laying an underground LV cable of about 164m in length with excavation of land for a

cable trench of 0.3m in width and 0.55m in depth, resulting in a total excavation area of about 49.2m². Upon installation of the proposed underground cable, the entire cable trench will be back-filled to the ground level and reinstated. No tree felling is required for the proposed installation and excavation of land. All construction activities will be carried out in daytime hours (i.e. 10:00 a.m. to 4:00 p.m.). The installation works will be completed by December 2024. The location plan, layout plan and section plan submitted by the applicant are at **Drawings A-1 to A-3**.

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

- (a) Application form received on 15.1.2024 **(Appendix I)**
 - (b) Further Information (FI) received on 12.4.2024 [#] **(Appendix Ia)**
 - (c) FI received on 6.8.2024[#] **(Appendix Ib)**
- [#] *accepted and exempted from publication and recounting requirements*

1.4 On 15.3.2024 and 7.6.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's requests to defer making a decision on the application for two months each to address departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs in **Appendices I to Ib**, and can be summarised as follows:

- (a) The proposed cable laying works are for provision of electricity supply for the operation of a proposed temporary shop and services (motor-vehicle showroom) use which is covered by valid planning permission at the adjacent private lot (i.e. Lot 3719 S.I in D.D. 104 (Part)) (**Drawing A-2 and Plan A-2**), including lighting, air-conditioning and interior lighting for displaying cars in the showroom.
- (b) Upon completion of works, the works area will be reinstated. All construction activities will be carried out in daytime hours (i.e. 10:00 a.m. to 4:00 p.m.) only. Relevant statutory requirements for the construction activities will be complied with.
- (c) Mitigation measures will be implemented during construction phase to handle non-point source and point source pollutions, 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.

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. 31B) are not applicable to the 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) which is relevant to the application, the Site falls within the Wetland Buffer Area (WBA) and the relevant extract which is at **Appendix II**.

5. Background

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

6. Previous Application

Part of the Site is the subject of a previous application (No. A/YL-NSW/21). The previous application for temporary public car park covering a larger site area was approved in 1997. Considerations for the previous application is not relevant to the current application which involves a different use and different site configuration. Details of the application is summarised at **Appendix III** and the location is shown on **Plan A-1**.

7. Similar Application

There is one similar application (No. A/YL-NSW/297) for public utility installation and filling and excavation of land within another “OU(CDWRA)” zone on the OZP in the past five years. The said application was approved by the Committee in 2022 mainly on the considerations that sympathetic consideration could be given as the proposed underground LV cable was to provide electricity supply to the existing residential dwellings/structures close to the application site; 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 similar application are summarised at **Appendix III** and the location is shown on the Key Plan of **Plan A-1**.

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

8.1 The Site is:

- (a) located along the existing concrete-paved footpath of Yau Pok Road; and

(b) located within the WBA of Deep Bay Area.

8.2 The surrounding areas of the Site comprise predominantly low-rise residential development (Fairview Park), residential dwellings, warehouses and open storage yards. A drainage channel leading to Kam Tin River is located to the immediate east of Yau Pok Road. To the immediate southwest of the Site is the proposed temporary shop and services (motor-vehicle showroom) covered by a valid planning permission (No. A/YL-NSW/330) granted by the Committee on 2.8.2024 for a period of three years until 2.8.2027 (**Plan A-2**).

9. Planning Intention

9.1 The “OU(CDWRA)” zone is intended 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.

9.2 According to the Explanatory Statement of the OZP, filling and excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

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 IV and V** respectively.

11. Public Comments Received During Statutory Publication Period

On 6.2.2024, the application was published for public inspection. During statutory publication period, one public comment was received from an individual objecting to the application mainly on the ground that there is no approval for the concerned private lot to be supplied with electricity and no clear indication on the purpose of the installation and the end user (**Appendix VI**).

12. Planning Considerations and Assessments

12.1 The application is for proposed public utility installation (LV underground cable) and associated excavation and filling of land at the Site zoned “OU(CDWRA)” on the OZP. According to the applicant, the proposed underground cable is to provide electricity supply for the proposed temporary shop and services (motor-

vehicle showroom) use at the adjacent private lot, which is covered by a valid planning permission (No. A/YL-NSW/330) granted by the Committee on 2.8.2024 for a period of three years until 2.8.2027. The proposed underground cable has a total length of about 164m. The installation works would involve excavation of land with an area of about 49.2m², in a width of about 0.3m and a depth of about 0.55m for a cable trench along the concrete-paved footpath of Yau Pok Road (**Drawing A-1 to A-3**). Upon installation of the underground cable, the entire cable trench will be back-filled to ground level and reinstated. No tree felling would be involved for the proposed installation. The proposed installation is considered generally not in conflict with the planning intention of the “OU(CDWRA)” zone.

- 12.2 Filling and excavation of land within the “OU(CDWRA)” 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, the Director of Agriculture, Fisheries and Conservation (DAFC) and Chief Engineer/Mainland North of Drainage Services Department have no adverse comments on the application from nature conservation and drainage perspectives respectively.
- 12.3 The Site is located along the existing concrete-paved footpath of Yau Pok Road. The proposed installation with associated excavation and back-filling of land, which is small in scale, is considered not incompatible with the surrounding rural environment. Although the Site falls within the WBA of the Deep Bay Area, it is specified in TPB PG-No. 12C that planning applications for public utility installation (electricity mast, lamp pole, pipeline and telephone booth only) are exempted from the requirement of Ecological Impact Assessment. As mentioned in paragraph 12.2 above, DAFC has no comments on the application from nature conservation point of view.
- 12.4 Other concerned government departments consulted including the Director of Environmental Protection, Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD), Commissioner for Transport and Director of Electrical and Mechanical Services have no objection to /no adverse comments on the application from environment, landscape, traffic and electricity supply safety perspectives respectively.
- 12.5 The Committee has approved a similar application (No. A/YL-NSW/297) within another “OU(CDWRA)” zone on the OZP in 2022 as mentioned in paragraph 7 above. Approving the current application is in line with the previous decision of the Committee.
- 12.6 Regarding the public comment objecting to the application as detailed in paragraph 11, the departmental comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taking into account the public comment mentioned in paragraph 11, PlanD 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 4.10.2028, 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 V**.
- 13.3 There is no strong reason to recommend rejection of the application.

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 15.1.2024
Appendix Ia	FI received on 12.4.2024
Appendix Ib	FI received on 6.8.2024
Appendix II	Relevant Extracts of TPB PG-No. 12C
Appendix III	Previous and Similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public comment
Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Drawing A-3	Section Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo

Plan A-4

Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**