

TOWN PLANNING BOARD

TPB Paper No. 10868

**For Consideration by
the Town Planning Board on 16 September 2022**

**Proposed Revisions to the
Assessment Criteria for Considering Applications for Solar Photovoltaic System
made under Section 16 of the Town Planning Ordinance**

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1. Purpose

This paper is to seek Members' agreement to the proposed revisions to the Assessment Criteria for Considering Applications for Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance (assessment criteria).

2. Background

- 2.1 On 3.7.2020, the Town Planning Board (the Board) agreed to a set of assessment criteria to facilitate assessment of planning applications for solar photovoltaic (SPV) system (**Appendix I**) which was promulgated on 21.7.2020.
- 2.2 On 16.7.2021, in considering a review application (No. A/YL-NTM/399) for proposed public utility installation (PUI) (SPV system) on a site zoned "Green Belt" ("GB") in Ngau Tam Mei, the Board noted that developing renewable energy (RE) was an important green initiative promoted by the Government, however, criterion (j) of the assessment criteria which states that planning application for installation of SPV system within "GB" zone would not normally be supported unless with strong justifications might be rather restrictive. Some Members were of the view that whilst the Board needed to be more prudent when considering applications within "GB" zone to avoid proliferation of SPV systems in areas with landscape characters and resources, some proposals with good intention to promote RE without compromising the quality of the natural environment might be considered acceptable. The Board requested the Secretariat to review and explore whether criterion (j) needed to be fine-tuned.

3. Applications for PUI (SPV System) considered by the Board

- 3.1 So far, the Board had considered nine applications for proposed PUI (SPV system) in various zones with four approved and five rejected. For details, please refer to the table in **Appendix II**.
- 3.2 Of the four approved applications, two are within “Agriculture” zones, one is within “Open Space (2)” zone and one is within “Recreation” zone. The Board approved the applications after taking into consideration the merits of promoting the use of RE, the site condition and compatibility with the surrounding land uses, and there were no adverse comments from concerned government departments or possible impacts of the development could be addressed through the mitigation measures proposed by the applicant.
- 3.3 None of the four applications (No. A/YL-ST/570, A/YL-NTM/405, A/TM-SKW/105 and A/YL-NTM/399) proposed for SPV system within “GB” zone was approved by the Board. These applications were rejected mainly for the reasons of not in line with the planning intention of “GB” zone and relevant Town Planning Board Guidelines as well as the assessment criteria in that there were adverse comments from relevant government departments on ecological, visual and landscape aspects, and the applicant failed to demonstrate that the proposed development would not adversely affect the landscape character/resources of the “GB” zone and jeopardise the integrity of the zone as a buffer. Nevertheless, in the course of considering these applications, the Board noted that some application sites were no longer covered by natural vegetation and they were vacant/unused and surrounded by mixed uses such as open storage yards, vehicle parks or village settlements, etc.

4. Proposed Revisions to the Assessment Criteria

- 4.1 In assessing whether there is scope to relax criterion (j) for installation of SPV systems in “GB” zone, reference has been made to the planning considerations for applications for other uses/developments in “GB” zone and the criteria adopted by the Government in the “GB” review for selecting suitable sites for developments. Generally, it is found out that, based on the premise that the landscape character/resources and integrity of the “GB” zone would not be jeopardised, sites that are located at the periphery of “GB” zone, have been devegetated, deserted or formed, or with proposals not requiring extensive tree felling, clearance of natural

vegetation or slope cutting may be considered for suitable uses. It is proposed to relax **criterion (j)** as follows:

‘there is a general presumption against development in the “GB” zone. However, planning permission for SPV system within the “GB” zone may be granted if the SPV system would not adversely affect the landscape character/resources of the “GB” zone and jeopardise the integrity of the zone as a buffer. For instance, applications with sites that are located at the periphery of “GB” zone, have been devegetated, deserted or formed, or with proposals not requiring extensive vegetation clearance, tree felling or slope cutting may be given sympathetic consideration;’

- 4.2 By setting out the examples in the criterion, the applicants would have a better understanding of the requirements in selecting appropriate sites in the “GB” zone for application for installation of SPV systems.

Other Proposed Revisions

- 4.3 With experience gained in processing planning applications for SPV systems so far, it is also recommended that some assessment criteria be refined as follows:
- (a) **Paragraphs 3 and 4** specifically mention that SPV systems are commonly found on rooftop of New Territories Exempted House and private buildings. Since such systems are also found on rooftop of government buildings, it is not necessary to specify “private” in the paragraphs.
 - (b) Currently, it is a prerequisite for the applicant to obtain the ‘Consent Letter’ or ‘Acknowledgement Letter’ from the two power companies, i.e. The Hongkong Electric Company, Limited or CLP Power Hong Kong Limited (CLP) to demonstrate the technical feasibility of the proposed SPV system. In some cases, CLP may issue a ‘Network Reinforcement Condition Letter’ which indicates the preliminary technical feasibility of the proposed SPV system subject to some network reinforcement work by CLP to enhance the capacity. **Criterion (a)** will be revised to include ‘Network Reinforcement Condition Letter (or similar confirmation letter)’ as another document considered acceptable to demonstrate the technical feasibility of the proposal.
 - (c) For installation of SPV system within water gathering grounds, the Director of Water Supplies advises that the SPV system should not cause material

increase in pollution effect and affect yield collection within water gathering grounds. The requirement is added to **criterion (g)** accordingly.

- (d) For installation of SPV system in area close to airports and/or heliports, the Director-General of Civil Aviation suggests to specify that the reflection rate of the SPV system with anti-reflective coating shall not exceed 5%. A footnote is added under **criterion (h)** to reflect the requirement.

4.4 The proposed revisions to the assessment criteria, with additions in **bold** and *italic* and deletion in '~~cross-out~~', are shown in **Appendix III**.

5. **Consultation**

Concerned government bureaux/departments have been consulted on the proposed revisions to the assessment criteria. The Environment and Ecology Bureau supports the proposed revisions to criterion (j) which would help promote the use of RE. The comments from the Lands Department, Water Supplies Department and Civil Aviation Department have been incorporated where appropriate. Other government bureaux/departments have no objection to/no comment on the proposed revisions.

6. **Promulgation**

Upon Members' agreement to the proposed revisions to the assessment criteria, the revised assessment criteria will be uploaded to the Board's website, and shall take effect upon promulgation.

7. **Decision Sought**

Members are invited to endorse the proposed revisions to the assessment criteria at **Appendix III** and the proposed arrangement for promulgation of the revised assessment criteria.

Appendices

Appendix I Assessment Criteria for Consideration of Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance

Appendix II Applications for Solar Photovoltaic System considered by the Board

Appendix III Proposed Revisions to Assessment Criteria for Consideration of Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance

PLANNING DEPARTMENT

September 2022