

RNTPC Paper No. A/YL-NTM/399
For Consideration by
the Rural and New Town
Planning Committee
on 4.9.2020

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/399

- Applicant** : Cornerstone Renewable Energy Limited
- Site** : Lots 978 (Part), 979 (Part), 1043 and 1047 in D.D. 102, Ngau Tam Mei, Yuen Long
- Site Area** : About 2,264 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Public Utility Installation (Solar Photovoltaic System)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed public utility installation (solar photovoltaic system). The Site falls within an area zoned “Green Belt” (“GB”) on the approved Ngau Tam Mei OZP No. S/YL-NTM/12. According to the Notes of the OZP, the proposed solar photovoltaic (SPV) system, which is regarded as ‘Public Utility Installation’, is a Column 2 use within the “GB” zone and requires planning permission from the Town Planning Board (the Board). The Site is largely agricultural land and is currently vacant.
- 1.2 According to the applicant, the proposed system involves 4 sets of CLP outdoor meter boxes (each about 1.15m long x 1.5m wide x 1.9m high, with GFA of 1.73 m²) and 774 solar panels (each about 1.67m long x 1m wide x 0.035m thick) installed on expandable metal stands (each 4m long x 3.3m wide x 1.5m high in scaffolding style with 8 panels installed), which are supported on ground using

concrete blocks laying on top of existing soil/vegetation (grass) (**Drawing A-2**). The stands with solar panels will cover about 66.8% of the Site. The proposed SPV system is to facilitate the participation in the 'Renewable Energy Feed-in Tariff (FiT) Scheme' by CLP. According to the submission, the applicant has applied for electricity supply but is yet to apply to CLP for participation in the FiT Scheme, and no Acknowledgement Letter from CLP on the FiT application has been obtained. The entrance to the Site is proposed at the northwestern boundary of the Site. No parking or loading / unloading space is proposed.

- 1.3 The Site is accessible from Kwu Tung Road via local access road (**Plans A-1 and A-2**). The layout plan and the indicative solar panel installation submitted by the applicant are at **Drawings A-1 to A-2**. In support of the application, the applicant has submitted the following documents:

- (a) Application Form with supplementary information (Appendix I)
received on 6.2.2020
- (b) Further Information (FI) received on 30.7.2020 with (Appendix Ia)
responses to departmental comments and clarification
of background information*
- (c) FI received on 28.8.2020 with responses to (Appendix Ib)
departmental comments*

**exempted from publication requirement*

- 1.4 On 26.5.2020, the Rural and New Town Planning Committee (the Committee) decided to defer a decision on the application for a period of 2 months as requested by the applicant pending submission of FIs to address departmental comments. On 30.7.2020 and 28.8.2020, the applicant submitted FIs, and 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 in the Application Form in **Appendix I** and the FI in **Appendices Ia and Ib**. They can be summarized as follows:

- (a) The proposed SPV system is in line with the Hong Kong's Climate Action Plan 2030+ by the Environment Bureau to encourage private sectors or individuals to invest in supply and consumption of renewable energy (RE).
- (b) The application, which does not involve any land filling, tree felling or adverse impact to the land, is pursuant to the prevailing environmental policies to provide clean energy source through solar energy system, in order to reduce carbon emission and to improve air quality.
- (c) The applicant has made an application to CLP for electricity supply and installation of new electric meters at the Site. CLP has responded with a

Confirmation Notice of Application of Electricity Supply. The applicant will proceed with the installation of CLP's electric meters and FiT application subsequent to the Board's approval.

- (d) The support frames of the metal stands are installed on concrete blocks (about 254 nos, each of 0.45m long x 0.45m wide x 0.2m high) placing on top of existing soil/vegetation (grass) (**Drawing A-2**). Vegetation (or grass) clearance will be involved where the SPV panels (774 nos.) are installed. No tree felling will be involved at the Site.
- (e) For transportation of construction/maintenance materials to the Site, truck will be used on the vehicular track portion and village vehicle/trolley will be used on the village path portion.
- (f) The SPV panels are made from glass with anti-reflective coating such that reflective lights are reduced and chance for bird strike could be avoided.

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 TPB Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' is relevant to this application. The relevant assessment criteria are summarized as below:

- (a) There is a general presumption against development (other than redevelopment) in "GB" zone.
- (b) An application for new development in a "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds.
- (c) Applications for G/IC uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available. The plot ratio of the development site may exceed 0.4 so as to minimize the land to be allocated for G/IC uses.
- (d) The design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment.

- (e) The proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area.
- (f) The proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution.

5. **Assessment Criteria for Considering Applications for Solar Photovoltaic System**

The set of assessment criteria for considering applications for SPV system made under Section 16 of the Town Planning Ordinance was approved by the Board on 3.7.2020 and promulgated on 21.7.2020 (**Appendix II**). The relevant assessment criteria for “GB” zone are summarized as follows:

- (a) It is a prerequisite for the applicant to obtain the ‘Consent Letter’ or ‘Acknowledgement Letter’ from CLP/HKE and submit a copy of the document together with the application to demonstrate the technical feasibility of the scheme in terms of serviceability, electrical safety and output generated by the SPV system.
- (b) Unless with strong justifications, the SPV system, including the height of the proposed structures, should be in keeping with the surrounding area/developments and commensurate with the function(s) it performs.
- (c) For optimisation of use of land, favourable consideration may be given if viability of co-existence of the proposed SPV system and uses that are in line with the long-term planning intention of the land use zoning of the Site could be satisfactorily demonstrated.
- (d) It has to be demonstrated to the satisfaction of the relevant government departments that the SPV system will not have significant adverse impacts, including but not limited to those relating to the environment, drainage, sewerage, traffic, geotechnical safety, landscape and visual¹ and, where needed, appropriate measures are to be adopted to mitigate the impacts.
- (e) Unless with strong justifications, proposals involving extensive site formation, vegetation clearance/tree felling, excavation or filling of land/pond are generally not supported.
- (f) As there is a general presumption against development in the “GB” zone, planning application within the “GB” zone is normally not supported unless with

¹ The applicant has to demonstrate that the proposal would not affect the visual and landscape amenities/character of the area adversely by, for instance, causing a significant change of landscape resources/character, dwarfing the surrounding developments or catching the public’s visual attention due to the scale and prominence of the proposed installation. Where appropriate, measures should be taken to mitigate the visual/landscape impact, for example, by peripheral screen planting.

strong justifications. It has to be demonstrated to the satisfaction of the relevant government departments that 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.

- (g) All other statutory or non-statutory requirements of the relevant government departments must be met. Depending on the specific land use zoning of the Site, the relevant TPB guidelines should be observed, as appropriate.
- (h) Approval conditions to address the technical issues, if any, within a specified time and clauses to revoke the permission for non-compliance with approval conditions may be imposed as appropriate.

6. Background

- 6.1 The Site is not subject to any active enforcement case.
- 6.2 The FiT scheme is an initiative introduced by the Government under the post-2018 Scheme of Control Agreements with the two power companies for promoting the development of distributed RE. It aims to encourage the private sector to consider investing in RE as the power generated could be sold to the power companies at a rate higher than the normal electricity tariff to help recover the costs of investment in the RE systems and generation.
- 6.3 Any non-governmental bodies or individuals, who as customers of the relevant power company plan to install distributed RE systems at their premises in the respective power company's supply area, are eligible for prescribed FiT rates from that power company as long as they have been connected to the latter's grid. To join the Scheme, an applicant may make submission direct to the relevant power company with the required documents including the preliminary layout diagram and other information of the proposed RE system. After meeting the requirements specified by the power company on technical assessment, system test and installation works, the power company will proceed to install a smart meter in the applicant's premises to facilitate connecting the proposed RE system to the power grid. The successful applicant would be offered the FiT rate throughout the project life of the RE system until end 2033. The applicant shall ensure that the design, installation, operation and maintenance of the RE system comply with the applicable laws, guidelines and safety and technical guidelines.

7. Previous Application

The Site is not the subject of any previous application.

8. Similar Application

There is no similar application within the "GB" zone on the OZP.

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

9.1 The Site is:

- (a) largely low-lying agricultural land covered with vegetation, and currently vacant; and
- (b) accessible via a village path leading to a local access road and Ka Lung Road branching off Kwu Tung Road.

9.2 The surrounding areas are predominantly rural in character mixed with vacant land, ponds and scattered residential dwellings, and have the following characteristics:

- (a) to its immediate north and further north are scattered residential dwellings and agricultural land;
- (b) to its east and south are ponds and agricultural land; and
- (c) to its immediate and further west are ponds and scattered residential dwellings.

10. Planning Intention

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.

11. Comments from Relevant Government Departments

11.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

11.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots 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.
- (b) Should planning approval be given to the planning application, the lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Besides,

given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD.

Traffic

11.1.2 Comments of the Commissioner for Transport (C for T):

- (a) It is considered that the traffic flow for the Site would be negligible under the application.
- (b) The Site is connected to Ka Lung Road via section of a local access which is not managed by TD. The land status of the local access should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly.
- (c) As there is no information about the vehicular access at the private lot(s) to the concerned site, he presumes the applicant should arrange by themselves if necessary, and should seek the relevant land owner(s) on the right of using the vehicular access.

11.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

The village type access between the Site and Ka Lung Road is not and will not be maintained by HyD.

11.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

The Site falls within the area of influence ("AOI") of the proposed Northern Link ("NOL"), which is a recommended railway scheme under the Railway Development Strategy 2014. Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL. He has no objection in principle to the application from the development point of view of the NOL, provided that the applicant is satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of NOL.

Environment

11.1.5 Comments of the Secretary for the Environment (SEN):

- (a) He strongly supports the development of RE systems, especially larger-scale systems such as the one proposed under the current application as they would be better able to meaningfully contribute to increasing the use of RE in Hong Kong.
- (b) Development of RE is an important part of Environment Bureau (ENB)'s efforts in combating climate change. Increasing the use of RE, a zero-carbon energy, can help decarbonise the electricity generation sector, which contributes to about two-thirds of the carbon emissions in Hong Kong. In particular, if Hong Kong is to achieve a carbon reduction that is compliant with Paris Agreement's well below 2°C target in 2050, it is estimated that about 80% of the electricity would need to come from zero-carbon energy sources hence promoting the development of RE has been an integral part of Hong Kong's decarbonisation strategy.
- (c) The policy is for the Government to take the lead in developing RE where technically and financially feasible and to create conditions that are conducive to community participation. For the private sector, ENB and the power companies have introduced the FiT Scheme, providing financial incentives which can encourage the private sector to invest in distributed RE. ENB has also introduced a series of measures to facilitate and support members of the public in developing RE. Examples include relaxing the restrictions in relation to installation of PV systems at the rooftop of village houses and introducing a new scheme called "Solar Harvest" to install small-scale RE systems for eligible schools and welfare non-Governmental organizations. Electrical and Mechanical Services Department (EMSD) has also revamped its 'HK RE Net' to provide useful information in respect of developing RE to the public.

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

- (a) Based on the information provided, the applicant proposes to construct a SPV system with 774 no. of solar panels in the Site of about 2,264 m² to generate renewable energy.
- (b) In view of the nature and scale of the proposed development, he has no objection to the application. The applicant is reminded to strictly comply with relevant pollution control ordinances, including Waste Disposal Ordinance and Water Pollution Control Ordinance and to implement appropriate pollution control measures to minimize any potential environmental impacts during construction of the project. Reference could be made to relevant publications /guidelines including Recommended Pollution Control Clauses for Construction Contracts and Professional Persons Environmental

Consultative Committee Practice Notes (ProPECC PN) 1/94,
“Construction Site Drainage”.

Nature Conservation

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

- (a) The Site falls within the “GB” zone on the Ngau Tam Mei OZP. Upon his site inspection, the Site is vegetated with herbaceous plants and common trees. The Site is surrounded by active/inactive agricultural fields and fishponds.
- (b) It is noted from the FI that vegetation clearance of weed and small bushes would be required, and no tree felling would be involved for the proposed use. The Board shall consider whether the proposed use is compatible with the planning intention of the “GB” zone which is primarily to promote the conservation of the natural environment and to safeguard it from encroachment by urban-type developments.

Landscape and Visual Aspects

11.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

Urban Design and Visual

- (a) The Site of about 2,264 m² falls within “GB” zone on the respective OZP and is situated in an area surrounded by active/fallow agricultural land, which is predominantly rural in character.
- (b) The current application seeks planning permission for a SPV system involving the installation of about 774 solar panels (measuring about 1.67m long x 1m wide x 0.035m thick each) and four structures (measuring 1.15m long x 1.5m wide x 1.9m high each) for the outdoor meter installation on the Site. According to the Assessment Criteria for Considering Applications for SPV System made under Section 16 of the Town Planning Ordinance promulgated by Town Planning Board in July 2020, the height of the proposed structures should be in keeping with the surrounding area/developments and the applicant has to demonstrate that such SPV system will not have significant adverse visual impacts which would catch the public’s visual attention due to the scale and prominence of the proposed installation.
- (c) In the submitted FI, the applicant has claimed that the visual impact on the surrounding environment would be minimised, given the tall vegetation at the Site boundary would be retained to filter the proposed SPV system while the height of the SPV panels and

structures proposed on a low-lying ground would be below the eyesight of an adult. Considering the scale of proposed SPV system involving 774 solar panels and four structures covering about 67% of the Site is quite extensive, it would inevitably bring forth visual changes to the surrounding rural environment.

Landscape Planning

- (d) He has reservation on the application from landscape planning perspective.
- (e) The Site, located to west of Ka Lung Road and southeast of Shek Wu Wai, falls within an area zoned "GB" on the approved Ngau Tam Mei OZP No. S/YL-NTM/12. The Site is not covered by any previous planning application.
- (f) With reference to the aerial photo taken in 2018, the Site is situated in an area of rural landscape character. The surrounding area comprises agricultural land, ponds and scattered tree groups. The proposed use is considered not entirely compatible with the existing landscape setting in proximity.
- (g) Based on the aerial photo taken in 2018, the Site is covered by vegetation. With reference to the application, 774 SPV panels covering about 67% of the Site are proposed.
- (h) Having reviewed the submitted FI, it is noted that no felling of tree is proposed within the Site and along the transportation path. Although significant adverse impact on landscape resources within and adjacent to the Site arising from the proposed development is not anticipated, given that there is no similar application within the same "GB" zone have previously been approved by the Board, there is concern that approval of the application would set an undesirable precedent for other similar use, which is not entirely compatible with the existing landscape setting in proximity, and further alter and degrade the landscape character of the "GB" zone.

Fire Safety

11:1.9 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to the satisfaction of D of FS.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised on the following points:

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
- (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant should be reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are UBW under the Building Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the Site under the BO.
- (c) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulation (B(P)R) respectively.
- (d) The Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.
- (e) Detailed comments under the BO will be provided at building plan submission stage.

Drainage

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

- (a) He has no objection in principle to the application from the drainage operation and maintenance point of view.
- (b) The applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains & the proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations & charts should be included. (For preparation of the drainage proposal, the Guideline on preparation of the drainage proposal is available in DSD homepage at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf for reference). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on Site.
- (c) After completion of the required drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs.
- (d) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (e) The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction.
- (f) The applicant should consult DLO/YL regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the application site in future.
- (g) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the site.

Electricity Safety

11.1.12 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.

- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer’s Comments

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

His office has no comment on the application and the local comments shall be submitted to the Board directly, if any.

11.2 The following Government departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Project Manager (West) (PM(W)), CEDD;
- (d) Director of Leisure and Cultural Services (DLCS); and
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

12. Public Comments Received During Statutory Publication Period

The application was published for public inspection on 21.2.2020. During the 3-week statutory publication period which ended on 13.3.2020, 7 public comments were received from World Wide Fund for Nature Hong Kong (WWF), Hong Kong Bird Watching Society (HKBWS), Kadoorie Farm and Botanic Garden Corporation (KFBG), Designing Hong Kong and individuals. An individual supports the application as RE protects the environment and gradually replaces fuel energy. The remaining commenters, including WWF, HKBWS, KFBG and Designing Hong Kong, object to/raise concerns on the grounds that the proposed development is not compatible with the surrounding; not in line with the planning intention of the “GB” zone, would set an undesirable precedent for similar applications, and would bring about ecological, visual and landscape impacts (Appendix III).

13. Planning Considerations and Assessments

- 13.1 The application is for proposed public utility installation (SPV system), involving 4 sets of meter boxes and 774 solar panels (each 1.67m x 1m x 0.035m) covering about 67% of the Site (site area of about 2,264 m²) (**Drawings A-1 and A-2**). The SPV panels will be accommodated on metal stands each with a dimension of 4m long x 3.3m wide x 1.5m high, and supported on about 254 nos. of concrete blocks (of 0.45m long x 0.45m wide x 0.2m high) placed on existing soil/vegetation (grass). The proposed system, which falls within an area zoned "GB", is not in line with the planning intention of the "GB" 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. No strong planning justification has been given in the submission for a departure from the planning intention.
- 13.2 The surrounding areas are predominantly rural in character, comprising mainly agricultural land, fish ponds and scattered residential dwellings (**Plans A-2 and A-3**). The proposed system with 774 solar panels (1.5m high in total) mounting on metal stands sitting on concrete blocks and covering about 67% of the Site is rather massive in scale and is considered not compatible with the scale of development in the surrounding areas. According to TPB PG-No. 10, development in "GB" zone should not affect the existing natural vegetation and landscape or cause any adverse visual impact on the surrounding environment. The application is not in line with the Guidelines as it affects the existing natural landscape and causes adverse visual impact on the surrounding environment. CTP/UD&L of PlanD considers the proposed SPV system extensive and would bring forth visual changes to the surrounding rural environment. He also has reservation from landscape planning perspective as the proposed development is considered not entirely compatible with the existing landscape setting in proximity and approval of the application would set an undesirable precedent for other similar use which would further alter and degrade the landscape character of the "GB" zone. DAFC pointed out that the Site is vegetated and is surrounded by active/inactive agricultural fields and fishponds, and stated that the Board should consider whether the proposed use is compatible with the planning intention of the "GB" zone which is primarily to promote the conservation of the natural environment and to safeguard it from encroachment by urban-type developments. The proposed system, which is massive in scale, is considered incompatible with the surrounding rural environment.
- 13.3 According to the applicant, he has not applied to CLP for participation in the FiT Scheme and no Acknowledgement Letter from CLP has been obtained. SEN supports the development of RE systems, and DEP and DEMS have no objection to the application. Nevertheless, the acceptability and technical feasibility of the proposal is yet to be ascertained. Other relevant departments consulted, including C for T, CE/MN of DSD and D of FS have no adverse comment on the application from traffic, drainage and fire safety perspectives.
- 13.4 The proposed use is not in line with the assessment criteria for considering applications for SPV system promulgated by the Board on 21.7.2020 in that the

applicant has yet to obtain CLP's Acknowledgement Letter to demonstrate the technical feasibility of the scheme in terms of serviceability, electrical safety and output generated by the SPV system, there are adverse comments from relevant departments on visual and landscape aspects, and the applicant has failed to demonstrate that the proposed use would not adversely affect the landscape character/resources of the "GB" zone and jeopardize the integrity of the "GB" zone as a buffer.

- 13.5 There is no similar application for the solar energy system within the "GB" zone on the OZP. The approval of the application would set an undesirable precedent for similar applications to proliferate in the "GB" zone. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment of the area.
- 13.6 There are 7 public comments objecting to the application as detailed in paragraph 12. The planning assessment and departmental comments above are of relevance.

14. Planning Department's Views

- 14.1 Based on the assessment made in paragraph 13 and having taken into account the public comments in paragraph 12, the Planning Department does not support the application for the following reasons:
- (a) the development is not in line with the planning intention of the "GB" zone, which is to define 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;
 - (b) the development is not in line with the Town Planning Board Guidelines for 'Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance' in that the design and layout of the proposed development is incompatible with the surrounding area, affects the existing natural landscape and causes adverse visual impact on the surrounding environment; and
 - (c) the proposed use is not in line with the assessment criteria for considering applications for SPV system in that the applicant has yet to obtain CLP's acknowledgement letter, there are adverse comments from relevant departments on visual and landscape aspects, and the applicant has failed to demonstrate that the proposed use would not adversely affect the landscape character/resources of the "GB" zone and jeopardize the integrity of the zone as a buffer.

- 14.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 4.9.2024, 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 conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.3.2021;
- (b) in relation to (a) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.6.2021;
- (c) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.3.2021; and
- (d) in relation to (c) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.6.2021; and
- (e) if any of the above planning condition (a), (b), (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory Clauses

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

15. Decision Sought

- 15.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 15.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 15.3 Alternatively, 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.

16. Attachments

Appendix I	Application Form received on 6.2.2020
Appendix Ia	FI received on 30.7.2020
Appendix Ib	FI received on 28.8.2020
Appendix II	Assessment Criteria For Considering Applications For Solar Photovoltaic System Made Under Section 16 Of The Town Planning Ordinance
Appendix III	Public comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Indicative Solar Panel Installation
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2020**

The application is received on
The Town Planning Board will formally acknowledge
the date of receipt of the application only upon receipt
of all the required information and documents.

Form No. S16-I
表格第 S16-I 號

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF
THE TOWN PLANNING ORDINANCE
(CAP.131)**

根據《城市規劃條例》(第131章)
第16條遞交的許可申請

Applicable to proposals not involving or not only involving:
適用於建議不涉及或不祇涉及:

- (i) Construction of "New Territories Exempted House(s)";
興建「新界豁免管制屋宇」;
- (ii) Temporary use/development of land and/or building not exceeding 3 years in rural areas; and
位於鄉郊地區土地上及/或建築物內進行為期不超過三年的臨時用途/發展;及
- (iii) Renewal of permission for temporary use or development in rural areas
位於鄉郊地區的臨時用途或發展的許可續期

Applicant who would like to publish the notice of application in local newspapers to meet one of the Town Planning Board's requirements of taking reasonable steps to obtain consent of or give notification to the current land owner, please refer to the following link regarding publishing the notice in the designated newspapers: https://www.info.gov.hk/tpb/en/plan_application/apply.html

申請人如欲在本地報章刊登申請通知,以採取城市規劃委員會就取得現行土地擁有人的同意或通知現行土地擁有人所指定的其中一項合理步驟,請瀏覽以下網址有關在指定的報章刊登通知:
https://www.info.gov.hk/tpb/tc/plan_application/apply.html

General Note and Annotation for the Form
填寫表格的一般指引及註解

* "Current land owner" means any person whose name is registered in the Land Registry as that of an owner of the land to which the application relates, as at 6 weeks before the application is made
「現行土地擁有人」指在提出申請前六星期,其姓名或名稱已在土地註冊處註冊為該申請所關乎的土地的擁有人的人

* Please attach documentary proof 請夾附證明文件

^ Please insert number where appropriate 請在適當地方註明編號

Please fill "NA" for inapplicable item 請在不適用的項目填寫「不適用」

Please use separate sheets if the space provided is insufficient 如所提供的空間不足,請另頁說明

Please insert a 「✓」 at the appropriate box 請在適當的方格內上加上「✓」號

For Official Use Only 請勿填寫此欄	Application No. 申請編號	A/YL-NFM/399
	Date Received 收到日期	- 6 FEB 2020

- The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board (the Board), 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.
申請人須把填妥的申請表格及其他支持申請的文件(倘有), 送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會(下稱「委員會」)秘書收。
- Please read the "Guidance Notes" carefully before you fill in this form. The document can be downloaded from the Board's website at <http://www.info.gov.hk/tph/>. It can also be obtained from the Secretariat of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4810 or 2231 4835), and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).
請先細閱《申請須知》的資料單張, 然後填寫此表格。該份文件可從委員會的網頁下載(網址: <http://www.info.gov.hk/tph/>), 亦可向委員會秘書處(香港北角渣華道 333 號北角政府合署 15 樓 - 電話: 2231 4810 或 2231 4835)及規劃署的規劃資料查詢處(熱線: 2231 5000)(香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輦路 1 號沙田政府合署 14 樓)索取。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters. The processing of the application may be refused if the required information or the required copies are incomplete.
此表格可從委員會的網頁下載, 亦可向委員會秘書處及規劃署的規劃資料查詢處索取。申請人須以打印方式或以正楷填寫表格。如果申請人所提交的資料或文件副本不齊全, 委員會可拒絕處理有關申請。

1. Name of Applicant 申請人姓名/名稱

(☐ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☒ Company 公司 / ☐ Organisation 機構)

Cornerstone Renewable Energy Limited 基石再生能源有限公司

2. Name of Authorised Agent (if applicable) 獲授權代理人姓名/名稱 (如適用)

(☐ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☐ Company 公司 / ☐ Organisation 機構)

N/A

3. Application Site 申請地點

(a) Full address / location / demarcation district and lot number (if applicable) 詳細地址/地點/丈量約份及地段號碼(如適用)	Siu Hum Tsuen San Tin Yuen Long N.T. 新界元朗新田小磡村 DD102 Lot 978(部份), 979(部份), 1043, 1047
(b) Site area and/or gross floor area involved 涉及的地盤面積及/或總樓面面積	<input checked="" type="checkbox"/> Site area 地盤面積 2,264 sq.m 平方米 <input type="checkbox"/> About 約 <input type="checkbox"/> Gross floor area 總樓面面積 sq.m 平方米 <input type="checkbox"/> About 約
(c) Area of Government land included (if any) 所包括的政府土地面積(倘有)	sq.m 平方米 <input type="checkbox"/> About 約

(d) Name and number of the related statutory plan(s) 有關法定圖則的名稱及編號	根據《城市規劃條例》第9(1)(a)條於15/12/2006公布 S/YL-NTM/12 - 牛潭尾
(e) Land use zone(s) involved 涉及的土地用途地帶	Green Belt 綠化地帶
(f) Current use(s) 現時用途	Vacant 空置 (If there are any Government, institution or community facilities, please illustrate on plan and specify the use and gross floor area) (如有任何政府、機構或社區設施，請在圖則上顯示，並註明用途及總樓面面積)

4. "Current Land Owner" of Application Site 申請地點的「現行土地擁有人」

The applicant 申請人 -

- ☐ is the sole "current land owner"^{***} (please proceed to Part 6 and attach documentary proof of ownership).
是唯一的「現行土地擁有人」^{***} (請繼續填寫第 6 部分，並夾附業權證明文件)。
- ☐ is one of the "current land owners"^{***} (please attach documentary proof of ownership).
是其中一名「現行土地擁有人」^{***} (請夾附業權證明文件)。
- ☒ is not a "current land owner"^{***}.
並不是「現行土地擁有人」^{***}。

- ☐ The application site is entirely on Government land (please proceed to Part 6).
申請地點完全位於政府土地上 (請繼續填寫第 6 部分)。

5. Statement on Owner's Consent/Notification

就土地擁有人的同意/通知土地擁有人的陳述

- (a) According to the record(s) of the Land Registry as at (DD/MM/YYYY), this application involves a total of "current land owner(s)"^{***}.
根據土地註冊處截至 年 月 日的記錄，這宗申請共牽涉 名「現行土地擁有人」^{***}。

(b) The applicant 申請人 -

- ☐ has obtained consent(s) of "current land owner(s)"^{***}.
已取得 名「現行土地擁有人」^{***}的同意：

Details of consent of "current land owner(s)" ^{***} obtained 取得「現行土地擁有人」 ^{***} 同意的詳情		
No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where consent(s) has/have been obtained 根據土地註冊處記錄已獲得同意的地段號碼/處所地址	Date of consent obtained (DD/MM/YYYY) 取得同意的日期 (日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上述任何方格的空間不足，請另頁說明)

- ☐ has notified "current land owner(s)"
已通知 名「現行土地擁有人」。

Details of the "current land owner(s)" notified 已獲通知「現行土地擁有人」的詳細資料		
No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where notification(s) has/have been given 根據土地註冊處記錄已發出通知的地段號碼/處所地址	Date of notification given (DD/MM/YYYY) 通知日期(日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上述任何方格的空間不足，請另頁說明)

- ☒ has taken reasonable steps to obtain consent of or give notification to owner(s):
已採取合理步驟以取得土地擁有人之同意或向該人發給通知。詳情如下：

Reasonable Steps to Obtain Consent of Owner(s) 取得土地擁有人之同意所採取的合理步驟

- ☐ sent request for consent to the "current land owner(s)" on (DD/MM/YYYY)^a
於 (日/月/年)向每名「現行土地擁有人」^a郵遞要求同意書^a

Reasonable Steps to Give Notification to Owner(s) 向土地擁有人發出通知所採取的合理步驟

- ☐ published notices in local newspapers on (DD/MM/YYYY)^a
於 (日/月/年)在指定報章就申請刊登一次通知^a
- ☒ posted notice in a prominent position on or near application site/premises on (DD/MM/YYYY)^a
於 13/12/2019 (日/月/年)在申請地點/申請處所或附近的顯明位置貼出關於該申請的通知^a
- ☒ sent notice to relevant owners' corporation(s)/owners' committee(s)/mutual aid committee(s)/management office(s) or rural committee on (DD/MM/YYYY)^a
於 13/12/2019 (日/月/年)把通知寄往相關的業主立案法團/業主委員會/互助委員會或管理處，或有關的鄉事委員會^a

Others 其他

- ☐ others (please specify)
其他 (請指明)

Note: May insert more than one '✓'.

Information should be provided on the basis of each and every lot (if applicable) and premises (if any) in respect of the application.

註: 可在多於一個方格內加上「✓」號

申請人須就申請涉及的每一地段(倘適用)及處所(倘有)分別提供資料

6. Type(s) of Application 申請類別

- ☐ Type (i) Change of use within existing building or part thereof
第(i)類 更改現有建築物或其部分內的用途
- ☐ Type (ii) Diversion of stream / excavation of land / filling of land / filling of pond as required under Notes of Statutory Plan(s)
第(ii)類 根據法定圖則《註釋》內所要求的河道改道／挖土／填土／填塘工程
- ☒ Type (iii) Public utility installation / Utility installation for private project
第(iii)類 公用事業設施裝置／私人發展計劃的公用設施裝置
- ☐ Type (iv) Minor relaxation of stated development restriction(s) as provided under Notes of Statutory Plan(s)
第(iv)類 略為放寬於法定圖則《註釋》內列明的發展限制
- ☐ Type (v) Use / development other than (i) to (iii) above
第(v)類 上述的(i)至(iii)項以外的用途／發展

Note 1: May insert more than one "✓".

註 1: 可在多於一個方格內加上「✓」號

Note 2: For Development involving columbarium use, please complete the table in the Appendix.

註 2: 如發展涉及靈灰安置用途, 請填妥於附件的表格。

(i) For Type (i) application 供第(i)類申請

(a) Total floor area involved 涉及的總樓面面積	sq.m 平方米		
(b) Proposed use(s)/development 擬議用途/發展	(If there are any Government, institution or community facilities, please illustrate on plan and specify the use and gross floor area) (如有任何政府、機構或社區設施, 請在圖則上顯示, 並註明用途及總樓面面積)		
(c) Number of storeys involved 涉及層數		Number of units involved 涉及單位數目	
(d) Proposed floor area 擬議樓面面積	Domestic part 住用部分 sq.m 平方米 <input type="checkbox"/> About 約		
	Non-domestic part 非住用部分 sq.m 平方米 <input type="checkbox"/> About 約		
	Total 總計 sq.m 平方米 <input type="checkbox"/> About 約		
(e) Proposed uses of different floors (if applicable) 不同樓層的擬議用途(如適用)	Floor(s) 樓層	Current use(s) 現時用途	Proposed use(s) 擬議用途
(Please use separate sheets if the space provided is insufficient) (如所提供的空間不足, 請另頁說明)			

(ii) For Type (ii) application 供第(ii)類申請	
(a) Operation involved 涉及工程	<input type="checkbox"/> Diversion of stream 河道改道 <input type="checkbox"/> Filling of pond 填塘 Area of filling 填塘面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填塘深度 m 米 <input type="checkbox"/> About 約 <input type="checkbox"/> Filling of land 填土 Area of filling 填土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填土厚度 m 米 <input type="checkbox"/> About 約 <input type="checkbox"/> Excavation of land 挖土 Area of excavation 挖土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of excavation 挖土深度 m 米 <input type="checkbox"/> About 約 <p>(Please indicate on site plan the boundary of concerned land/pond(s), and particulars of stream diversion, the extent of filling of land/pond(s) and/or excavation of land) (請用圖則顯示有關土地/池塘界線, 以及河道改道、填塘、填土及/或挖土的細節及/或範圍))</p>
(b) Intended use/development 有意進行的用途/發展	

(iii) For Type (iii) application 供第(iii)類申請													
(a) Nature and scale 性質及規模	<input checked="" type="checkbox"/> Public utility installation 公用事業設施裝置 <input type="checkbox"/> Utility installation for private project 私人發展計劃的公用設施裝置 <p>Please specify the type and number of utility to be provided as well as the dimensions of each building/structure, where appropriate 請註明有關裝置的性質及數量, 包括每座建築物/構築物(倘有)的長度、高度和闊度</p> <table border="1"> <thead> <tr> <th>Name/type of installation 裝置名稱/種類</th> <th>Number of provision 數量</th> <th>Dimension of each installation /building/structure (m) (LxWxH) 每個裝置/建築物/構築物的尺寸 (米) (長x闊x高)</th> </tr> </thead> <tbody> <tr> <td>太陽能光伏板</td> <td>774塊</td> <td>1 x 1.6 x 1.5m</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>(Please illustrate on plan the layout of the installation 請用圖則顯示裝置的布局)</p>	Name/type of installation 裝置名稱/種類	Number of provision 數量	Dimension of each installation /building/structure (m) (LxWxH) 每個裝置/建築物/構築物的尺寸 (米) (長x闊x高)	太陽能光伏板	774塊	1 x 1.6 x 1.5m						
Name/type of installation 裝置名稱/種類	Number of provision 數量	Dimension of each installation /building/structure (m) (LxWxH) 每個裝置/建築物/構築物的尺寸 (米) (長x闊x高)											
太陽能光伏板	774塊	1 x 1.6 x 1.5m											

(iv) For Type (iv) application 供第(iv)類申請

- (a) Please specify the proposed minor relaxation of stated development restriction(s) and also fill in the proposed use/development and development particulars in part (v) below –
請列明擬議略為放寬的發展限制並填妥於第(v)部分的擬議用途/發展及發展細節 –

- ☐ Plot ratio restriction 地積比率限制 From 由 to 至
- ☐ Gross floor area restriction 總樓面面積限制 From 由sq. m 平方米 to 至sq. m 平方米
- ☐ Site coverage restriction 上蓋面積限制 From 由% to 至%
- ☐ Building height restriction 建築物高度限制
From 由m 米 to 至 m 米
From 由 mPD 米 (主水平基準上) to 至mPD 米 (主水平基準上)
From 由 storeys 層 to 至 storeys 層
- ☐ Non-building area restriction 非建築用地限制 From 由m to 至 m
- ☐ Others (please specify) 其他 (請註明)

(v) For Type (v) application 供第(v)類申請

(a) Proposed use(s)/development
擬議用途/發展

(Please illustrate the details of the proposal on a layout plan 請用平面圖說明建議詳情)

(b) Development Schedule 發展細節表

Proposed gross floor area (GFA) 擬議總樓面面積 sq.m 平方米	<input type="checkbox"/> About 約
Proposed plot ratio 擬議地積比率	<input type="checkbox"/> About 約
Proposed site coverage 擬議上蓋面積 %	<input type="checkbox"/> About 約
Proposed no. of blocks 擬議座數	
Proposed no. of storeys of each block 每座建築物的擬議層數 storeys 層	
	<input type="checkbox"/> include 包括.....storeys of basements 層地庫	
	<input type="checkbox"/> exclude 不包括.....storeys of basements 層地庫	
Proposed building height of each block 每座建築物的擬議高度 mPD 米(主水平基準上)	<input type="checkbox"/> About 約
 m 米	<input type="checkbox"/> About 約

<input type="checkbox"/> Domestic part 住用部分		
GFA 總樓面面積 sq. m 平方米	<input type="checkbox"/> About 約	
number of Units 單位數目		
average unit size 單位平均面積 sq. m 平方米	<input type="checkbox"/> About 約	
estimated number of residents 估計住客數目		
<input type="checkbox"/> Non-domestic part 非住用部分		
<u>GFA 總樓面面積</u>		
<input type="checkbox"/> eating place 食肆 sq. m 平方米	<input type="checkbox"/> About 約	
<input type="checkbox"/> hotel 酒店 sq. m 平方米	<input type="checkbox"/> About 約	
(please specify the number of rooms 請註明房間數目)		
<input type="checkbox"/> office 辦公室 sq. m 平方米	<input type="checkbox"/> About 約	
<input type="checkbox"/> shop and services 商店及服務行業 sq. m 平方米	<input type="checkbox"/> About 約	
<input type="checkbox"/> Government, institution or community facilities 政府、機構或社區設施	(please specify the use(s) and concerned land area(s)/GFA(s) 請註明用途及有關的地面面積/總 樓面面積)	
<input type="checkbox"/> other(s) 其他	(please specify the use(s) and concerned land area(s)/GFA(s) 請註明用途及有關的地面面積/總 樓面面積)	
<input type="checkbox"/> Open space 休憩用地		
(please specify land area(s) 請註明地面面積)		
<input type="checkbox"/> private open space 私人休憩用地 sq. m 平方米	<input type="checkbox"/> Not less than 不少於	
<input type="checkbox"/> public open space 公眾休憩用地 sq. m 平方米	<input type="checkbox"/> Not less than 不少於	
(c) Use(s) of different floors (if applicable) 各樓層的用途 (如適用)		
[Block number] [座數]	[Floor(s)] [層數]	[Proposed use(s)] [擬議用途]
.....
.....
.....
.....
.....
(d) Proposed use(s) of uncovered area (if any) 露天地方 (倘有) 的擬議用途		
.....		
.....		
.....		
.....		
.....		

7. Anticipated Completion Time of the Development Proposal 擬議發展計劃的預計完成時間

Anticipated completion time (in month and year) of the development proposal (by phase (if any)) (e.g. June 2023)
擬議發展計劃預期完成的年份及月份 (分期 (倘有)) (例: 2023 年 6 月)
(Separate anticipated completion times (in month and year) should be provided for the proposed public open space and Government, institution or community facilities (if any))
(申請人須就擬議的公眾休憩用地及政府、機構或社區設施 (倘有) 提供個別擬議完成的年份及月份)

2020年10月

8. Vehicular Access Arrangement of the Development Proposal 擬議發展計劃的行车通道安排

Any vehicular access to the site/subject building? 是否有車路通往地盤/有關建築物?	Yes 是 No 否	<input type="checkbox"/> There is an existing access. (please indicate the street name, where appropriate) 有一條現有車路。(請註明車路名稱(如適用)) <input type="checkbox"/> There is a proposed access. (please illustrate on plan and specify the width) 有一條擬議車路。(請在圖則顯示, 並註明車路的闊度)
Any provision of parking space for the proposed use(s)? 是否有為擬議用途提供停車位?	Yes 是 No 否	<input type="checkbox"/> (Please specify type(s) and number(s) and illustrate on plan) 請註明種類及數目並於圖則上顯示) Private Car Parking Spaces 私家車車位 _____ Motorcycle Parking Spaces 電單車車位 _____ Light Goods Vehicle Parking Spaces 輕型貨車泊車位 _____ Medium Goods Vehicle Parking Spaces 中型貨車泊車位 _____ Heavy Goods Vehicle Parking Spaces 重型貨車泊車位 _____ Others (Please Specify) 其他 (請列明) _____ _____ _____
Any provision of loading/unloading space for the proposed use(s)? 是否有為擬議用途提供上落客貨車位?	Yes 是 No 否	<input type="checkbox"/> (Please specify type(s) and number(s) and illustrate on plan) 請註明種類及數目並於圖則上顯示) Taxi Spaces 的士車位 _____ Coach Spaces 旅遊巴車位 _____ Light Goods Vehicle Spaces 輕型貨車車位 _____ Medium Goods Vehicle Spaces 中型貨車車位 _____ Heavy Goods Vehicle Spaces 重型貨車車位 _____ Others (Please Specify) 其他 (請列明) _____ _____ _____
	No 否	<input checked="" type="checkbox"/>

9. Impacts of Development Proposal 擬議發展計劃的影響

If necessary, please use separate sheets to indicate the proposed measures to minimise possible adverse impacts or give justifications/reasons for not providing such measures.

如需要的話，請另頁表示可盡量減少可能出現不良影響的措施，否則請提供理據/理由。

Does the development proposal involve alteration of existing building? 擬議發展計劃是否包括現有建築物的改動?	Yes 是 No 否	<input type="checkbox"/> Please provide details 請提供詳情 <input checked="" type="checkbox"/>																														
Does the development proposal involve the operation on the right? 擬議發展是否涉及右列的工程? (Note: where Type (ii) application is the subject of application, please skip this section. 註：如申請涉及第(ii)類申請，請跳至下一條問題。)	Yes 是 No 否	<input type="checkbox"/> (Please indicate on site plan the boundary of concerned land/pond(s), and particulars of stream diversion, the extent of filling of land/pond(s) and/or excavation of land) (請用地盤平面圖顯示有關土地/池塘界線，以及河道改道、填塘、填土及/或挖土的細節及/或範圍) <input type="checkbox"/> Diversion of stream 河道改道 <input type="checkbox"/> Filling of pond 填塘 Area of filling 填塘面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填塘深度 m 米 <input type="checkbox"/> About 約 <input type="checkbox"/> Filling of land 填土 Area of filling 填土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填土厚度 m 米 <input type="checkbox"/> About 約 <input type="checkbox"/> Excavation of land 挖土 Area of excavation 挖土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of excavation 挖土深度 m 米 <input type="checkbox"/> About 約 <input checked="" type="checkbox"/>																														
Would the development proposal cause any adverse impacts? 擬議發展計劃會否造成不良影響?		<table border="0"> <tr> <td>On environment 對環境</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On traffic 對交通</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On water supply 對供水</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On drainage 對排水</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On slopes 對斜坡</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Affected by slopes 受斜坡影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Landscape Impact 構成景觀影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Tree Felling 砍伐樹木</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Visual Impact 構成視覺影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Others (Please Specify) 其他 (請列明)</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> </table>	On environment 對環境	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On traffic 對交通	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On water supply 對供水	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On drainage 對排水	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On slopes 對斜坡	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Affected by slopes 受斜坡影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Landscape Impact 構成景觀影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Tree Felling 砍伐樹木	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Visual Impact 構成視覺影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Others (Please Specify) 其他 (請列明)	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>
On environment 對環境	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																														
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Tree Felling 砍伐樹木	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																														
Visual Impact 構成視覺影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																														
Others (Please Specify) 其他 (請列明)	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																														
		Please state measure(s) to minimise the impact(s). For tree felling, please state the number, diameter at breast height and species of the affected trees (if possible) 請註明盡量減少影響的措施。如涉及砍伐樹木，請說明受影響樹木的數目、及胸高度的樹幹直徑及品種(倘可)																														

10. Justifications 理由

The applicant is invited to provide justifications in support of the application. Use separate sheets if necessary.
 現請申請人提供申請理由及支持其申請的資料。如有需要，請另頁說明。

氣候變化是全球面對的挑戰，使用可再生能源將有助減少碳排放及改善空氣質素，香港環境局的「香港氣候行動藍圖2030+」報告，也鼓勵市民和企業考慮投資可再生能源，推動各界採用可再生能源。是項申請配合環保政策，在土地不受影響、不用填塘、不用砍伐樹木的保護土地大前題下，發展太陽能系統，產生乾淨能源，減少碳排放及改善空氣質素。

11. Declaration 聲明

I hereby declare that the particulars given in this application are correct and true to the best of my knowledge and belief.
本人謹此聲明，本人就這宗申請提交的資料，據本人所知及所信，均屬真實無誤。

I hereby grant a permission to the Board to copy all the materials submitted in an application to the Board and/or to upload such materials to the Board's website for browsing and downloading by the public free-of-charge at the Board's discretion.
本人現准許委員會酌情將本人就此申請所提交的所有資料複製及/或上載至委員會網站，供公眾免費瀏覽或下載。

Signature
簽署

☒ Applicant 申請人 / ☐ Authorised Agent 獲授權代理人

倪漢順

首席顧問

Name in Block Letters
姓名 (請以正楷填寫)

Position (if applicable)
職位 (如適用)

Professional Qualification(s)
專業資格

- ☐ Member 會員 / ☐ Fellow of 資深會員
☐ HKIP 香港規劃師學會 / ☐ HKIA 香港建築師學會 /
☐ HKIS 香港測量師學會 / ☐ HKIE 香港工程師學會 /
☐ HKILA 香港園境師學會 / ☐ HKIUD 香港城市設計學會

Others 其他

on behalf of
代表

☒ Company 公司 / ☐ Organisation Name and Chop (if applicable) 機構名稱及蓋章 (如適用)

Date 日期

19/12/2019

(DD/MM/YYYY 日/月/年)

Remark 備註

The materials submitted in an application to the Board and the Board's decision on the application would be disclosed to the public. Such materials would also be uploaded to the Board's website for browsing and free downloading by the public where the Board considers appropriate.

委員會會向公眾披露申請人所遞交的申請資料和委員會對申請所作的決定。在委員會認為合適的情況下，有關申請資料亦會上載至委員會網頁供公眾免費瀏覽及下載。

Warning 警告

Any person who knowingly or wilfully makes any statement or furnish any information in connection with this application, which is false in any material particular, shall be liable to an offence under the Crimes Ordinance.

任何人在明知或故意的情況下，就這宗申請提出在任何要項上是虛假的陳述或資料，即屬違反《刑事罪行條例》。

Statement on Personal Data 個人資料的聲明

1. The personal data submitted to the Board in this application will be used by the Secretary of the Board and Government departments for the following purposes:

委員會就這宗申請所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：

- (a) the processing of this application which includes making available the name of the applicant for public inspection when making available this application for public inspection; and
處理這宗申請，包括公布這宗申請供公眾查閱，同時公布申請人的姓名供公眾查閱；以及
(b) facilitating communication between the applicant and the Secretary of the Board/Government departments.
方便申請人與委員會秘書及政府部門之間進行聯絡。

2. The personal data provided by the applicant in this application may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.

申請人就這宗申請提供的個人資料，或亦會向其他人士披露，以作上述第 1 段提及的用途。

3. An applicant has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.

根據《個人資料(私隱)條例》(第 486 章)的規定，申請人有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

For Developments involving Columbarium Use, please also complete the following:
如發展涉及靈灰安置所用途，請另外填妥以下資料：

Ash interment capacity 骨灰安放容量^②

Maximum number of sets of ashes that may be interred in the niches

在龕位內最多可安放骨灰的數量

Maximum number of sets of ashes that may be interred other than in niches

在非龕位的範圍內最多可安放骨灰的數量

Total number of niches 龕位總數

Total number of single niches

單人龕位總數

Number of single niches (sold and occupied)

單人龕位數目 (已售並佔用)

Number of single niches (sold but unoccupied)

單人龕位數目 (已售但未佔用)

Number of single niches (residual for sale)

單人龕位數目 (待售)

Total number of double niches

雙人龕位總數

Number of double niches (sold and fully occupied)

雙人龕位數目 (已售並全部佔用)

Number of double niches (sold and partially occupied)

雙人龕位數目 (已售並部分佔用)

Number of double niches (sold but unoccupied)

雙人龕位數目 (已售但未佔用)

Number of double niches (residual for sale)

雙人龕位數目 (待售)

Total no. of niches other than single or double niches (please specify type)

除單人及雙人龕位外的其他龕位總數 (請列明類別)

Number of niches (sold and fully occupied)

龕位數目 (已售並全部佔用)

Number of niches (sold and partially occupied)

龕位數目 (已售並部分佔用)

Number of niches (sold but unoccupied)

龕位數目 (已售但未佔用)

Number of niches (residual for sale)

龕位數目 (待售)

Proposed operating hours 擬議營運時間

② Ash interment capacity in relation to a columbarium means –

就靈灰安置所而言，骨灰安放容量指：

- the maximum number of containers of ashes that may be interred in each niche in the columbarium;
每個龕位內可安放的骨灰容器的最高數目；
- the maximum number of sets of ashes that may be interred other than in niches in any area in the columbarium; and
在該靈灰安置所並非龕位的範圍內，總共最多可安放多少份骨灰；以及
- the total number of sets of ashes that may be interred in the columbarium.
在該靈灰安置所內，總共最多可安放多少份骨灰。

Gist of Application 申請摘要

(Please provide details in both English and Chinese as far as possible. This part will be circulated to relevant consultees, uploaded to the Town Planning Board's Website for browsing and free downloading by the public and deposited at the Planning Enquiry Counters of the Planning Department for general information.)
(請盡量以英文及中文填寫。此部分將會發送予相關諮詢人士、上載至城市規劃委員會網頁供公眾免費瀏覽及下載及存放於規劃署規劃資料查詢處以供一般參閱。)

Application No. 申請編號	(For Official Use Only) (請勿填寫此欄)		
Location/address 位置/地址	Siu Hum Tsuen San Tin Yuen Long N.T. 新界元朗新田小欖村 DD102 Lot 978(部份), 979(部份), 1043, 1047		
Site area 地盤面積	2,264	sq. m 平方米	<input type="checkbox"/> About 約
	(includes Government land of 包括政府土地	sq. m 平方米	<input type="checkbox"/> About 約)
Plan 圖則	根據《城市規劃條例》第9(1)(a)條於15/12/2006公布 S/YL-NTM/12 - 牛潭尾		
Zoning 地帶	Green belt 綠化地帶		
Applied use/ development 申請用途/發展	Proposed public installation (Solar photovoltaic system) 公用事業裝置 (太陽能光伏系統)		
(i) Gross floor area and/or plot ratio 總樓面面積及/或 地積比率		sq.m 平方米	Plot Ratio 地積比率
	Domestic 住用	<input type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於	<input type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於
	Non-domestic 非住用	<input type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於	<input type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於
(ii) No. of block 幢數	Domestic 住用		
	Non-domestic 非住用		
	Composite 綜合用途		

(iii) Building height/No. of storeys 建築物高度/層數	Domestic 住用	m. 米 <input type="checkbox"/> (Not more than 不多於)
		mPD 米(主水平基準上) <input type="checkbox"/> (Not more than 不多於)
		Storeys(s) 層 <input type="checkbox"/> (Not more than 不多於) (<input type="checkbox"/> Include 包括 <input type="checkbox"/> Exclude 不包括 <input type="checkbox"/> Carport 停車間 <input type="checkbox"/> Basement 地庫 <input type="checkbox"/> Refuge Floor 防火層 <input type="checkbox"/> Podium 平台)
	Non-domestic 非住用	m. 米 <input type="checkbox"/> (Not more than 不多於)
		mPD 米(主水平基準上) <input type="checkbox"/> (Not more than 不多於)
		Storeys(s) 層 <input type="checkbox"/> (Not more than 不多於) (<input type="checkbox"/> Include 包括 <input type="checkbox"/> Exclude 不包括 <input type="checkbox"/> Carport 停車間 <input type="checkbox"/> Basement 地庫 <input type="checkbox"/> Refuge Floor 防火層 <input type="checkbox"/> Podium 平台)
	Composite 綜合用途	m. 米 <input type="checkbox"/> (Not more than 不多於)
		mPD 米(主水平基準上) <input type="checkbox"/> (Not more than 不多於)
		Storeys(s) 層 <input type="checkbox"/> (Not more than 不多於) (<input type="checkbox"/> Include 包括 <input type="checkbox"/> Exclude 不包括 <input type="checkbox"/> Carport 停車間 <input type="checkbox"/> Basement 地庫 <input type="checkbox"/> Refuge Floor 防火層 <input type="checkbox"/> Podium 平台)
(iv) Site coverage 上蓋面積	% <input type="checkbox"/> About 約	
(v) No. of units 單位數目		
(vi) Open-space 休憩用地	Private 私人	sq.m 平方米 <input type="checkbox"/> Not less than 不少於
	Public 公眾	sq.m 平方米 <input type="checkbox"/> Not less than 不少於

(vii) No. of parking spaces and loading / unloading spaces 停車位及上落客貨車位數目	Total no. of vehicle parking spaces 停車位總數 Private Car Parking Spaces 私家車車位 Motorcycle Parking Spaces 電單車車位 Light Goods Vehicle Parking Spaces 輕型貨車泊車位 Medium Goods Vehicle Parking Spaces 中型貨車泊車位 Heavy Goods Vehicle Parking Spaces 重型貨車泊車位 Others (Please Specify) 其他 (請列明) _____	
	Total no. of vehicle loading/unloading bays/lay-bys 上落客貨車位／停車處總數 Taxi Spaces 的士車位 Coach Spaces 旅遊巴車位 Light Goods Vehicle Spaces 輕型貨車車位 Medium Goods Vehicle Spaces 中型貨車車位 Heavy Goods Vehicle Spaces 重型貨車車位 Others (Please Specify) 其他 (請列明) _____	

Submitted Plans, Drawings and Documents 提交的圖則、繪圖及文件		
	Chinese 中文	English 英文
Plans and Drawings 圖則及繪圖		
Master layout plan(s)/Layout plan(s) 總綱發展藍圖／布局設計圖	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Block plan(s) 樓宇位置圖	<input type="checkbox"/>	<input type="checkbox"/>
Floor plan(s) 樓宇平面圖	<input type="checkbox"/>	<input type="checkbox"/>
Sectional plan(s) 截視圖	<input type="checkbox"/>	<input type="checkbox"/>
Elevation(s) 立視圖	<input type="checkbox"/>	<input type="checkbox"/>
Photomontage(s) showing the proposed development 顯示擬議發展的合成照片	<input type="checkbox"/>	<input type="checkbox"/>
Master landscape plan(s)/Landscape plan(s) 園境設計總圖／園境設計圖	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他 (請註明)	<input type="checkbox"/>	<input type="checkbox"/>
Reports 報告書		
Planning Statement/Justifications 規劃綱領/理據	<input type="checkbox"/>	<input type="checkbox"/>
Environmental assessment (noise, air and/or water pollutions) 環境評估 (噪音、空氣及／或水的污染)	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on vehicles) 就車輛的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on pedestrians) 就行人的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Visual impact assessment 視覺影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Landscape impact assessment 景觀影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Tree Survey 樹木調查	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical impact assessment 土力影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Drainage impact assessment 排水影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage impact assessment 排污影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Risk Assessment 風險評估	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他 (請註明)	<input type="checkbox"/>	<input type="checkbox"/>
Note: May insert more than one '✓'. 註：可在多於一個方格內加上「✓」號		

Note: The information in the Gist of Application above is provided by the applicant for easy reference of the general public. Under no circumstances will the Town Planning Board accept any liabilities for the use of the information nor any inaccuracies or discrepancies of the information provided. In case of doubt, reference should always be made to the submission of the applicant.

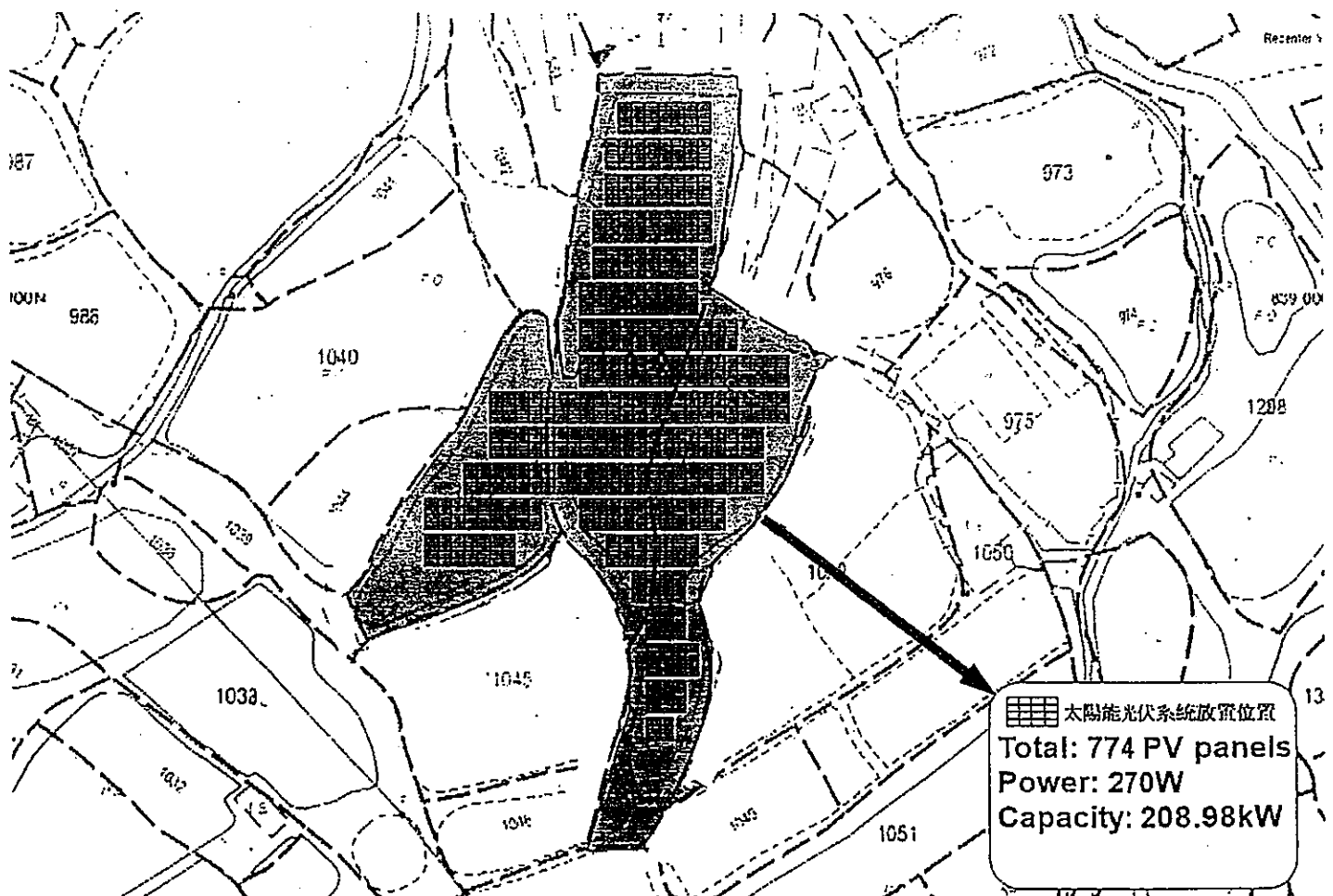
註：上述申請摘要的資料是由申請人提供以方便市民大眾參考。對於所載資料在使用上的問題及文義上的歧異，城市規劃委員會概不負責。若有任何疑問，應查閱申請人提交的文件。

比例尺 SCALE 1:1 000

© Copyright reserved - Hong Kong SAR Government
SMO-P01 20131017025024 10

This plan is a copy of the lot Index plan showing the approximate location of lot boundaries, including the temporary occupation of land under Temporary Land Allocations, Temporary Government Land Allocations, Short Term Tenancies and Government Land Licences. The temporary occupation of land may be created or terminated at short notice and should be confirmed with the District Lands Officer.

The definition shown on this plan MUST be verified by field survey. The lot index plan may be altered without prior notification as best or new boundary evidence becomes available.



**Supplemental information for 16 Planning Application No. A/YL-NTM/399
(at Yuen Long District DD102 Lot)**

29 Jul, 2020

1. CLP Meter Issues

a). Proposed on-site structure for accommodation of CLP's Meter Box

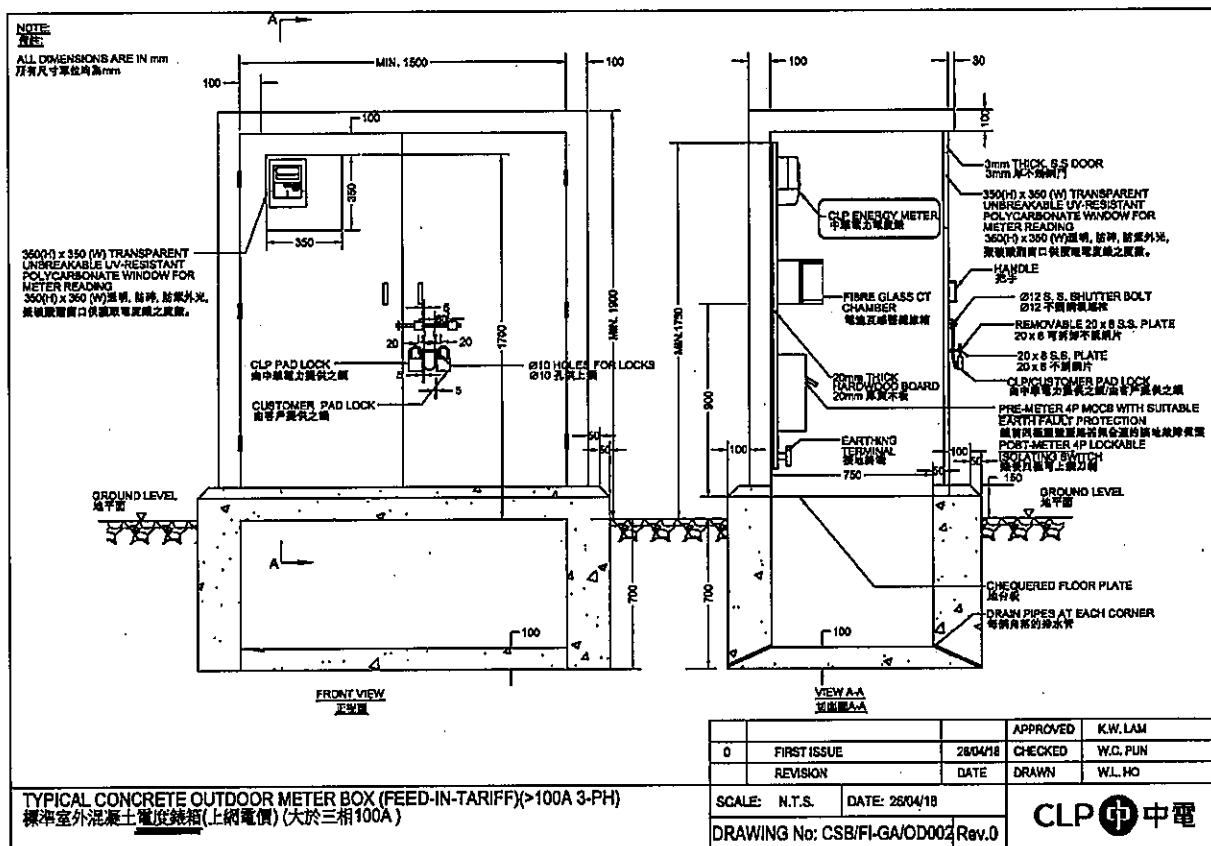
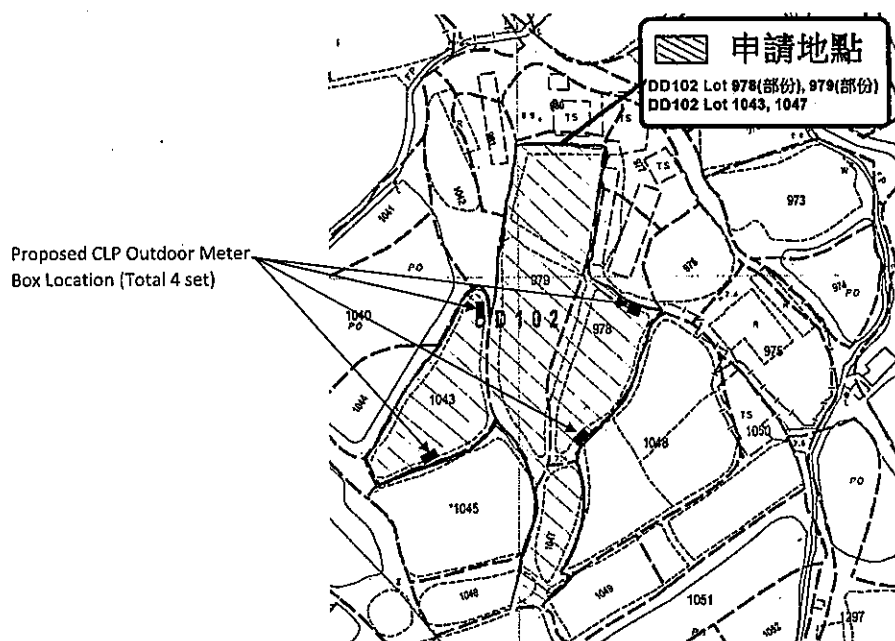


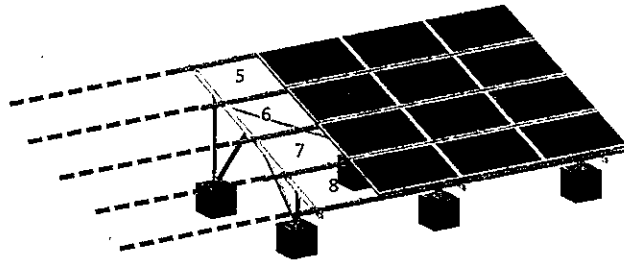
Diagram 3: Typical Concrete Meter Box (Feed-In Tariff) (>100A Three phase)

b). Location of the CLP Meter Box on the layout plan



2. No. of pieces of PV Panels installed on each metal stand and no. of metal stands provided on-site

a). Each set of metal bracket comes with 8 pieces PV Panels supported in between a set of concrete blocks as follows.



b). Each set of metal bracket can be expanded as shown above and the combination of PV Panel array mainly depends on the installation location. Approx. 96 set of metal bracket will be applied for this project site.

3. The Thickness of PV Panel

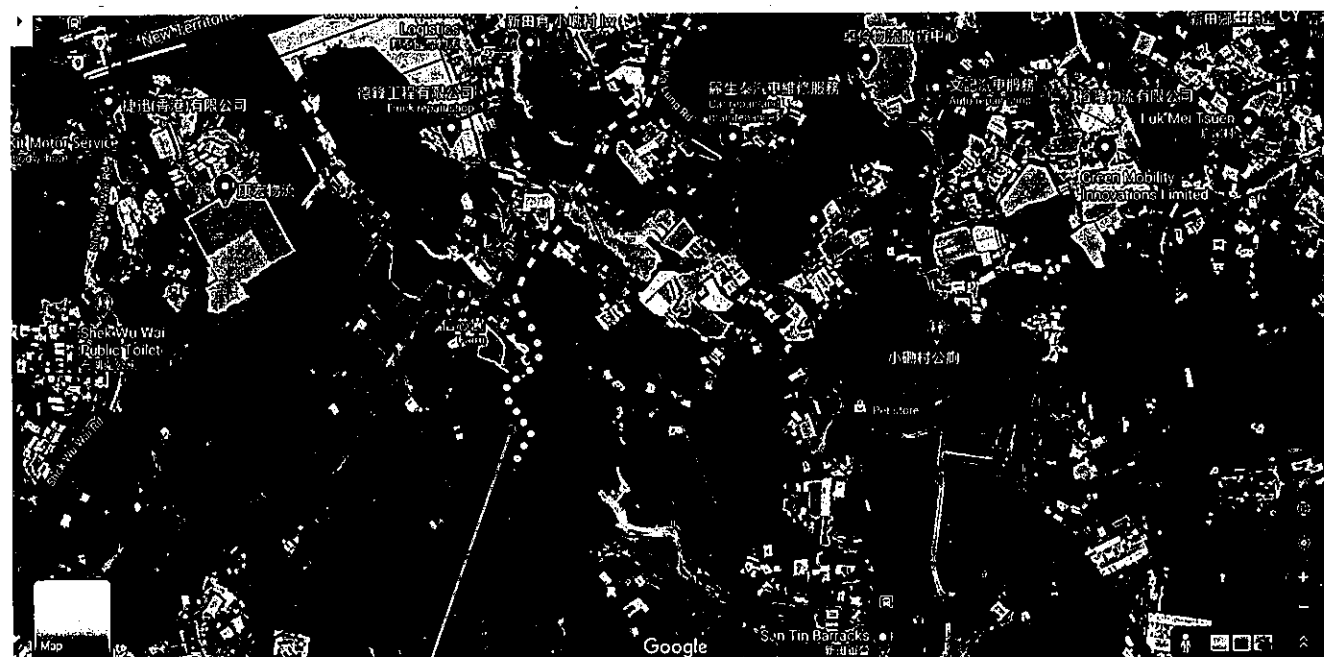
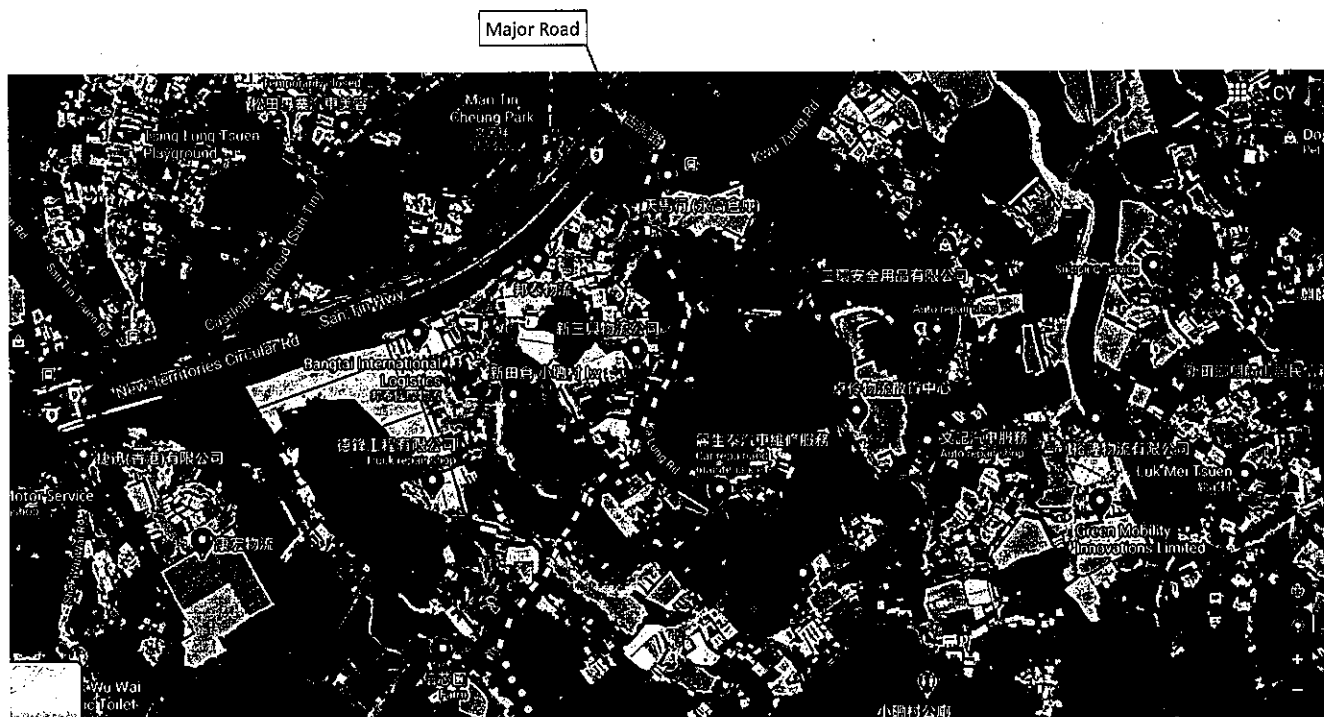
The thickness of PV Panel is approx. 35mm.

4. The site coverage of solar panel system

a). The approx. area of total PV Panels will occupy 66.8% of the whole project site

b). The approx. area of the CLP Meter box construction will occupy 0.36% of the whole project site.

5. The vehicular access to the Site





Use Village Vehicle or Trolley for this section

Project Site (Solar Farm)

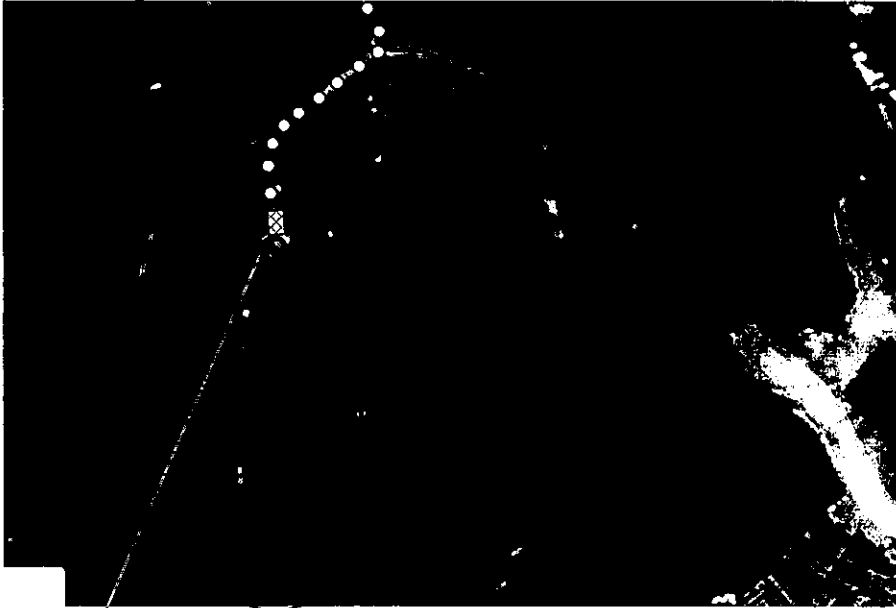
Use Truck for this section

Remarks :   Route of Section A (Major Road)

  Route of Section B (Village Path)

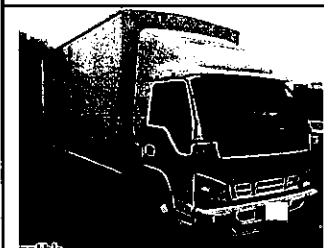

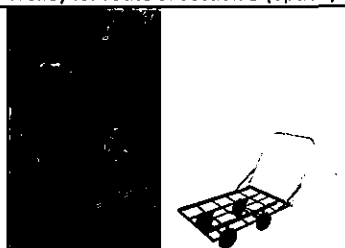


Village Path



Ingress/Egress of the Project Site

6. Type of vehicles used for transportation of construction/maintenance materials

Truck for route of section A	Village vehicle for route of section B	Trolley for route of section B (option)
		

Remark : Those material at the ingress of project site (Solar Farm) will be removed by man-power.

CLP FiT Confirmation Notice

With the new CLP guidelines on Feed-in Tariff (FiT), application on FiT which include the relevant documents of technical feasibility, electrical schematic and output generated by the SPV system can only be done, after CLP electric meter is installed on site.

For your information we have already made an application to CLP to install new electric meters at site. CLP has responded with confirmation Notice of Application of Electricity Supply. (refer to Appendix 1 & 2). As our application to Town Planning is still in progress and not approved yet, we cannot proceed with the installation of the CLP electric meter at site and hence we cannot proceed with the FiT application to CLP.

29 Jul, 2020

Appendix 1



Cornerstone Renewable Energy Limited

中華電力有限公司
CLP Power Hong Kong Limited

北區
North Region

本函編號：

敬啟者：

申請電力供應


(Farming) DD 102 Lot 1043, 979, 978, 1047, Siu Hum Tsuen

申請編號：

有關 貴司在上述地點申請電力供應事宜，為使工程規劃得以展開，懇請貴司在申請電力供應的地段內提供兩塊面積為六點三米乘三米的土地（該些土地所處的私人地段應不用作發展村屋用途），以便本公司安裝戶外掛棟變壓器向上述有關土地提供足夠電力，現附上圖表編號 NR 供 貴司參考。

有關此事查詢，請電 與梁達榮先生或 與李東華先生聯絡。

請於發信日期後一個月內以書面回覆，以便本公司對上述申請作出必要的供電規劃之安排。


李國剛代行
高級規劃及設計經理（北區）

2019 年 2 月 26 日

kk1/vt/sl

信息分類：機密



OUTDOOR H-POLE WITH 11kV SWITCHGEAR DEMARCATION 戶外H形木架連11kV 封鎖裝置圖

TITLE :

DRAWING NO.
NR-G-2011-44

PLANNING & DESIGN - NORTH REGION
DRAWN: CY KWOK DATE: 23-NOV-2011
CHECKED: DATE: 23-NOV-2011
APPROVED: DATE: 28-11-2011

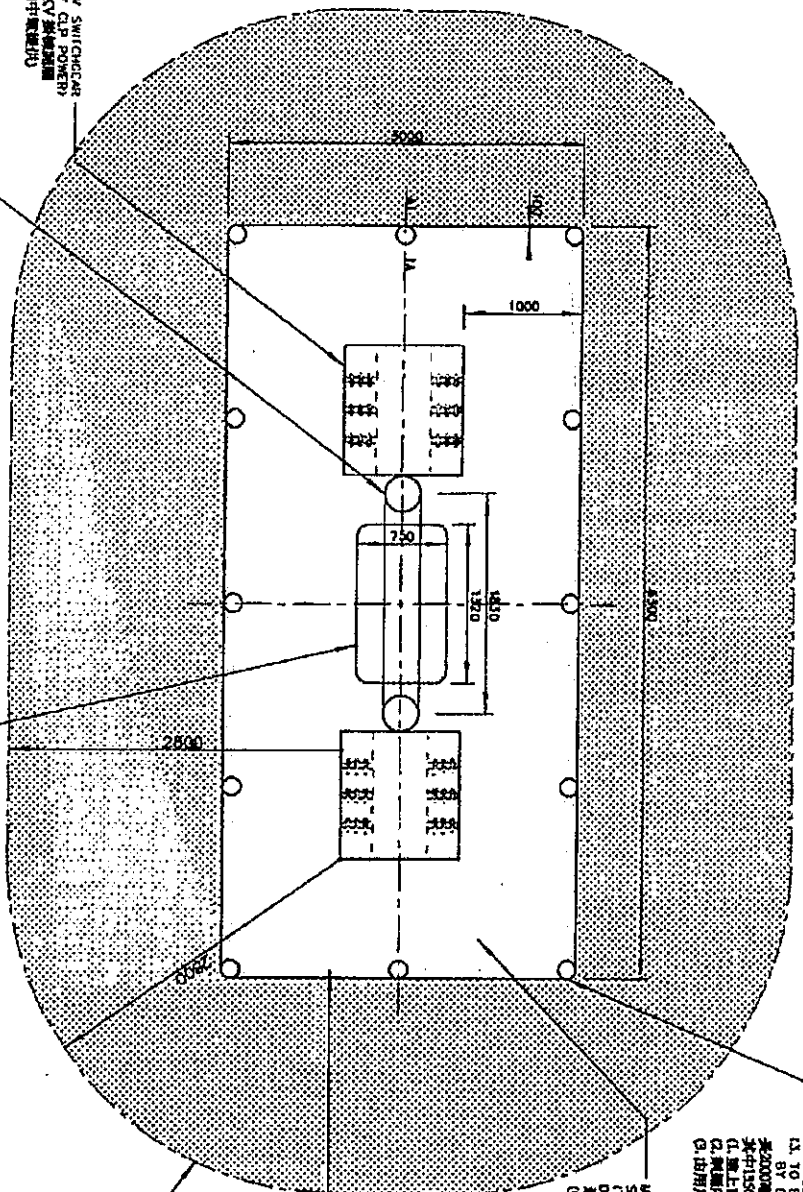
CLP 中電
[PROPRIETARY]

WOOD POLE
(BY CLP POWER)
木樁
(由中電提供)

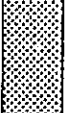
11kV SWITCHGEAR
(BY CLP POWER)
11kV 封鎖裝置
(由中電提供)

PLAN

3000VA TRANSFORMER
(BY CLP POWER)
3000VA 變壓器
(由中電提供)



LEGENDS



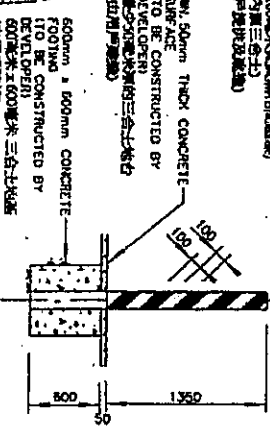
2800mm x 2800mm SAFETY CLEARANCE ZONE
(CLEAR FROM CLP LIVE PARTS)
NO STANDING OF MATERIAL ALLOWED
(圍內不得堆積任何物料)

2800mm x 2800mm SAFETY CLEARANCE ZONE
(CLEAR FROM CLP LIVE PARTS)
NO STANDING OF MATERIAL ALLOWED
(圍內不得堆積任何物料)

YELLOW ENAMEL SIGN MOUNTED ON
100mm x 50mm THICK CONCRETE SURFACE
(TO BE PAINTED BY DEVELOPER)
最少50mm x 100mm 三合土牆上
(由用戶塗漆)

100mm x 50mm THICK CONCRETE
SURFACE
(TO BE CONSTRUCTED BY
DEVELOPER)
最少50mm x 100mm 三合土牆上
(由用戶塗漆)

SECTION A-A



500mm DIA x 2000mm LONG STEEL POLE,
ERECTED 1500mm ABOVE GROUND LEVEL
(1) PAINTED WITH YELLOW ENAMEL SWIRE
(2) STEEL POLE FILLED WITH CONCRETE
(3) TO BE PROVIDED & CONSTRUCTED
BY DEVELOPER
長2000mm, 直徑150mm鋼管,
其中1500mm身填以混凝土
(1) 牆上100mm x 50mm 三合土牆
(2) 鋼管內第三合土
(3) 由用戶提供及塗漆

Appendix 2



CORNERSTONE RENEWABLE ENERGY LIMITED

註冊客戶及供電地址
Registered Customer & Supply Address

編號號碼 Account Number

日期 (日-月-年) : 21-02-19
Date (dd-mm-yy)

申請供電確認通知 Confirmation Notice of Application for Electricity Supply

服務申請號碼 Service Order No: (查詢時請提供此號碼 • Please quote this no. for enquiries.)

如須更新您的賬戶資料，請於辦公時間內致電「中電查詢通」2678 2678 或親臨任何一間客戶服務中心。
If your need to update your account information, please call CLP Infoline at 2678 2678 or visit any of our Customer Service Centres during office hours.

賬戶資料 Account Information

客戶姓名 :
Customer Name: CORNERSTONE RENEWABLE ENERGY LIMITED

香港身分證/護照/商業登記號碼
HKID Card/ Passport/ BR No.

要求供電日期 : 22-02-19
Supply Requested Date

聯絡電話號碼
Contact Tel. No

供電類別 (相) : 3-phase
Type of Supply (Phase)

客戶聯絡電郵
Customer Contact Email

所需負荷 (安培) : 100 AMP
Load Required (AMP.)

環保賬單電郵 : agr
Email for Green Bill

重要事項 Important Notes:

1. 工程完畢後或預約檢查電氣裝置前繳付下列按金。已繳付的按金只會在賬戶結束後退還予註冊客戶。
Please settle the deposit only after the site work is completed or prior to making an appointment of installation inspection.
The deposit paid will be refunded only to the registered customer after termination of the account.
2. 如需查詢工程進度，請於辦公時間內致電中華電力工程查詢熱線 2678 2156。閣下亦可透過 www.clponline.com.hk 查閱申請批准進度。
For enquiry about the progress of engineering works of CLP, please contact us (during office hours) at 2678 2156.
You may also log on to www.clponline.com.hk to track the application progress.
3. 請在工程完畢後，致電熱線 2678 7280 預約檢查電氣裝置。
Upon completion of engineering works of CLP, please make installation inspection appointment at 2678 7280.

編號號碼 Account Number

賬類 Bill Type

應繳按金總數 Total Deposit Due

02

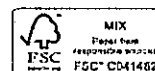
\$18,000.00

存根 Stub



82851612171J 0001800000d 02Y 2J

注意: 本文件屬於私人密件 Caution: This document is private and confidential



CORNERSTONE RENEWABLE ENERGY LIMITED

註冊客戶及供電地址
Registered Customer & Supply Address

賬號 Account Number

日期 (日-月-年) : 21-02-19
Date (dd-mm-yy)

申請供電確認通知 Confirmation Notice of Application for Electricity Supply

服務申請號碼 Service Order No: 2002887436 (查詢時請提供此號碼 •Please quote this no. for enquiries.)

如須更新您的賬戶資料，請於辦公時間內致電「中電查詢通」2678 2678 或親臨任何一間客戶服務中心。
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賬戶資料 Account Information

客戶姓名 :
Customer Name: CORNERSTONE RENEWABLE ENERGY LIMITED

香港身分證/護照/商業登記號碼
HKID Card/ Passport/ BR No.

聯絡電話號碼
Contact Tel. No

客戶聯絡電郵
Customer Contact Email

環保賬單電郵
Email for Green Bill

要求供電日期
Supply Requested Date : 22-02-19

供電類別 (相)
Type of Supply (Phase) : 3-phase

所需負荷 (安培)
Load Required (AMP.) : 100 AMP

重要事項 Important Notes:

1. 於工程完畢後或預約檢查電氣裝置前繳付下列按金。已繳付的按金只會在賬戶結束後退還予註冊客戶。
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編號號碼 Account Number

賬類 BHI Type
02

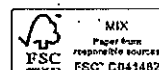
應繳按金總數 Total Deposit Due
\$18,000.00

存根 Stub



82851612147J 0001800000H 02Y 2J

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CLP 中電

CORNERSTONE RENEWABLE ENERGY LIMITED

註冊客戶及供電地址
Registered Customer & Supply Address

賬戶號碼 Account Number

日期 (日-月-年)
Date (dd-mm-yy) : 21-02-19

申請供電確認通知 Confirmation Notice of Application for Electricity Supply

服務申請號碼 Service Order No: (查詢時請提供此號碼 • Please quote this no. for enquiries.)

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香港身分證/護照/商業登記號碼
HKID Card/ Passport/ BR No.

要求供電日期
Supply Requested Date : 22-02-19

聯絡電話號碼
Contact Tel. No

供電類別 (相)
Type of Supply (Phase) : 3-phase

客戶聯絡電郵
Customer Contact Email

所需負荷 (安培)
Load Required (AMP.) : 100 AMP

環保賬單電郵
Email for Green Bill

重要事項 Important Notes:

1. 於工程完畢後或預約檢查電氣裝置前繳付下列按金。已繳付的按金只會在賬戶結束後退還予註冊客戶。
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編賬號碼 Account Number

賬類 Bill Type
02應繳按金總數 Total Deposit Due
\$18,000.00

存根 Stub



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CLP 中電
Cornerstone Renewable Energy Limited

CLP 中電

CORNERSTONE RENEWABLE ENERGY LIMITED

註冊客戶及供電地址
Registered Customer & Supply Address

賬眼號碼 Account Number

日期 (日-月-年) : 21-02-19
Date (dd-mm-yy)

申請供電確認通知 Confirmation Notice of Application for Electricity Supply

服務申請號碼 Service Order No: 2002887491 (查詢時請提供此號碼。Please quote this no. for enquiries.)

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If your need to update your account information, please call CLP Infoline at 2678 2678 or visit any of our Customer Service Centres during office hours.

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客戶姓名 :
Customer Name : CORNERSTONE RENEWABLE ENERGY LIMITED

香港身分證/護照/商業登記號碼 :
HKID Card/ Passport/ BR No.

要求供電日期 : 22-02-19
Supply Requested Date

聯絡電話號碼 :
Contact Tel. No

供電類別 (相) : 3-phase
Type of Supply (Phase)

客戶聯絡電郵 :
Customer Contact Email

所需負荷 (安培) : 100 AMP
Load Required (AMP.)

環保賬單電郵 :
Email for Green Bill

重要事項 Important Notes:

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Upon completion of engineering works of CLP, please make installation inspection appointment at 2678 7280.

編賬號碼 Account Number

賬類 Bill Type
02

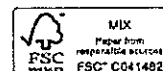
應繳按金總數 Total Deposit Due
\$18,000.00

存根 Stub



82851612112J 0001800000H 02Y 6J

注意: 本文件屬於私人密件 Caution: This document is private and confidential





基石再生能源有限公司
Cornerstone Renewable Energy Limited

Planning Application No. A/YL/-NTM/399

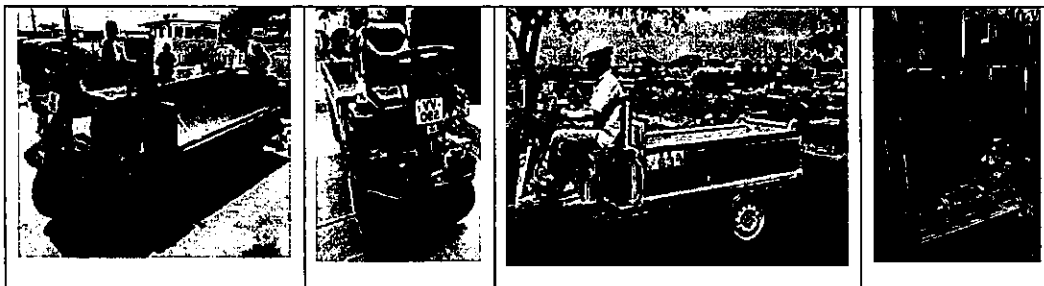
Date : 29rd July, 2020

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

Dear Ms. Tsang,

Refer to the given comments of Director of Agriculture, Fisheries and Conservation (DAFC) given on 3rd December in year 2020, we would like to answer the queries about the Solar Photovoltaic System installation work :

1. Refer to the subject site, only the vegetation (weed and small bush) clearance will be done and no tree felling will be involved.
2. The photovoltaic panels will be transported to the subject site by using the following vehicle and trolley types.



Kind regards,

CY Leung

Cornerstone Renewable Energy Limited

Re : Comments of Urban Design and Landscape Section of PlanD

Urban Landscape.

Please find additional information as per attached file Appendix 1 and Appendix 2.

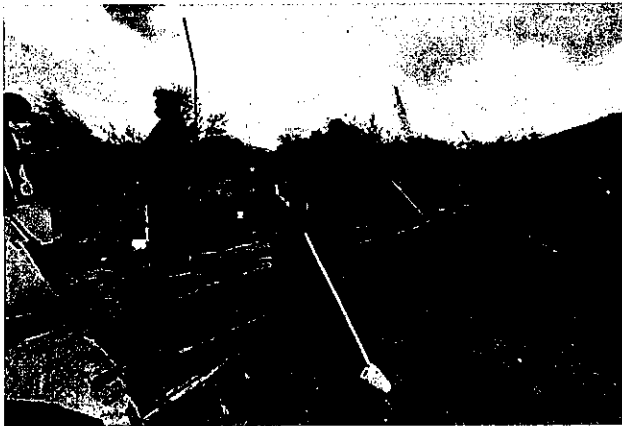
The installation of the proposed solar panels on the site which the landscape is on low lying ground surrounded with a boundary of tall vegetation which will not be cleared. This boundary of tall vegetation will filter and will minimise the visual impact on the surrounding environment.

Furthermore the maximum height of construction of the PV Panel and structure shall be at a maximum height of 1.5 meters. This height is below the eye-sight of an adult in order to avoid the visual impact.

Landscape

No vegetation clearance within the site is required.

Proposed structure as per attached Appendix 1 & 2 with consideration to minimise visual impact to the surrounding and environment as well.

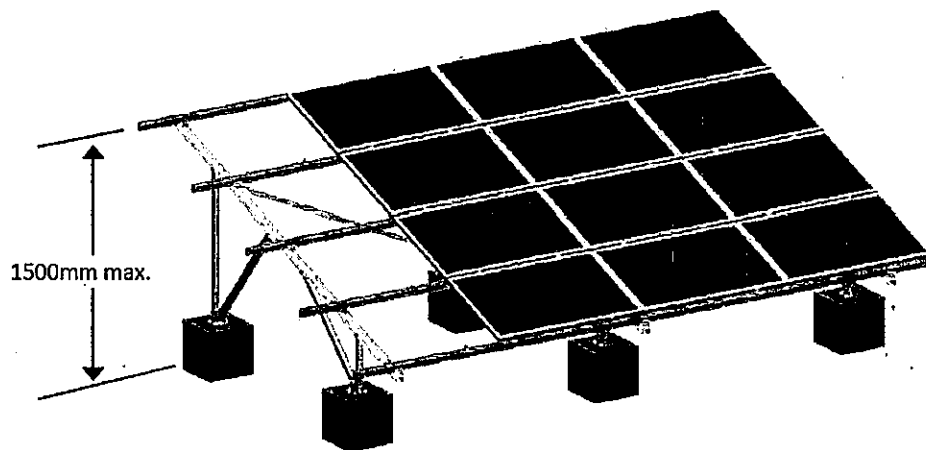


Low lying ground (farm) for PV Panels installation

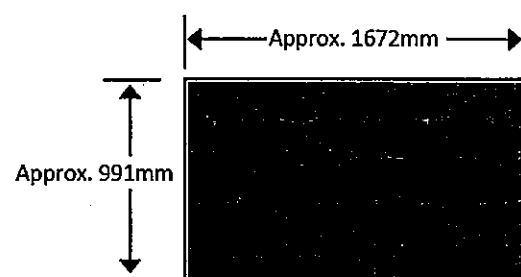
29 Jul, 2020

Appendix 1

Proposed PV Panel Support Frame Height:

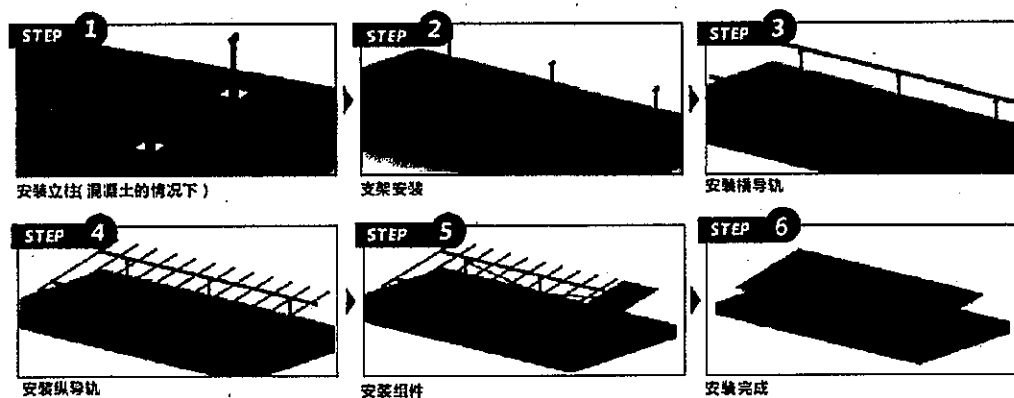


Proposed PV Panel Module Size :



Appendix 2

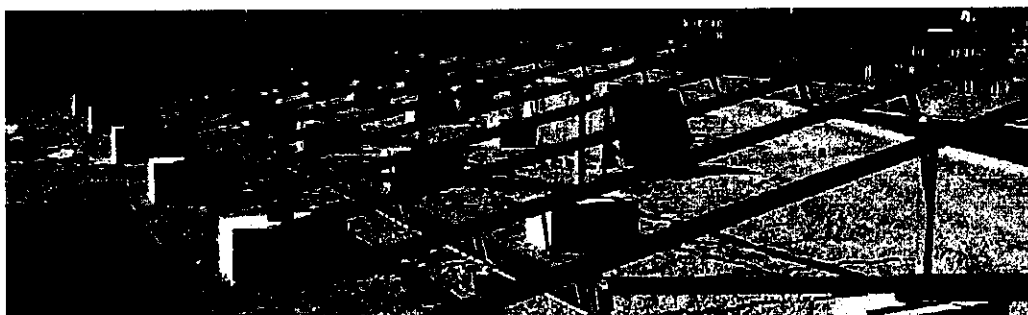
Similar Installation Method for reference:



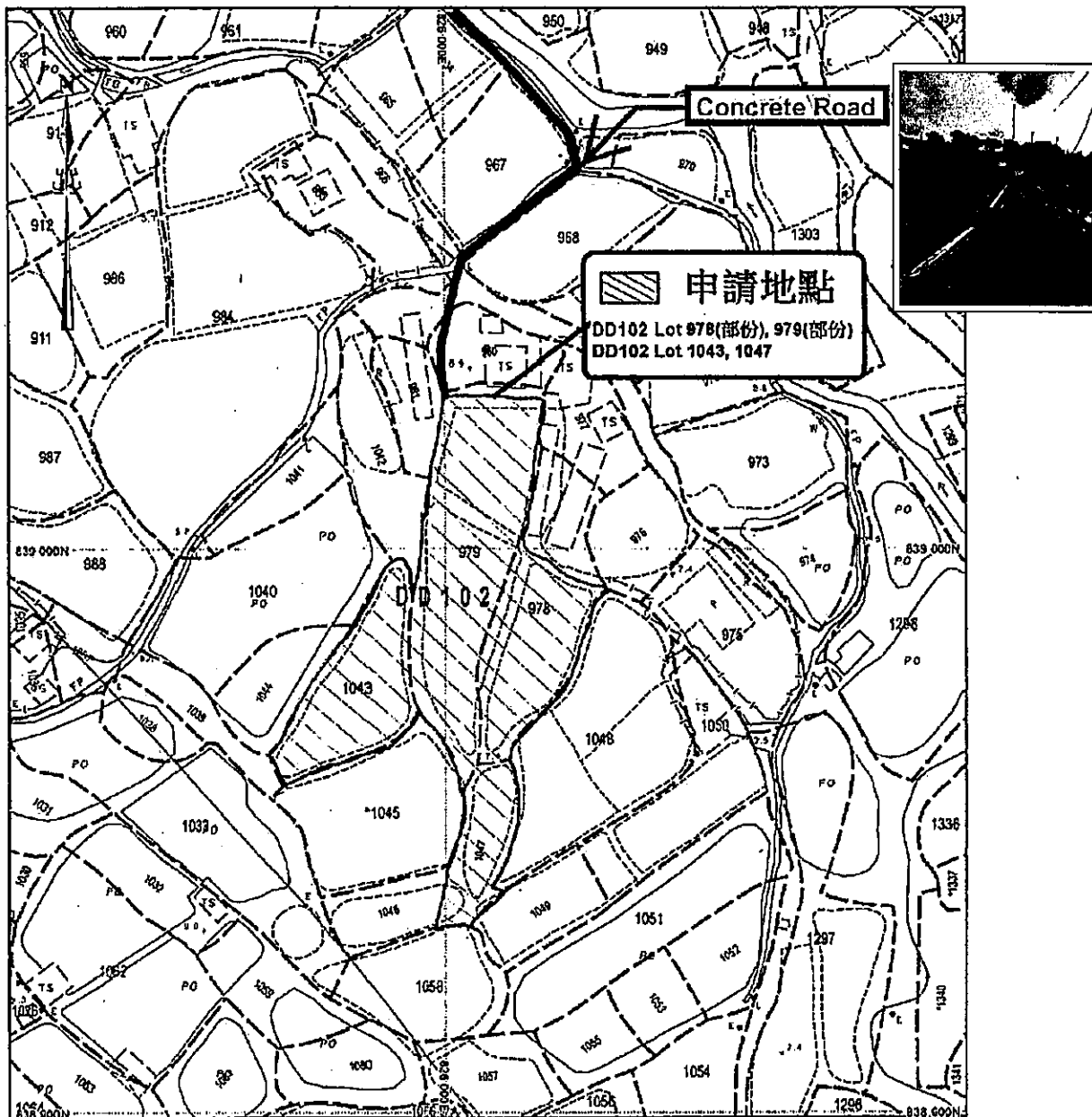
Installation of PV panel support frame to the ground using concrete blocks.

The concrete block will be laid on top of the exist soil/vegetation(grass) with the aim of not having to clear vegetation and soil excavation at site.

Similar PV Panel Support Frame for reference:



地段索引圖 LOT INDEX PLAN



地政總署測繪處 Survey and Mapping Office, Lands Department

比例尺 SCALE 1:1000

metres 10 0 10 20 30 40 50 metres



Locality : _____
 Lot Index Plan No. : ags_S00000005171_0001
 District Survey Office : Lands Information Center
 Date : 17-Oct-2018
 Reference No. : 2-SE-13A,2-SE-13C

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SMO-P01 20181017025024 10

免責聲明
本圖則乃地役索引圖的副本，顯示地段界線的概略位置，包括根據政府接地的臨時政府撥地、短期租約及政府土地租用牌照臨時佔用土地的位置。臨時佔用土地的狀況可透過短期通知此項而終止，因此應向有關的分區地政處作其查詢。本圖則所系的資料必須通過實地調查予以核實。當有更佳或新的地役圖樣時，地役索引圖可能會被修訂而須預先通知。
Disclaimer
This plan is a copy of the lot index plan showing the approximate location of lot boundaries, including the temporary occupation of land under Government Land Allocations, Temporary Government Land Allocations, Short Term Tenancies and Government Land Licences. The temporary occupation of land may be created or terminated at short notice and should be confirmed with the District Lands Officer. The information shown on this plan MUST be verified by field survey. The lot index plan may be revised without prior notification as better or new boundary evidence becomes available.

Planning Application No. A/YL/-NTM/399

27/8/2020

Reply Departmental Comments

1. The applicant should clarify if the PV panels are reflective and if they would have any impacts on birds, e.g. bird strike.

The PV Panels apply the glass with anti-reflective coating (ARC) in order to reduce the reflective lights. This feature can avoid the "lake effect" in which birds could mistake a reflective solar facility for a water body, or spot water ponds at the site, then strike on it.

2. Dimensions and numbers of Concrete Block of PV Panel

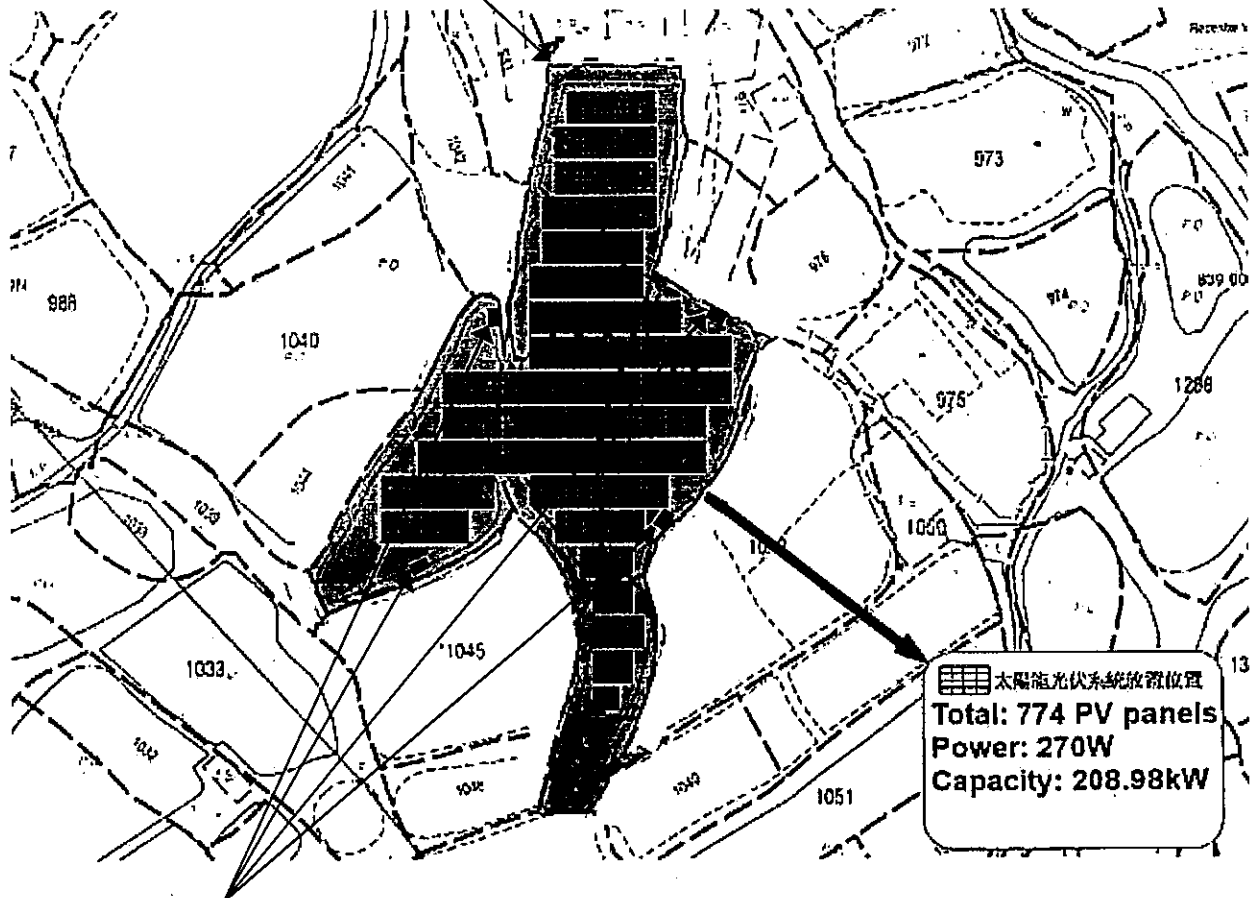
Approx. 450 mm (L) x 450 mm (W) x 200 mm (H) , Approx. 254pcs

The max. height of the PV Panel Support Frame is 1500mm and the concrete block installation is also included.

3. How the vegetation/grass at the Site will be affected

The vegetation (or grass) clearance will be only applied to the original arable land in which the PV Panels will be installed, while no vegetation (or grass) clearance will be done outside this area. There is also no tree fell within the project site. Refer to the PV Panels and material delivery process, no tree along the transportation path will be affected.

Project Site Entrance



Proposed CLP Outdoor Meter Box
Location (Total 4 sets)

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

Feed-in Tariff and Solar Photovoltaic System

1. Development of renewable energy (RE) is an important part of the Government's efforts in combating climate change. Increasing the use of RE, a zero-carbon energy, can help decarbonize the electricity generation sector, which contributes to about two-thirds of the carbon emissions in Hong Kong. The policy is for the Government to take the lead in developing RE where technically and financially feasible and to create conditions that are conducive to community participation. Against this background, Feed-in Tariff (FiT) was introduced under the post-2018 Scheme of Control Agreements (SCAs) between the Government and the two power companies, i.e. The Hongkong Electric Company, Limited (HKE) and CLP Power Hong Kong Limited (CLP) to provide incentives for individuals and non-Government bodies to invest in RE, including solar photovoltaic (SPV) system. Under the SCAs, FiT is offered for electricity generated by the RE systems throughout the project life of the RE systems¹ or until 31 December 2033, whichever is the earlier.
2. A SPV system includes SPV panels, inverter(s), energy meters, distribution board(s), cables and other components as necessary to form a complete grid connected SPV installation. The two key components are SPV panels and inverter(s). SPV panels convert sunlight into electricity. The inverter(s) convert the output direct current (DC) of the solar panels into alternating current (AC). A typical SPV system is shown in Figure 1.

Statutory Planning Provision for Solar Photovoltaic System

3. In general, SPV systems are commonly found on (i) rooftop of New Territories Exempted House (NTEH); (ii) rooftop of private buildings; and (iii) vacant land.
4. If installation of SPV system is incidental to, directly related and ancillary to and commensurate in scale with a permitted use/development within the same zone or at the rooftop of NTEH or private building, it is regarded as an ancillary use for supplementing power supply to the use/development, household or building². No planning permission for the system is required.
5. Installation of SPV system as a stand-alone facility on vacant land for the FiT Scheme would be regarded as 'Public Utility Installation' ('PUI'), which is always permitted in "Commercial", "Government, Institution or Community", "Industrial", "Industrial (Group D)", "Open Storage", "Other Specified Uses" ("OU") annotated "Business" and "OU" annotated "Industrial Estate" zones. Planning application is required for stand-alone SPV system for FiT Scheme in areas where 'PUI' is a Column 2 use under the statutory plan concerned. Any such planning permission granted would be for 'Public Utility Installation (Solar Photovoltaic System for the FiT Scheme)'. Only temporary approval would be considered where there may be potential impact generated by the proposed SPV system which needs to be closely monitored or that the long-term planning intention of the zone

¹ The lifespan of a SPV system is about 20 to 25 years.

² Installation of SPV system for generating electricity for a permitted use, such as that for a farm, green house/farm structures in the "Agriculture" zone mainly for generating electricity for agricultural purposes, or that installed in connection with NTEH in "Village Type Development" zone, are also regarded as an ancillary use.

may be frustrated by the proposed use.

Assessment Criteria for Planning Applications

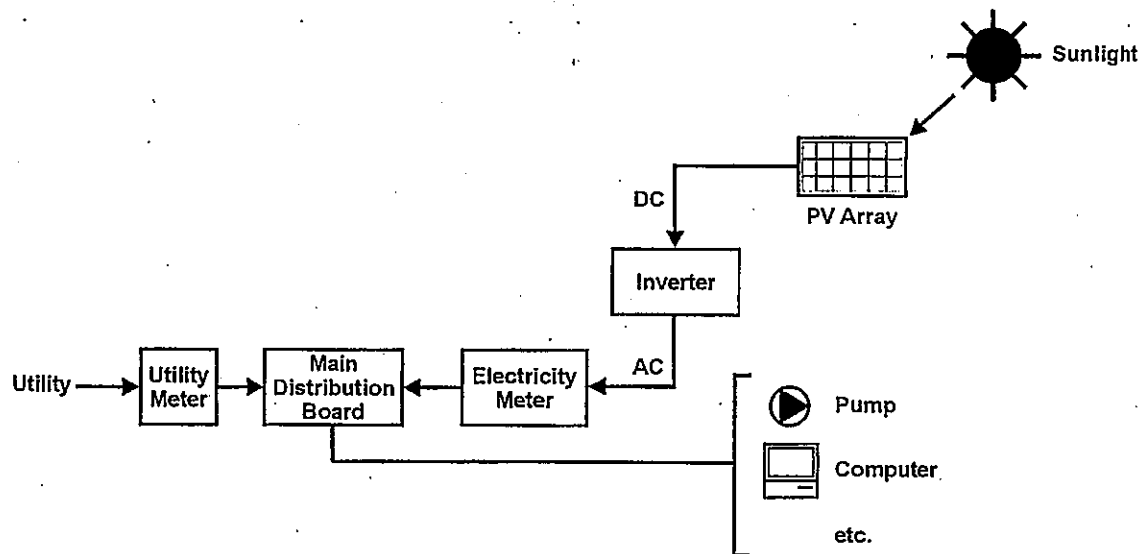
6. The following criteria should be taken into account in assessing planning applications for SPV system made under section 16 of the Town Planning Ordinance:
 - a) it is a prerequisite for the applicant to obtain the 'Consent Letter' or 'Acknowledgement Letter' from HKE and CLP respectively and submit a copy of the document together with the application to demonstrate the technical feasibility of the scheme in terms of serviceability, electrical safety and output generated by the SPV system;
 - b) unless with strong justifications, the SPV system, including the height of the proposed structures, should be in keeping with the surrounding area/developments and commensurate with the function(s) it performs;
 - c) for optimisation of use of land, favourable consideration may be given if viability of co-existence of the proposed SPV system and uses that are in line with the long-term planning intention of the land use zoning of the application site could be satisfactorily demonstrated;
 - d) it has to be demonstrated to the satisfaction of the relevant government departments that the SPV system will not have significant adverse impacts, including but not limited to those relating to the environment, drainage, sewerage, traffic, geotechnical safety, landscape and visual³ and, where needed, appropriate measures are to be adopted to mitigate the impacts;
 - e) unless with strong justifications⁴, proposals involving extensive site formation, vegetation clearance/tree felling, excavation or filling of land/pond are generally not supported;
 - f) planning applications with proposed felling of existing Old and Valuable Trees (OVTs), potentially registrable OVTs, and trees of rare or protected species should not be supported. If tree removal is unavoidable, subject to the advice of relevant government departments, compensatory tree planting and/or landscape treatments should be provided within the application site as appropriate;
 - g) for SPV system falling within water gathering grounds, information should be provided to the satisfaction of the relevant government departments that the system, including its installation, maintenance and operation, will not contaminate the water supply;

³ The applicant has to demonstrate that the proposal would not affect the visual and landscape amenities/character of the area adversely by, for instance, causing a significant change of landscape resources/character, dwarfing the surrounding developments or catching the public's visual attention due to the scale and prominence of the proposed installation. Where appropriate, measures should be taken to mitigate the visual/landscape impact, for example, by peripheral screen planting.

⁴ Ground-mounted SPV system is usually on steel frame or concrete plinth. It should normally not involve extensive site formation, excavation or filling of land.

- h) where the installation is proposed to be in area close to airports and/or heliports, or major roads, it has to be demonstrated to the satisfaction of the relevant government departments that the SPV system should not cause glare to pilots/drivers and/or unacceptable adverse impact on aviation and/or traffic safety;
 - i) the planning intention of "Agriculture" ("AGR") zone is to retain and safeguard good quality agricultural farm land/fish ponds for agricultural purposes. SPV system ancillary to agricultural use would not require planning permission (as explained in Footnote 2 under Paragraph 4). Planning application for stand-alone SPV system as 'PUI' use in the "AGR" zone is generally not supported except those on land with no active farming activities and low agricultural rehabilitation potential. For application on fish ponds in the "AGR" zone, the applicant has to demonstrate that the SPV system will not hinder the use of the site for fisheries purposes;
 - j) as there is a general presumption against development in the "Green Belt" ("GB") zone, planning application within the "GB" zone is normally not supported unless with strong justifications. It has to be demonstrated to the satisfaction of the relevant government departments that 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;
 - k) due to the sensitive nature of the conservation zones, such as the "Conservation Area", "Coastal Protection Area" and "Site of Specific Scientific Interest" zones, planning application for SPV system within such zones is normally not supported to avoid any possible irreversible damages caused to the ecology or environment of the area within the zone;
 - l) all other statutory or non-statutory requirements of the relevant government departments must be met. Depending on the specific land use zoning of the application site, the relevant Town Planning Board guidelines should be observed, as appropriate; and
 - m) approval conditions to address the technical issues, if any, within a specified time and clauses to revoke the permission for non-compliance with approval conditions may be imposed as appropriate.
-

Figure-1



Extracted from EMSD website HK RE Net:
https://re.emsd.gov.hk/english/solar/solar_ph/PV_Systems.html

Typical Solar Photovoltaic System

致：城規會主席

關於：就 A/YL-NTM/399 提供意見

日期：2020年2月24日



敬啟者：

〈就 A/YL-NTM/399 擬議公用事業設施裝置
(太陽能光伏系統)〉

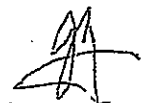
香港現今仍倚重煤及石油發電，而燃燒化石燃料，難免對環境造成不同程度的污染。用風力、水力及太陽能等發電，慢慢取代化石能源，保護環境，乃大勢所趨。

有見及此，本人現特函閣下，贊成元朗新田小碓村大量的份第102約地段第978號(部分)、第979號(部分)、第1043號及第1047號，建立公用事業設施裝置，即太陽能光伏系統。

如需進一步資料，請與本人聯絡：

龍緯汶




(龍緯汶)

J-2

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號

Reference Number:

200305-201822-97152

提交限期

Deadline for submission:

13/03/2020

提交日期及時間

Date and time of submission:

05/03/2020 20:18:22

有關的規劃申請編號

The application no. to which the comment relates:

A/YL-NTM/399

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. KEITH AU

意見詳情

Details of the Comment:

1. 請申請人說明太陽能板能提供幾多電，如何使用
2. 太陽能板如何減少對候鳥和其他生態的影響？

tpbpd@pland.gov.hk

5-3

寄件者: EAP KFBG
寄件日期: 2020年03月09日星期一 18:43
收件者: tpbpd
主旨: KFBG's comments on A/YL-NTM/399

Dear Sir/ Madam,

We refer to the captioned.

We would like to remind the Board that, according to the Hong Kong Planning Standards and Guidelines by the Planning Department, 'Green Belt' (GB) is considered to be one of the 'major conservation zones' on statutory town plans (please see: https://www.pland.gov.hk/pland_en/tech_doc/hkpsg/full/pdf/ch10.pdf), and there is a general presumption against development within this zone.

We would also like to remind the Board the planning intention of the GB zone of concern, as follows:

'The planning intention of this 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.'

The proposed use is unlikely to be in line with the planning intention of GB. We also urge the Board to seriously consider whether the approval of this application would set a precedent for other similar applications within this locality and the potential cumulative effects of approving this application on this GB area.

In view of the above, we urge the Board to reject this application.

Best Regards,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

tpbpd@pland.gov.hk

5-4

寄件者: [REDACTED]
寄件日期: 2020年03月12日星期四 4:13
收件者: tpbpd
副本: mtchu
主旨: A/YL-NTM/399 DD 102 Siu Hum Tsuen Solar Farm
附件: Siu Hum Tsuen - Google Maps.pdf; Feed in Tarriff.pdf

A/YL-NTM/399

Lots 978 (Part), 979 (Part), 1043 and 1047 in D.D. 102, Siu Hum Tsuen, San Tin

Site area : About 2,264sq.m

Zoning : "Green Belt"

Applied development : Solar Panel Farm - 774 Panels

Dear TPB Members,

The area near the San Tin Barracks is still relatively free of brownfield.

It is unacceptable that any plans to turn precious land resources into solar panel farms should be nipped in the bud. This kind of green initiative is only appropriate for regions with vast expanses of spare land. TPB should send out a clear message that this type of 'green wash' will not succeed.

I note that the previous application of a similar nature A/SK-HC/301 was finally approved after multiple deferments. It is clear from the minutes that a 3 year term is not viable for this type of activity.

Not only is the objective in conflict with the zoning intention, the Renewable Energy Feed-in Tariff was conceived to encourage home and building owners to set up solar panel on their roofs. The monetary return greatly exceeds the value of the energy produced and is ultimately not financially viable if it is exploited. In essence other users will end up footing the bill via increased fees.

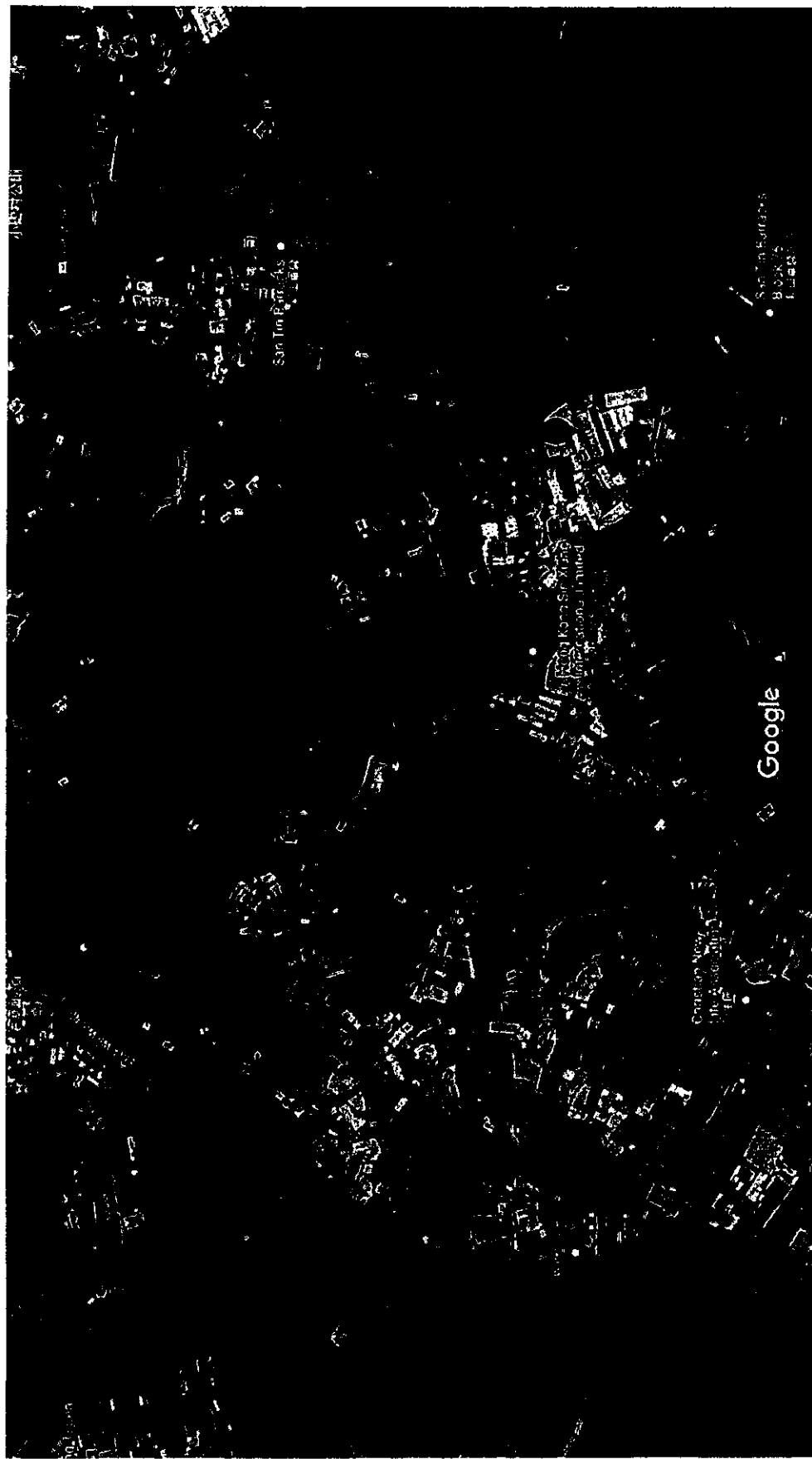
Not only must TPB reject this application, CLP should also make it quite clear that the initiative will not be extended to commercial enterprises like this. CLP customers, including committed greenies like me who do not even have air con in their homes, will not tolerate that they have to pay more for their power supply in order to subsidize lining the pockets of cunning operators.

Moreover it should be made clear to applicants that commercial operations like this are fully taxable, exemption is only for residential roof top panels. Unlike the usual brownfield operations, solar panels feeding into the grid will be calculated. The operation must have a business licence and Inland Revenue can demand a full accounting of the revenue remitted by CLP.

Green Belt is for trees. The distortion of what should be a worthy initiative should be nipped in the bud.

Mary Mulvihill

Google Maps Siu Hum Tsuen



Imagery ©2020 CNES / Airbus, Maxar Technologies, Map data ©2020 100 m

File Reference: ENB CR 1/3231/19

LEGISLATIVE COUNCIL BRIEF

Inland Revenue Ordinance
(Chapter 112)

Business Registration Ordinance
(Chapter 310)

EXEMPTION FROM PROFITS TAX (FEED-IN TARIFF SCHEME) ORDER

BUSINESS REGISTRATION (AMENDMENT) REGULATION 2019

INTRODUCTION

Pursuant to the Government's policy to promote renewable energy ("RE") in Hong Kong, we encourage individuals to install RE systems at their residential premises under the Feed-in Tariff ("FiT") Scheme and would simplify the relevant procedures as far as possible in order to facilitate their participation. In this connection, we are putting forward legislative amendments to exempt these individuals from relevant business registration requirements and taxation obligations.

2. At the meeting of the Executive Council on 10 December 2019, the Council ADVISED and the Chief Executive ORDERED that the Exemption from Profits Tax (Feed-in Tariff Scheme) Order ("the Exemption Order"), at Annex A, should be made by the Chief Executive in Council ("CE-in-C") pursuant to section 87 of the Inland Revenue Ordinance ("IRO"); and the Business Registration (Amendment) Regulation 2019 ("the Amendment Regulation"), at Annex B, should be made by the Secretary for Financial Services and the Treasury (SFST) pursuant to section 14(1A)(g) of the Business Registration Ordinance ("BRO") to exempt individuals who

~~install RE systems at their residential premises from~~

- (a) the payment of profits tax in respect of their income derived from selling electricity generated by such systems to the relevant power companies under the FiT Scheme; and

- (b) the provisions of the BRO in respect of their FiT businesses.

JUSTIFICATIONS

The FiT Scheme

3. The FiT Scheme is a strong financial incentive for private investment in RE because the power generated can be sold to the power companies at rates¹ higher than the normal electricity tariff rate, which can help recover the costs of investment, operation and maintenance in around 10 years².

4. The FiT Scheme has been open to application since 2018. As at end November 2019, the two power companies have received over 6 000 applications, of which over 5 000 have been approved. Such an enthusiastic response, compared to the situation before³, proves that the FiT Scheme is instrumental in the promotion of RE in the community.

Requirements under BRO and IRO

5. According to the definition of “business” in section 2 of the BRO⁴, individuals participating in the FiT Scheme are considered as carrying on a business and are thus required to apply for a business registration within one month of the commencement of such “business” as stipulated in section 5(2) of the BRO. In addition, under section 14 of the IRO, profits tax is charged on every person carrying on a trade, profession or business in Hong Kong in respect of his/her assessable profits arising in or derived from Hong

¹ The three FiT rates for systems of different generating capacities at the moment are \$5 for $\leq 10\text{kW}$; \$4 for $>10\text{kW}$ to $\leq 200\text{kW}$; and \$3 for $>200\text{kW}$ to $\leq 1\text{MW}$. The rates are intended to reflect the costs of systems of different capacities and were set having regard to the outcome of a consultancy study commissioned by the Government. The FiT rates will be reviewed annually, taking into consideration changes in the costs of RE systems, and will apply until any new FiT rates are announced.

² The normal life span of a solar PV panel is around 25 years and, without FiT, the payback period for such equipment can be longer than its life span.

³ Prior to the introduction of the FiT Scheme, there were only some 200 private RE systems connected to the power companies’ grid over the last decade.

⁴ According to section 2 of the BRO, “business” means any form of trade, commerce, craftsmanship, profession, calling or other activity carried on for the purpose of gain and also means a club.

Kong from such trade, profession or business. As individuals who participate in the FiT Scheme sell electricity generated by their RE systems to either of the power companies, the FiT payments received by them are profits derived from business transacted with the power companies in Hong Kong, and are hence chargeable to profits tax under Part 4 of the IRO. Accordingly, these individuals are required to file tax returns to report such profits and pay profits tax on the same.

6. While the financial implications of such requirements are unlikely to be substantial for small-scale RE systems installed by individuals at their residential premises, requiring these individuals to apply for business registration and report FiT payments in tax returns annually are perceived as cumbersome, and will very likely discourage them from installing the RE systems, thereby going against our policy intent and seriously undermining the effectiveness of the FiT Scheme.

Announcement of Policy Intent

7. As such, the Government announced in April 2018 and included in its Policy Agenda 2018 that it would pursue legislative amendments to exempt individuals who install small RE systems at their residential premises from the requirements of applying for business registration and filing tax returns. The announcement was well received.

8. For enterprises, they will continue to be required to apply for business registration under the BRO and pay profits tax for the earnings arising from the joining the FiT Scheme. Their investments for installing the RE systems are fully deductible under the depreciation allowance of the IRO.

IMPLEMENTATION

9. Section 87 of the IRO provides that the CE-in-C may by order exempt any person, office or institution from payment of the whole or any portion of any tax chargeable under the IRO. The Exemption Order at Annex A covers premises where electricity tariffs are charged by the power companies based on the rates applicable to residential premises. This will provide a clear criterion in layman's terms, so that the public can easily understand the group of individuals to whom the exemption applies. In this connection, the individuals should be the holders of the electricity account of the premises concerned. Moreover, the exemption is only granted where

the RE system(s) installed for the purpose of participating in the FiT Scheme is/are not for any business purposes of the individual other than the participation in the FiT Schemes.

10. Section 14(1A)(g) of the BRO provides that SFST may, by regulation, provide for exemption of any person or category of persons or business either wholly or in part from the provisions of the BRO. The Amendment Regulation at Annex B refers to the Exemption Order so that the two pieces of subsidiary legislation would, when enacted, provide exemption to the same group of individuals.

11. Pending these legislative amendments, facilitation has been provided to the target beneficiaries through an administrative notice issued by the Commissioner of Inland Revenue ("CIR") in October 2018, so that they are not obliged to meet the existing BRO and relevant IRO requirements (pertaining to the reporting of FiT payments in tax returns) in the meantime.

LEGISLATIVE TIMETABLE

12. The two power companies, namely, CLP Power Hong Kong Limited and The Hongkong Electric Co., Limited, have started purchasing electricity under their respective FiT Schemes since October 2018 and January 2019 respectively. In respect of the IRO, the exemption shall apply to the profits tax chargeable for the year of assessment commencing on 1 April 2018 and for all subsequent years of assessment to cover FiT payments that may be received by the participating individuals starting from 1 October 2018.

13. The BRO requires that an application for business registration be made within one month of the commencement of any business provided that CIR extends such period if he sees fit. As mentioned in para.11 above, CIR has already announced by way of an administrative notice that, individuals (not in the course of any other business) who install small-scale RE systems at their residential premises and participate in the FiT Scheme do not have to apply for business registration for the time being. When the BRO exemption comes into effect on 1 March 2020, it will cover all FiT businesses, regardless of their commencement dates (i.e. including those which have commenced operation since October 2018) as long as the exemption conditions are fulfilled.

14. The legislative timetable for the introduction of the Exemption Order and Amendment Regulation is as follows –

Publication in the Gazette	27 December 2019
Tabling at the Legislative Council (LegCo)	8 January 2020
Commencement date	1 March 2020

IMPLICATIONS OF THE LEGISLATIVE AMENDMENTS

15. The legislative amendments are in conformity with the Basic Law, including the provisions concerning human rights. They will not affect the binding effect of the existing provisions of the BRO and IRO. There are no productivity, family, gender and civil service implications.

16. On financial implications, while the implementation of the Exemption Order and the Amendment Regulation might reduce government revenue arising from the exemption from the payment of business registration fee and levy under the BRO and the payment of profits tax by eligible individuals, the amount of tax forgone should not be substantial.

17. On economic implications, the exemption arrangement should help facilitate individuals' investment in RE systems through reducing their compliance burden, and therefore be conducive to the development of RE in Hong Kong.

18. On environmental implications, further adoption of RE by the community will help us achieve the carbon intensity reduction target we have set for 2030 (i.e. to reduce Hong Kong's carbon intensity by 65% - 70% by 2030 as compared with the 2005 level). In addition to reducing carbon emissions, the promotion of this cleaner form of electricity generation will reduce emissions of air pollutants (i.e. sulphur dioxide, nitrogen oxides and respirable suspended particulates) and contribute to our efforts in improving air quality.

19. On sustainability implications, the legislative amendments should contribute positively to the sustainable development of Hong Kong through promotion of the development of RE, which is a more sustainable source of electricity as compared with conventional generation by burning fossil fuels,

and is internationally recognised as an integral and important part of the efforts to combat climate change.

PUBLIC CONSULTATION

20. At the meetings of the LegCo Panel on Environmental Affairs on 23 April 2018 and 22 October 2018, we briefed Members on measures to promote RE, including the exemption proposal. It was well received.

PUBLICITY

21. Upon enactment of the legislative amendments, we would issue a press release to inform the public of the same with a view to further encouraging target beneficiaries to develop RE at their residential premises.

ENQUIRIES

22. Enquiries on this brief may be directed to Ms Queenie Lee, Principal Assistant Secretary for the Environment (Renewable Energy Research and Development), at 3509 8629.

**Environment Bureau
December 2019**

Exemption from Profits Tax (Feed-in Tariff Scheme) Order

(Made by the Chief Executive in Council under section 87 of the Inland Revenue Ordinance (Cap. 112))

1. Commencement

This Order comes into operation on 1 March 2020.

2. Application

This Order applies in relation to profits tax chargeable for the year of assessment commencing on 1 April 2018 and for all subsequent years of assessment.

3. Interpretation

In this Order—

Feed-in Tariff Scheme (上綱電價計劃) means a scheme—

- (a) administered by a power company in accordance with the Scheme of Control Agreement made between the Government and the company on 25 April 2017 (or if any amendment is made to the Agreement, the Agreement as amended from time to time); and

- (b) under which the company may purchase electricity generated by a renewable energy system;

power company (電力公司) means—

- (a) CLP Power Hong Kong Limited; or
- (b) The Hongkong Electric Company, Limited;

qualifying FIT business (合資格上綱電價業務)—see section 4;

residential premises (住用處所) means premises in respect of which the class of electricity tariff chargeable by a power company is residential tariff.

4. Meaning of *qualifying FIT business*

- (1) A qualifying FIT business is the participation by an individual in a Feed-in Tariff Scheme administered by a power company in the following circumstances—

- (a) the participation is for the purchase by the company of electricity generated by a renewable energy system installed on any residential premises;
- (b) the individual holds an electricity account in respect of the premises; and
- (c) in relation to the system, all conditions specified in subsection (2) are satisfied.

(2) The conditions are—

- (a) the renewable energy system was not acquired with the funds of another business;
- (b) the system is not used in another business; and
- (c) the system is not recognized as assets in the financial statements of another business.

(3) In subsection (2)—

another business (另一業務) means any other trade, profession or business carried on by the individual in Hong Kong that is not a qualifying FIT business.

5. Exemption

An individual is exempt from the payment of profits tax chargeable under Part 4 of the Ordinance in respect of sums received by, or accrued to, the individual as payment by a power company for the

Exemption from Profits Tax (Feed-in Tariff Scheme) Order

Section 5

3

purchase of electricity generated in the course of a qualifying FIT business carried on by the individual.

Exemption from Profits Tax (Feed-in Tariff Scheme) Order

Explanatory Note

Paragraph 1

4

Explanatory Note

This Order exempts, subject to certain conditions, an individual from the payment of profits tax chargeable under Part 4 of the Inland Revenue Ordinance (Cap. 112) in respect of the income from selling electricity generated by a renewable energy system to CLP Power Hong Kong Limited or The Hongkong Electric Company, Limited under a Feed-in Tariff Scheme.

Clerk to the Executive Council

COUNCIL CHAMBER

2019

Business Registration (Amendment) Regulation 2019

(Made by the Secretary for Financial Services and the Treasury under section 14(1A)(g) of the Business Registration Ordinance (Cap. 310))

1. Commencement

This Regulation comes into operation on 1 March 2020.

2. Business Registration Regulations amended

The Business Registration Regulations (Cap. 310 sub. leg. A) are amended as set out in section 3.

3. Regulation 8 amended (exemptions)

(1) Regulation 8, English text—

Repeal

"shall be"

Substitute

"are"

(2) Regulation 8(b)—

Repeal

"building,"

Substitute

"building,"

(3) After regulation 8(b)—

Add

"(c) a qualifying FIT business within the meaning of section 4 of the Exemption from Profits Tax (Feed-in Tariff Scheme) Order;"

Secretary for Financial Services and
the Treasury

2019

Explanatory Note

This Regulation amends regulation 8 of the Business Registration Regulations (Cap. 310 sub. leg. A) to exempt from the provisions of the Business Registration Ordinance (Cap. 310) a qualifying FIT business within the meaning of section 4 of the Exemption from Profits Tax (Feed-in Tariff Scheme) Order.

2. In summary, a qualifying FIT business is the participation by an individual in a Feed-in Tariff Scheme, in circumstances that satisfy certain conditions, for selling electricity generated by a renewable energy system to CLP Power Hong Kong Limited or The Hongkong Electric Company, Limited.



Secretary, Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
(E-mail: tpbpd@pland.gov.hk)



By email only

12 March 2020

Dear Sir/Madam,

**Comments on the planning application for the proposed Public Utility Installation
(Solar Photovoltaic System) at Siu Hum Tsuen, San Tin (A/YL-NIM/399)**

The Hong Kong Bird Watching Society (HKBWS) objects to the planning application based on the following reasons.

- 1 Not in line with the planning intention of the "Green Belt" (GB) zoning
 - 1.1 The application site is located on GB zone, where is intended "to define 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." From the Google Earth aerial photograph in 2017 (Figure 1), the site is well vegetated and farming activities are spotted. It is serving the function of GB zone to contain urban sprawl.
 - 1.2 However, the construction of solar energy system will likely require the installation of poles and structure for the solar panels, which will unavoidably shield the land from sunlight and would not be favorable to the growth of vegetation. Also, it is unclear if land filling and pavement would be required. We are concerned the proposed development would lead to a direct loss of natural features and is not in line with the planning intention of GB zone. We consider the construction of solar panel should be restricted to built-up areas within development zoning(s) like Village Development

Type zone, so as to retain the natural features with GB zone.



Secretary, Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
(E-mail: tpbpd@pland.gov.hk)

By email only

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香港觀鳥會 Hong Kong Bird Watching Society

電話 Tel No +852 2377 4387 電郵 E-mail info@hkbws.org.hk

傳真 Fax No +852 2314 3687 網頁 Web site www.hkbws.org.hk

地址 香港九龍荔枝角青山道532號偉基大廈7C

Address 7C, V Ga Building, 532 Castle Peak Road, Lai Chi Kok, Kowloon, Hong Kong



2 Set an undesirable precedent to the future development

The approval of this application will set an undesirable precedent to the future similar applications within the GB zone, and thus nullifying the statutory planning control mechanism. We urge the Board to reject this application in order to protect GB zone and the existing agricultural cluster from any development threats.

3 Justifications for the decision and comments made by Government departments and the Board

According to the Hong Kong Planning Standards and Guidelines (HKPSG), Chapter 10, Section 2.1 (ii), the Board has the responsibility to, *"restrict uses within conservation zones to those which sustain particular landscapes, ecological and geological attributes and heritage features"*. We note that all other Government bureaux/departments are also bound to the HKPSG, and the Agriculture, Fisheries and Conservation Department (AFCD) and the Planning Department (PlanD) have the responsibility to advise the Board on the ecological¹ and planning aspects in particular. Given AFCD's mission to conserve natural environment and safeguard the ecological integrity², and the proposed development is not in line with the planning intention of the statutory zoning, HKBWS would also expect AFCD and PlanD to object to this application. Should AFCD, PlanD or the Board feels otherwise, we urge that the appropriate justifications are provided.

The HKBWS respectfully requests the Board to take our comments into consideration and reject the current application. Thank you for your kind attention.

¹ AFCD Role of Department. Available at:
http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html

² AFCD Vision and Mission. Available at:
http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html

Yours faithfully,

Suet Mei

Wong Suet Mei
Assistant Conservation Officer
The Hong Kong Bird Watching Society

cc.

The Conservancy Association
Designing Hong Kong
Kadoorie Farm and Botanic Garden
WWF – Hong Kong
TrailWatch

Figure 1. The Google Earth aerial photograph in December 2017 reveals that the site is well vegetated and farming activities are spotted. It is serving the function of GB zone to contain urban sprawl.



J-6

創建 Designing Hong Kong 香港 .com

13th March, 2020
Chairman and Members
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
Fax: 2877 0245;
Email: tpbpd@pland.gov.hk



**Re: Proposed Public Utility Installation (Solar Photovoltaic System)
(Application No. A/YL-NTM/399)**

Dear Chairman and Members,

Designing Hong Kong Limited **objects** the captioned for the following reasons:

- The proposed area zoned as "**Green Belt (GB)**". The planning intention of this 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.
- From the Google Earth's aerial image, the application site is surrounding by rural landscape. We concern the application does not compatible with the surrounding landscape and bring negative impacts to the visual impacts and the landscape of the area.



October 2018

- Approval of the application would set an undesirable precedent for other similar applications within the "GB" zone and lead to a general degradation of the rural environment of the area.

Here we submit our concerns for your consideration.

Yours,
Designing Hong Kong Limited



世界自然基金會
香港分會

WWF-Hong Kong

香港新界葵涌葵昌路8號
萬泰中心15樓
15/F, Manhattan Centre
8 Kwai Cheong Road
Kwai Chung, N.T., Hong Kong

電話 Tel: +852 2526 1011
傳真 Fax: +852 2845 2764
wwf@wwf.org.hk
wwf.org.hk



13 March 2020

Chairman and members
Town Planning Board
15/F North Point Government Offices,
333 Java Road, North Point, Hong Kong
(E-mail: tpbpd@pland.gov.hk)

By E-mail ONLY

Dear Sir/Madam,

**Re: Proposed Public Utility Installation (Solar Photovoltaic System) on "Green Belt" zone
at Siu Hum Tsuen, Shuen Wan, San Tin, Yuen Long
(A/YL-NTM/399)**

WWF would like to object to the captioned application.

Not in line with the planning intention of the "Green Belt" zone

The captioned Application falls within the "Green Belt" ("GB") zone of the approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12. Under this OZP, the "GB" zone is intended *"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 recreation outlets. There is a general presumption against development within this zone."* According to the latest available aerial photo in 2018, active farmlands and natural vegetation can be found at the application site (Fig. 1). We worry that the installation of the poles or related equipment for the proposed solar panels will result in vegetation clearance and cause ecological degradation of the site. However, we found that the applicant failed to address the potential ecological impact of the captioned solar energy system. It is also unclear whether filling / excavation of land will be needed for the captioned project. As such, we opine that the captioned application is not in line with the planning intention of the "GB" zone and should be rejected.

together possible™

地址: 香港特別行政區政府
林鄭月娥女士, 大東亞發展局, GBS
主席: 何國雄先生
行政總裁: 江耀賢先生

地址: 香港特別行政區政府
徐蔭昌先生, 香港特別行政區政府
秘書長: 陳國治先生
秘書長: 陳國治先生

Patron: The Honourable Mrs Carrie Lam Cheung Yee-fing, GBS, GBS
The Chief Executive of the HKSAR
Chairman: Mr Edward H. Ho
CEO: Mr Peter Connelley

Honorary Address: BDO Limited
Honorary Company Secretary:
McCabe Secretarial Services Limited
Honorary Treasurer: HSBC
Registered Charity
(Incorporated With Limited Liability)

註冊名稱: Registered Name: 世界自然基金會 World Wide Fund For Nature Hong Kong
(香港世界自然基金會有限公司) (Incorporated in Hong Kong with limited liability by guarantee)

Setting up an undesirable precedent

WWF is of grave concern that the approval of the captioned application would set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such applications would result in the encroachment of natural environment, causing a general degradation of the rural environment of the area. WWF believes that the development of renewable energy should not affect the rural environment and local ecology. Alternatively, we believe that Hong Kong should utilize public spaces (e.g., reservoirs, sports grounds, parks, libraries, schools, housing estate communal areas, hospitals, highways and etc.) for renewable energy generation. All these options can provide much more electricity generation capacity and enable public education / participation while do not need to sacrifice Hong Kong's valuable ecological resources.

Yours faithfully,



Andrew Chan
Senior Conservation Officer, Policy

Fig. 1 Natural vegetation and active farmland found on the application site in October 2018 (approximate site boundary is shown as red polygon).



Recommended Advisory Clauses

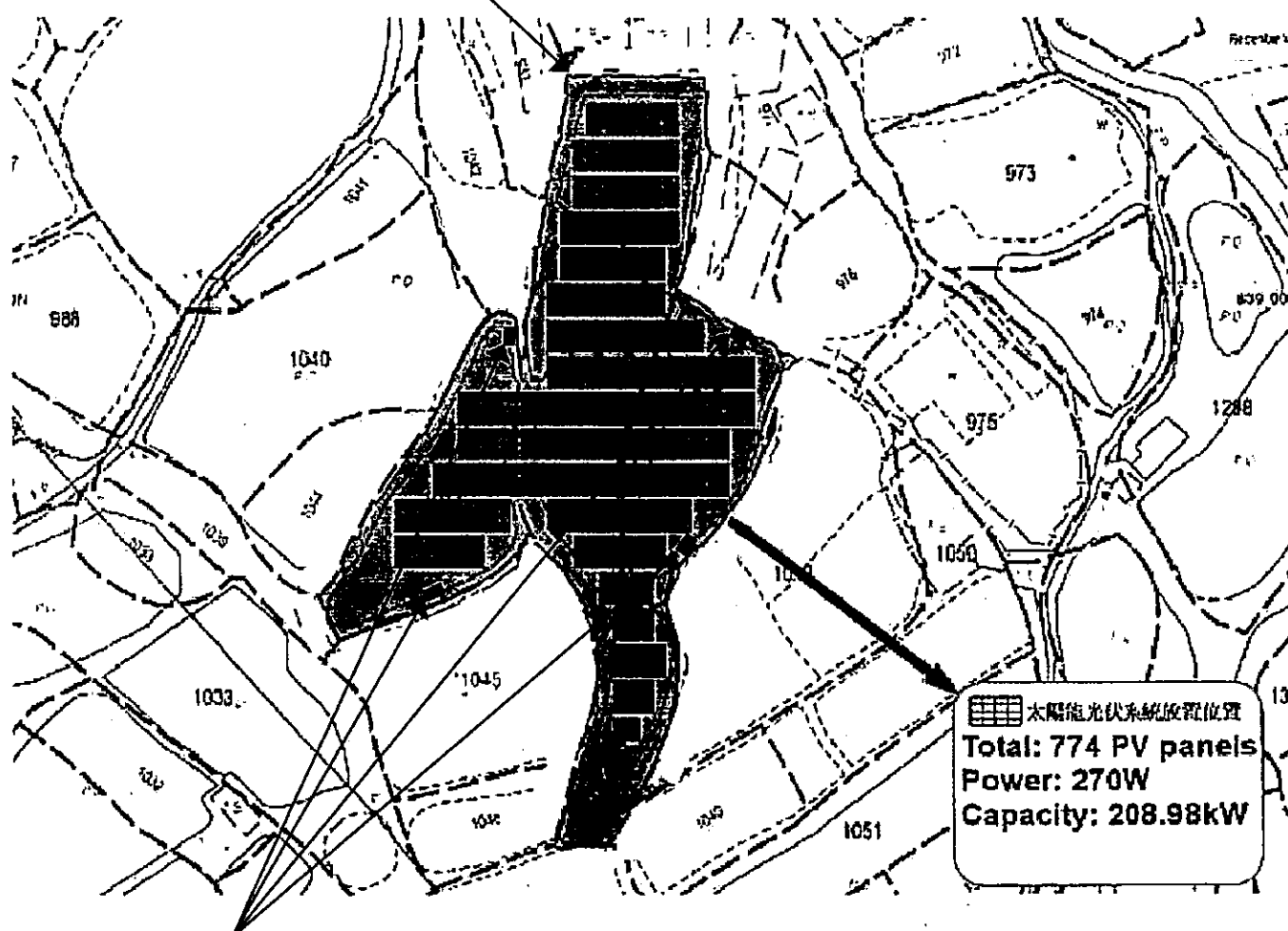
- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises an Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD;
- (b) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to Ka Lung Road via section of a local access which is not managed by TD. The land status of the local access should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly. As there is no information about the vehicular access at the private lot(s) to the concerned site, the applicant should arrange by themselves if necessary, and should seek the relevant land owner(s) on the right of using the vehicular access;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that The village type access between the Site and Ka Lung Road is not and will not be maintained by HyD;
- (d) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD) that the Site falls within the area of influence ("AOI") of the proposed Northern Link ("NOL"), which is a recommended railway scheme under the Railway Development Strategy 2014. Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL. He has no objection in principle to the application from the development point of view of the NOL, provided that the applicant is satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of NOL;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant shall strictly comply with relevant pollution control ordinances, including Waste Disposal Ordinance and Water Pollution Control Ordinance and to implement appropriate pollution control measures to minimize any potential environmental impacts during construction of the project. Reference could be made to relevant publications /guidelines including Recommended Pollution Control Clauses for Construction Contracts and Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 1/94, "Construction Site Drainage";

- (f) to note the comments of the Director of Fire Services (D of FS) that the applicant shall submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are UBW under the Building Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the Site under the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulation (B(P)R) respectively. The Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Detailed comments under the BO will be provided at building plan submission stage;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains & the proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations & charts should be included. (For preparation of the drainage proposal, the Guideline on preparation of the drainage proposal is available in DSD homepage at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf for reference). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on Site. After completion of the required drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the application site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The

applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the site; and

- (i) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Project Site Entrance



Proposed CLP Outdoor Meter Box
Location (Total 4 sets)

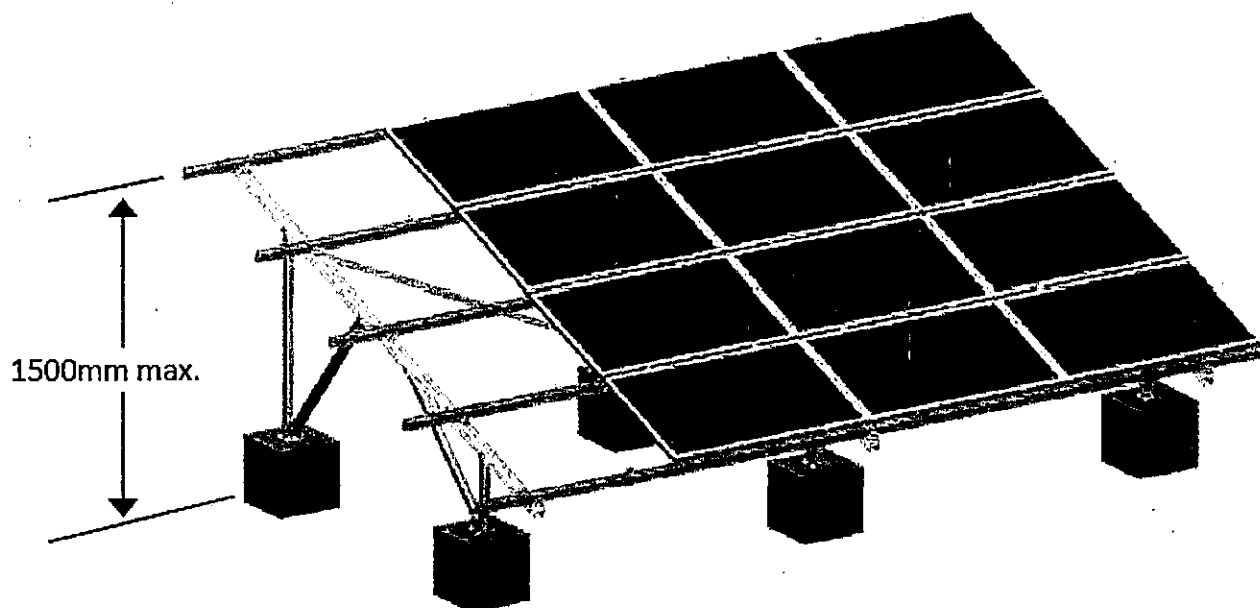
(摘錄自申請人於28. 8. 2020提交的進一步資料)
(Extract from Applicant's Further
Information Submitted on 28.8.2020)

參考編號
REFERENCE No.
A/YL-NTM/399

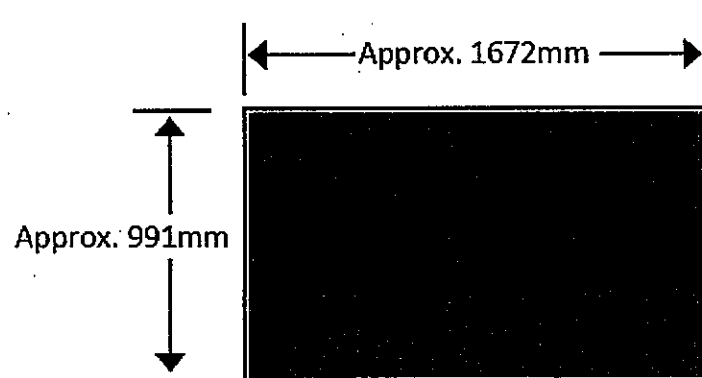
繪圖 DRAWING
A-1

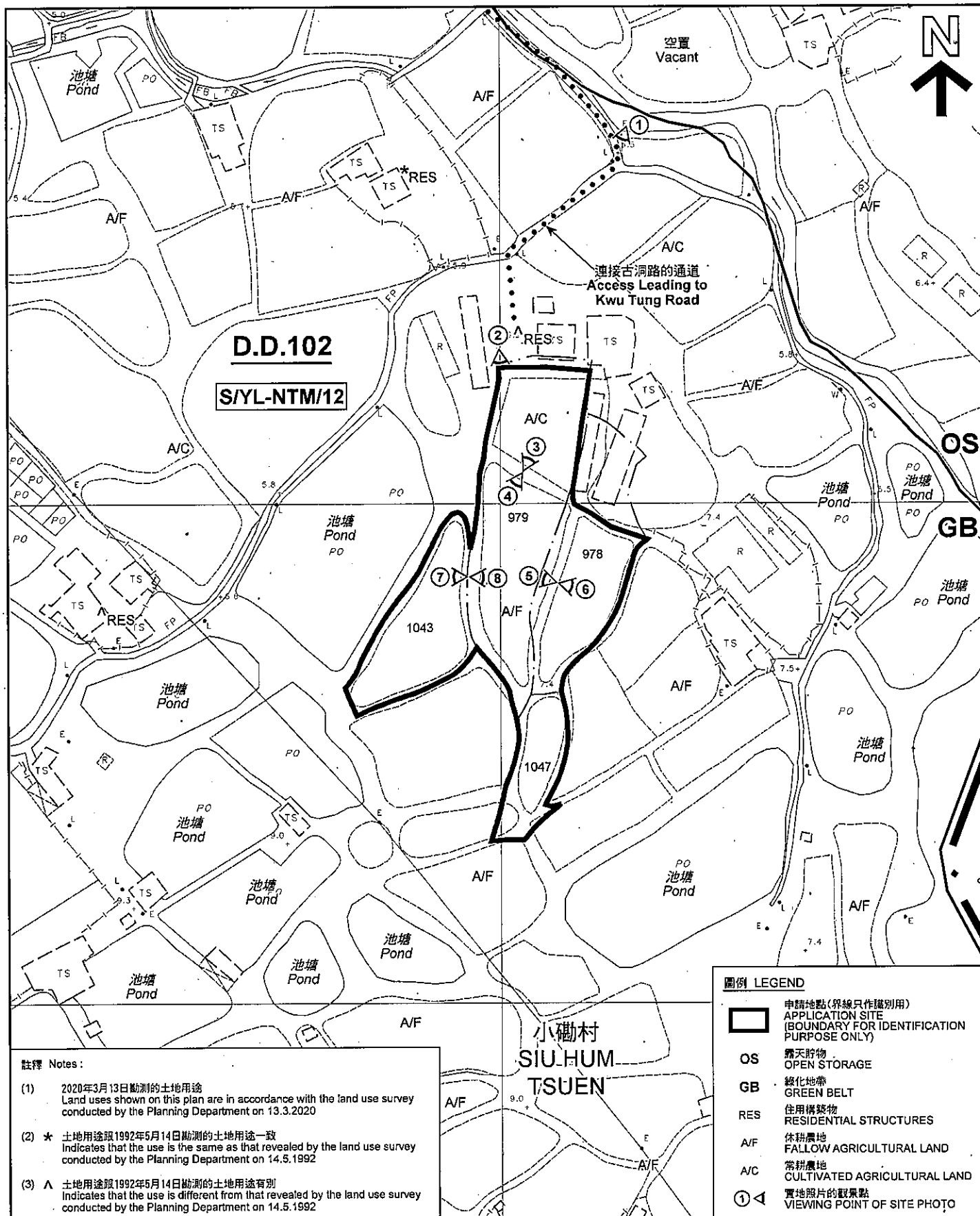
Appendix 1

Proposed PV Panel Support Frame Height:



Proposed PV Panel Module Size :





平面圖 SITE PLAN

擬議公用事業設施裝置(太陽能光伏系統)
元朗新田小磡村丈量約份第102約地段第978號(部分)、
第979號(部分)、第1043號及第1047號

PROPOSED PUBLIC UTILITY INSTALLATION
(SOLAR PHOTOVOLTAIC SYSTEM)

LOTS 978 (PART), 979 (PART), 1043 AND 1047 IN D.D. 102,
SIU HUM TSUEN, SAN TIN, YUEN LONG

SCALE 1:1000 比例尺

米 20 0 20 40 米
METRES

本摘要圖於2020年8月20日擬備，所根據的
資料為測量圖編號 2-SE-13A 及 2-SE-13C
EXTRACT PLAN PREPARED ON 20.8.2020
BASED ON SURVEY SHEETS No.
2-SE-13A & 2-SE-13C

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.:
A/YL-NTM/399

圖 PLAN
A-2



連接古洞路的通道
Access Leading to
Kwu Tung Road

小欄村
SIU HUM
TSUEN

新田軍營
SAN TIN
BARRACKS

圖例 LEGEND



申請地點(界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)

本摘要圖於2020年8月20日擬備，所根據
的資料為地政總署於2018年10月3日拍得
的航攝照片編號 E046461C
EXTRACT PLAN PREPARED ON 20.8.2020
BASED ON AERIAL PHOTO No.
E046461C TAKEN ON 3.10.2018
BY LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

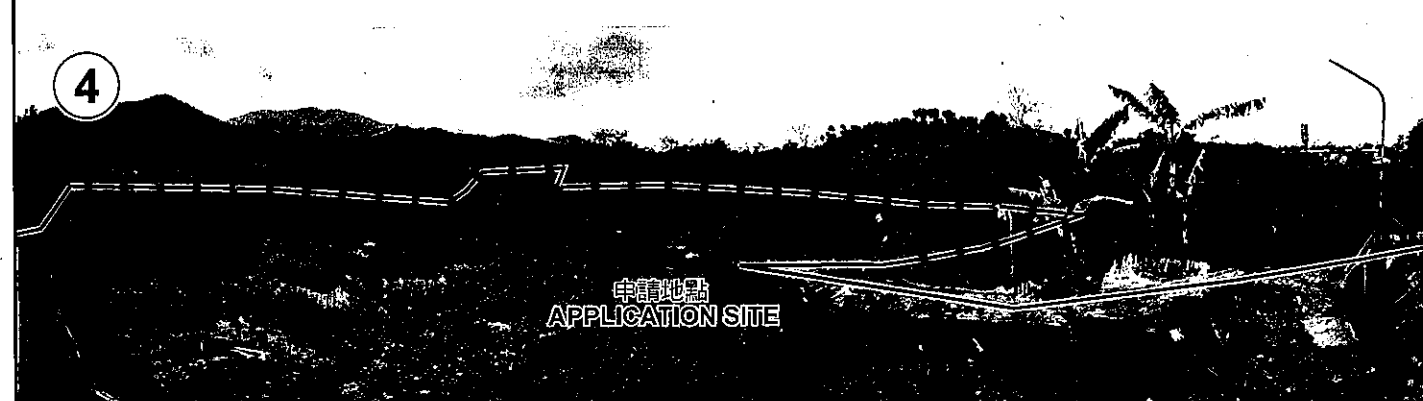
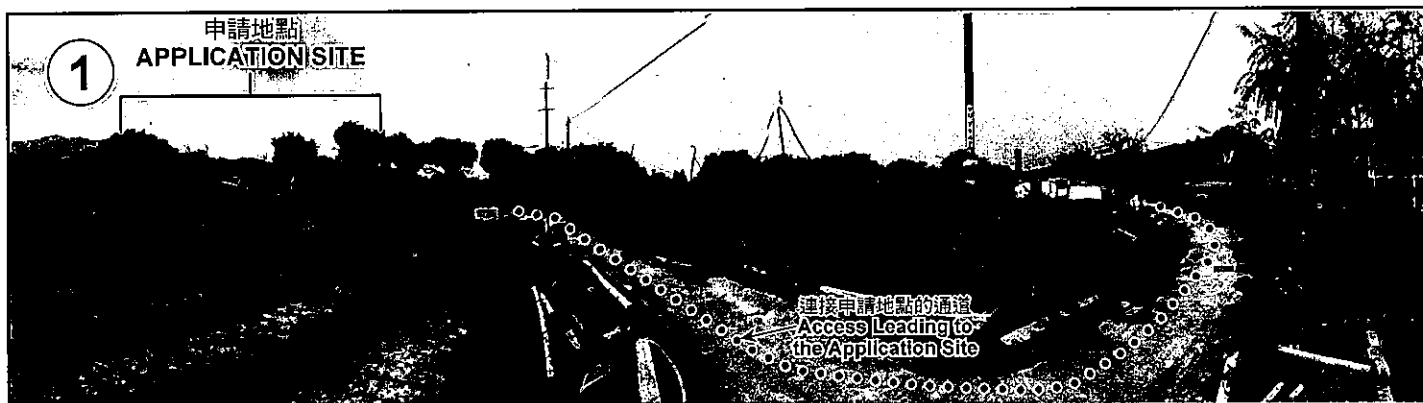
擬議公用事業設施裝置(太陽能光伏系統)
元朗新田小欄村丈量約份第102約地段第978號(部分)、
第979號(部分)、第1043號及第1047號
PROPOSED PUBLIC UTILITY INSTALLATION
(SOLAR PHOTOVOLTAIC SYSTEM)
LOTS 978 (PART), 979 (PART), 1043 AND 1047 IN D.D. 102,
SIU HUM TSUEN, SAN TIN, YUEN LONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-NTM/399

圖 PLAN
A-3



申請地點界線只作識別用 APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本圖於2020年8月20日擬備，所根據的資料為攝於2020年3月13日的實地照片
PLAN PREPARED ON 20.8.2020
BASED ON SITE PHOTOS
TAKEN ON 13.3.2020

實地照片 SITE PHOTOS

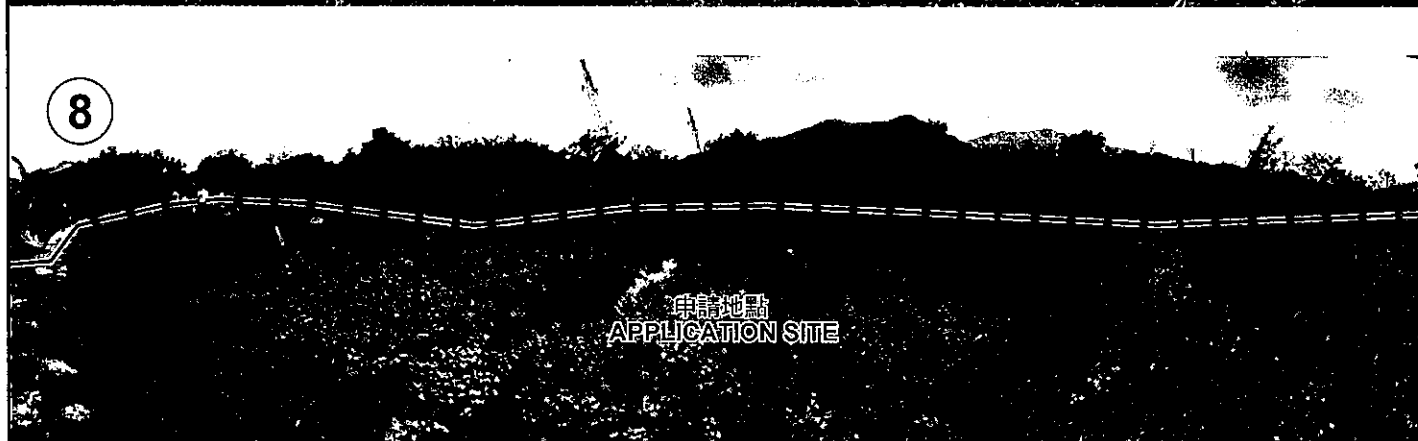
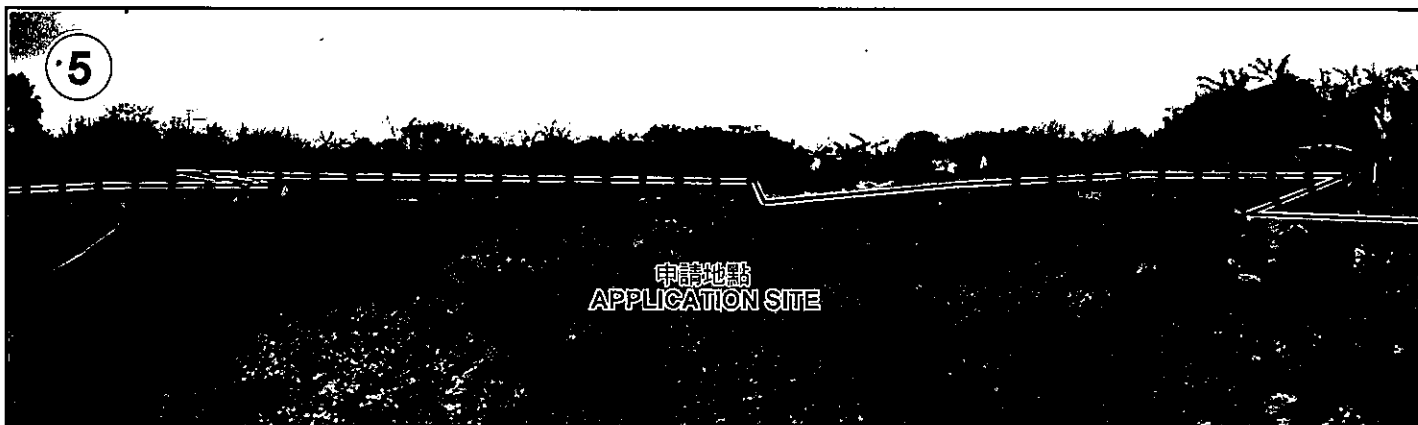
擬議公用事業設施裝置（太陽能光伏系統）
元朗新田小欖村丈量約份第102約地段第978號（部分）、
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PROPOSED PUBLIC UTILITY INSTALLATION
(SOLAR PHOTOVOLTAIC SYSTEM)
LOTS 978 (PART), 979 (PART), 1043 AND 1047 IN D.D. 102,
SIU HUM TSUEN, SAN TIN, YUEN LONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-NTM/399

圖 PLAN
A-4a



申請地點界線只作識別用 APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本圖於2020年8月20日擬備，所根據的資料為攝於2020年3月13日的實地照片
PLAN PREPARED ON 20.8.2020
BASED ON SITE PHOTOS
TAKEN ON 13.3.2020

實地照片 SITE PHOTOS

擬議公用事業設施裝置（太陽能光伏系統）
元朗新田小欖村丈量約份第102約地段第978號（部分）、
第979號（部分）、第1043號及第1047號
PROPOSED PUBLIC UTILITY INSTALLATION
(SOLAR PHOTOVOLTAIC SYSTEM)
LOTS 978 (PART), 979 (PART), 1043 AND 1047 IN D.D. 102,
SIU HUM TSUEN, SAN TIN, YUEN LONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-NTM/399

圖 PLAN
A-4b

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/399 Proposed Public Utility Installation (Solar Photovoltaic System) in
 "Green Belt" Zone, Lots 978 (Part), 979 (Part), 1043 and 1047 in D.D.
 102, Siu Hum Tsuen, San Tin, Yuen Long
 (RNTPC Paper No. A/YL-NTM/399)

Presentation and Question Sessions

101. Ms Emily P.W. Tong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed public utility installation (solar photovoltaic (SPV) system);
- (c) departmental comments – departmental comments were set out in paragraph 11 of the Paper;
- (d) during the first three weeks of the statutory publication periods, seven public comments were received, with one supporting comment from an individual and the other six from World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and individuals objecting to the application. Major views were set out in paragraph 12 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 13 of the Paper. The proposed development was not in line with the planning intention of the "Green Belt" ("GB") zone and there was no strong planning justification in the submission for a departure from the planning intention.

The proposed system was massive in scale and was considered not compatible with the surrounding areas. The application was not in line with the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) in that the proposed development would affect the existing natural landscape and cause adverse visual impact on the surrounding environment. The proposed use was not in line with the assessment criteria for considering applications for solar photovoltaic system in that the applicant had not yet obtained CLP Power Hong Kong Limited (CLP)'s Acknowledgement Letter to demonstrate the technical feasibility of the scheme, there were adverse comments from relevant government departments on visual and landscape aspects and the applicant failed to demonstrate that the proposed use would not adversely affect the landscape character/resources of the "GB" zone and jeopardise the integrity of the "GB" zone as a buffer. There was no similar application for the solar energy system within the "GB" zone on the concerned Outline Zoning Plan. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

102. In response to the enquiries from the Chairman and a Member, Ms Emily P.W. Tong, STP/FSYLE, said that the application was submitted by Cornerstone Renewable Energy Limited which was not the current land owner of the application site and there was no information on whether it was a profit-making organisation.

Deliberation Session

103. The Chairman drew Members' attention that in view of the increasing number of applications for installation of SPV system received in 2019, the Committee considered that some assessment criteria should be formulated to facilitate assessment of such applications. The Committee also decided to defer consideration of relevant applications until the assessment criteria were made available. The current application was the first application to be considered by the Committee after the 'Assessment Criteria for Considering Applications for Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance' (the Assessment Criteria) was promulgated in July 2020. The Chairman invited Members to express views on the application.

104. Members noted that the current application was not in line with items (a) and (j) of the Assessment Criteria at Appendix II of the Paper in that the applicant failed to obtain CLP's Acknowledgement Letter and the Site fell within the "GB" zone where there was a presumption against development but the applicant had not provided strong justifications in support of the application. In addition, the proposed development was also not in line with the TPB PG-No. 10 regarding development within the "GB" zone as the proposed development would affect the existing natural landscape.

105. A Member was concerned whether CLP had its own technical guidelines in assessing applications for participation in the 'Renewable Energy Feed-in Tariff (FiT) Scheme' and the impacts on the "GB" sites. During discussion, Members noted that on the technical front, CLP would assess the feasibility of electricity supply from the concerned site and the electricity loading to sustain the proposed development. The Chairman remarked that the Assessment Criteria had been formulated to take into account the above technical feasibility requirement in assessing such planning application.

106. In response to a Member's enquiry, the Chairman explained that if a proposed installation of SPV system was for supplementing power supply to the primary use/development, it could be regarded as an ancillary use, and no planning permission for the system was required. In contrast, installation of SPV system as a stand-alone facility for the FiT Scheme would be regarded as 'Public Utility Installation' ('PUI'). Planning application was required for stand-alone SPV system for FiT Scheme in areas where 'PUI' was a Column 2 use under the statutory plan concerned. While obtaining the CLP's Acknowledgement Letter was a prerequisite for assessing the planning application, for such development within the "GB" zone, the proposal would also need to comply with the TPB PG-No. 10 and the Committee would look into its impacts on the "GB" zone.

107. In relation to the assessment criteria for development within "GB" zone, the Chairman pointed out that the TPB PG-No. 10 had set out the relevant assessment criteria for the Committee/Board to take into account when considering planning applications. Upon the Chairman's request, the Secretary highlighted that the main assessment criteria under the TPB PG-No. 10 covered various aspects including the design and layout of a proposed development, development intensity, infrastructural capacity, assessments on the landscape/visual impacts and other environmental impacts.

108. Noting one reason recommended by PlanD for not approving the application was that the proposed SPV system was not in line with the planning intention of the "GB" zone, a Member expressed concern that the adoption such a criteria might be rather stringent, and the chance for obtaining approval within "GB" and other zonings such as "Agriculture" and "Village Type Development" would be rather slim. For the current case, whilst the Secretary for the Environment had given policy support to the application, rejecting the application might not be a welcoming outcome from the renewable energy perspective. The Chairman explained that while the Board was supportive to the use of renewable energy, there was a need to strike a balance between development and conservation. Development of SPV systems at the expense of the natural landscape should not be supported and hence the Board had formulated the Assessment Criteria so as to maintain consistency when considering such applications. In any case, the Assessment Criteria could be further reviewed after gathering more experience in processing such applications and subject to further discussion with relevant government bureaux/departments as and when required.

109. Majority of the Members considered that the application was not in line with the Assessment Criteria and the TPB PG-No. 10 concerning development in the "GB" zone and did not support the application.

110. After deliberation, the Committee decided to reject the application. The reasons were:

- "(a) the development is not in line with the planning intention of the "Green Belt" ("GB") zone, which is to define 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;
- (b) the development is not in line with the Town Planning Board Guidelines for 'Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance' in that the proposed development is incompatible with the surrounding area and would affect the existing natural landscape and cause adverse visual impact on the surrounding

environment; and

- (c) the proposed use is not in line with the assessment criteria for considering applications for solar photovoltaic system in that the applicant has yet to obtain CLP Power Hong Kong Limited's acknowledgement letter, there are adverse comments from relevant government departments on visual and landscape aspects, and the applicant fails to demonstrate that the proposed use would not adversely affect the landscape character/resources of the "GB" zone and jeopardise the integrity of the zone as a buffer."

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

Annex C of
TOWN PLANNING BOARD TPB Paper No. 10749

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳真 Fax: 2877 0245 / 2522 8426

電話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/YL-NTM/399

By Post & Fax

18 September 2020

Cornerstone Renewable Energy Ltd.

(Attn.: 倪漢順)

Dear Sir/Madam,

**Proposed Public Utility Installation (Solar Photovoltaic System)
in "Green Belt" Zone, Lots 978 (Part), 979 (Part), 1043 and
1047 in D.D. 102, Siu Hum Tsuen, San Tin, Yuen Long**

I refer to my letter to you dated 4.9.2020.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are:

- (a) the development is not in line with the planning intention of the "Green Belt" ("GB") zone, which is to define 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;
- (b) the development is not in line with the TPB Guidelines for 'Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance' in that the proposed development is incompatible with the surrounding area and would affect the existing natural landscape and cause adverse visual impact on the surrounding environment; and
- (c) the proposed use is not in line with the assessment criteria for considering applications for solar photovoltaic system in that you have yet to obtain CLP Power Hong Kong Limited's acknowledgement letter, there are adverse comments from relevant government departments on visual and landscape aspects, and you fail to demonstrate that the proposed use would not adversely affect the landscape character/resources of the "GB" zone and jeopardise the integrity of the zone as a buffer.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 4.9.2020, in both English and Chinese, are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 9.10.2020). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Emily Tong of Fanling, Sheung Shui & Yuen Long East District Planning Office at 3168 4033.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

(With Chinese Translation)

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.:

TPB/A/YL-NTM/399

郵遞及傳真函件

基石再生能源有限公司
(經辦人：倪漢順)

先生／女士：

擬在劃為「綠化地帶」的元朗新田小磡村第 102 約
地段第 978 號(部分)、第 979 號(部分)、第 1043 號及
第 1047 號開設公用事業設施裝置(太陽能光伏系統)

我曾於二零二零年九月四日發信給你。

城市規劃委員會(下稱「城規會」)在考慮這宗申請後，
決定拒絕這宗申請，理由是：

- (a) 有關發展不符合「綠化地帶」的規劃意向。「綠化地帶」的規劃意向是利用天然地理環境作為市區和近郊的發展區的界限，抑制市區範圍的擴展，並提供土地作靜態康樂場地。根據一般推定，此地帶不宜進行發展。申請書內並無有力的規劃理據，以支持偏離此規劃意向；
- (b) 有關發展不符合有關「擬在綠化地帶進行發展而按照城市規劃條例第 16 條提出的規劃申請」的城市規劃委員會規劃指引，因為擬議發展與周圍環境並不配合，會影響現有天然景致，破壞周圍環境的景觀；以及
- (c) 擬議用途不符合安裝太陽能光伏系統的申請的評審準則，因為你尚未取得香港中華電力有限公司的確

認書，相關政府部門在視覺及景觀方面有負面意見，以及你未能證明擬議用途不會對「綠化地帶」的景觀特色／資源造成不良影響，亦不會影響具緩衝作用的「綠化地帶」的完整。

隨函付上就這宗申請擬備的城規會文件(補充規劃綱領／技術報告(如有的話)除外)及二零二零年九月四日城規會會議記錄的相關摘錄中英文本，以供參閱。

根據《城市規劃條例》第 17(1)條，申請人如因城規會的決定而感到不滿，可向城規會申請對有關決定進行覆核。如欲提出覆核申請，你須在本信發出日期起計 21 天內(即二零二零年十月九日或之前)通知我。其後，我會與你聯絡，邀請你及／或你授權的代表出席城規會的聆聽會。城規會須在收到覆核申請的日期起計三個月內考慮覆核申請。所有覆核申請均須予公布，為期三個星期，讓公眾提出意見。

根據《城市規劃條例》，城規會在覆核聆聽會上，只可因應申請人的進一步書面及／或口頭申述，重新考慮原來的申請。如你在現階段決定對原來的建議作出重大修改，便應根據《城市規劃條例》第 16 條的規定，就修改建議向城規會提交新的申請。

如對上述決定有任何疑問或需要進一步資料，請與粉嶺、上水及元朗東規劃處唐寶煌女士聯絡(電話：3168 4033)。

城市規劃委員會秘書
(簡志陶代行)

二零二零年九月十八日

tpbpd@pland.gov.hk

寄件者: Cornerstone
寄件日期: 2020年10月08日星期四 9:45
收件者: tpbpd@pland.gov.hk
副本: CY Leung; KK Moy; Henry Ngai
主题: Apply for Review Of Application TPB/A/YL-NTM/399
附件: Letter for Application Review.pdf

Dear Mr. Kan,

Refer to the given letter dated on 18 September 2020, we would like to apply for Review Of application TPB Reference is TPB/A/YL-NTM/399. The title is "Proposed Public Utility Installation (Solar Photovoltaic System) in "Green Belt" Zone, Lots 978 (Part), 979 (Part), 1043 and 1047 in D.D 102, Siu Hum Tsuen, San Tin, Yuen Long".

The proposed site for Solar Photovoltaic System will be inside an area of abandoned farmland and should not cause any influence for any passive recreational outlets.

The proposed height of Solar PV System construction is lower than the existing building and other facility. The area where the proposed of Solar PV System will be surrounded by tree line. Also, if require some green vegetation, it could be arranged around the whole area as well so the view can match the surrounding environment. For your information in this vicinity it is noted that already inhabited with some building and other facility for some time. There are some land filling works activities in progress.

For the record, this application started in 2018. The Solar PV System policy for FIT (Feed-in Taffic) given by CLP at that moment was to have the FIT approved first, proceed with the installation of the Solar PV System construction and then finally with CLP meter installation. Our current understanding, users/applicants must apply the CLP Meter first, install the meter before CLP can approved the FIT application.

Since we do not have TPB approval for any develop on this area we unable to proceed with installing the CLP meters and switch gear for CLP FIT approval.

In reviewing our application, we can consider to reduce the size of the project (number of solar panel) if this is an issue and also we can consider to apply for short-term wavier instead.

We hope you will review and consider this application and please also find a attached copy of letter in pdf format.

Kind regards,

Cornerstone Renewable Energy Limited



基石再生能源有限公司
Cornerstone Renewable Energy Limited

Date : 7th Oct, 2020

Apply for Review Of Application TPB/A/YL-NTM/399

Dear Mr. Kan,

Refer to the given letter dated on 18 September 2020, we would like to apply for Review Of application TPB Reference is TPB/A/YL-NTM/399. The title is "Proposed Public Utility Installation (Solar Photovoltaic System) in "Green Belt" Zone, Lots 978 (Part), 979 (Part), 1043 and 1047 in D.D 102, Siu Hum Tsuen, San Tin, Yuen Long".

The proposed site for Solar Photovoltaic System will be inside an area of abandoned farmland and should not cause any influence for any passive recreational outlets.

The proposed height of Solar PV System construction is lower than the existing building and other facility. The area where the proposed of Solar PV System will be surrounded by tree line. Also, if require some green vegetation, it could be arranged around the whole area as well so the view can match the surrounding environment. For your information In this vicinity it is noted that already inhabited with some building and other facility for some time. There are some land filling works activities in progress.

For the record, this application started in 2018. The Solar PV System policy for FiT (Feed-in Taffic) given by CLP at that moment was to have the FiT approved first, proceed with the installation of the Solar PV System construction and then finally with CLP meter installation. Our current understanding, users/applicants must apply the CLP Meter first, install the meter before CLP can approved the FiT application.

Since we do not have TPB approval for any develop on this area we unable to proceed with installing the CLP meters and switch gear for CLP FIT approval.

In reviewing our application, we can consider to reduce the size of the project (number of solar panel) if this is an issue and also we can consider to apply for short-term wavier instead.

We hope you will review and consider this application.

Kind regards,

Cornerstone Renewable Energy Limited

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&public groups



S.17 Planning Application No. A/YL-NTM/399 - Apply for deferring 3 months
24/06/2021 15:17

From: CY Leung <
To: tpbpd@pland.gov.hk
Cc: wwklau <wwklau@pland.gov.hk>, Niko Tsoi <
, Henry Ngai, KK Moy
FileRef:

Dear Sir / Madam,

We would like to apply for deferring 3 months more in order to provide much time for CLP following up the documentation work. Please find attached is the preliminary information given by CLP for your information.

Kind regards,
CY Leung

--
Project Engineer

D:+

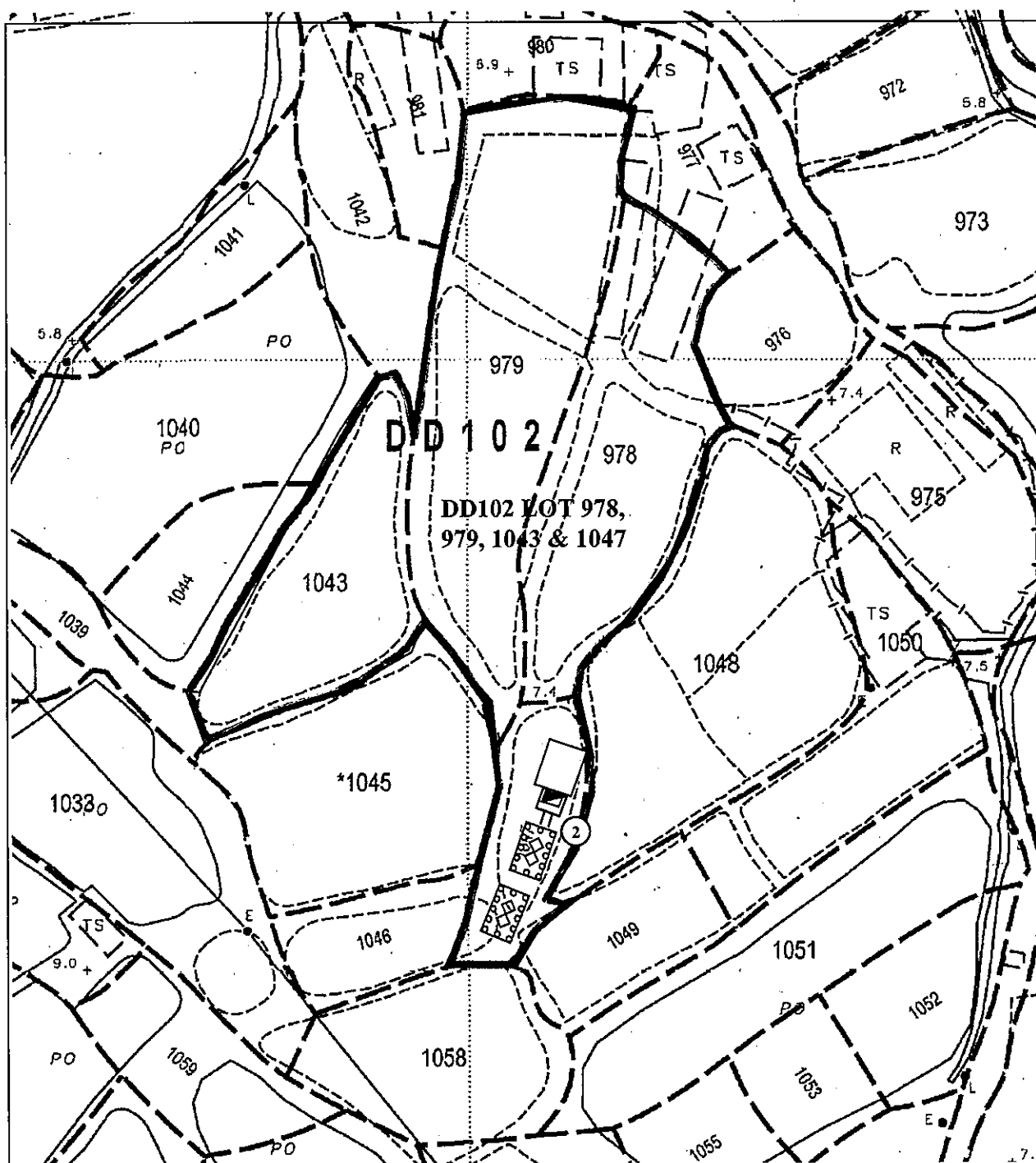
Cornerstone Technologies Holdings Limited
Sustainable Innovation Made Accessible



f.
a.



Tsim Sha Tsui East, Kowloon YL210344.pdf



Work Required From Applicant



DUCTS OF 150mm DIAMETER
WITH Nos. INDICATED



PROPOSED SUPPLY POINT
(DRG. NO. T/GEN/25500/D/E33/0288/01/A/A)



DRAW-PIT 1200mm x 1200mm
(DRG. NO. T/GEN/25500/D/E33/0267/01/A/A)



FENCE FOR H-POLE
(DRG.NO.NR-G-2011-44)

CLP 中電

Branch:

規劃及設計處

Designed:

W. Yan

Date:

18 May 2021

Drawing No.

YL210344

Map No.

02SE13C

Location:

DD102 LOT 978, 979, 1043 & 1047
SIU HUM TSUEN

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

Annex F of
TOWN PL TPB Paper No. 10749

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 or 2522 8426

電 話 Tel: 2231 4810

來函編號 Your Reference:

覆函請註明本會編號

In reply please quote this ref.: TPB/A/YL-NTM/399

By Post and Fax

11 May 2021

Cornerstone Renewable Energy Ltd.

(Attn.: 倪漢順)

Dear Sir/Madam,

**Proposed Public Utility Installation (Solar Photovoltaic System) in "Green Belt" Zone,
Lots 978 (Part), 979 (Part), 1043 and 1047
in D.D. 102, Siu Hum Tsuen, San Tin, Yuen Long
(Application No. A/YL-NTM/399)**

Please refer to our letter to you dated 16.4.2021 on the captioned matter.

After giving consideration to your review submission, the Town Planning Board (the Board) decided on 23.4.2021 to defer a decision on the review application as requested by you pending the submission of further information from you. The Board agreed that the review application should be submitted for its consideration within three months from the date of receipt of further information from you. If the further information submitted by you is not substantial and can be processed within a shorter time, the review application can be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise you that two months are allowed for preparation of the submission of further information. Since it is the third deferment and a total of six months has been allowed for preparation of the submission of further information, no further deferment would be granted unless under very special circumstances.

A copy of the relevant extract of minutes of the Board meeting held on 23.4.2021, in both English and Chinese, are enclosed herewith for your reference.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Irene Lai of Fanling, Sheung Shui and Yuen Long East District Planning Office at 3168 4033.

Yours faithfully,



(Raymond KAN)

for Secretary, Town Planning Board

Encl.

(With Chinese Translation)

RK/fk

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/YL-NTM/399

郵遞及傳真函件

(經辦人：倪漢順)

先生／女士：

擬在劃為「綠化地帶」的元朗新田
小磡村第 102 約地段第 978 號(部分)、
第 979 號(部分)、第 1043 號及第 1047 號
闢設公用事業設施裝置(太陽能光伏系統)
(申請編號 A/YL-NTM/399)

我曾於二零二一年四月十六日就上述事宜發信給你。

城市規劃委員會(下稱「城規會」)在考慮你的覆核申請後，於二零二一年四月二十三日的會議上，決定按你的要求，延期就這宗覆核申請作出決定，以待你提交進一步資料。城規會同意，這宗覆核申請須在收到你的進一步資料當日起計三個月內提交城規會考慮。倘你所提交的進一步資料不包含重要的內容，可在較短時間內處理，這宗覆核申請可於較早的會議上提交城規會考慮。城規會亦同意告知你，城規會已給你兩個月時間準備將要提交的進一步資料。由於這是第三次延期，而城規會已給予你合共六個月時間準備所要提交的進一步資料，除非情況極為特殊，否則不會批准再延期。

隨函付上二零二一年四月二十三日城規會會議記錄相關摘錄的中英文本，以供參閱。

如對上述決定有任何疑問或需要進一步資料，請與粉嶺、上水及元朗東規劃處黎惠珊女士聯絡(電話：3168 4033)。

城市規劃委員會秘書
(簡志陶代行)

二零二一年五月十一日

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

Feed-in Tariff and Solar Photovoltaic System

1. Development of renewable energy (RE) is an important part of the Government's efforts in combating climate change. Increasing the use of RE, a zero-carbon energy, can help decarbonize the electricity generation sector, which contributes to about two-thirds of the carbon emissions in Hong Kong. The policy is for the Government to take the lead in developing RE where technically and financially feasible and to create conditions that are conducive to community participation. Against this background, Feed-in Tariff (FiT) was introduced under the post-2018 Scheme of Control Agreements (SCAs) between the Government and the two power companies, i.e. The Hongkong Electric Company, Limited (HKE) and CLP Power Hong Kong Limited (CLP) to provide incentives for individuals and non-Government bodies to invest in RE, including solar photovoltaic (SPV) system. Under the SCAs, FiT is offered for electricity generated by the RE systems throughout the project life of the RE systems¹ or until 31 December 2033, whichever is the earlier.
2. A SPV system includes SPV panels, inverter(s), energy meters, distribution board(s), cables and other components as necessary to form a complete grid connected SPV installation. The two key components are SPV panels and inverter(s). SPV panels convert sunlight into electricity. The inverter(s) convert the output direct current (DC) of the solar panels into alternating current (AC). A typical SPV system is shown in **Figure 1**.

Statutory Planning Provision for Solar Photovoltaic System

3. In general, SPV systems are commonly found on (i) rooftop of New Territories Exempted House (NTEH); (ii) rooftop of private buildings; and (iii) vacant land.
4. If installation of SPV system is incidental to, directly related and ancillary to and commensurate in scale with a permitted use/development within the same zone or at the rooftop of NTEH or private building, it is regarded as an ancillary use for supplementing power supply to the use/development, household or building². No planning permission for the system is required.
5. Installation of SPV system as a stand-alone facility on vacant land for the FiT Scheme would be regarded as 'Public Utility Installation' ('PUI'), which is always permitted in "Commercial", "Government, Institution or Community", "Industrial", "Industrial (Group D)", "Open Storage", "Other Specified Uses" ("OU") annotated "Business" and "OU" annotated "Industrial Estate" zones. Planning application is required for stand-alone SPV system for FiT Scheme in areas where 'PUI' is a Column 2 use under the statutory plan concerned. Any such planning permission granted would be for 'Public Utility Installation (Solar Photovoltaic System for the FiT Scheme)'. Only temporary approval would be considered where there may be potential impact generated by the proposed SPV system which needs to be closely monitored or that the long-term planning intention of the zone

¹ The lifespan of a SPV system is about 20 to 25 years.

² Installation of SPV system for generating electricity for a permitted use, such as that for a farm, green house/farm structures in the "Agriculture" zone mainly for generating electricity for agricultural purposes, or that installed in connection with NTEH in "Village Type Development" zone, are also regarded as an ancillary use.

may be frustrated by the proposed use.

Assessment Criteria for Planning Applications

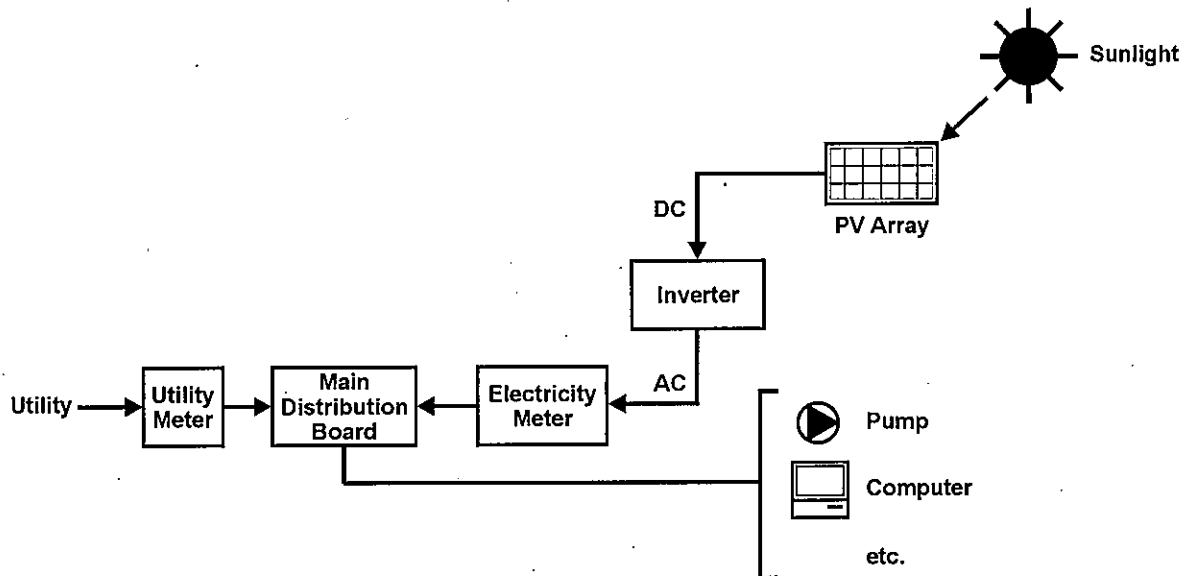
6. The following criteria should be taken into account in assessing planning applications for SPV system made under section 16 of the Town Planning Ordinance:
 - a) it is a prerequisite for the applicant to obtain the 'Consent Letter' or 'Acknowledgement Letter' from HKE and CLP respectively and submit a copy of the document together with the application to demonstrate the technical feasibility of the scheme in terms of serviceability, electrical safety and output generated by the SPV system;
 - b) unless with strong justifications, the SPV system, including the height of the proposed structures, should be in keeping with the surrounding area/developments and commensurate with the function(s) it performs;
 - c) for optimisation of use of land, favourable consideration may be given if viability of co-existence of the proposed SPV system and uses that are in line with the long-term planning intention of the land use zoning of the application site could be satisfactorily demonstrated;
 - d) it has to be demonstrated to the satisfaction of the relevant government departments that the SPV system will not have significant adverse impacts, including but not limited to those relating to the environment, drainage, sewerage, traffic, geotechnical safety, landscape and visual³ and, where needed, appropriate measures are to be adopted to mitigate the impacts;
 - e) unless with strong justifications⁴, proposals involving extensive site formation, vegetation clearance/tree felling, excavation or filling of land/pond are generally not supported;
 - f) planning applications with proposed felling of existing Old and Valuable Trees (OVTs), potentially registrable OVTs, and trees of rare or protected species should not be supported. If tree removal is unavoidable, subject to the advice of relevant government departments, compensatory tree planting and/or landscape treatments should be provided within the application site as appropriate;
 - g) for SPV system falling within water gathering grounds, information should be provided to the satisfaction of the relevant government departments that the system, including its installation, maintenance and operation, will not contaminate the water supply;

³ The applicant has to demonstrate that the proposal would not affect the visual and landscape amenities/character of the area adversely by, for instance, causing a significant change of landscape resources/character, dwarfing the surrounding developments or catching the public's visual attention due to the scale and prominence of the proposed installation. Where appropriate, measures should be taken to mitigate the visual/landscape impact, for example, by peripheral screen planting.

⁴ Ground-mounted SPV system is usually on steel frame or concrete plinth. It should normally not involve extensive site formation, excavation or filling of land.

- h) where the installation is proposed to be in area close to airports and/or heliports, or major roads, it has to be demonstrated to the satisfaction of the relevant government departments that the SPV system should not cause glare to pilots/drivers and/or unacceptable adverse impact on aviation and/or traffic safety;
- i) the planning intention of "Agriculture" ("AGR") zone is to retain and safeguard good quality agricultural farm land/fish ponds for agricultural purposes. SPV system ancillary to agricultural use would not require planning permission (as explained in Footnote 2 under Paragraph 4). Planning application for stand-alone SPV system as 'PUI' use in the "AGR" zone is generally not supported except those on land with no active farming activities and low agricultural rehabilitation potential. For application on fish ponds in the "AGR" zone, the applicant has to demonstrate that the SPV system will not hinder the use of the site for fisheries purposes;
- j) as there is a general presumption against development in the "Green Belt" ("GB") zone, planning application within the "GB" zone is normally not supported unless with strong justifications. It has to be demonstrated to the satisfaction of the relevant government departments that 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;
- k) due to the sensitive nature of the conservation zones, such as the "Conservation Area", "Coastal Protection Area" and "Site of Specific Scientific Interest" zones, planning application for SPV system within such zones is normally not supported to avoid any possible irreversible damages caused to the ecology or environment of the area within the zone;
- l) all other statutory or non-statutory requirements of the relevant government departments must be met. Depending on the specific land use zoning of the application site, the relevant Town Planning Board guidelines should be observed, as appropriate; and
- m) approval conditions to address the technical issues, if any, within a specified time and clauses to revoke the permission for non-compliance with approval conditions may be imposed as appropriate.

Figure 1



Extracted from EMSD website HK RE Net:
https://re.emsd.gov.hk/english/solar/solar_ph/PV_Systems.html

Typical Solar Photovoltaic System

**Similar Application for Public Utility Installation (Solar Energy System)
within “Green Belt” Zone on the Ngau Tam Mei OZP**

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reason(s) for Rejection</u>
1.	A/YL-NTM/405	Proposed Public Utility Installation (Solar Energy System)	19.3.2021 by TPB on review	R1 to R3

Rejection Reasons

- R1 The development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is to define 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.
- R2 The development is not in line with the Town Planning Board Guidelines for ‘Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance’ in that the design and layout of the proposed development is incompatible with the surrounding area, and causes adverse visual impact on the surrounding environment.
- R3 The proposed use is not in line with the Assessment Criteria for Considering Applications for Solar Photovoltaic System in that there are adverse comments from relevant departments on visual aspect, and the applicant has failed to demonstrate that the proposed use would not adversely affect the landscape character of the “GB” zone and jeopardise the integrity of the zone as a buffer.

From: [REDACTED]
To: cchyuen@pland.gov.hk
Cc: [REDACTED]
Date: 06/11/2020 20:56
Subject: Re: 覆核申請編號 Review Application No. A/YL-NTM/399

R5-1

OBJECTION!
農地應農用!

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&public groups



KFBG's comments on four planning applications

10/11/2020 16:54

R5-2

From: EAP KFBG
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>
FileRef:

A4L-NTM/399

4 attachments



201110 s16 KTN 71.pdf 201110 s16 LFS 376.pdf 201110 s17 NTM 399.pdf 201110 s16 TMT 68.pdf

Dear Sir/ Madam,

Attached please see our comments regarding four applications. There are four pdf files attached to this email. If you cannot see/ download these files, please notify us through email.

Best Regards,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden



嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

10th November, 2020.

By email only

Dear Sir/ Madam,

Proposed Public Utility Installation (Solar Photovoltaic System)
(A/YL-NTM/399)
(Review under Section 17)

1. We refer to the captioned.
2. The Application Site is within Green Belt (GB) zone. We object to this application as the proposed use is unlikely to be in line with the planning intention of GB zone; approval of this application would set a precedent for other similar applications in this GB zone and the Board should seriously consider the potential cumulative impacts that would be caused by the approval of this application.
3. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

tpbpd@pland.gov.hk

R5-3

寄件者: WONG, Suet Mei
寄件日期: 2020年11月12日星期四 10:52
收件者: tpbpd
副本: HKBWS HKBWS
主旨: HKBWS's comments on the planning application for the proposed Public Utility Installation (Solar Photovoltaic System) at Siu Hum Tsuen, San Tin (A/YL-NTM/399) (Review under Section 17)
附件: 20201113_SiuHumTsuen_SolarEnergy_s17_A_YL_NTM_399_HKBWS.pdf

Dear Sir/Madam,

The Hong Kong Bird Watching Society's comments on the planning application for the proposed Public Utility Installation (Solar Photovoltaic System) at Siu Hum Tsuen, San Tin (A/YL-NTM/399) (Review under Section 17) is attached.

Thank you.

Best Regards,

Wong Suet Mei | 黃雪媚
Conservation Officer | 保育主任
Hong Kong Bird Watching Society | 香港觀鳥會
Kong.



Secretary, Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
(E-mail: tpbpd@pland.gov.hk)

By email only

12 November 2020

Dear Sir/Madam,

Comments on the planning application for the proposed Public Utility Installation
(Solar Photovoltaic System) at Siu Hum Tsuen, San Tin (A/YL-NTM/399)
(Review under Section 17)

The Hong Kong Bird Watching Society (HKBWS) objects to the planning application based on the following reasons.

1 Not in line with the planning intention of the "Green Belt" (GB) zoning

- 1.1 The application site is located on GB zone, where is intended "*to define 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.*" From the Google Earth aerial photograph in 2017 (Figure 1), the site is well vegetated and farming activities are spotted. It is serving the function of GB zone to contain urban sprawl.
- 1.2 However, the construction of solar energy system will likely require the installation of poles and structure for the solar panels, which will unavoidably shield the land from sunlight and would not be favorable to the growth of vegetation. Also, it is unclear if land filling and pavement would be required. We are concerned the proposed development would lead to a direct loss of natural features and is not in line with the planning intention of GB zone. We consider the construction of solar panel should be restricted to built-up areas within development zoning(s) like Village Development

Type zone, so as to retain the natural features with GB zone.

2 Set an undesirable precedent to the future development

The approval of this application will set an undesirable precedent to the future similar applications within the GB zone, and thus nullifying the statutory planning control mechanism. We urge the Board to reject this application in order to protect GB zone and the existing agricultural cluster from any development threats.

3 Justifications for the decision and comments made by Government departments and the Board

According to the Hong Kong Planning Standards and Guidelines (HKPSG), Chapter 10, Section 2.1 (ii), the Board has the responsibility to, *"restrict uses within conservation zones to those which sustain particular landscapes, ecological and geological attributes and heritage features"*. We note that all other Government bureaux/departments are also bound to the HKPSG, and the Agriculture, Fisheries and Conservation Department (AFCD) and the Planning Department (PlanD) have the responsibility to advise the Board on the ecological¹ and planning aspects in particular. Given AFCD's mission to conserve natural environment and safeguard the ecological integrity², and the proposed development is not in line with the planning intention of the statutory zoning, HKBWS would also expect AFCD and PlanD to object to this application. Should AFCD, PlanD or the Board feels otherwise, we urge that the appropriate justifications are provided.

The HKBWS respectfully requests the Board to take our comments into consideration and reject the current application. Thank you for your kind attention.

¹ AFCD Role of Department. Available at:
http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html

² AFCD Vision and Mission. Available at:
http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html

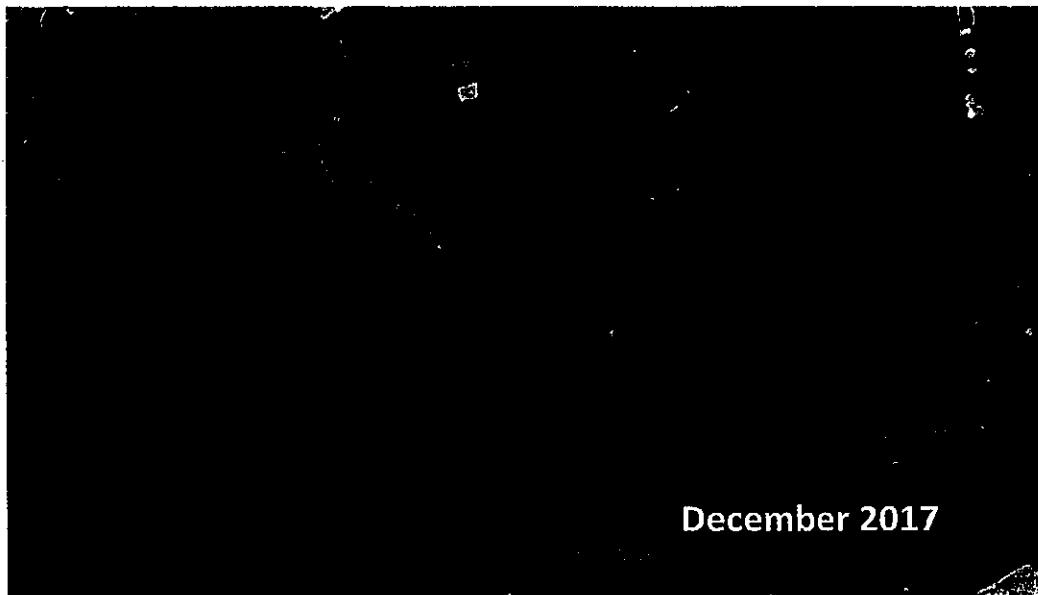
Yours faithfully,

A handwritten signature in black ink, appearing to read 'Suet Mei', written in a cursive style.

Wong Suet Mei
Assistant Conservation Officer
The Hong Kong Bird Watching Society

cc.
The Conservancy Association
Designing Hong Kong
Kadoorie Farm and Botanic Garden
WWF – Hong Kong
TrailWatch

Figure 1. The Google Earth aerial photograph in December 2017 reveals that the site is well vegetated and farming activities are spotted. It is serving the function of GB zone to contain urban sprawl.



寄件者: [REDACTED]
寄件日期: 2020年11月12日星期四 2:41
收件者: tpbpd
副本: mtchu; dep@epd.gov.hk
主旨: Re: A/YL-NTM/399 DD 102 Siu Hum Tsuen Solar Farm

Dear TPB Members,

In addition to the reasons for the rejection, it would be **ultra vires** for CLP to collaborate with this application under the Feed in Tariff scheme.

It is quite clear from the Legco and other papers that the intention of scheme as per the presentation materials was to encourage the erection of solar panels on the roof tops of village house and other buildings. There was no mention of encouraging the development of solar farms and incursion onto sites intended for recreation, community facilities or the general enjoyment of the community.

<https://www.legco.gov.hk/research-publications/english/1718in04-feed-in-tariff-for-solar-power-in-selected-places-20180117-e.pdf>

Programmes quoted from Australia, Japan and Korea all focus on rooftop installation.

<https://www.legco.gov.hk/yr18-19/english/panels/ea/papers/ea20181126cb1-189-4-e.pdf>

8. Under the FIT Scheme, distributed electricity generated by RE systems invested by the private sector and the community can be sold at a rate higher than the normal electricity tariff rate to the power companies.
11. Members opined that the Administration should introduce initiatives dedicated specifically to generating RE on a large scale locally, such as making use of restored landfills for developing solar plants, instead of relying on waste treatment initiatives (such as ORRCs) to increase the use of RE for power generation as a secondary goal.
13. The Administration advised that according to the experiences of other places, the contribution from distributed RE systems to the overall electricity demand was limited. Nevertheless, it was expected that implementation of the FIT Scheme would be conducive to the development of RE in Hong Kong by promoting public participation. The Administration would continue to explore further measures to facilitate installation of distributed RE systems in both new and existing buildings in collaboration with relevant professional bodies, such as the Hong Kong Green Building Council.
14. The Administration also advised that further support and facilitation would be provided to individuals and organizations participating in RE development, including suitably relaxing the restrictions on installation of PV systems on the rooftop of New Territories exempted houses ("NTEHs"). Moreover, the Administration would consider making appropriate relaxations for other private buildings, in particular the low-rise ones.
15. As regards incentive measures to attract non-business sectors to pursue the adoption of environmental protection installations to further promote green buildings, the Administration informed Members that it would introduce a new programme in 2019 to provide financial and technical support to assist schools (except government and profit-making schools) and non-governmental welfare organizations in installing small RE systems, such as conducting site visits and providing technical assessments, as well as installation and testing of the system.

<https://www.legco.gov.hk/yr18-19/english/panels/ea/papers/ea20181126cb1-189-4-e.pdf>

- Support for the scheme was based on this principle. There has been no consultation with the public or Legco with regard to converting GIC, GB, OS and Recreational zoned sites to solar farms.

That EPD is supporting applications like this is both irresponsible and a failure on its part to protect our natural environment and ecosystems.

FIT is at best a cosmetic distraction whereby EPD pretends it is doing something to resolve our environmental issues while failing to follow through on the many initiatives that gone through years of consultation and obfuscation.

As the Chair wisely put it " Development of SPV systems at the expense of the natural landscape should not be supported " and will not be by the community.

Mary Mulvihill

From: " [REDACTED] " <[REDACTED]@pland.gov.hk>
To: "tpbpd" <tpbpd@pland.gov.hk>
Cc: "mtchu" <mtchu@clp.com.hk>
Sent: Thursday, March 12, 2020 4:12:37 AM
Subject: AYL-NTM/399 DD 102 Siu Hum Tsuen Solar Farm

AYL-NTM/399

Lots 978 (Part), 979 (Part), 1043 and 1047 in D.D. 102, Siu Hum Tsuen, San Tin

Site area : About 2,264sq.m

Zoning : "Green Belt"

Applied development : Solar Panel Farm - 774 Panels

Dear TPB Members,

The area near the San Tin Barracks is still relatively free of brownfield.

It is unacceptable that any plans to turn precious land resources into solar panel farms should be nipped in the bud. This kind of green initiative is only appropriate for regions with vast expanses of spare land. TPB should send out a clear message that this type of 'green wash' will not succeed.

I note that the previous application of a similar nature A/SK-HC/301 was finally approved after multiple deferments. It is clear from the minutes that a 3 year term is not viable for this type of activity.

Not only is the objective in conflict with the zoning intention, the Renewable Energy Feed-in Tariff was conceived to encourage home and building owners to set up solar panel on their roofs. The monetary return greatly exceeds the value of the energy produced and is ultimately not financially viable if it is exploited. In essence other users will end up footing the bill via increased fees.

Not only must TPB reject this application, CLP should also make it quite clear that the initiative will not be extended to commercial enterprises like this. CLP customers, including committed greenies like me who do not even have air con in their homes, will not tolerate that they have to pay more for their power supply in order to subsidize lining the pockets of cunning operators.

Moreover it should be made clear to applicants that commercial operations like this are fully taxable, exemption is only for residential roof top panels. Unlike the usual brownfield operations, solar panels feeding into the grid will be calculated. The operation must have a business licence and Inland Revenue can demand a full accounting of the revenue remitted by CLP.

Green Belt is for trees. The distortion of what should be a worthy initiative should be nipped in the bud.

Mary Mulvihill

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots 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. The lot owner will need to apply to his office to permit the structures to be erected or regularise any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD;
- (b) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to Ka Lung Road via section of a local access which is not managed by TD. The land status of the local access should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly. As there is no information about the vehicular access at the private lot(s) to the concerned site, the applicant should arrange by themselves if necessary, and should seek the relevant land owner(s) on the right of using the vehicular access;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the village type access between the Site and Ka Lung Road is not and will not be maintained by HyD;
- (d) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD) that the Site falls within the area of influence ("AOI") of the proposed Northern Link ("NOL"), which is a recommended railway scheme under the Railway Development Strategy 2014. Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL. He has no objection in principle to the application from the development point of view of the NOL, provided that the applicant is satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of NOL;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant shall strictly comply with relevant pollution control ordinances, including Waste Disposal Ordinance and Water Pollution Control Ordinance and to implement appropriate pollution control measures to minimise any potential environmental impacts during construction of the project. Reference could be made to relevant publications /guidelines including Recommended Pollution Control Clauses for Construction Contracts and Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 1/94, "Construction Site Drainage";
- (f) to note the comments of the Director of Fire Services (D of FS) that the applicant shall submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and

nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the Site under the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulation (B(P)R) respectively. The Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Detailed comments under the BO will be provided at building plan submission stage;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains & the proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations & charts should be included. (For preparation of the drainage proposal, the Guideline on preparation of the drainage proposal is available in DSD homepage at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf for reference). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on Site. After completion of the required drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the application site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the site; and

- (i) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

