

RNTPC Paper No. A/YL-NTM/405  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 15.9.2020

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

**APPLICATION NO. A/YL-NTM/405**

**Applicant** : Miracle (HK) Group Limited

**Site** : Lots 2161 and 2163 (Part) in D.D. 102, Ngau Tam Mei, Yuen Long

**Site Area** : About 1,490 m<sup>2</sup>

**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 Energy System)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed public utility installation (solar energy 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 energy 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 vegetated, partly paved and occupied by an open shed and a temporary structure.
- 1.2 According to the applicant, the proposed system involves a temporary structure (about 8m long x 4.75m wide x 3m high, with a GFA of 38 m<sup>2</sup>) for meter installation and 338 solar panels (each about 3m long x 2m wide x 0.03m thick) installed on movable metal stands (about 3m long x 2m wide x 2.2 to 2.4m high in scaffolding style) which also act as shelters for agricultural use (for vegetable/fruits) underneath, of which ‘Agricultural Use’ is an always permitted use within the “GB” zone. The stand with solar panels will cover about 50% of

the Site. The proposed solar energy system is to facilitate the participation in the 'Renewable Energy Feed-in Tariff (FiT) Scheme' by CLP. According to the applicant, an application to CLP for participation in the FiT Scheme has been submitted but is yet to obtain the Acknowledgement Letter from CLP. 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 proposal 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 11.6.2020 and 15.6.2020
- (b) Further Information (FI) received on 24.7.2020 with (Appendix Ia)  
responses to departmental comments and clarification  
of background information  
(*exempted from publication*)

- 1.4 In light of the special work arrangement for Government departments due to the novel coronavirus infection, the meeting originally scheduled for 7.8.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now 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 **Appendix Ia**. They can be summarized as follows:

- (a) The applicant responds to the Government's new initiative of FiT Scheme to promote development of renewable energy and to help reduce carbon emission.
- (b) The proposed development utilizes land resources in that the Site, owned by the Applicant, is having abundant light source which is suitable for solar energy generation as assessed by professionals.
- (c) Comparing with other brownfield operations such as warehouses, vehicle repairing or recycling workshops, the proposed solar energy system would only have minimal or no impact on the surrounding environment.
- (d) The proposed installation of solar energy system would be beneficial to future developments of the area as it has been connected to the relevant power company's grid for electricity supply.
- (e) The proposed solar energy system which also serves as shelters for agricultural use (i.e. fruits/vegetable growing underneath the solar panels) is in line with the planning intention of the "GB" zone for agricultural activities. Only soil



preparation and clearance of existing overgrown vegetation will be involved for the proposed agricultural activities underneath the solar panels. The applicant will be cooperating with some existing farming organizations for the proposed agricultural use.

- (f) A separation distance of 2m between the proposed system and the existing tree saplings along the western boundary of the Site will be provided to minimize the impacts on the existing trees. Tree compensation is also proposed with 30-35 numbers of tree saplings planted at the Site to mitigate the landscape and visual impact.
- (g) Anti-reflective coating will be applied on the solar panels and the solar energy systems are only of 2.2m to 2.4m high. Bird strike impact is not anticipated.
- (h) For transportation of construction/maintenance materials to the Site, 5.5 tonnes goods vehicle will be used. Operation of the proposed solar energy system would be monitored via computer/smart devices that manual operation is not required. Maintenance of the proposed solar energy system is minimal which would only be conducted twice annually. No noise, water and soil pollution will be anticipated. The impact on the surrounding environment is insignificant.

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

The applicant is the sole “current land owner”. 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 Solar Photovoltaic (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/ Hongkong Electric Company Limited (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 visual<sup>1</sup> 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.

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<sup>1</sup> 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.



- (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 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. Should there be sufficient evidence to prove that the use on the Site constitutes an unauthorized development (UD) under the Town Planning Ordinance, enforcement action will be taken.
- 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 renewable energy (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 same “GB” zone.

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

**9.1 The Site is:**

- (a) largely vegetated, partly paved and occupied by an open shed and a temporary structure for storage use; and
- (b) accessible from the northeast via local access road branching off Kwu Tung Road.

**9.2** The surrounding areas are rural in character intermixed with vacant and unused land, open storage, storage yards and residential dwellings. Some open storage and storage yards are suspected unauthorized development (UDs) subject to enforcement action by the Planning Authority:

- (a) to its north and further north are vacant and unused land;
- (b) to its east and northeast are vacant land, storage yards, open storage of construction materials, some scattered residential dwellings, and a semi-natural watercourse across the local track;
- (c) to its south and southwest are unused land and scattered residential dwellings; and
- (d) to its west and northwest are unused land, residential dwellings, storage yards and open storage of vehicles and vehicle parts.

**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 an Old Schedule Agricultural Lot 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) The Site is connected to the public road network via a section of a local access which is not managed by Transport Department. The land status of the local access should be clarified with 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.
- (b) As there is no information about the vehicular access at the private lot(s) to the Site, it is presumed that 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) The applicant is advised that no vehicles are allowed to queue back to or reverse onto/from the Site anytime during the planning approval period.

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

- (a) The proposed access arrangement to the Site from Kwu Tung Road should be commented by TD.
- (b) HyD is not/shall not be responsible for the maintenance of any access connecting the Site to Kwu Tung Road. Presumably, the

relevant department will provide their comments to the applicant, if any.

- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

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

As the Site falls outside any administrative route protection boundary, gazetted railway scheme boundary, or existing railway protection boundary of any railway systems, he has no comment on the application from railway development point of view.

**Environment**

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

- (a) He strongly supports the development of Renewable Energy (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 solar energy system (with shelters for agricultural use) with 338 no. of solar panels in the Site of about 1,490 m<sup>2</sup> 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) It is noted from the applicant's submissions that around 338 nos. of solar panels (3m x 2m x 0.03m) were proposed to be installed at the Site, and the design of the solar panels would not cause bird strike.
- (b) According to his site inspection, the Site is partly paved with some weeds and trees of common species. There were two semi-mature trees at the western boundary of the Site. While he has no adverse comment on the vegetation clearance, the two trees should be preserved as far as possible.
- (c) The semi-natural watercourse is located outside the Site. The applicant shall perform good site practice so as not to pollute the semi-natural watercourse.

**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 1,490m<sup>2</sup> falls within "GB" zone on the respective OZP and is situated in an area surrounded by dense vegetation and temporary structures of 1 to 2 storeys, which is predominantly rural in character.

- (b) The current application seeks planning permission for a proposed solar energy system involving the installation of about 338 solar panels with shelters for agricultural use (measuring 3m long x 2m width x 0.03m thick each) on a movable metal stand (measuring 3m long x 2m width x 2.2 to 2.5m high each) and a structure (measuring 8m long x 4.75m width x 3m high) for the solar meter installation on the Site. According to the Assessment Criteria for Considering Applications for SPV 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) It is noted from the FI that the applicant has proposed planting 30-35 nos. of fruit seedlings within the Site to enhance the overall visual quality and minimize the visual impact to the surrounding environment. Nevertheless, considering that the scale of proposed solar energy system involving about 338 solar panels and a structure covering area of about 730m<sup>2</sup> and 38m<sup>2</sup> respectively 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 falls within an area zoned "GB". It is not the subject of any previous planning application and no planning application for similar use within the "GB" zone is found.
- (f) Referring to the aerial photos taken in 2019, the Site is situated in an area of rural landscape character comprising scattered tree groups, temporary structures, car parks and vacant land. The proposed use is considered not entirely compatible with the existing landscape setting in proximity.
- (g) With reference to the site visit conducted on 24.6.2020, the Site is vacant and partly fenced off. The eastern part of the Site is hard paved and the rest of the Site is covered with self-seeded groundcovers. Sapling of common countryside tree and fruit tree species, such as *Dimocarpus longan*, *Ficus hispida*, *Litsea glutinosa*, *Macaranga tanarius*, *Melia azedarach* and *Trema tomentosa* are recorded along the western boundary of the Site.



- (h) Having reviewed the submission, it is noted that the maximum height of the shelter structure is proposed to be lowered from 2.5m to 2.4m. Also, a minimum of 2m of separation distance is proposed from the existing tree saplings along the western boundary of the Site. Landscape planting of 30-35 nos. of fruit tree saplings are proposed within the Site to mitigate adverse visual impact arising from the proposed development.
- (i) Although significant adverse impact on landscape resources within and adjacent to the Site arising from the proposed development is not anticipated, in comparing the aerial photos taken on 2016 and 2017, it is apparent that trees and vegetation within the Site has been cleared and the Site has been paved since 2016 causing adverse impact on the landscape character of the area. There is concern that approval of this application would set an undesirable precedent of landscape character alteration, and would encourage more similar development within the "GB" zone. The cumulative impact of such approval would further degrade the landscape quality of surrounding environment.

### **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) There is no record of approval by the Building Authority (BA) for the structures existing at the Site and his department is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The following issues should be observed by the applicant:
  - (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BA, they are unauthorized building works (UBW) under the Building Ordinance (BO) and should not be designated for any approved use under the application;
  - (ii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's 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;
  - (iii) before any new building works (including containers and open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  - (iv) 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;
  - (v) if 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;
  - (vi) 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 and the proposed drains with supporting design calculations and charts should be included. 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) His advisory comments are at **Appendix IV**.
- (e) Regarding the watercourse located to the east of the Site, he has visited the Site recently that the subject watercourse is far away from the Site. He has no comment on the potential impact on the subject watercourse from drainage operation and maintenance point of view.

#### **Electricity Safety Aspects**

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

The applicant shall 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 or in the vicinity of the application site. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the application site, the applicant shall carry out the following measures:

- (a) For Site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV or above as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG) published by the Planning Department, prior consultation and arrangement with CLP Power is necessary.
- (b) Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask CLP Power to divert the underground cable and/or overhead line away from the vicinity of the proposed structure.
- (c) The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established

under the Regulation shall be observed by the applicant 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) Director of Food and Environmental Hygiene Department (DFEH);
- (c) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Project Manager (West) (PM(W)), CEDD;
- (e) Director of Leisure and Cultural Services (DLCS); and
- (f) 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 19.6.2020. During the 3-week statutory publication period which ended on 10.7.2020, 6 public comments objecting to the application were received from San Tin Rural Committee, Kadoorie Farm and Botanic Garden Corporation, Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Designing Hong Kong and an individual. They raised concerns that the massive scale of the proposed development is not compatible with the surrounding and is detrimental to the natural environment which would affect people's livelihood; there was clearance of vegetation at the Site between 2016 and 2020; and it is not in line with the planning intention of the "GB" zone and would set undesirable precedent for similar applications (**Appendix III**).

**13. Planning Considerations and Assessments**

- 13.1 The Site with an area of 1,490 m<sup>2</sup> is proposed for public utility installation (solar energy system), involving 338 solar panels (each 3m x 2m x 0.03m) and a temporary structure for meter installation, covering about 50% of the Site (**Drawings A-1 and A-2**). Each solar panel will be accommodated on a movable stand with a dimension of 3m long x 2m wide x 2.2 to 2.4m high. 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 densely vegetated land, vacant and unused land, scattered residential dwellings, storage and open storage (**Plans A-2 and A-3**). The proposed system with 338 solar panels on a stand of 2.2m to 2.4m high and covering about 50% 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 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, PlanD considers that the proposed solar energy system to be 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 not entirely compatible with the existing landscape setting in proximity and approval of the application would set an undesirable precedent for other similar use within the "GB" zone which would further degrade the landscape quality of surrounding environment. The proposed system, which is extensive in scale, is considered incompatible with the surrounding rural environment.
- 13.3 According to the applicant, he had submitted an application to CLP for participation in the FiT Scheme but has not yet obtained an Acknowledgement Letter from CLP. 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, AFCD, and D of FS have no adverse comment on the application from traffic, drainage, nature conservation 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. Although the applicant claims that the proposed solar energy system can also be used as sheds for agricultural use which is an always permitted use within "GB" zone, the proposed solar energy system per se is not in line with the planning intention, TPB PG-No. 10 and the assessment criteria for considering applications for SPV system.
- 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 6 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 15.9.2024, 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 15.3.2021;
- (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 15.6.2021;

- (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 15.3.2021;
- (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 15.6.2021; 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**

<b>Appendix I</b>	Application Form received on 11.6.2020 and 15.6.2020
<b>Appendix Ia</b>	FI received on 24.7.2020
<b>Appendix II</b>	Assessment Criteria For Considering Applications For Solar Photovoltaic System Made Under Section 16 Of The Town Planning Ordinance
<b>Appendix III</b>	Public comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Indicative Solar Panel Installation
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan

**Plan A-3**  
**Plan A-4**

**Aerial Photo**  
**Site Photos**

**PLANNING DEPARTMENT**  
**SEPTEMBER 2020**



YL-NTM  
2020年 6月 1 日

此文件在 收到・城市規劃委員會  
只會在收到所有必要的資料及文件後才正式確認收到  
申請的日期。

200/088  
13/5 By Post

Appendix I

SVO (1)

This document is received on 11 JUN 2020  
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](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](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-NTM/Kor
	Date Received 收到日期	11 JUN 2020

1. 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。

2. 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/tpb/>. 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/tpb/>)。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。

3. 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)

Miracle (HK) Group Limited

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)

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)	新界潭尾 DD102 Lot 2161 & 2163 (部份)
(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 14.90 sq.m 平方米 <input checked="" type="checkbox"/> About 約 <input checked="" type="checkbox"/> Gross floor area 總樓面面積 38 sq.m 平方米 <input checked="" type="checkbox"/> About 約
(c) Area of Government land included (if any) 所包括的政府土地面積 (倘有)	N/A 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	S/YL-NTM/12
(e) Land use zone(s) involved 涉及的土地用途地帶	綠化地帶
(f) Current use(s) 現時用途	空置土地

(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"<sup>#</sup> (please proceed to Part 6 and attach documentary proof of ownership).  
是唯一的「現行土地擁有人」<sup>#</sup> (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"<sup>#</sup> (please attach documentary proof of ownership).  
是其中一名「現行土地擁有人」<sup>#</sup> (請夾附業權證明文件)。
- ☐ is not a "current land owner"<sup>#</sup>.  
並不是「現行土地擁有人」<sup>#</sup>。

- ☐ 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)"<sup>#</sup>.  
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」<sup>#</sup>。

(b) The applicant 申請人 -

- ☐ has obtained consent(s) of ..... "current land owner(s)"<sup>#</sup>.  
已取得 ..... 名「現行土地擁有人」<sup>#</sup>的同意。

Details of consent of "current land owner(s)" <sup>#</sup> obtained 取得「現行土地擁有人」 <sup>#</sup> 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. 如上列任何方格的空間不足，請另頁說明)

- ☐ has notified ..... "current land owner(s)"<sup>#</sup>  
已通知 ..... 名「現行土地擁有人」<sup>#</sup>。

Details of the "current land owner(s)" <sup>#</sup> notified 已獲通知「現行土地擁有人」 <sup>#</sup> 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. 如上列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的同意或向該人發給通知。詳情如下：

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

- ☐ sent request for consent to the "current land owner(s)" on ..... (DD/MM/YYYY)<sup>#&</sup>  
於 ..... (日/月/年)向每一名「現行土地擁有人」<sup>#</sup>郵遞要求同意書<sup>&</sup>

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)<sup>&</sup>  
於 ..... (日/月/年)在指定報章就申請刊登一次通知<sup>&</sup>
- ☐ posted notice in a prominent position on or near application site/premises on ..... (DD/MM/YYYY)<sup>&</sup>  
於 ..... (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<sup>&</sup>
- ☐ sent notice to relevant owners' corporation(s)/owners' committee(s)/mutual aid committee(s)/management office(s) or rural committee on ..... (DD/MM/YYYY)<sup>&</sup>  
於 ..... (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<sup>&</sup>

Others 其他

- ☐ others (please specify)  
其他 (請指明)

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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 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) (Please use separate sheets if the space provided is insufficient) (如所提供的空間不足，請另頁說明)	Floor(s) 樓層	Current use(s) 現時用途	Proposed use(s) 擬議用途

## (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
(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))			
(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		
	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		
	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)
	太陽能光伏發電 電錶裝置	1	8m長 x 4.75m闊 x 3m高
太陽能光伏發電 裝置連農用遮陰棚	約338塊 112組	3m長 x 2m闊 x 2.5m高	
(Please illustrate on plan the layout of the installation 請用圖則顯示裝置的布局)			



**(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 ☐ About 約
- Proposed plot ratio 擬議地積比率 ..... ☐ About 約
- Proposed site coverage 擬議上蓋面積 ..... % ☐ 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  
☐ include 包括 ..... storeys of basements 層地庫  
☐ 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) ☐ About 約  
..... m 米 ☐ 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 11 月  
.....  
.....  
.....  
.....  
.....

### 8. Vehicular Access Arrangement of the Development Proposal 擬議發展計劃的行人通道安排

<p>Any vehicular access to the site/subject building? 是否有車路通往地盤/有關建築物?</p>	<p>Yes 是          No 否</p>	<p><input checked="" 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)) 古洞路, 廣德源村  <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)</p>
<p>Any provision of parking space for the proposed use(s)? 是否有為擬議用途提供停車位?</p>	<p>Yes 是          No 否</p>	<p><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) _____ _____ _____</p>
<p>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?</p>	<p>Yes 是          No 否</p>	<p><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) _____ _____ _____</p>

## 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。

<p>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?</p>	<p>Yes 是          No 否</p>	<p><input type="checkbox"/> Please provide details 請提供詳情</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><input checked="" type="checkbox"/></p>																																				
<p>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。)</p>	<p>Yes 是          No 否</p>	<p><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)</p> <p><input type="checkbox"/> Diversion of stream 河道改道</p> <p><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</p> <p><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</p> <p><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> <p><input checked="" type="checkbox"/></p>																																				
<p>Would the development proposal cause any adverse impacts? 擬議發展計劃會否造成不良影響?</p>	<p>On environment 對環境 On traffic 對交通 On water supply 對供水 On drainage 對排水 On slopes 對斜坡 Affected by slopes 受斜坡影響 Landscape Impact 構成景觀影響 Tree Felling 砍伐樹木 Visual Impact 構成視覺影響 Others (Please Specify) 其他 (請列明)</p> <p>.....</p> <p>.....</p>	<table border="0"> <tr> <td>Yes 會</td> <td><input type="checkbox"/></td> <td>No 不會</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Yes 會</td> <td><input type="checkbox"/></td> <td>No 不會</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Yes 會</td> <td><input type="checkbox"/></td> <td>No 不會</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Yes 會</td> <td><input type="checkbox"/></td> <td>No 不會</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Yes 會</td> <td><input type="checkbox"/></td> <td>No 不會</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Yes 會</td> <td><input type="checkbox"/></td> <td>No 不會</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Yes 會</td> <td><input type="checkbox"/></td> <td>No 不會</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Yes 會</td> <td><input type="checkbox"/></td> <td>No 不會</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Yes 會</td> <td><input type="checkbox"/></td> <td>No 不會</td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes 會	<input type="checkbox"/>	No 不會	<input checked="" type="checkbox"/>	Yes 會	<input type="checkbox"/>	No 不會	<input checked="" type="checkbox"/>	Yes 會	<input type="checkbox"/>	No 不會	<input checked="" type="checkbox"/>	Yes 會	<input type="checkbox"/>	No 不會	<input checked="" type="checkbox"/>	Yes 會	<input type="checkbox"/>	No 不會	<input checked="" type="checkbox"/>	Yes 會	<input type="checkbox"/>	No 不會	<input checked="" type="checkbox"/>	Yes 會	<input type="checkbox"/>	No 不會	<input checked="" type="checkbox"/>	Yes 會	<input type="checkbox"/>	No 不會	<input checked="" type="checkbox"/>	Yes 會	<input type="checkbox"/>	No 不會	<input checked="" type="checkbox"/>
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Yes 會	<input type="checkbox"/>	No 不會	<input checked="" type="checkbox"/>																																			
Yes 會	<input type="checkbox"/>	No 不會	<input checked="" type="checkbox"/>																																			
Yes 會	<input type="checkbox"/>	No 不會	<input checked="" type="checkbox"/>																																			
Yes 會	<input type="checkbox"/>	No 不會	<input checked="" type="checkbox"/>																																			
Yes 會	<input type="checkbox"/>	No 不會	<input checked="" type="checkbox"/>																																			
	<p>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)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>																																					



## 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。

申請理由如下：

- 1) 回應政府於 2018 年 10 月及 2019 年 1 月分別於中電及港燈推出之再生清潔能源電力回購計劃，以達到世界減排目標作出一定貢獻。
- 2) 善用土地，鑑於敝公司現擁有之地塊光資源充足，經專業分析後認為合適作太陽能光伏發電。
- 3) 建設光伏發電比較建設其他項目如貨倉、車場、廢物回收端等等相對地會對地段附近構成最少或幾乎零干擾及影響。
- 4) 因發展建設光伏發電時，中電必須相應配備改善供電網絡，因此對政府日後開發地段附近區域更有利。
- 5) 太陽能發電裝置配合農用遮蔭棚結構，保持原有土地規劃作為耕作用途！

**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 ~~Supermission~~ <sup>Authority</sup> the Board to copy all the materials submitted in an application to the Board and/or to upload such materials ~~Miraclo~~ <sup>to the Board</sup> (HK Obs) for public viewing and downloading by the public free-of-charge at the Board's discretion.  
本人現准許委員會 ~~美域高~~ <sup>美域高(香港)集團有限公司</sup> 就這宗申請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

Yint Suk TING  
Authorized Signature(s)

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

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

美域高(香港)集團有限公司

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

Date 日期

03/06/2020

(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<sup>@</sup>

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

<sup>@</sup> 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	新界澤尾 2102 lot. 2161 & 2163 (部份)		
Site area 地盤面積	1,490	sq. m 平方米 <input checked="" 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	S/YL - NTM / 12		
Zoning 地帶	綠化地帶		
Applied use/ development 申請用途/發展	擬議公用事業設施裝置 (太陽能光伏發電連農用遮陰棚)		
(i) Gross floor area and/or plot ratio 總樓面面積及/或地積比率	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 checked="" 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	1	
	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	約 3 m 米 <input checked="" 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)
		1 Storeys(s) 層 <input checked="" 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) <hr/>	
	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 中型貨車位 Heavy Goods Vehicle Spaces 重型貨車車位 Others (Please Specify) 其他 (請列明) <hr/>	

**Submitted Plans, Drawings and Documents 提交的圖則、繪圖及文件**

	Chinese 中文	English 英文
<b>Plans and Drawings 圖則及繪圖</b>		
Master layout plan(s)/Layout plan(s) 總綱發展藍圖/布局設計圖	<input type="checkbox"/>	<input type="checkbox"/>
Block plan(s) 樓宇位置圖	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Floor plan(s) 樓宇平面圖	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sectional plan(s) 截視圖	<input type="checkbox"/>	<input type="checkbox"/>
Elevation(s) 立視圖	<input checked="" 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"/>
<hr/>		
<b>Reports 報告書</b>		
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"/>
<hr/>		

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。

4 May 2020

中華電力有限公司  
CLP Power Hong Kong Limited

北區  
North Region

Billion Energy Investment Limited

Our ref: NR/S086-20/HW/AM

Dear Mr. Choi,

**Proposed Feed-In Tariff (FIT) Scheme Application at  
DD102 Lot 2158, 2161 & 2163, Kei Lun Shan, San Tin, Yuen Long, NT  
(Service Order# 2003066721 / AC# 82852958560)**

We refer to the telephone conversation on 21 April 2020 regarding your FIT scheme application at the above premises.

As discussed in the telephone conversation, please provide the following documents and information for our further action:-

1. As supporting documents to facilitate excavation work permit applications along the designated route, you are required to obtain and provide copies of permissions and approvals from relevant government departments, such as the Planning Department, Lands Department, Buildings Department, Agriculture, Fisheries and Conservation Department, Leisure and Cultural Services Department etc. for the installation of PV system (and transformer room) at the above premises. Please note that we can only proceed with the application upon our receipt of the aforesaid supporting documents from you.
2. Please provide us with
  - a. three (3) copies of the electrical schematic diagram duly signed by a registered electrical contractor; and
  - b. the relevant installation layout diagrams

for the above FIT scheme application.

To be continued/...P.2





Cont'd Page 2 of 2

Our Ref.: NR/S086-20/HW/AM

We look forward to receiving the above documents and information from you. However, if we do not receive such documents and information within three months from the date of this letter, we regret that we will not be able to proceed any further with your application.

Should you have any queries, please feel free to contact our Mr. H. S. Lam on telephone number or e-mail him at

Yours sincerely,  
for and on behalf of  
CLP Power Hong Kong Limited

  
Howard Wan  
Senior Planning & Design Manager (North Region)

hw/am/s

# 地段索引圖 LOT INDEX PLAN

**免責聲明**  
本圖則乃地段索引圖的複本，顯示地段界線的大概位置，包括根據政府地、臨時政府地、短期租約及政府土地租用牌照而臨時佔用土地的位置。臨時佔用土地的情況可隨時通知出現或終止，因此應向有關的分區地政專員核實。本圖則所示的資料必須透過實地測量予以核實。當有更佳或新的地界線時，地段索引圖可能會被修訂而無須事先通知。

**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.



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

香港特別行政區政府 — 版權所有  
© Copyright reserved — Hong Kong SAR Government

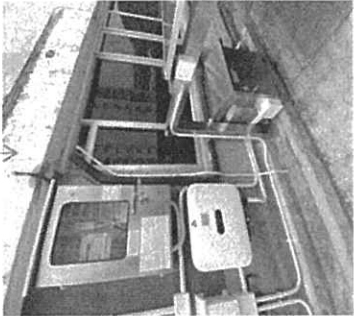
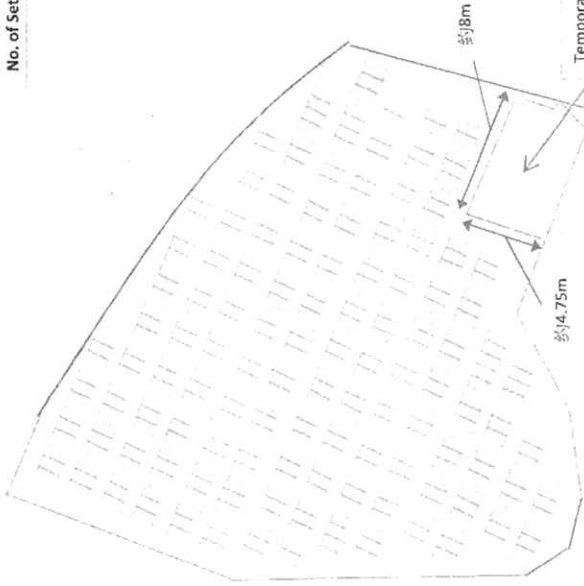
比例尺 SCALE 1:1000  
metres 10 0 10 20 30 40 50 metres

Locality:
Lot Index Plan No.: ags_S00000046392_0001
District Survey Office: Lands Information Center
Date: 22-May-2020
Reference No.: 235-133.35-14A





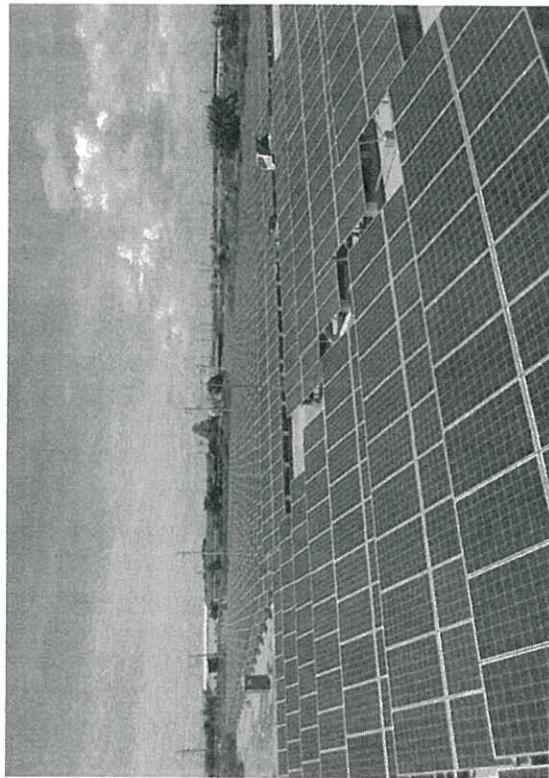
PV Panel Type	Monocrystalline
No. of Panel	338 pcs
Panel Dimension	2111 x 1011 mm
No. of Set of Removable shade shed : 112 Sets	



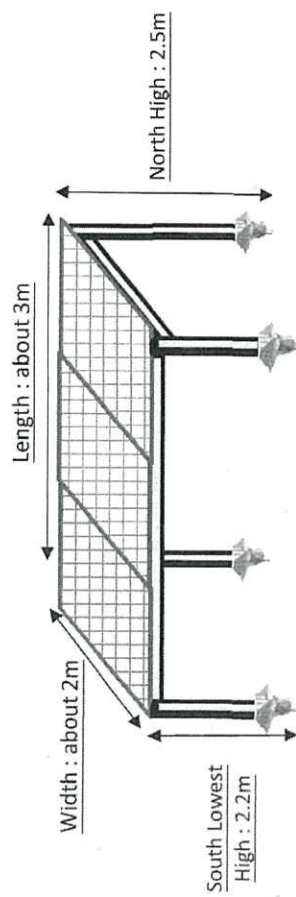
PV Panel

DD102 Lot 2161 ; 2163 (部份)

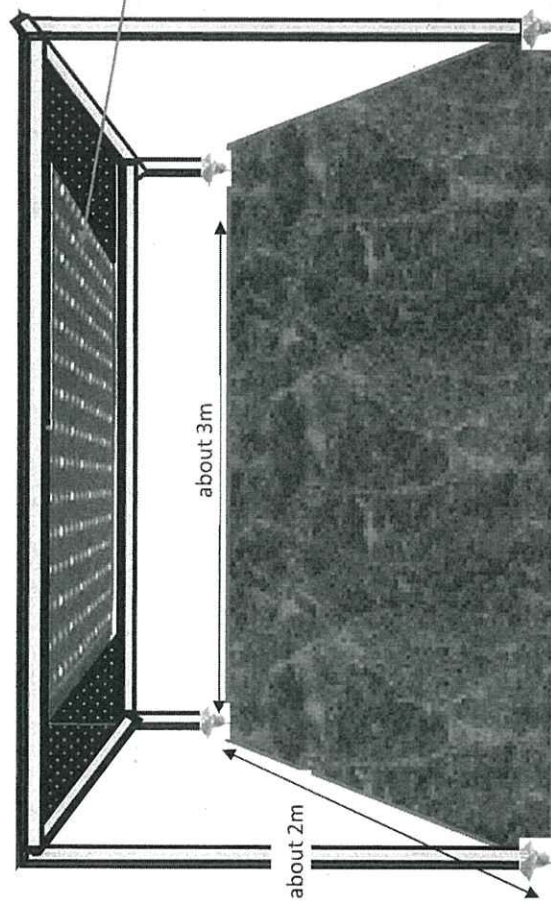
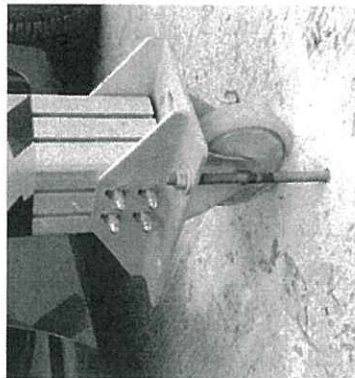
太陽能電板實際設置圖參考：



太陽能電板每3塊合併為1組, 設置尺寸參考：



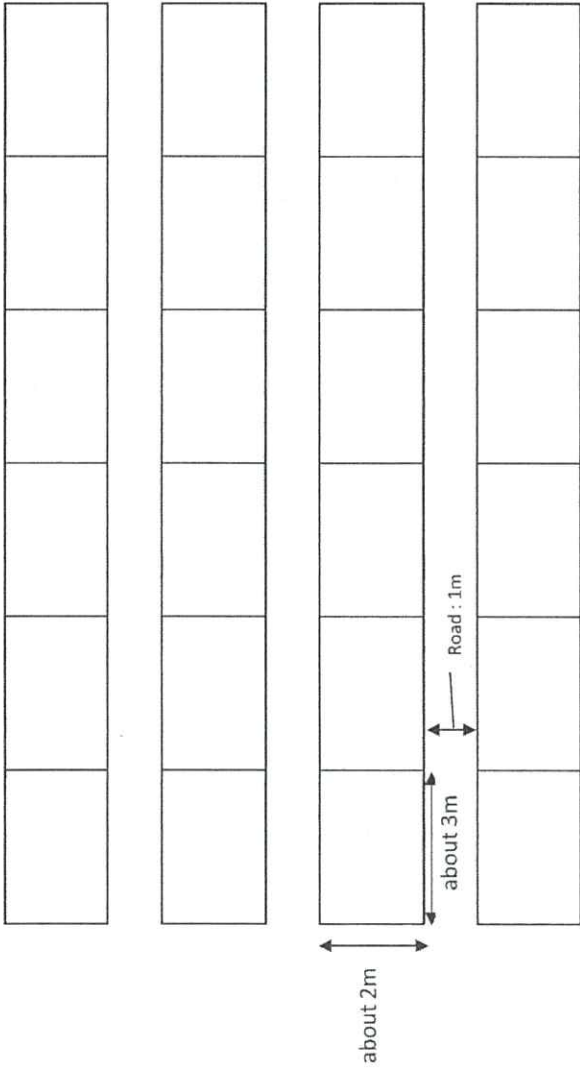
Movable



LED Lighting











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



**Re: Application No. A/YL-NTM/405**  
24/07/2020 10:40

From: Huge Mission  
To: tpbpd@pland.gov.hk  
Cc:

2 attachments



CLP Letter.pdf Further Information (Solar Energy System #AYL-NTM405).pdf

Dear Sir / Madam

See attached our FI and related documents as below for your reference, please advise if any further information is required!

- 1) Further Information (FI)
- 2) CLP Letter (Regarding to our site)

With many thanks!

Best Regards,

Jackie

太陽能光伏系統應用補充資料  
《規劃申請編號 A/YL-NYM/405》

補充資料及回覆日期：2020 年 7 月 24 日

1. 回覆 TD 意見：參考以下由古洞路標示車輛進出至該提議太陽能發電連農用遮陰棚項目位置路線，而建設及維修物資運輸車輛通常為 5.5 噸貨車。







## 2. 回覆 AFCD 意見：

- a) 太陽能板反光問題：由於太陽能板只需要採光，不需要吸熱，所以太陽能板的透光率十分高，而太陽能板表面有一層防反射薄層，減低光亮的矽表面對光線的反射，反光率非常低，以下為其中有關於太陽能板反光問題網上連結可提供多方面數據供有關部門參考：

[http://www.hk-phy.org/energy/alternate/print/solar\\_phy\\_print\\_c.html](http://www.hk-phy.org/energy/alternate/print/solar_phy_print_c.html) (可參看題目"太陽能電池是如何運作?"第2段, 如下折圖)



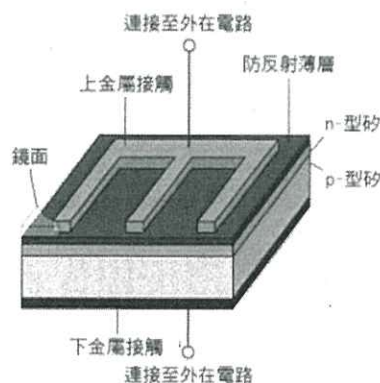
圖 9 這個充電器利用太陽能把蓄電池充電。

### 太陽能電池是如何運作的？

我們看了不少太陽能發電的應用，但它們背後的物理原理是怎樣的呢？基本上，太陽能電池的主要物料是半導體。半導體可以導電，但它們的電阻遠比導體（例如金屬）為高。在半導體工業中常用的半導體有矽和鍺。半導體的電阻值隨溫度改變，極少量雜質原子的存在亦會對它們的電阻值有很大的影響。科學家可以在半導體內加入不同種類和數量的雜質原子（稱為摻雜），以控制半導體的各種特性。以導電的性質來說，經摻雜的矽可以分為兩種：p-型矽和 n-型矽。當 p-型矽和 n-型矽被連接在一起，形成所謂 pn 介面時，一個內在的電場便會在介面處產生，電場的方向是由 n-型矽指向 p-型矽。pn 介面的特性是一切半導體技術的關鍵。

典型的太陽能電池的結構就如圖 9 所示。一個矽的 pn 介面處，被夾在上、下兩個金屬接觸層之間。上金屬接觸層是格子狀的，以容許光線射到 pn 介面之上。pn 介面的頂部有一層防反射薄層，減低光亮的矽表面對光線的反射。這就是太陽能板的表面看起來很暗淡的原因。

究竟太陽能電池是如何運作的呢？當光照射到 pn 介面時，能量傳遞至矽原子的電子。部份電子因而擁有足夠的能量，離開原子而變成自由電子。當電子離開原子時，原子內電子的位置上出現一個「空位」，稱為「空穴」（見圖 10 的比喻）。所謂空穴，其實只是一個原子缺少了一粒電子，因此整體



- b) 太陽能板會否導致鳥類因飛行時撞板導致死亡風險問題：該項目太陽能板傾斜角度大約設定於 4 度左右，基本上接近水平，不會導致任何屏障問題，而建設高度最高點只有約 2.5 米左右（參考部門意見後，會降低至約 2.4 米左右）。

### 3. 回覆 Urban Design and Landscape Section of PlanD 意見：

開發可再生能源 (RE) 是政府應對氣候變化工作的重要組成部分。越來越多地使用零碳排放的可再生能源，可以幫助減少發電部門的碳排放，因發電部門的碳排放佔香港碳排放總量的三分之二。

Fit 政策是讓政府帶頭開發在技術和經濟上可行的可再生能源，並創造有利於社區參與的條件，敝公司因此計劃撥用持有之閒置土地響應政府政策及支持世界性減排標準。

敝司收悉貴部門意見後，分別有以下數點我方作出之回應：-

- a) 現時項目佔地面積約 1,490 平方米，而太陽能發電連農用遮陰棚結構總數約 338 塊電池板，總覆蓋面積約 730 平方米。
- b) 知悉根據城市規劃委員會於 2020 年 7 月頒布的《城市規劃條例》第 16 條製定的《考慮應用太陽能光伏系統 (SPV) 的評估標準》，擬議 SPV 系統結構的高度應與周圍地區/開發項目必須盡量減低不利的視覺影響，及不會引起公眾的視覺關注。我方與項目技術顧問商議後，建議太陽能發電連農用遮陰棚結構高度由最高點 2.5m 降低至大約 2.4m (包括太陽能板厚度約 2.5-3cm)，以減低高度以使改善景觀影響。
- c) 與此同時，敝司針對視覺綠化問題，會進行以下：-
  - 會與香港農業界機構合作進行整地 (指作物播種或移栽前進行的土壤耕作措施)，會先清除雜草，保留珍貴樹木/樹苗，而計劃合作之目標機構名單如下：UrbaNature 香港 (電話：3543 1819)；富琴有機火龍果(電話：6590 9268)；新時代有機農場(電話：9355 9889)；有心機(電話：6692 2671)；28 號農場(電話：5425 4292)；大眼仔(電話：6881 6983)
  - 因項目場所於西邊記錄到有樹苗關係，我方會確保樹苗與太陽能發電連農用遮陰棚結構物保持有最少 2 米距離，以確保樹苗有足夠空間生長。
  - 於項目場所種植大約 30-35 棵果樹苗 (如龍眼樹，荔枝樹，芒果樹等等)，以使改善綠化視覺景觀效果，減低周邊的農村環境帶來視覺上的變化，見下圖示 (綠色指果樹位置)





- d) 跟據政府太陽能光伏系統的法定計劃規定，如將 SPV 系統安裝為 FIT 計劃在空地上的獨立設施將被視為“公共設施安裝”(“PUI”)。FIT 計劃的獨立 SPV 系統在相關法定計劃的“PUI”是第 2 列用途的區域中需要規劃應用程序。授予的任何此類規劃許可將用於“公共設施安裝(用於 FIT 計劃的太陽能光伏系統)”。如果提議的 SPV 系統可能會產生潛在的影響，需要對其進行密切監視，或者該提議的使用可能使該地區的長期規劃意圖受挫，則僅考慮臨時批准。

就此，敝司跟據部門之意見，並了解到該太陽能發電連農用遮陰棚項目主要因綠化不足導致產生潛在景觀問題，我方已作出相對應之改善方案(如上第 3.c)。

- e) 鑑於現時場所欠缺綠化，同時為了優化土地利用，項目場所會作為耕作及樹木種植，而太陽能發電裝置是一項世界性新能源環保設施，兩者互相配合；太陽能發電裝置基本上不用經常需要進行維修，日常只需透過電腦或智能手機程式監察運作(無需人手在場工作及運作)，而設備維護保養每年只需進行大約 2 次左右，沒有噪音污染，沒有水質污染，沒有土質污染，對周邊之環境/原生生態/居民影響極微。因此，太陽能發電連農用遮陰棚配合耕作及樹木種植付合“綠化帶”的功能及意義。

- f) “綠化帶”通常被允許如下項目：農業用途；政府使用(僅限警察舉報中心)；自然保護區；自然徑；農用構築物；野餐區；公共便利；帳篷露營地；野生動物保護區

當中“政府使用(僅限警察舉報中心)”及“農用構築物”此兩項比較敝司提議之太陽能發電連農用遮陰棚項目之景觀影響程度十分接近，但也是通常被允許的；同時，其中“農業用途”跟敝司項目提議一致，也是通常被允許的。綜合以上，太陽能發電連農用遮陰棚項目也應該是付合“綠化帶”的功能及意義。

備註：有關 CLP 針對敝司提議之太陽能發電連農用遮陰棚項目，早前已發信回覆對該項目查詢，附文件再補回供參考！

4 May 2020

Billion Energy Investment Limited

Our ref: NR/S086-20/HW/AM

Dear Mr. Choi,

**Proposed Feed-In Tariff (FIT) Scheme Application at  
DD102 Lot 2158, 2161 & 2163, Kei Lun Shan, San Tin, Yuen Long, NT  
(Service Order# 2003066721 / AC# 82852958560)**

We refer to the telephone conversation on 21 April 2020 regarding your FIT scheme application at the above premises.

As discussed in the telephone conversation, please provide the following documents and information for our further action:-

1. As supporting documents to facilitate excavation work permit applications along the designated route, you are required to obtain and provide copies of permissions and approvals from relevant government departments, such as the Planning Department, Lands Department, Buildings Department, Agriculture, Fisheries and Conservation Department, Leisure and Cultural Services Department etc. for the installation of PV system (and transformer room) at the above premises. Please note that we can only proceed with the application upon our receipt of the aforesaid supporting documents from you.
2. Please provide us with
  - a. three (3) copies of the electrical schematic diagram duly signed by a registered electrical contractor; and
  - b. the relevant installation layout diagrams

for the above FIT scheme application.

To be continued/...P.2

Cont'd Page 2 of 2

Our Ref.: NR/S086-20/HW/AM

We look forward to receiving the above documents and information from you. However, if we do not receive such documents and information within three months from the date of this letter, we regret that we will not be able to proceed any further with your application.

Should you have any queries, please feel free to contact our Mr. H. S. Lam on telephone number or e-mail him at

Yours sincerely,  
for and on behalf of  
CLP Power Hong Kong Limited

  
Howard Wan  
Senior Planning & Design Manager (North Region)

hw/am/sl



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 systems<sup>1</sup> 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 building<sup>2</sup>. 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

<sup>1</sup> The lifespan of a SPV system is about 20 to 25 years.

<sup>2</sup> 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 visual<sup>3</sup> and, where needed, appropriate measures are to be adopted to mitigate the impacts;
  - e) unless with strong justifications<sup>4</sup>, 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;

<sup>3</sup> 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.

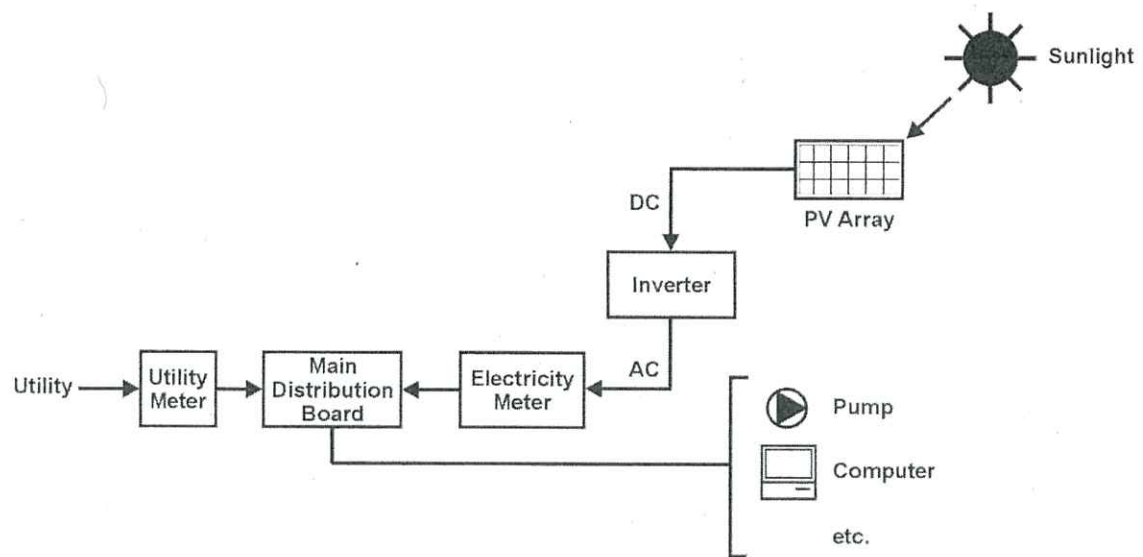
<sup>4</sup> Ground-mounted SPV system is usually on steel frame or concrete plinth. It should normally not involve extensive site formation, excavation or filling of land.



- 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](https://re.emsd.gov.hk/english/solar/solar_ph/PV_Systems.html)

#### Typical Solar Photovoltaic System

J-1



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](mailto:tpbpd@pland.gov.hk))



Central Enforcement and Prosecution Section,  
Planning Department,  
13/F, Sha Tin Government Offices,  
1 Sheung Wo Che Road, Sha Tin, N.T.  
(Email: [ceppd@pland.gov.hk](mailto:ceppd@pland.gov.hk))

8th July, 2020.

By email only

Dear Sir/ Madam,

**Proposed Public Utility Installation**  
**(Solar Energy System with Shelters for Agricultural Use)**  
**(A/YL-NTM/405)**

1. We refer to the captioned.
2. We urge the Board to look at an aerial photo taken in February 2020 showing the application site and its surroundings in **Figure 1**. We urge the Board to liaise with relevant authorities for the current status of the site. We also urge relevant authorities of the Planning Department to investigate the site status and history. Another aerial photo taken in 2016 is also shown in **Figure 1** for your reference.
3. We noted that the Board discussed the criteria for assessing applications for solar photovoltaic system on 27th March, 2020<sup>1</sup>, and the assessment criteria attached to the discussion paper TPB Paper No. 10643<sup>2</sup> mentions the followings:

<sup>1</sup> [https://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1219tpb\\_e.pdf](https://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1219tpb_e.pdf)

<sup>2</sup> [https://www.info.gov.hk/tpb/en/papers/TPB/1219-tpb\\_10643.pdf](https://www.info.gov.hk/tpb/en/papers/TPB/1219-tpb_10643.pdf)

- *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 proposed solar PV system would not adversely affect the landscape character/resources of the "GB" zone and jeopardise the integrity of the zone as a buffer.*
- 4. In addition, we would like to remind the Board the concern raised by one of the Board Members during the meeting<sup>1</sup>: *'... ..given the scarce land supply in Hong Kong, there was concern about the large scale conversion of abandoned agricultural land for installation of solar PV system, resembling the proliferation of brownfield operations in the New Territories over the years.'* **We urge the Board to seriously consider this.**
- 5. Finally, we would like the Board to note the planning intention of the GB zone of concern: *'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.'*
- 6. Approval of this application would also set a precedent for other similar applications in this GB; the Board should seriously consider the potential cumulative impacts of approving this application. In general, the proposed use is highly unlikely to be in line with the planning intention of the GB zone and thus we urge the Board to reject this application.
- 7. Thank you for your attention.

Ecological Advisory Programme  
Kadoorie Farm and Botanic Garden



Figure 1. Application site and its surroundings (approximately marked by the red circle).



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

8 July 2020

Dear Sir/Madam,

**Comments on the planning application for the proposed Public Utility Installation  
(Solar Energy System with Shelters for Agricultural Use) at Ngau Tam Mei, Yuen  
Long (A/YL-NTM/405)**

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**

The proposed solar energy system is located within 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."* The Google Earth aerial photograph in 2016 reveals that there are well-vegetated woodlands at and near the application site within the GB zone and is performing the function to define the limit of sub-urban development (Figure 1). However, the construction of the proposed solar energy system would be unavoidably associated with vegetation clearance and site formation within GB zone, which is not in line with the planning intention to retain natural features. Therefore, we urge the Town Planning Board (Board) to reject this application.

**1.1 The Town Planning Board should not encourage "destroy first, build later"**

Four Enforcement Notices (Case no. E/YL-NTM/221, E/YL-NTM/222, E/YL-NTM/245 and E/YL-NTM/327) for the unauthorized development of open

1

storage were issued at the application site from 2010 to 2017.

- 1.2 From Google Earth aerial photographs, landscape changes including vegetation clearance, site formation and parking uses were seen at the application site between 2016 and 2020 (Figure 1). We consider that this is “destroy first, build later”. We are concerned the approval of the current application would further legitimize the current misuse of the GB zone, leading to the promotion of “destroy first, develop later” attitudes among landowners in the locality. As the Board has suggested that *“the Board will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned.”*<sup>1</sup> We urge the Board to reject this application.

## **2 Set an undesirable precedent to the future development**

The approval of this application will set an undesirable precedent to the future similar applications associated with “destroy first, build later” 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 natural features 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 ecological<sup>2</sup> and planning aspects in particular. Given AFCD’s mission to conserve natural environment and safeguard

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<sup>1</sup> TPB Press Release. Available at:  
<http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>

<sup>2</sup> AFCD Role of Department. Available at:  
[http://www.afcd.gov.hk/english/aboutus/abt\\_role/abt\\_role.html](http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html)



the ecological integrity<sup>3</sup>, 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.

Yours faithfully,



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

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<sup>3</sup> AFCD Vision and Mission. Available at:  
[http://www.afcd.gov.hk/english/aboutus/vision\\_mission/abt\\_vision\\_mission.html](http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html)

**Figure 1.** The Google Earth aerial photograph in 2016 reveals that there are well-vegetated woodlands at and near the application site (marked with red line) within the GB zone and is performing the function to define the limit of sub-urban development. However, the construction of the proposed solar energy system would be unavoidably associated with vegetation clearance and site formation within GB zone, which is not in line with the planning intention to retain natural features. Moreover, landscape changes including vegetation clearance, site formation and parking uses were seen at the application site between 2016 and 2020. We consider that this is “destroy first, build later”.





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# 創建 Designing Hong Kong 香港 .com

10 July 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](mailto:tpbpd@pland.gov.hk)



## Proposed Public Utility Installation (Solar Energy System with Shelters for Agricultural Use)

(Application No. A/YL-NTM/405)

Dear Chairman and Members,

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

- The proposed area is 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. There is a general presumption against development within this zone..
- It can be observed from the Google Earth's aerial images that the proposed site has been developed and redeveloped without receiving planning approval . We are concerned that the Town Planning Board may be rewarding **unauthorized development** and "**Destroy First, Development Later**" practices through the approval of captioned application.



February 2003



April 2010



July 2016



December 2017



# 創建 Designing Hong Kong 香港 .com



March 2020

- It is noted that four **enforcement notices** (Case No. E/YL-NTM/327, Case No. E/YL-NTM/245, Case No. E/YL-NTM/222, Case No. E/YL-NTM/221) have been issued for open storage. The approval of this application will further legitimize unauthorized use of land and set an undesirable precedent in regularizing unlawful activities through planning applications.
- The proposal of the construction is not compatible with the existing environment of the surrounding area, and does not align with the planning intention of the "Green Belt" ("GB") zone. No strong justification has been given in the submission for a departure from the planning intention.
- The approval of the application would set an undesirable precedent for other applications within the "Green Belt (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

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

WWF-Hong Kong

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

9 July 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](mailto:tpbpd@pland.gov.hk))



By E-mail ONLY

Dear Sir/Madam,

**Re: Proposed Public Utility Installation (Solar Energy System with Shelters for Agricultural Use) on "Green Belt" zone at Pang Loon Tei, Ngau Tam Mei, Yuen Long (A/YL-NTM/405)**

WWF would like to object to the captioned application.

**Concern on regularizing unauthorized development**

The captioned application site falls within the "Green Belt" ("GB") zone of the approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12. With reference to the aerial image in 2020, parking of vehicles can be found at the application site (Fig. 1). According to the latest information from the Statutory Planning Portal 2, there was no approved planning application for vehicular parking which should be a Column 2 use in this "Green Belt" (GB) zone. Therefore, we suspect that the vehicular parking use was unauthorized. We worry that approving the captioned application would regularize the suspected unauthorized development at the site. As such, we consider that the Town Planning Board should further investigate if the application site constitutes any unauthorized development. If yes, we opine that the captioned application should be rejected in order to prevent regularizing unauthorized development through planning application system.

together possible

WWF 香港自然基金會  
林鄭月娥女士委任的顧問 GBS  
主席 何國棟先生  
副主席 王維德先生

香港自然基金會的董事和職員  
秘書長 郭文海先生 (GWS)  
首席顧問 陳國治先生  
註冊秘書長 許國治先生

Patron: The Honourable Mrs Carrie Lam Cheong Yuet ngor, GBM, GBS  
The Chief Executive of the HKSAR  
Chairman: Mr Edward M Ho  
CEO: Mr Peter Cornthwaite

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

註冊名: Registered Name: 世界自然基金會香港分會 World Wide Fund For Nature Hong Kong  
(在香港註冊的有限公司) (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, which 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 recreational outlets*". The cumulative effect of approving such applications would result in further loss of buffer function of this "GB" zone. As such, we opine that the captioned application should be rejected.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'A. Chan', with a stylized flourish at the end.

Andrew Chan  
Senior Conservation Officer, Policy



Fig. 1 Parking of vehicles found at the application site as observed from the aerial image taken in 2020 (site boundary is indicated as red circle approximately)



(Image sources: Statutory Planning Portal 2 & Google Earth image)

第25屆執委會

委員名單

主席

文美桂

首副主席

黎志超

副主席

文貴旗

執行委員

文中慶

文燕華

文志良

馮應祥

黃廣寧

周興華

周振勤

尹順利

潘家樂

張桂芳

郭庭容

郭海賢

委員

文慶龍

文耀全

文志全

文添發

文好泉

文國基

文貴壽

文建立

文添福

文天維

文安平

文裕星 MH

文富財

文有福

文泰山

文成立

文銀新

文銳鈞

文炳南 MH

文金穩

文志雙

文錦濤

文錦洪

鄺偉強

尹偉傑

周貴賢

黎志文

馮錦仔

馮日柱

黃福安

陳冠盛

潘啟芬

張炳容



## 新田鄉鄉事委員會

SAN TIN RURAL COMMITTEE

地址：

5-5

(傳真及郵遞文件)

敬啟者：

反對元朗牛潭尾丈量約份第102約地段第2161號及地段第2163號(部分)  
擬議公用事業設施裝置(太陽能光伏發電系統連農用遮陰棚)  
(申請編號：A/YL-NTM/405)

就有人向城規會申請在元朗攸潭美擬作公用事業設施裝置(太陽能光伏發電系統連農用遮陰棚)用途，本會反對有關發展計劃，理由如下：

1. 根據有關土地規劃該區屬綠化地帶，應保留該區自然景觀，不應作重大改變影響鄉郊環境。
2. 上述發展涉及內有1490平方米土地擬作太陽能光伏發電系統連農用遮陰棚，令在鄉郊綠化地帶有一非常大型的建築物，對該區環境構成嚴重的影響。

我們反對有關發展計劃，認為會破壞該區自然生態，影響村民生活及休閒。

此致  
城市規劃委員會



新田鄉鄉事委員會

主席：文美桂

首副主席：黎志超

副主席：文貴旗 謹啟

2020年7月9日

tpbpd@pland.gov.hk

5-6

寄件者: [REDACTED]  
寄件日期: 2020年07月09日星期四 3:46  
收件者: tpbpd  
副本: mtchu  
主旨: A/YL-NTM/405 DD 102 Pang Loon Tei, Ngau Tam Mei GB  
附件: Pang Loon Tei - Google Maps.pdf; Feed in Tarriff.pdf

A/YL-NTM/405  
Lots 2161 and 2163 (Part) in D.D. 102, Ngau Tam Mei  
Site area : About 1,490sq.m  
Zoning : "Green Belt"  
Applied use : 338 Solar Panels / **NO TERM MENTIONED**

Dear TPB Members,

**Zoning is GREEN BELT not BLUE BELT**, note images.

This is clearly an area of GB buffer, Conservation and natural environment.

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. The applicant shows produce growing UNDER the panels, consuming much of the energy generated.

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.

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.

TPB reject this application and 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.

TPB discussed this issue on 3 July but Minutes are not yet posted. It appears that only the impact on Agriculture land was outlined. Moreover the very important issue of consumers' willingness or more probably lack of, to subsidize commercial abuse of the FiT Scheme was not mentioned.

Green Belt is for trees and vegetation. The distortion of what should be a worthy initiative should be nipped in the bud. The current health crisis should focus minds on the disastrous impacts of over development in rural areas.





7/9/2020

Pang Loon Tei - Google Maps

Google Maps Pang Loon Tei



Google

Imagery ©2020 CNES / Airbus, Maxar Technologies, Map data ©2020 50 m

## 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 rates<sup>1</sup> higher than the normal electricity tariff rate, which can help recover the costs of investment, operation and maintenance in around 10 years<sup>2</sup>.

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 before<sup>3</sup>, 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 BRO<sup>4</sup>, 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

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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 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* (上網電價計劃) 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* (合資格上網電價業務)—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



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

**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.



**Recommended Advisory Clauses**

- (a) the planning permission is given to the developments/uses under application. It does not condone any other developments/uses which currently occur on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such developments/uses not covered by the permission;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) as follows:
  - (i) the Site comprises an Old Schedule Agricultural Lot 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; and
  - (ii) 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;
- (c) to note the comments of the Commissioner for Transport (C for T) as follows:
  - (i) the Site is connected to the public road network via a section of a local access which is not managed by Transport Department. The land status of the local access should be clarified with 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;
  - (ii) as there is no information about the vehicular access at the private lot(s) to the Site, it is presumed that the applicant should arrange by themselves if necessary, and should seek the relevant land owner(s) on the right of using the vehicular access; and
  - (iii) no vehicles are allowed to queue back to or reverse onto/from the Site anytime during the planning approval period;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) as follows:

adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note the comments of the Director of Environmental Protection (DEP) as follows:

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 publication /guidelines including the following:

- (i) Recommended Pollution Control Clauses for Construction Contracts (available at [http://www.epd.gov.hk/epd/english/environmentinhk/eia\\_planning/guide\\_ref/rpc.html](http://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc.html); and
  - (ii) Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 1/94, "Construction Site Drainage";
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) as follows:
- (i) the Site is partly paved with some weeds and trees of common species. There were two semi-mature trees at the western boundary of the Site. The two trees should be preserved as far as possible; and
  - (ii) the semi-natural watercourse is located outside the Site. The applicant shall perform good site practice so as not to pollute the semi-natural watercourse.
- (g) to note the comments of the Director of Fire Services (D of FS) as follows:
- (i) in consideration of the design/nature of the proposal, fire services installations (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:
    - (1) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
    - (2) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
  - (ii) 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;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
- (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BA, they are unauthorized building works (UBW) under the Building Ordinance (BO) and should not be designated for any approved use under the application;
  - (ii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's 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;



- (iii) before any new building works (including containers and open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  - (iv) 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;
  - (v) if 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; and
  - (vi) detailed comments under the BO will be provided at building plan submission stage;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) as follows:
- (i) 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 and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and 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](http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf) for reference. Approval of the drainage proposal must be sought prior to the implementation of drainage works on site;
  - (ii) after completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
  - (iii) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
  - (iv) no public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from the DEP shall be obtained;
  - (v) the applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;



- (vi) 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 works on site under proper maintenance at all times; and
  - (vii) the applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the Site in future; and
- (j) to note the comments of the Director of Electrical and Mechanical Services (DEMS) as follows:

The applicant shall 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 or in the vicinity of the application site. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the application site, the applicant shall carry out the following measures:

- (i) For Site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV or above as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG) published by the Planning Department, prior consultation and arrangement with CLP Power is necessary;
- (ii) Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask CLP Power to divert the underground cable and/or overhead line away from the vicinity of the proposed structure; and
- (iii) The Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation shall be observed by the applicant when carrying out works in the vicinity of the electricity supply lines.

**Agenda Item 19**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/405      Proposed Public Utility Installation (Solar Energy System) in “Green Belt” Zone, Lots 2161 and 2163 (Part) in D.D. 102, Ngau Tam Mei, Yuen Long

(RNTPC Paper No. A/YL-NTM/405)

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**Presentation and Question Sessions**

73.            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 energy system);
- (c) departmental comments were set out in paragraph 11 of the Paper;
- (d) during the first three weeks of the statutory publication period, six objecting public comments from the San Tin Rural Committee, Kadoorie Farm and Botanic Garden Corporation, Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and an individual were received. Major objection grounds 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 no strong justification had been given in the submission for a departure from the planning intention. The proposed development with 338 solar panels covering about 50% of the application site was rather massive in scale and was considered not compatible with the scale of the development in the surroundings. 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.

74. Members had no question on the application.

#### Deliberation Session

75. 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 No. 10 on ‘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 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 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

**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/405

By Post

9 October 2020

(Attn.: Santos Chan)

Dear Sir/Madam,

**Proposed Public Utility Installation (Solar Energy System) in "Green Belt" Zone,  
Lots 2161 and 2163 (Part) in D.D. 102, Ngau Tam Mei, Yuen Long**

I refer to my letter to you dated 9.9.2020.

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 No. 10 on '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 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 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 15.9.2020, 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 30.10.2020). 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)

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**Re: Application No. A/YL-NTM/405**

30/10/2020 14:49

From:

To: tpbpd@pland.gov.hk

Cc: cchyuen <cchyuen@pland.gov.hk>

1 attachment



覆核申請 (Solar Energy System #AYL-NTM405) 29.10.2020.pdf

Dear Sir / Madam

See attached our review application & pleasure to contact me if any questions!

With many thanks!

Best Regards,

Jackie

**太陽能光伏系統應用覆核申請**  
**《規劃申請編號 A/YL-NYM/405》**

**覆核申請日期：2020年10月29日**

根據城規會於2020年10月9日信件回覆，此申請得到否決！就城規會否決之理據，我方有以下申述，請城規會重新考慮批核此申請：-

- a) 城規會指出此規劃申請不符合“綠化地帶”規劃，“綠化地帶”是利用天然地理環境作為市區和近郊的發展界限，並提供土地作靜態康樂場地；而按我方申請太陽能光伏系統加農用遮蔭棚，基本上完全符合“綠化地帶”之規劃意向，原因如下：-
- a1) 太陽能光伏系統完全是靜態設備，日常每年只會安排2至3位專業人員進行保養兩次而已，絕對不用繁多工作人員進行運作，比較我方鄰近同樣是“綠化地”但作為儲物用途之地塊，更加表現出靜態指標！
- a2) 我方將地塊進行復耕，以使之更達到靜態之康樂場地！
- b) 城規會指出此規劃申請與周圍環境不配合，會影響天然景致，破壞周圍環境的景觀 / 資源造成不良影響；就此，我方嚴重反對，理由如下：-
- b1) 按我方於2020年7月24日之補充資料，太陽板沒有反光及表面是深色的，對其他天然資源（如動/植物）沒有任何影響，沒有噪音污染，沒有水質污染，沒有土質污染，對周邊之環境/原生態/居民沒有任何影響！
- b2) 景觀方面，地塊現時沒有任何耕作，對綠化景觀沒有任何幫助；因此我方於2020年7月24日之補充資料已說明，會重新種植30-35棵樹及場所會作為耕作。同時將太陽能棚高度降低，以改善現時景觀，更達到“綠化地帶”的規劃效果；
- 另外，“綠化地帶”通常被允許如下項目：農業用途；政府使用（僅限警察舉報中心）；自然保護區；自然徑；農用構築物（遮蔭棚）；野餐區；公共便利；帳篷露營地；野生動物保護區等等，這些項目，特別是農用構築物（遮蔭棚）與我方之太陽能遮蔭棚基本上對周圍環境的景觀同樣效果！
- 同時我方可再減少太陽能棚之數量，相對增加樹木的種植，以配合城規會的指標！按我方現時之申請，佔地面積約1,490平方米，而太陽能發電連農用遮蔭棚結構總數約338塊電池板，總覆蓋總面積約730平方米，我方可配合按城規會建議減細及修改！
- c) 中華電力有限公司之確認書，較早前中電負責此項目職員 Alex Ma (聯絡電話：69786201) 通知我方已正在準備此項目之確認書，預計兩星期內我方會收到，後補交予城規會，請知悉！



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**Re: Application No. A/YL-NTM/405**  
30/12/2020 12:48

From:

To: tpbpd@pland.gov.hk, cchyuen <cchyuen@pland.gov.hk>, wwklau@pland.gov.hk  
FileRef:

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Follow Up: Normal Priority.

3 attachments



DD102\_Floor Plan to Planning Rev2.pdf



覆核申請 (Solar Energy System #AYL-NTM405) 30.12.pdf



20200506009 BH Signed Network Reinforcement Condition Letter.pdf

Dear Sir / Madam,

Would like to withdraw the e-mail date 23-Nov (11:20am) & 29-Dec (16:31pm), and re-sending this new e-mail with updated information for your reference!

Regarding to CLP FiT capacity confirmation letter, because of the virus dragging on the schedule, we just received the letter by 16-Dec-2020, see attached e-copy for your reference & we would like to update our further information with some amendments for your consideration, thank you so much!

Attached below listed files : -

- 1) CLP Fit letter
- 2) Further information
- 3) Floorplan with amendment

With many thanks!

Best Regards,

Jackie

Miracle (HK) Group Limited

**太陽能光伏系統應用覆核申請**  
**《規劃申請編號 A/YL-NYM/405》**

**覆核申請日期：2020 年 10 月 29 日**

**補充資料：2020 年 12 月 30 日**

根據城規會於 2020 年 10 月 9 日信件回覆，此申請得到否決！就城規會否決之理據，我方有以下申述，請城規會重新考慮批核此申請：-

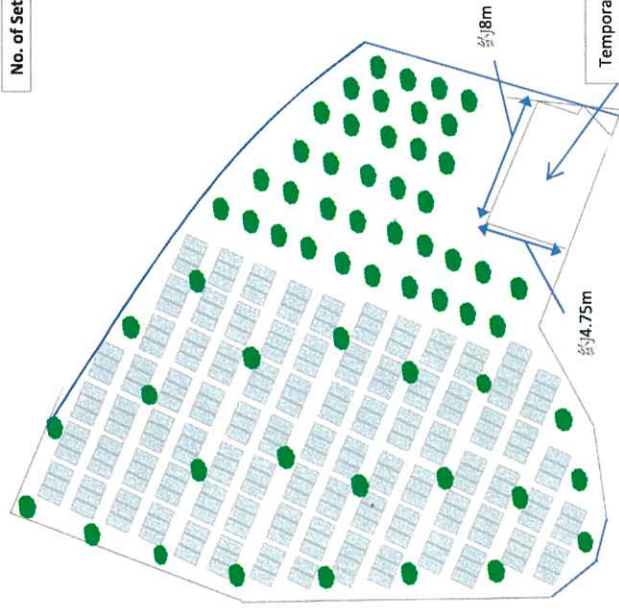
- a) 城規會指出此規劃申請不符合“綠化地帶”規劃，“綠化地帶”是利用天然地理環境作為市區和近郊的發展界限，並提供土地作靜態康樂場地；而按我方申請太陽能光伏系統 加 農用遮蔭棚，基本上完全符合“綠化地帶”之規劃意向，原因如下：-
- a1) 太陽能光伏系統完全是靜態設備，日常每年只會安排 2 至 3 位專業人員進行保養兩次而已，絕對不用繁多工作人員進行運作，比較我方鄰近同樣是“綠化地”但作為儲物用途之地塊，更加表現出靜態指標！
- a2) 我方將地塊進行復耕，以使之更達到靜態之康樂場地！
- b) 城規會指出此規劃申請與周圍環境不配合，會影響天然景致，破壞周圍環境的景觀 / 資源造成不良影響；就此，我方嚴重反對，理由如下：-
- b1) 按我方於 2020 年 7 月 24 日之補充資料，太陽板沒有反光及表面是深色的，對其他天然資源（如動/植物）沒有任何影響，沒有噪音污染，沒有水質污染，沒有土質污染，對周邊之環境/原生態/居民沒有任何影響！
- b2) 景觀方面，地塊現時沒有任何耕作，對綠化景觀沒有任何幫助；因此我方於 2020 年 7 月 24 日之補充資料已說明，會重新種植 30-35 棵樹及場所會作為耕作 同時將太陽能棚高度降低，建設高度最高點只有約 2.5 米左右（參考部門意見後，會降低至約 2.4 米左右），以改善現時景觀，更達到“綠化地帶”的規劃效果；另外，“綠化地帶”通常被允許如下項目：農業用途；政府使用（僅限警察舉報中心）；自然保護區；自然徑；農用構築物（遮蔭棚）；野餐區；公共便利；帳篷露營地；野生動物保護區等等，這些項目，特別是農用構築物（遮蔭棚）與我方之太陽能遮蔭棚基本上對周圍環境的景觀同樣效果！
- 同時我方再減少太陽能棚之數量，相對增加樹木的種植，以配合城規會的指標！按我方現時之申請，佔地面積約 1,490 平方米，而太陽能發電連農用遮蔭棚結構總數約 338 塊電池板，總覆蓋總面積約 730 平方米，我方可配合按城規會建議或意見減細及修改！
- 而我方可同意減少太陽能電池板數量由 338 塊減至 243 塊（每塊 2.111m x 1.011m, 3 塊為 1 組，共 81 組），而太陽能發電連農用遮蔭棚結構總數約 243 塊電池板，總覆蓋總面積約 520 平方米），如附件更新 Floorplan 圖！
- c) 中華電力有限公司之確認書，按中華電力有限公司指示，因本項目處所並未有電錶，而中電針對該項目已發出再生能源項目 170kW 同意書及針對太陽項目我方應繳交之按金總數 HKD1,200/kW x 170kW = HKD204,000 (Ref no.: CCE/SME455/20/HS (FIT No.:20200506009 ;)), 中電收到按金後才會更新及提供有關太陽項目之設備及供電系統；因此待城市規劃會批准本項目後，我方才會繳交該畢按金，以進行該項目！

# DD102 Lot 2161; 2163 (部份)

太陽能電板放位初步設計圖：



PV Panel Type	Monocrystalline
No. of Panel	243 pcs
Panel Dimension	2111 x 1011 mm
No. of Set of Removable shade shed : 81 Sets	



PV Panel

Temporary structure :  
太陽能光伏發電鐵架裝置



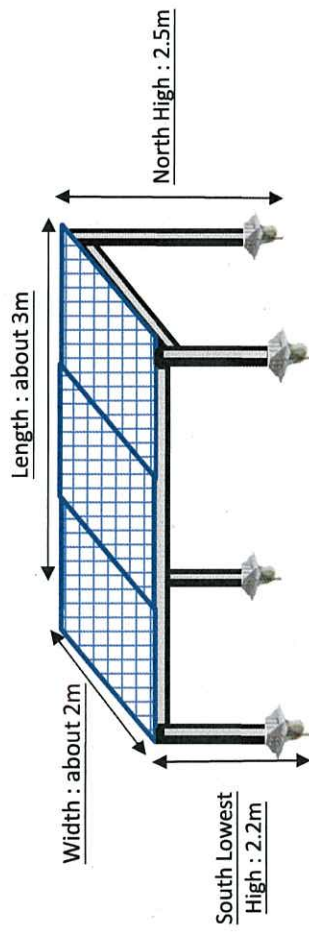


DD102 Lot 2161 ; 2163 (部份)

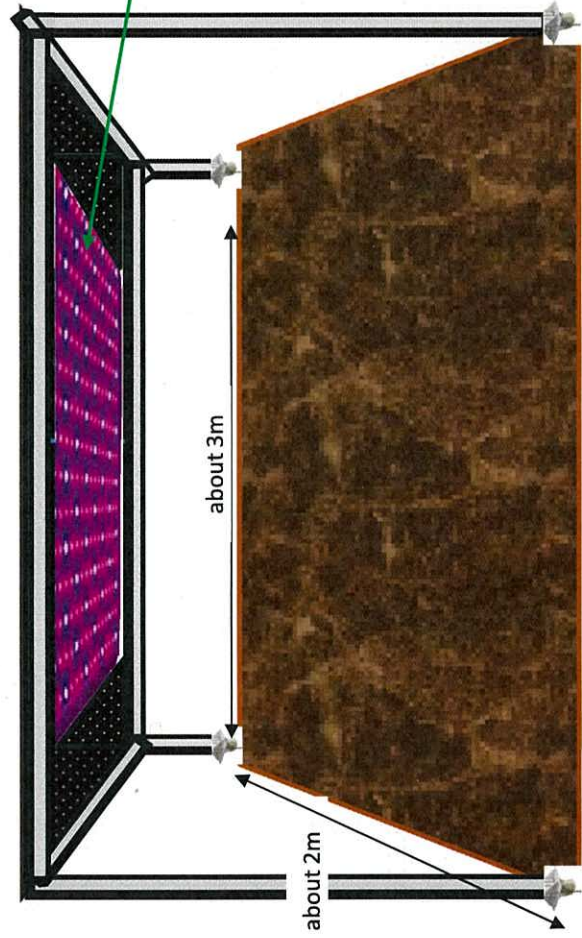
太陽能電板實際設置圖參考：



太陽能電板每 3塊合併為1組, 設置尺寸參考：



Movable



LED Lighting



16 December 2020

中華電力有限公司  
CLP Power Hong Kong Limited

企業客戶服務部  
Corporate Customer Experience (CCE)

香港九龍深水埗福華街 215 號七樓  
7/F Shamshuipo Centre, 215 Fuk Wa Street  
Kowloon, Hong Kong

網址 Website [www.clp.com.hk](http://www.clp.com.hk)

Attention: MIRACLE (HK) GROUP LIMITED

Our ref.: CCE/SME455/20/HS (FiT No.: 20200506009)  
(Scheme No.: YL-200060)  
Please quote our scheme number in response to this letter

Dear MIRACLE (HK) GROUP LIMITED,

**Network Reinforcement Condition Letter**

**NO 2163, KEI LUN SHAN VILLAGE, SAN TIN YUEN LONG ("Premises")**

**CLP Electricity Account Number: 82852958560**

We refer to your application to take part in the CLP Renewable Energy Feed-in Tariff (FiT) Scheme. Reference is also made to your application for network reinforcement for the purposes of your participation in the FiT Scheme.

We are pleased to inform you that we will carry out the necessary network reinforcement works ("Reinforcement Works") subject to your acceptance of the following terms and conditions:

1. You are required to make a deposit payment of HK\$ 204,000 (HONG KONG DOLLARS Two Hundred and Four Thousand Only) ("Deposit") before we commence the Reinforcement Works.
2. We estimate that the Reinforcement Works will be completed in around 24 months after receipt of your written acceptance of these terms and conditions and the full amount of your Deposit. While we will strive to complete the Reinforcement Works within this estimated timeframe, there may be circumstances which affect the progress or the completion date. We will not be liable for any loss, damage suffered or any cost incurred arising from any delay or incompleteness of the Reinforcement Works.
3. If there is a need to revise the estimated timeframe required to complete the Reinforcement Works, we will discuss and agree with you on a new estimated timeframe.
4. The progress and completion of the Reinforcement Works are also subject to your agreement on the terms of the Supply Condition Letter to be issued by us after the design of the Reinforcement Works has been finalised. A sample of a Supply Condition Letter is enclosed for your reference. The final terms of the Supply Condition Letter are subject to the final design of the Reinforcement Works and if you accept the final terms of the Supply Condition Letter, please return to us a signed copy of the letter.



5. You will be entitled to a refund of the Deposit (without interest) if an agreement cannot be reached on the revised estimated timeframe mentioned in point 3 above or where you are not able to agree to the terms of the Supply Condition Letter. However, we will have no obligation to proceed with the Reinforcement Works.
6. The Deposit will also be refunded (without interest) if a renewable energy system with a total capacity of 170kW (the capacity of the renewable energy system will be calculated excluding any renewable energy system that is already installed at the Premises prior to the date of your FiT Scheme application) is installed and connected to our network within two years after the actual Reinforcement Works completion date. You will be notified of the actual Reinforcement Works completion date in writing after completion of the Reinforcement Works.
7. Except in circumstances expressly mentioned in this letter, you will not be entitled to a refund of the Deposit even if you withdraw your FiT Scheme application or network reinforcement application before the completion of Reinforcement Works.
8. Further, if there is a change in the registered holder of the CLP electricity account holder of the Premises, you will not be entitled to a refund of the Deposit regardless of the circumstances and we will have no obligation to proceed with the Reinforcement Works.
9. Your provisional FiT rate, following the prevailing rate published on our website on the date we received your FiT Scheme application, is set out below together with the validity period of each FiT rate:

Renewable energy system	Generation capacity (kW)	Provisional FiT rate (\$/kWh)	Validity period (expiry date)
New Solar System at NO 2163, KEI LUN SHAN VILLAGE, SAN TIN YUEN LONG	170	4	12 months from actual Reinforcement Works completion date

10. Please be reminded that the design, installation, operation and maintenance of the renewable energy system should comply with all applicable laws, regulations, guidelines, and safety and technical requirements. This includes compliance with the requirements set out under the Technical Guidelines on Grid Connection of Renewable Energy Power Systems and the Guidance Notes for Solar Photovoltaic (PV) System Installation, both issued by the Electrical and Mechanical Services Department.

If you accept the above terms and conditions, please pay the Deposit according to any one of the payment methods stated on the attached bill and return a copy of this letter with the signed reply slip to the following address: -

CLP Power Hong Kong Limited  
 Attn: Mr. Tommy Lam  
 7/F Shum Shui Po Centre  
 215 Fuk Wah Street  
 Shum Shui Po, Kowloon



If we do not receive both your written acceptance of the above terms and conditions and the full amount of your Deposit payment within one month from the date of this letter, we may not be able to process your FiT Scheme application and your network reinforcement application further.

Should you have any queries regarding the progress of the construction work, please contact our Accounts Manager Mr. Tommy Lam on telephone number 2678 3406.

Yours sincerely,



Auyang, Victor/Wai Keung  
Corporate Customer Experience Manager – SME Accounts  
For and on behalf of  
CLP Power Hong Kong Limited

Encl. as stated

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**Reply Slip**

I / We hereby accept the terms and conditions in this letter issued by CLP Power Hong Kong Limited dated 16 December 2020 (Ref.: CCE/SME455/20/HS).

Signature/Chop : .....

Name : .....  
(IN BLOCK LETTERS)

Date : .....



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



**Re: Application No. A/YL-NTM/405**  
25/02/2021 12:23

From:

To: tpbpd@pland.gov.hk,

1 attachment



DD102\_Floor Plan to Planning Rev3.pdf

Dear Sir / Madam,

Kindly see attached the construction with the amendment of the highest point to be 2.4m for your reference, thank you so much!

Attached below listed files : -

1) Construction design

With many thanks!

Best Regards,

Miracle (HK) Group Limite

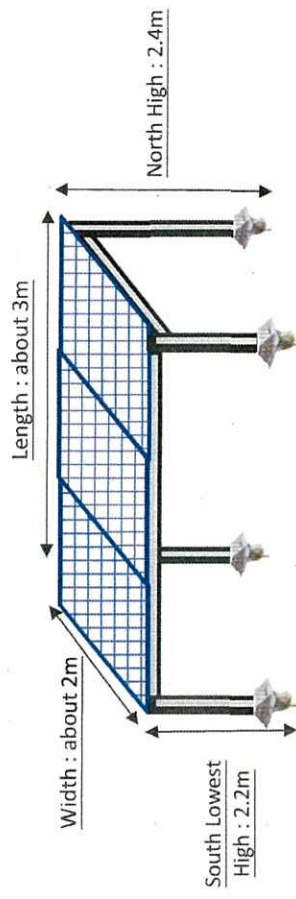


DD102 Lot 2161 : 2163 (部份)

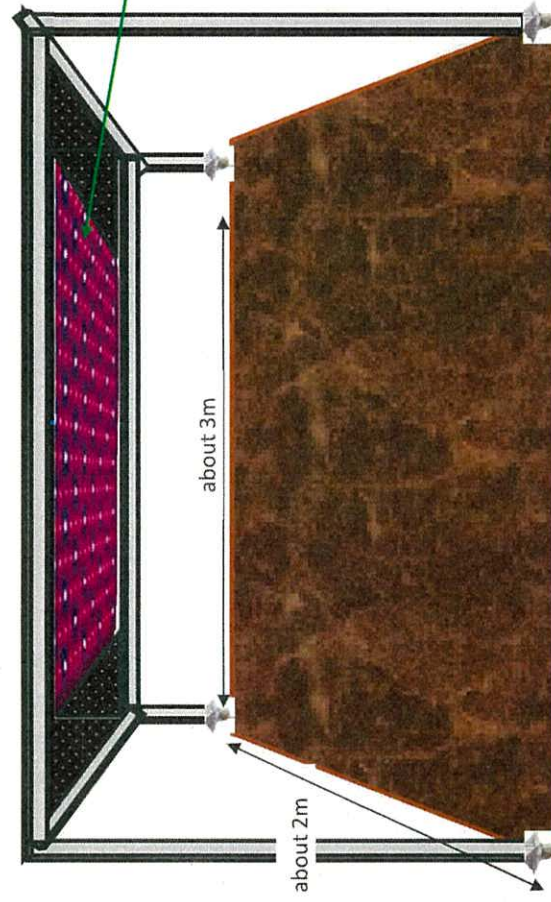
太陽能電板實際設置圖參考：



太陽能電板每 3塊合併為1組, 設置尺寸參考：



Movable



LED Lighting





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 systems<sup>1</sup> 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 building<sup>2</sup>. 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

<sup>1</sup> The lifespan of a SPV system is about 20 to 25 years.

<sup>2</sup> 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 visual<sup>3</sup> and, where needed, appropriate measures are to be adopted to mitigate the impacts;
  - e) unless with strong justifications<sup>4</sup>, 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;

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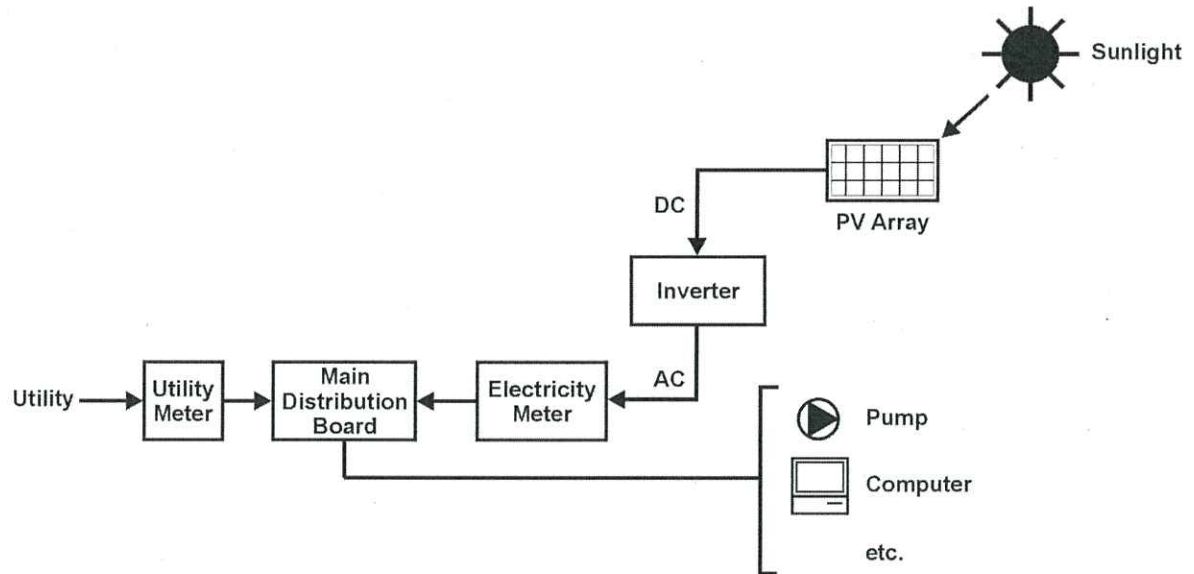
<sup>3</sup> The applicant has to demonstrate that the proposal would not affect the visual and landscape amenities/character of the area adversely by, for instance, causing a significant change of landscape resources/character, dwarfing the surrounding developments or catching the public's visual attention 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.

<sup>4</sup> 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](https://re.emsd.gov.hk/english/solar/solar_ph/PV_Systems.html)

### Typical Solar Photovoltaic System

From: [REDACTED]  
To: [wwklau@pland.gov.hk](mailto:wwklau@pland.gov.hk)  
Date: 06/11/2020 19:56  
Subject: Re: 申請編號 Application No. A/YL-NTM/405

---

R5-1

Objection!  
農地應農用!

元朗區議員

杜嘉倫KaLun TO

Yuen Long District Councillor

MP: [REDACTED]



寄件者:  
寄件日期: 2020年11月24日星期二 17:41  
收件者: tpbpd  
副本: HKBWS HKBWS  
主旨: HKBWS's comments on the planning application for the proposed Public Utility Installation (Solar Energy System with Shelters for Agricultural Use) at Ngau Tam Mei, Yuen Long (A/YL-NTM/405) (Review under Section 17)  
附件: 20201127\_NgauTamMei\_SolarPanel\_s17\_A\_YL-NTM\_405\_HKBWS.pdf

Dear Sir/Madam,

The Hong Kong Bird Watching Society's comments on the planning application for the proposed Public Utility Installation (Solar Energy System with Shelters for Agricultural Use) at Ngau Tam Mei, Yuen Long (A/YL-NTM/405) (Review under Section 17) is attached.

Thank you.

Best Regards,

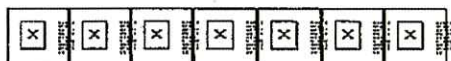
Wong Suet Mei | 黃雪媚

Conservation Officer | 保育主任

Hong Kong Bird Watching Society | 香港觀鳥會

A: 7C, V Ga Building, 532 Castle Peak Road, Kowloon, Hong Kong

香港九龍荔枝角青山道 532 號偉基大廈 7 樓 C 室



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

By email only

24 November 2020

Dear Sir/Madam,

**Comments on the planning application for the proposed Public Utility Installation  
(Solar Energy System with Shelters for Agricultural Use) at Ngau Tam Mei, Yuen  
Long (A/YL-NTM/405) (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**

The proposed solar energy system is located within 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."*

The Google Earth aerial photograph in 2016 reveals that there are well-vegetated woodlands at and near the application site within the GB zone and is performing the function to define the limit of sub-urban development (Figure 1). However, the construction of the proposed solar energy system would be unavoidably associated with vegetation clearance and site formation within GB zone, which is not in line with the planning intention to retain natural features. Therefore, we urge the Town Planning Board (Board) to reject this application.

**2 The Town Planning Board should not encourage “destroy first, build later”**

2.1 Four Enforcement Notices (Case no. E/YL-NTM/221, E/YL-NTM/222, E/YL-NTM/245 and E/YL-NTM/327) for the unauthorized development of open storage were issued at the application site from 2010 to 2017.

2.2 From Google Earth aerial photographs, landscape changes including vegetation clearance, site formation and parking uses were seen at the application site between 2016 and 2020 (Figure 1). We consider that this is “destroy first, build later”. We are concerned the approval of the current application would further legitimize the current misuse of the GB zone, leading to the promotion of “destroy first, develop later” attitudes among landowners in the locality. As the Board has suggested that *“the Board will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned.”*<sup>1</sup> We urge the Board to reject this application.

**3 Set an undesirable precedent to the future development**

The approval of this application will set an undesirable precedent to the future similar applications associated with “destroy first, build later” 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 natural features from any development threats.

**4 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

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<sup>1</sup> TPB Press Release. Available at:  
<http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>



the responsibility to advise the Board on the ecological<sup>2</sup> and planning aspects in particular. Given AFCD's mission to conserve natural environment and safeguard the ecological integrity<sup>3</sup>, 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.

Yours faithfully,



Wong Suet Mei  
Conservation Officer  
The Hong Kong Bird Watching Society

cc.

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

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<sup>2</sup> AFCD Role of Department. Available at:  
[http://www.afcd.gov.hk/english/aboutus/abt\\_role/abt\\_role.html](http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html)

<sup>3</sup> AFCD Vision and Mission. Available at:  
[http://www.afcd.gov.hk/english/aboutus/vision\\_mission/abt\\_vision\\_mission.html](http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html)

**Figure 1.** The Google Earth aerial photograph in 2016 reveals that there are well-vegetated woodlands at and near the application site (marked with red line) within the GB zone and is performing the function to define the limit of sub-urban development. However, the construction of the proposed solar energy system would be unavoidably associated with vegetation clearance and site formation within GB zone, which is not in line with the planning intention to retain natural features. Moreover, landscape changes including vegetation clearance, site formation and parking uses were seen at the application site between 2016 and 2020. We consider that this is “destroy first, build later”.



寄件者: 2020年11月25日星期三 17:01 AYK-NTM-405  
寄件日期: tpbpd@pland.gov.hk  
收件者: KFBG's comments on five planning applications  
主旨: 201125 s16 TMT 69.pdf; 201125 s17 NTM 405.pdf; 201125 s16 LK 134.pdf; 201125 s17 WKS  
附件: 15.pdf; 201125 s16 HLH 49.pdf

Dear Sir/ Madam,

Attached please see our comments regarding five applications. There are five 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)

25th November, 2020.

By email only

Dear Sir/ Madam,

**Proposed Public Utility Installation (Solar Energy System with Shelters  
for Agricultural Use)**  
**(A/YL-NTM/405)**  
**(Review under Section 17)**

1. We refer to the captioned.
2. The application site is within Green Belt (GB) zone. We urge the Board to seriously consider the potential cumulative impacts of approving this application on the GB zone of concern as the approval would set a precedent for other similar applications.
3. There is a general presumption against development in GB zone and we also consider the proposal is not in line with the planning intention of GB zone. Thus we urge the Board to reject this application.
4. Thank you for your attention.

Ecological Advisory Programme  
Kadoorie Farm and Botanic Garden

R5-4

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



s17s16\_A\_YL-NTM\_405\_2020 11(Nov)\_WWF  
27/11/2020 15:43

From:

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

Dear Sir/Madam,

Please find attached our submission on the captioned.

Best regards,

Andrew Chan  
Senior Conservation Officer, Policy  
WWF-Hong Kong 世界自然基金會香港分會

**together possible** 

Find out more and get involved at [wwf.org.hk](http://wwf.org.hk)

Registered Name 註冊名稱: World Wide Fund For Nature Hong Kong 世界自然(香港)基金會  
(Incorporated in Hong Kong with limited liability by guarantee 於香港註冊成立的擔保有

PDF

限公司) s17s16\_A\_YL-NTM\_405\_2020 11(Nov)\_WWF.pdf



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

27 November 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](mailto:tpbpd@pland.gov.hk))

By E-mail ONLY

Dear Sir/Madam,

**RE: Proposed Public Utility Installation (Solar Energy System with Shelters for  
Agricultural Use) on "Green Belt" zone at Ngau Tam Mei, Yuen Long  
(A/YL-NTM/405) – Review under Section 17**

WWF would like to maintain our objection to the captioned review application.

**Concern on regularizing unauthorized development**

The captioned application site falls within the "Green Belt" ("GB") zone of the approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12. With reference to the aerial image in March 2020, parking of vehicles can be found at the application site (Fig. 1). According to the latest information from the Statutory Planning Portal 2, there was no approved planning application for vehicular parking which should be a Column 2 use in this "Green Belt" (GB) zone. Therefore, we suspect that the vehicular parking use was unauthorized. We worry that approving the captioned application would regularize the suspected unauthorized development at the site. As such, we consider that the Town Planning Board should further investigate if the application site constitutes any unauthorized development. If yes, we opine that the captioned application should be rejected in order to prevent regularizing unauthorized development through planning application system.

together possible ..

贊助人：香港特別行政區行政長官  
林鄭月娥女士、大紫荊勳章, GBS  
主席：何國建先生  
行政總裁：江俊傑先生

義務顧問：香港立信地產會計師事務所有限公司  
義務公司秘書：嘉信信託服務有限公司  
義務司庫：匯豐銀行  
註冊慈善機構

Patron: The Honourable Mrs Carrie Lam Chong Yuet-ngor, GBM, GBS  
The Chief Executive of the HKSAR  
Chairman: Mr Edward M. Ho  
CEO: Mr Peter Cornthwaite

Honorary Auditors: 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  
(於香港註冊成立的有限公司 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, which 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 recreational outlets"*. The cumulative effect of approving such applications would result in further loss of buffer function of this "GB" zone. As such, we opine that the captioned application should be rejected.

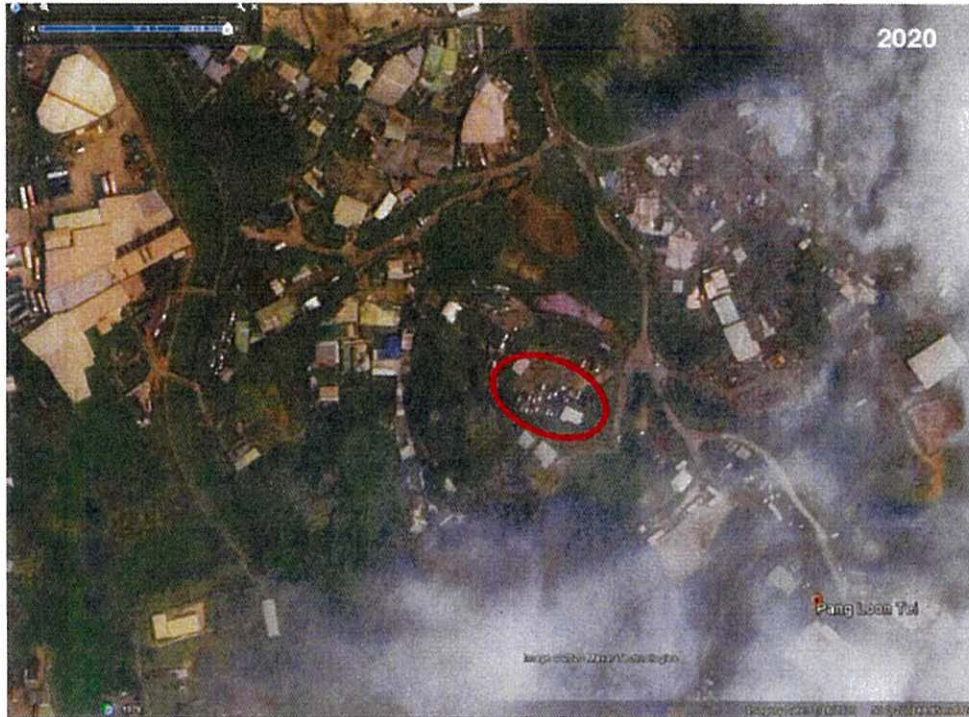
We would be grateful if our comments could be considered by the Town Planning Board.

Yours faithfully,

A handwritten signature in dark ink, appearing to be 'A. Chan', written in a cursive style.

Andrew Chan  
Senior Conservation Officer, Policy

**Fig. 1** Parking of vehicles found at the application site as observed from the aerial image taken in March 2020 (site boundary is indicated as red circle approximately)



(Image sources: Google Earth image)

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



Re: A/YL-NTM/405 DD 102 Pang Loon Tei, Ngau Tam Mei GB  
27/11/2020 02:36

From: [REDACTED]  
To: tpbpd <tpbpd@pland.gov.hk>  
Cc: [REDACTED]  
FileRef:

Dear TPB Members,

Apart from the issue of trashing GB, I would remind members that the FIT scheme approved by Legco made no mention of commercial solar farms.

The CLP customers were never informed that they would be expected to subsidize commercial exploitation.

Any applications under FIT must comply with the parameters of the scheme as presented to Legco.

Mary Mulvihill

From: [REDACTED]  
To: "tpbpd" <tpbpd@pland.gov.hk>  
Cc: [REDACTED]  
Sent: Thursday, July 9, 2020 3:46:06 AM  
Subject: A/YL-NTM/405 DD 102 Pang Loon Tei, Ngau Tam Mei GB  
A/YL-NTM/405  
Lots 2161 and 2163 (Part) in D.D. 102, Ngau Tam Mei  
Site area : About 1,490sq.m  
Zoning : "Green Belt"  
Applied use : 338 Solar Panels / **NO TERM MENTIONED**

Dear TPB Members,

**Zoning is GREEN BELT not BLUE BELT**, note images.

This is clearly an area of GB buffer, Conservation and natural environment.

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. The applicant shows produce growing UNDER the panels, consuming much of the energy generated.

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.

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.

TPB reject this application and 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.

TPB discussed this issue on 3 July but Minutes are not yet posted. It appears that only the impact on Agriculture land was outlined. Moreover the very important issue of consumers' willingness or more probably lack of, to subsidize commercial abuse of the FiT Scheme was not mentioned.

Green Belt is for trees and vegetation. The distortion of what should be a worthy initiative should be nipped in the bud. The current health crisis should focus minds on the disastrous impacts of over development in rural areas.

Mary Mulvihill

seq 1  
R5-6

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk



**To : Secretary, Town Planning Board**

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

---

**有關的規劃申請編號 The application no. to which the comment relates**

**A/YL-NTM/405 Received on 30/12/2020**

**意見詳情 (如有需要，請另頁說明)**

**Details of the Comment (use separate sheet if necessary)**

---

擬議公用事業設施裝置(太陽能光伏發電系統連農用遮陰棚)

本人元朗區議員杜嘉倫

基於原則，一直反對城規會將私人牟利項目，私人土地上發展項目列為公共事業設施，而且此等項目涉及在農地上興建建構物，一旦成立，農地將會進一步被破壞，所以反對此類項目。

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「提意見人」姓名/名稱 Name of person/company making this comment 元朗區議員杜嘉倫

簽署 Signature 元朗區議員杜嘉倫 日期 Date 15.01.2021

Seq 1

R5-7

tpbpd@pland.gov.hk

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寄件者: EAP KFBG <eap@kfbg.org>  
寄件日期: 2021年02月03日星期三 17:03  
收件者: tpbpd@pland.gov.hk  
主旨: KFBG's comments on three planning applications  
附件: 210203 s16 KTN 747.pdf; 210203 s16 NSW 274c.pdf; 210203 s17 NTM 405c.pdf.

Dear Sir/ Madam,

Attached please see our comments regarding three applications. There are three 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



Seq 1

R5-7

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



By email only

3rd February, 2021.

Dear Sir/ Madam,

**Proposed Public Utility Installation (Solar Energy System with Shelters  
for Agricultural Use)  
(A/YL-NTM/405)  
(Review under Section 17)**

1. We refer to the captioned.
2. There is a presumption against development in Green Belt (GB) zone. The proposed use is unlikely to be in line with the planning intention of GB zone and we urge the Board to reject this application.
3. Our previous submission is attached in **Appendix 1** for your reference.
4. Thank you for your attention.

Ecological Advisory Programme  
Kadoorie Farm and Botanic Garden



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

Appendix 1

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

25th November, 2020.

By email only

Dear Sir/ Madam,

**Proposed Public Utility Installation (Solar Energy System with Shelters  
for Agricultural Use)  
(A/YL-NTM/405)  
(Review under Section 17)**

1. We refer to the captioned.
2. The application site is within Green Belt (GB) zone. We urge the Board to seriously consider the potential cumulative impacts of approving this application on the GB zone of concern as the approval would set a precedent for other similar applications.
3. There is a general presumption against development in GB zone and we also consider the proposal is not in line with the planning intention of GB zone. Thus we urge the Board to reject this application.
4. Thank you for your attention.

Ecological Advisory Programme  
Kadoorie Farm and Botanic Garden

tpbpd@pland.gov.hk

R5-8

寄件者: [REDACTED]  
寄件日期: 2021年02月04日星期四 3:25  
收件者: tpbpd  
副本: mtchu  
主旨: Re: A/YL-NTM/405 DD 102 Pang Loon Tei, Ngau Tam Mei GB

Dear TPB Members,

Reducing the number of panels to 243 is irrelevant. This is Green Belt, planning intention to protect the flora and fauna from exploitation.

Shame on CLP for its role in encouraging destruction of natural habitat.

Mary Mulvihill

---

**From:** [REDACTED]  
**To:** "tpbpd" <tpbpd@pland.gov.hk>  
**Cc:** "mtchu" <mtchu@clp.com.hk>  
**Sent:** Friday, November 27, 2020 2:36:59 AM  
**Subject:** Re: A/YL-NTM/405 DD 102 Pang Loon Tei, Ngau Tam Mei GB

Dear TPB Members,

Apart from the issue of trashing GB, I would remind members that the FiT scheme approved by Legco made no mention of commercial solar farms.

The CLP customers were never informed that they would be expected to subsidize commercial exploitation.

Any applications under FiT must comply with the parameters of the scheme as presented to Legco.

Mary Mulvihill

---

**From:** [REDACTED]  
**To:** "tpbpd" <tpbpd@pland.gov.hk>  
**Cc:** "mtchu" <mtchu@clp.com.hk>  
**Sent:** Thursday, July 9, 2020 3:46:06 AM  
**Subject:** A/YL-NTM/405 DD 102 Pang Loon Tei, Ngau Tam Mei GB

A/YL-NTM/405  
Lots 2161 and 2163 (Part) in D.D. 102, Ngau Tam Mei  
Site area : About 1,490sq.m  
Zoning : "Green Belt"  
Applied use : 338 Solar Panels / **NO TERM MENTIONED**

Dear TPB Members,

**Zoning is GREEN BELT not BLUE BELT, note images.**



This is clearly an area of GB buffer, Conservation and natural environment.

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. The applicant shows produce growing UNDER the panels, consuming much of the energy generated.

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.

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.

TPB reject this application and 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.

TPB discussed this issue on 3 July but Minutes are not yet posted. It appears that only the impact on Agriculture land was outlined. Moreover the very important issue of consumers' willingness or more probably lack of, to subsidize commercial abuse of the FiT Scheme was not mentioned.

Green Belt is for trees and vegetation. The distortion of what should be a worthy initiative should be nipped in the bud. The current health crisis should focus minds on the disastrous impacts of over development in rural areas.

Mary Mulvihill

寄件者: 2021年02月04日星期四 16:50  
寄件日期: tpbpd@pland.gov.hk  
收件者: DHK's comment on A/YL-NTM/405  
主旨: 20210205 s17 A\_YL-NTM\_405 Ngau Tam Mei Solar Energy System in GB.pdf; attachment 1  
附件: 20200710 A\_YL-NTM\_405 Ngau Tam Mei Solar Energy System in GB.pdf

Dear Sir/Madam,

Our comment on the following application is attached:

1. A/YL-NTM/405

Thank you for your attention.

Yours faithfully,

For and on behalf of Designing Hong Kong Limited  
Samuel Wong | Project Officer.

R5-9

# 創建 Designing Hong Kong 香港 .com

04 February 2021  
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](mailto:tpbpd@pland.gov.hk)



**Proposed Public Utility Installation (Solar Energy System with Shelters for Agricultural Use)**  
**(Application No. A/YL-NTM/405)**

Dear Chairman and Members,

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

- It is noted that the application was **rejected** by the Board on 15 September 2020 with the following reason:
  - (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 No. 10 on '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 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 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.
- Our concerns and comments that submitted to the Town Planning Board previously on 10 July 2020 are still valid (attachment1).

Here we submit our concerns for your consideration.

Yours,  
**Designing Hong Kong Limited**



# 創建 Designing Hong Kong 香港 .com

10 July 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](mailto:tpbpd@pland.gov.hk)

## Proposed Public Utility Installation (Solar Energy System with Shelters for Agricultural Use) (Application No. A/YL-NTM/405)

Dear Chairman and Members,

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

- The proposed area is 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. There is a general presumption against development within this zone..
- It can be observed from the Google Earth's aerial images that the proposed site has been developed and redeveloped without receiving planning approval . We are concerned that the Town Planning Board may be rewarding **unauthorized development** and "**Destroy First, Development Later**" practices through the approval of captioned application.



February 2003



April 2010



July 2016



December 2017

# 創建 Designing Hong Kong 香港 .com



March 2020

- It is noted that four **enforcement notices** (Case No. E/YL-NTM/327, Case No. E/YL-NTM/245, Case No. E/YL-NTM/222, Case No. E/YL-NTM/221) have been issued for open storage. The approval of this application will further legitimize unauthorized use of land and set an undesirable precedent in regularizing unlawful activities through planning applications.
- The proposal of the construction is not compatible with the existing environment of the surrounding area, and does not align with the planning intention of the "Green Belt" ("GB") zone. No strong justification has been given in the submission for a departure from the planning intention.
- The approval of the application would set an undesirable precedent for other applications within the "Green Belt (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**



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



**HKBWS's comments on the planning application for the proposed Public Utility Installation (Solar Energy System with Shelters for Agricultural Use) at Ngau Tam Mei, Yuen Long (A/YL-NTM/405) (Review under Section 17)**

05/02/2021 18:06

From:

To: tpbpd <tpbpd@pland.gov.hk>

Cc: HKBWS HKBWS <hkbws@hkbws.org.hk>

FileRef:

---

Dear Sir/Madam,

The Hong Kong Bird Watching Society's comments on the planning application for the proposed Public Utility Installation (Solar Energy System with Shelters for Agricultural Use) at Ngau Tam Mei, Yuen Long (A/YL-NTM/405) (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**

A: 7C, V Ga Building, 532 Castle Peak Road, Kowloon, Hong Kong

香港九龍荔枝角青山道532號偉基大廈7樓C室



20210205\_NgauTamMei\_SolarPanel\_s17\_A\_YL\_NTM\_405[1]\_HKBWS.pdf



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



By email only

5 February 2021

Dear Sir/Madam,

**Comments on the planning application for the proposed Public Utility Installation  
(Solar Energy System with Shelters for Agricultural Use) at Ngau Tam Mei, Yuen  
Long (A/YL-NTM/405) (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**

The proposed solar energy system is located within 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."*

The Google Earth aerial photograph in 2016 reveals that there are well-vegetated woodlands at and near the application site within the GB zone and is performing the function to define the limit of sub-urban development (Figure 1). However, the construction of the proposed solar energy system would be unavoidably associated with vegetation clearance and site formation within GB zone, which is not in line with the planning intention to retain natural features. Therefore, we urge the Town Planning Board (Board) to reject this application.

## **2 The Town Planning Board should not encourage “destroy first, build later”**

2.1 Four Enforcement Notices (Case no. E/YL-NTM/221, E/YL-NTM/222, E/YL-NTM/245 and E/YL-NTM/327) for the unauthorized development of open storage were issued at the application site from 2010 to 2017.

2.2 From Google Earth aerial photographs, landscape changes including vegetation clearance, site formation and parking uses were seen at the application site between 2016 and 2020 (Figure 1). We consider that this is “destroy first, build later”. We are concerned the approval of the current application would further legitimize the current misuse of the GB zone, leading to the promotion of “destroy first, develop later” attitudes among landowners in the locality. As the Board has suggested that *“the Board will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned.”*<sup>1</sup> We urge the Board to reject this application.

## **3 Set an undesirable precedent to the future development**

The approval of this application will set an undesirable precedent to the future similar applications associated with “destroy first, build later” 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 natural features from any development threats.

## **4 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

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<sup>1</sup> TPB Press Release. Available at:  
<http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>

the responsibility to advise the Board on the ecological<sup>2</sup> and planning aspects in particular. Given AFCD's mission to conserve natural environment and safeguard the ecological integrity<sup>3</sup>, 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.

Yours faithfully,



Wong Suet Mei  
Conservation Officer  
The Hong Kong Bird Watching Society

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

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<sup>2</sup> AFCD Role of Department. Available at:  
[http://www.afcd.gov.hk/english/aboutus/abt\\_role/abt\\_role.html](http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html)

<sup>3</sup> AFCD Vision and Mission. Available at:  
[http://www.afcd.gov.hk/english/aboutus/vision\\_mission/abt\\_vision\\_mission.html](http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html)



**Figure 1.** The Google Earth aerial photograph in 2016 reveals that there are well-vegetated woodlands at and near the application site (marked with red line) within the GB zone and is performing the function to define the limit of sub-urban development. However, the construction of the proposed solar energy system would be unavoidably associated with vegetation clearance and site formation within GB zone, which is not in line with the planning intention to retain natural features. Moreover, landscape changes including vegetation clearance, site formation and parking uses were seen at the application site between 2016 and 2020. We consider that this is “destroy first, build later”.







**Recommended Advisory Clauses**

- (a) The planning permission is given to the developments/uses under application. It does not condone any other developments/uses which currently occur on the Site but not covered by the application. The applicant shall take immediate action to discontinue such developments/uses not covered by the permission;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) as follows:
  - (i) 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; and
  - (ii) 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 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;
- (c) to note the comments of the Commissioner for Transport (C for T) as follows:
  - (i) the Site is connected to the public road network via a section of a local access which is not managed by Transport Department. The land status of the local access should be clarified with 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;
  - (ii) as there is no information about the vehicular access at the private lot(s) to the 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; and
  - (iii) no vehicles are allowed to queue back to or reverse onto/from the Site anytime during the planning approval period;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that HyD is not/shall not be responsible for the maintenance of any access connecting the Site to Kwu Tung Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note the comments of the Director of Environmental Protection (DEP) to strictly comply with the 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 publication /guidelines including the following:



- (i) Recommended Pollution Control Clauses for Construction Contracts (available at [http://www.epd.gov.hk/epd/english/environmentinhk/eia\\_planning/guide\\_ref/rpc.html](http://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc.html); and
  - (ii) Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 1/94, "Construction Site Drainage";
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) as follows:
- (i) the Site is partly paved with some weeds and trees of common species. There were two semi-mature trees at the western boundary of the Site. The two trees should be preserved as far as possible; and
  - (ii) the semi-natural watercourse is located outside the Site. The applicant shall perform good site practice so as not to pollute the semi-natural watercourse.
- (g) to note the comments of the Director of Fire Services (D of FS) as follows:
- (i) in consideration of the design/nature of the proposal, fire services installations (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:
    - (1) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
    - (2) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
  - (ii) 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;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
- (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the Building Authority (BA), they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
  - (ii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's 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;

- (iii) before any new building works (including containers and open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  - (iv) 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;
  - (v) if 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; and
  - (vi) detailed comments under the BO will be provided at building plan submission stage;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) as follows:
- (i) the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to the Site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and 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](http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf) for reference. Approval of the drainage proposal must be sought prior to the implementation of drainage works on site;
  - (ii) after completion of the required drainage works, the applicant shall provide DSD with a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
  - (iii) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
  - (iv) no public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from the DEP shall be obtained;
  - (v) the applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;



- (vi) 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 works on the Site under proper maintenance at all times; and
  - (vii) the applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the site boundary in order to ensure unobstructed discharge from the Site in future; and
- (j) to note the comments of the Director of Electrical and Mechanical Services (DEMS) to approach the electricity supplier (i.e. CLP Power Hong Kong Limited (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 or in the vicinity of the application site. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the application site, the applicant shall carry out the following measures:
- (i) For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV or above as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG) published by the Planning Department, prior consultation and arrangement with CLP is necessary;
  - (ii) Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask CLP to divert the underground cable and/or overhead line away from the vicinity of the proposed structure; and
  - (iii) The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant when carrying out works in the vicinity of the electricity supply lines.