

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H5/410

- Applicant** : Hong Kong Telecommunications (HKT) Limited represented by JEG Engineering Company Limited
- Premises** : Portions of LG/F and 1/F of Wan Chai Market, 258 Queen's Road East, Wan Chai, Hong Kong
- Land Status** : Government premises
- restricted to non-industrial purposes (excluding godown, petrol filling station and hotel) purposes
- Plan** : Approved Land Development Corporation (LDC) Wan Chai Road/Tai Yuen Street Development Scheme Plan (DSP) No. S/H5/LDC1/2
- Zoning** : "Comprehensive Development Area" ("CDA")
- Application** : Proposed Public Utility Installation (Telecommunications Radio Base Station and Antenna)

1. The Proposal

- 1.1 The applicant seeks planning permission for installation of telecommunications radio base station involving 11 indoor antennae at various locations at portion of LG/F and one equipment unit, which comprises two installations, at portion of 1/F of Wan Chai Market, 258 Queen's Road East (QRE), Wan Chai, Hong Kong (the Premises) (**Plans A-1a to A-5**). Details of the proposed facilities are shown in the table below and **Drawings A-1 to A-4**.

Facility	Size (each)	Location
(a) 11 indoor antennae	210mm (diameter) x 41mm (height)	LG/F
(b) 1 unit equipment comprising:		1/F
- 1 telecommunication installation (APM30)	600mm (width) x 480mm (depth) x 1600mm (height)	
- 1 telecommunication installation (POI)	800mm (width) x 800mm (depth) x 2000mm (height)	

- 1.2 The Premises falls within an area zoned "CDA" on the approved LDC Wan Chai Road/Tai Yuen Street DSP No. S/H5/LDC1/2 (**Plan A-1b**). The proposed

telecommunications radio base station¹ which is regarded as ‘Public Utility Installation’ use, requires planning permission from the Town Planning Board (the Board).

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

(a) Application form received on 8.2.2018 (Appendix I)

(b) Letter dated 21.2.2018 providing clarifications (Appendix Ia)

2. Justifications from the Applicant

The justification put forth by the applicant in support of the application is that the installation of the proposed equipment would improve the existing indoor mobile phone coverage at Wan Chai Market (see Part 9 of the Application Form at **Appendix I**).

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

As the Premises involve government premises only, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) is not applicable to the application.

4. Background

The subject LDC Wan Chai Road/Tai Yuen Street DSP was approved by the then Governor in Council on 24.9.1996. The development comprises Sites A, B and C (**Plan A-2**). A planning brief was approved by the Board on 12.5.1995 and the first Master Layout Plan (MLP) for the subject development scheme was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 16.1.1998 under Application No. A/H5/267. Subsequently, nine applications (under Application No. A/H5/292, A/H5/299, A/H5/304, A/H5/306, A/H5/326, A/H5/332, A/H5/337, A/H5/344 and A/H5/369) were approved mainly for minor amendments to the approved scheme. Site A comprising residential towers, public toilet and market was completed in 2005. Site B comprising a residential tower and day nursery was completed in 2006. Site C comprising a residential tower was completed in 2012.

5. Previous Applications

The “CDA” zone is the subject of 11 planning applications including those 10 applications associated with the development as mentioned in paragraph 4 above. Another application for ‘Public Utility Installation’(No. A/H5/393) on G/F and 1/F of the

¹ Telecommunication radio base station with equipment cabinet not bigger than 5m x 4.5m x 3.5m (LxWxH) within or on the roof top of a building, and antenna(e) not bigger than 0.6m x 0.6m x 2.5m (LxWxH), excluding pole, for planar shape or 0.8m in diameter for circular shape, at the side or on the roof top of a building for the provision of public telecommunications services to serve the local district is always permitted as provided for under the covering Notes of the Outline Zoning Plan.

Wan Chai Market, which was submitted by the same applicant as the current application, was approved by the Committee on 4.11.2011. Details of the previous applications are summarized at **Appendix II**.

6. Similar Applications

There is no similar planning application for 'Public Utility Installation' within the "CDA" zone in the Wan Chai Planning Scheme Area.

7. The Premises and Their Surrounding Areas (Plans A-1a to A-2)

7.1 The Premises is located within LG/F and 1/F of Wan Chai Market building underneath an existing residential development, i.e. The Zenith. The proposed indoor antennae and equipment will be installed within the premises being used as the Wan Chai Activities Centre managed by the Wan Chai District Office (WCDO) of the Home Affairs Department (HAD) and the Social Welfare Department's District Support Centre for Persons with Disabilities (WE NET Club) operated by St. James Settlement (SJS).

7.2 The surrounding area has the following characteristics:

- (a) an area with predominantly residential and commercial developments;
- (b) the Ruttonjee Hospital is located to its immediate east; and
- (c) there are on-street hawkers trading along Cross Street and Tai Yuen Street.

8. Planning Intention

The Premises falls within an area designated as "CDA" on the approved LDC Wan Chai Road/Tai Yuen Street DSP No. S/H5/LDC1/2. The DSP is intended to achieve environmental improvement by promoting efficient land use, restructuring the street pattern, providing much-needed GIC facilities, and creating a modern commercial/residential development in the Wan Chai District.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

the user of application premises is non-industrial (excluding godown, petrol filling station and hotel) purposes. She has no comment to the

application subject to prior consent from Government Property Agency (GPA), Food and Environmental Hygiene Department (FEHD) and Office of the Communications Authority.

9.1.2 Comments of the Director of Social Welfare (DSW):

part of the proposed works on LG/F will be carried out at the public area adjacent to SJS. Whilst she has no adverse comments on the applicant's proposed works, the applicant is requested to keep SJS abreast of the works programme and provide a contact person to SJS for further liaison with the applicant directly if necessary during the works period.

Building Aspect

9.1.3 Comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department (CBS/HKE&H, BD):

construction of any framework for supporting the proposed cabinets for the purpose of housing transmission equipment as well as the supporting frames for the proposed antenna are subject to control under the Buildings Ordinance, and BD's prior approval and consent is required unless they are minor works to be carried out under the Minors Works Control System.

Telecommunications Aspect

9.1.4 Comments of the Director-General of Communications (DG of C):

- (a) no objection to the proposed public utility installation; and
- (b) the proposed works shall comply with all the licence conditions as stated in the telecommunication licence. The applicant is required to obtain approval from the Spectrum Planning Section of his Department with respect to the transmitting frequencies, power, antenna characteristics and class of emission of the proposed telecommunication radio base station, and ensure that the proposed base station complies with the technical requirements of the Communication Authority in respect of prevention of radio interference and radiation safety prior to activation of the proposed telecommunication radio base station.

Health and Environmental Aspects

9.1.5 Comments from the Director of Health (D of Health):

according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to radiofrequency electromagnetic fields, such as those generated by telecommunication facilities would not pose any significant adverse effects to workers and the public. As such, the applicant must ensure that the installation complies

with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the planning of new telecommunication facilities.

9.1.6 Comments from the Director of Environmental Protection (DEP):

no objection to the application considering that the proposed uses at the Premises would unlikely give rise to adverse/insurmountable environmental pollution problem under their ambit.

Electrical and Mechanical Aspects

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

no objection in principle to the application. The applicant should submit the detailed technical proposal directly to this Department for further vetting and approval in due course.

District Officer's Comments

9.1.8 Comments of DO(WC), HAD:

WCDO, being the user department of LG/F of Wan Chai Market, has no adverse comments on the application.

9.2 The following departments have no objection to/no adverse comment on the application:

- (a) GPA;
- (b) Director of Fire Services (D of FS);
- (c) Assistant Director (Property Services), Architectural Services Department (ArchSD); and
- (d) Director of Food and Environmental Hygiene.

10. Public Comment Received During Statutory Publication Period

On 20.2.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 13.3.2018, 242 public comments were received from the residents of Silvervale Mansion (**Plan A-2**) and individual members of the public (**Appendix III**). Amongst the 242 public comments received, 207 object to the application, 34 raise concerns on the application and the remaining one has not indicated whether he/she support or object to the application. The major grounds of objection and the public concerns are very similar, and the gist of the comments can be summarised as follows:

- (a) the Premises is located at a densely populated area which is not suitable for the proposed installations;

- (b) the location of the proposed installations is too close to the nearby residence that might affect the health of the residents;
- (c) the potential fire hazard created by such installation in case of short circuit is a threat to the pedestrians along Wan Chai Road; and
- (d) alternative location for the proposed installations should be sought.

11. Planning Considerations and Assessments

- 11.1 The application seeks planning permission for the proposed telecommunications radio base station, antenna and associated facilities at the Premises to improve coverage and service of the mobile phone within the Wan Chai Market building. A previous application (No. A/H5/393) for similar installations on G/F and 1/F of the same building was approved by the Committee in 2011. DG of C has no objection to the current application.
- 11.2 The proposed telecommunications radio base station is small in scale. All the proposed antennae will be mounted on the ceiling on LG/F and the equipment unit will be accommodated in an elongated box at a corner next to an escalator on 1/F of Wan Chai Market building without blocking the circulation area. As the installation only involves minor internal addition and alteration works, no adverse impacts to the existing users of the Premises and the surrounding area is anticipated. The existing users, i.e. WCDO of HAD and Social Welfare Department, have no adverse comment on the application. All other relevant government departments consulted, including LandsD, BD, Department of Health, Environmental Protection Department, Fire Services Department, Electrical and Mechanical Services Department, GPA, ArchSD and FEHD, also have no objection to or no adverse comments on the application.
- 11.3 With regard to the health and fire concerns raised in the public comments, views from relevant government departments set out in paragraph 9.1 are relevant. As advised by D of Health, with compliance with the relevant ICNIRP guidelines, exposure to radiofrequency electromagnetic fields, such as those generated by telecommunication facilities would not pose any significant adverse effects to workers and the public. DG of C also advised that the proposed works shall comply with all the licence conditions as stated in the telecommunication licence. The applicant is also required to obtain approval from the Spectrum Planning Section of his Department with respect to the transmitting frequencies, power, antenna characteristics and class of emission of the proposed telecommunication radio base station, and ensure that the proposed base station complies with the technical requirements of the Communication Authority in respect of prevention of radio interference and radiation safety prior to activation of the proposed telecommunication radio base station. D of FS has no comment on the application from fire safety point of view.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 6.4.2022, 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 advisory clauses are also suggested for Members' reference:

Advisory Clause

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

- 12.3 There is no apparent reason to recommend rejection of the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 8.2.2018
Appendix Ia	Applicant's letter of 21.2.2018 providing clarifications
Appendix II	Previous applications
Appendix III	Public Comments
Appendix IV	Advisory Clauses
Drawing A-1	Layout plan
Drawings A-2 to A-4	Plans and Elevation of Proposed Equipment & Antenna Fixing
Plans A-1a to A-1b	Location plans
Plan A-2	Site plan
Plans A-3 to A-5	Site photos