

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-PK/243

- Applicant:** Hong Kong Telecommunication (HKT) Limited represented by Prudential Surveyors International Limited
- Site:** Government Land in D.D. 258, Tai Mong Tsai Road, Sai Kung, New Territories
- Site Area:** About 1.08m²
- Land Status:** Government Land
- Plan:** Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11
- Zoning:** “Coastal Protection Area” (“CPA”)
- Application:** Proposed Public Utility Installation (Micro-cell Base Station and Antenna) and Excavation of Land

1. The Proposal

- 1.1 The applicant sought planning permission for proposed public utility installation (micro-cell base station (MCBS) and antenna) and associated excavation of land at the application site (the Site) (**Plan A-1**). The proposal includes a MCBS (1.5m(W) x 0.6m(L) x 1.675m(H)) on ground level and an antenna (0.154m(W) x 0.069m(L) x 0.278m(H)) with fibre glass cover (0.2m (diameter) x 0.41m(H)) on an existing lamp pole. The proposed excavation of land with area of 1.05m² and depth of not more than 0.75m is for installation of cable trenches to accommodate power cable, telephone cable and coaxial cable. The Site falls within an area zoned “CPA” on the approved Pak Kong and Sha Kok Mei OZP No. S/SK-PK/11 (**Plan A-2**). According to the Notes of the OZP, ‘Public Utility Installation’ is a Column 2 use within “CPA” zone and excavation of land within the “CPA” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 In support of the application, the applicant has submitted an application form on 5.9.2017 (**Appendix I**).

1.3 The section plans, location plans and photograph illustration submitted by the applicant are shown in **Drawings A-1 to A-3**.

1.4 On 27.10.2017, the Committee agreed to defer making a decision on the application for two months, as requested by the applicant, to allow time for preparation of FI to resolve comments from relevant government department. The applicant has not submitted any FI in the deferment period. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendix I**. They can be summarized as follows:

- (a) the proposal will improve the mobile phone coverage for the area near Tai Mong Tsai Road, Sai Kung;
- (b) only small area will be excavated (about 1.05m²) with depth of not more than 0.75m to install the underground cable;
- (c) the equipment cabinet is proposed to be installed on the government land adjacent to the pavement which is currently a vacant land in the “CPA” zone. The proposed equipment cabinet is small (about 0.9m²) and no trees would be felled or damaged. It would not affect the natural landscape of the nearby area; and
- (d) the equipment cabinet of the proposed MCBS has a similar size to the street lamp electricity cabinet and is grey in colour. The antenna will be enclosed by a fibre glass cover and its colour will match the lamp pole. The proposed MCBS would not create significant visual impact to the surrounding area.

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

As the Site involves government land 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.31A) are not applicable to the application.

4. Previous Application

There is no previous application at the Site.

5. Similar Application

There is no similar application within the “CPA” zone on the OZP.

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

6.1 The Site is :

- (a) located along Tai Mong Tsai Road near the pavement; and
- (b) currently vacant.

6.2 The surrounding areas have following characteristics:

- (a) to its north across Tai Mong Tsai Road and south are vegetated slopes; and
- (b) to its south west is the Tai Mong Tsai Barbecue Area.

7. Planning Intention

The planning intention of the “CPA” zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or essential infrastructure projects with overriding public interest may be permitted.

8. Comments from Relevant Government Departments

8.1 The following government departments have been consulted and their views on the application are summarized as below:

Land Administration

8.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) no objection to the application;
- (b) the Site is on unallocated unleased government land adjacent to pavement of Tai Mong Tsai Road near lamp pole no. M5791;
- (c) even if the applicant has obtained planning approval, the applicant is required to apply to LandsD for approval for installation of the proposed MCBS and antenna;
- (d) for proposed excavation in unleased land which is not a road maintained by Highways Department, the applicant is required to apply to DLO/SK for an excavation permit before commencement of

works according to s.10 of the Land (Miscellaneous Provisions) Ordinance (Chapter 28);

- (e) for any excavation in unleased land which is a road maintained by Highways Department (e.g. proposed coaxial cable routed underground and connected to antenna on top of lamp pole no. M5791), the applicant is required to apply to Highways Department for an excavation permit separately; and
- (f) even if the planning application is approved, there is no guarantee that the application for MCBS and/or excavation permit will be approved.

Urban Design and Landscape

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

Urban Design

- (a) she has no comment from urban design perspective;

Landscape

- (b) with reference to the site photos and aerial photo, the Site is situated in an area of rural landscape character dominated by wooded slopes and coastal beach. It is noted that the areas adjoining the Site are covered with trees and vegetation. As it is required to excavate land for the foundation (600mm x 1500mm x 7500mm depth) and cable routings (650mm depth) for the proposed micro cell base station and antenna, the existing trees adjacent to the Site might be affected by the construction works of the application. Besides, tree survey and tree preservation measures are not provided in this submission. The impact on existing trees could not be fully ascertained. In addition, the surface treatment of the station is not indicated. Therefore, she has some reservations on the application from the landscape planning point of view; and
- (c) given the application is within government land and adjoining pavement, the proposed works would likely involve other applications to HyD for excavation permit under Cap. 28 and/or to LandsD for land lease/grant. Standard provisions on tree preservation and reinstatement of works areas are in place under these government administrative mechanisms. Also, the proposed utility installation would take up the entire site area, she therefore considers that it is impractical and not necessary to impose any landscape approval condition (including tree preservation) to this application.

Nature Conservation

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

the Site occupies a small area on vacant land next to an existing lamp pole. He has no comment on the application.

Drainage

8.1.4 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

provided that adequate stormwater drainage facilities will be provided in connection with the proposed installation to deal with the surface runoff of the Site without causing any adverse drainage impacts or nuisance to the adjoining areas, she has no in-principle objection to the application from a drainage maintenance viewpoint.

Water Supply

8.1.5 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD):

he has no objection to the application. The applicant should avoid affecting the existing fire hydrant (PH3022) and the associated fittings when carrying out works.

Traffic

8.1.6 Comments of the Commissioner for Transport:

no in-principle objection to the application provided that the proposed floor-mounted MCBS shall not occupy any space of the existing footpath along Tai Mong Tsai Road.

8.1.7 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

(a) he has no adverse comment on the application from highway maintenance point of view provided that the proposed base station is located outside the footpath area; and

(b) excavation permit from HyD is required for excavation works to be carried out within unleased government land maintained by HyD. For excavation outside the maintenance ambit of HyD, the applicant should check with DLO/SK on the requirement of their excavation permit; and

- (c) regarding the proposed mounting of antenna on the existing lamp pole no. M5791, the method of installation of antennae shall follow the latest standard design for radio base station as agreed in the regular meeting among operators, HyD, Office of the Government Chief Information Officer and Office of the Communications Authority.

Telecommunications

- 8.1.8 Comments of the Director-General of Communications, Office of the Communications Authority (DG of Communications, OFCA) :

he supports the application because the proposed installation would improve the mobile coverage at Tai Mong Tsai Road.

Fire Safety

- 8.1.9 Comments of the Director of Fire Services (D of FS):

he has no objection in principle to the application subject to an all-round clearance of 1.5m to be maintained to nearby fire hydrants and ground valves.

Electrical and Mechanical

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

Electricity Safety

- (a) he has no particular comment on the application from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines;

Gas Safety

- (b) there is a high pressure underground town gas transmission pipeline (running along Tai Mong Tsai Road) in the vicinity of the subject site (as shown on **Plan A-2**);

- (c) the project proponent/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the site and any required minimum set back distance away from them during the design and construction stages of development; and
- (d) the project proponent/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes" for reference.

District Officer's Comments

8.1.11 Comments of the District Officer (Sai Kung), Home Affairs Department (DO/SK, HAD):

- (a) no comment on the application; and
- (b) local views should be fully considered.

8.2 The following government departments have no comment on /no objection to the application:

- (a) Chief Engineer (Works), Home Affairs Department (CE(Works), HAD);
- (b) Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Director of Environmental Protection (DEP); and
- (d) Chief Building Surveyor/NTE2&Rail, Buildings Department (CBS/NTE2&Rail, BD).

9. Public Comments Received During Statutory Publication Period

On 12.9.2017, the application was first published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 3.10.2017, one public comment was received objecting to the application on the ground that it would contribute to worsening traffic conditions in the Sai Kung area (**Appendix II**).

10. Planning Considerations and Assessments

10.1 The proposed MCBS with antenna and associated excavation of land fall within an area zoned "CPA" on the OZP. The planning intention of the "CPA" zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or essential infrastructure projects with overriding public interest may

be permitted. While the application is not entirely in line with the planning intention of the “CPA” zone, the proposed utility installation is an essential infrastructure for enhancement of mobile phone coverage of the Tai Mong Tsai area.

- 10.2 The Site is located along Tai Mong Tsai Road. There are no trees within the Site. The proposed equipment cabinet which is small in scale is considered not incompatible with the surrounding areas which is rural in character occupied by vegetated slopes and coastal beaches. In view of the small scale of the development, no adverse impacts on traffic, drainage, sewerage, environmental and infrastructural capacity aspects on the surrounding areas are anticipated. Relevant government departments including C for T, CE/MS, DSD, CE/C, WSD and DEP have no objection/no adverse comment on the application. The existing footpath along Tai Mong Tsai Road will not be affected by the proposed equipment cabinet. For the concern of CTP/UD&L, PlanD on trees in the vicinity of the Site, it can be addressed by the requirement of tree preservation and reinstatement during the subsequent stage of excavation permit application and land grant.
- 10.3 Regarding the public comment on traffic aspect, the assessment in paragraph 10.2 is relevant.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comment in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 12.1.2022, 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.

Advisory Clauses

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

- 11.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) The proposed development is not in line with the planning intention of the “CPA” zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. There is a general presumption against development in this zone; and

- (b) the applicant fails to demonstrate that the proposed development would not have adverse landscape impact on the surrounding areas.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

13. Attachments

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| Appendix I | Application Form dated 5.9.2017 |
| Appendix II | Public Comment |
| Appendix III | Advisory Clauses |
| Plan A-1 | Location Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |
| Drawing A-1 | Section Plans |
| Drawing A-2 | Location Plans |
| Drawing A-3 | Photograph Illustration |

**PLANNING DEPARTMENT
JANUARY 2018**