

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SLC/165

<u>Applicant</u>	China Mobile Hong Kong Co. LTD represented by JEG Engineering Company Limited
<u>Site</u>	Government Land near Tai Long Wan Tsuen, Wang Pui Road, Shek Pik, Lantau
<u>Site Area</u>	About 56m ²
<u>Land Status</u>	Government Land
<u>Plan</u>	Approved South Lantau Coast Outline Zoning Plan No. S/SLC/21 (the OZP)
<u>Zoning</u>	“Green Belt” (“GB”)
<u>Application</u>	Proposed Public Utility Installation (Radio Base Station and Antenna)

1. The Proposal

- 1.1 The applicant seeks planning permission for development of public utility installation (radio base station and antenna) at the application site (the Site). The Site falls within an area zoned “GB” on the approved South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/21 (**Plan A-1**). The proposed radio base station and antenna are considered as ‘Public Utility Installation’. According to the Notes of the OZP, ‘Public Utility Installation’ within the “GB” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 The proposed development mainly includes a 15m high outdoor antenna post with 17 outdoor antennae, a stainless steel equipment cabinet (1,000mm (W) × 600mm (D) × 1,100mm (H)) and a concrete meter kiosk (1,400mm (W) × 1,000mm (D) × 2,000mm (H)), 12 outdoor multi band combiners (QBC) (260mm (W) x 53mm (D) x 203mm (H) each), 18 radio remote unit (RRU) (170mm (W) x 300mm (D) x 400mm (H) each), two APM5930 equipment (600mm (W) x 300mm (D) x 400mm (H) each) and three reserved equipment spaces for other operators. According to the applicant, the proposed radio base station and antenna is to enhance the mobile phone coverage at Tai Long Wan Tsuen. The layout and components of the proposed development submitted by the applicant are shown in **Drawings A-1 to A-2**.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 12.10.2020; (Appendix I)
- (b) Supplementary information received on 21.10.2020 with a revised drawing for replacement; and (Appendix Ia)
- (c) Further information (FI) received on 24.11.2020 providing justifications on site selection (accepted and exempted). (Appendix Ib)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 10 of the application form at **Appendix I** and FI at **Appendix Ib** and relevant drawings at **Appendices I and Ia**. They are summarised as follows:

- (a) the proposal is to enhance the mobile phone coverage at Tai Long Wan Tsuen and the Lantau South Country Park. The Site is located at a high point for better signal coverage;
- (b) the Site is considered suitable as it is away from the village cluster and have minimal impact to the villagers; it does not involve filling nor excavation of land; the Site is near Wang Pui Road and has been paved; and no tree felling is involved;
- (c) the proposed installation would have no adverse impact on environment, traffic, water supply, drainage, landscape, visual and slope;
- (d) the proposed radio base station and antenna are expected for completion by June 2021.

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

As the Site only involve Government land, the ‘Owner’s consent/notification’ requirements as set out in the TPB PG-No. 31A are not applicable to the application.

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone’ (TPB PG-No. 10) is relevant to this application. The relevant assessment criteria are attached at **Appendix II** and are summarised below:

- (a) there is a general presumption against development (other than redevelopment) in the “GB” zone;
- (b) applications for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas;
- (c) applications for government, institution or community (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 areas. 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 vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features.
- (f) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, road and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (g) the proposed development must comply with the development controls and restrictions of areas designated as water gathering grounds.
- (h) the proposed development should not overstrain the overall provision of G/IC facilities in the general area.
- (i) 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; and
- (j) any proposed development on a slope or hillside should not adversely affect slope stability.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application for proposed public utility installation within the same "GB" zone.

7. The Site and Its Surrounding Areas (Plans A-1 to A3 and site photos on Plans A-4)

7.1 The Site:

- (a) is currently vacant, formed and paved platform with vegetated slopes in its immediate surrounding; and
- (b) is accessible via Wang Pui Road connecting to Keung Shan Road, South Lantau Road and Tai O Road.

7.2 The surrounding areas have the following characteristics:

- (a) predominantly rural in character with woodland and vegetated slopes;
- (b) a helipad is located about 120m to the south of the Site;
- (c) the nearest village cluster is Tai Long Wan Tsuen which is located about 530m to the west of the Site. The Sha Tsui Correctional Institution and Shek Pik Prison are about 400m to the northeast of the Site; and
- (d) Lantau South Country Park is located about 450m to the north of the Site.

8. Planning Intention

8.1 The planning intention of the “Green Belt” zone is primarily to define the limits of development areas, to preserve existing well-wooded hillslopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors. There is a general presumption against development within this zone.

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/Islands, Lands Department (DLO/Is, LandsD):

- (a) the Site is on unleased Government land. As of 2.11.2020, the Site is not affected by any known Government development, project or land disposal proposal;
- (b) if the planning application is approved by the Board, the applicant should apply to LandsD for approval for the proposed public utility installation. Such application will be processed by LandsD in the capacity of a Landlord and approval, if granted, will be subject to such terms and conditions, including payment of fees, as may be imposed by LandsD. Please note that there is no guarantee that such application will be approved; and
- (c) according to his record, an Short Term Tenancy (STT) in connection with the proposed development has been received by his office and is being processed.

Lantau Development

9.1.2 Comments of the Head of Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD):

- (a) the application should demonstrate the current proposal has minimized the need for vegetation clearance and damage to the environment; and
- (b) there are frequent complaints of disposal of construction wastes in South Lantau resulting in damage to the natural environment. Should the application be approved, the applicant should be reminded on the proper disposal of Construction and Demolition (C&D) wastes during the construction works.

Telecommunication

9.1.3 Comments of the Director General of Communications:

- (a) he supports the application as it will improve mobile network services in areas in Tai Long Wan Tsuen, Shek Pik and Lantau South Country Park; and
- (b) in accordance with the licence requirement of mobile network operator, approval from the Communications Authority (CA) must be obtained before any radio base station is allowed to operate. Applications from radiocommunications aspect (e.g. power level, possible interference to other radio equipment etc) will be examined in considering giving approval.

Traffic

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

- (a) he has no in principle objection to the application from traffic engineering point of view; and
- (b) the access roads in the vicinity of the Site are not managed by the Transport Department.

Urban Design and Visual

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

the Site is located at about 58.7mPD and surrounded by considerable existing vegetation which can effectively screen the Site and the proposed low rise structures. As for the proposed 15m tall antenna post, its upper portion may be visible from intermediate and long-distance views. The applicant may consider adopting subdued colouring to help the proposed development blend in with the surrounding environment.

Landscape

9.1.6 Comments of the CTP/UD&L, PlanD:

- (c) no objection to the application from landscape planning perspective;

- (d) according to aerial photo of 2019 and the site photos (**Plans A-3 and A-4**), the Site is currently a hard paved area. No existing trees are found within the Site. The Site is situated in an area of uplands and hillsides landscape character predominated by woodland. The proposed development is considered not incompatible with the landscape character of the surrounding environment. No significant adverse landscape impact arising from the proposed installation of telecommunication radio base station and antenna is envisaged; and
- (e) in view that the Site is not abutting any prominent public frontage and there are existing tree in the surrounding area, a landscape condition is considered not required should the application be approved by the Board.

Environment

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

- (a) he has no comment on the application; and
- (b) no environmental complaint concerning the Site was received in the past three years.

Nature Conservation

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

- (a) he has no comment on the application as the proposed installation would be in a vacant area and no tree felling would be involved; and
- (b) the applicant should avoid/minimize any potential impacts to the existing trees nearby and properly reinstate the area after works completion.

Geotechnical

9.1.9 Comments of the Head of Geotechnical Engineering Office of CEDD (H(GEO), CEDD):

- (a) he has no in-principle geotechnical objection to the application; and
- (b) the proposed installation is located at the crest of two registered man-made slopes (Feature No. 13NW-B/F181 and 13NW-B/F182) (**Plan A-2**) which are maintained by LandsD, the applicant should also seek comment from LandsD.

Building Matters

9.1.10 Comments of the Chief Building Surveyor/New Territories 1 & Licence, Buildings Department (CBS/NTE1&L, BD):

if the Site becomes a leased land and the development is not a New Territories

Exempted House (NTEH) under Buildings Ordinance (Application to the New Territories) Ordinance, applicant's attention is drawn to the following:

- (f) for any existing structures erected on leased land without approval of BD (not being a NTEH), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
- (g) before any new building works (including containers/open sheds as temporary buildings) are to be carried out at the Site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (h) 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 building works or UBW at the Site under the BO; and
- (i) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures at the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

Fire Safety

9.1.11 Comments of the Director of Fire Services (D of FS):

- (a) he has no specific comment on the application subject to the provision of fire service installations and water supplies for firefighting to the satisfaction of his department; and
- (b) emergency vehicular access (EVA) arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 administered by BD. Detailed fire safety requirements will be formulated upon receipt formal submission of general building plans.

Water Supply

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

- (a) he has no objection to the application; and
- (b) the Site is outside WSD's water supply zone, and there will be no water supply available to the Site.

Aviation Safety

9.1.13 Comments of the Controller, Government Flying Service (Contr, GFS):

- (a) he has no objection to the application;
- (b) the helipad to the south of the Site is used primarily to support casualty evacuation from the nearby prisons and some rescue cases. The helipad is cleared for landing/take-off for both day and night operations; and
- (c) the applicant should install an omni-directional red obstacle light near the apex of the pole to enhance the safety factor.

9.1.14 Comments of the Director-General of Civil Aviation (DG of CA):

he has no comment from aviation safety perspective.

Public Health

9.1.15 Comments of the Director of Health (D of H):

he understands that the respective regulatory authority will ensure the project proponent to comply with the relevant guidelines or international standards to address health concern of telecommunication radio base station and antenna.

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

- (a) Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD);
- (b) Chief Highway Engineer/NT East, Highways Department (CHE/NTE, HyD);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) District Officer (Islands), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

On 28.10.2020, the application was published for public inspection. During the first three-week statutory public inspection period ended on 13.11.2020, three public comments from individuals were received. Two objects to while the other one supports the application. The major grounds of objections include insufficient justification for the proposed installation within the “GB” zone; adverse visual impact; potential health concern; and no information on the tree affected. The supporting comment was given on the ground that there is a genuine need to improve the mobile network coverage in the area.

11. Planning Considerations and Assessment

11.1 The applicant seeks planning permission for proposed public utility installation (Radio Base Station and Antenna) at the Site within the area zoned “GB”. The planning intention of the “GB” zone is primarily to define the limits of development areas, to

preserve existing well-wooded hillslopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors. There is a general presumption against development within this zone. According to the applicant, the proposed installation is to enhance the mobile coverage at Tai Long Wan Tussen and South Lantau Country Park. DG of Communications supports the application as the proposed installation will improve mobile network services in areas in Tai Long Wan Tsuen, Shek Pik and Lantau South Country Park. It could be considered as essential public utility installation.

- 11.2 According to the applicant, the Site is considered suitable as it is located at a high point for better coverage. It is away from and would have no impact to the villagers. The Site is currently vacant and paved (**Plan A-4**) connecting to Wang Pui Road heading to Keung Shan Road, South Lantau Road and Tai O Road. The nearest village is Tai Long Wan Tsuen which is about 530m to the west of the Site. The proposed installation with an area of about 56m² is small in scale. DAFC has no comment on the application as the Site is a vacant and formed land and no tree felling is involved. CTP/UD&L of PlanD has no objection to / no adverse comment on the application from visual impact and landscape planning perspectives as no significant adverse visual and landscape impacts arising from the proposed installation is envisaged. The proposed radio base station and antenna generally complies with the TPB PG-No. 10 in that the proposed public utility installation is essential; its scale and intensity is compatible with the character of surrounding areas; and it would not involve extensive clearance of existing natural vegetation, affect the existing natural landscape or cause adverse visual impact on the surrounding environment.
- 11.3 Relevant government departments consulted have no objection to or no comment on the application on technical aspects. In view of the small scale of and no felling of tree by the proposed installation, no ecological, environmental, geotechnical and drainage impacts are anticipated.
- 11.4 Regarding the public comments on the application, the planning assessment in paragraph 11.1 to 11.3 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11, 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 **4.12.2024**, 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 condition of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

the submission and provision of fire service installations and water supplies for firefighting proposal to the satisfaction of the Fire Services Department.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV** for Members' reference.

12.3 There is no strong 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 clauses, 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 12.10.2020
Appendix Ia	Supplementary information received on 21.10.2020
Appendix Ib	Further information received on 24.11.2020
Appendix II	Town Planning Board Guidelines No. 10
Appendix III	Public Comments received during the Statutory Publication Period
Appendix IV	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Block Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2020**