

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

APPLICATION NO. A/NE-LT/729

<u>Applicants</u>	: Hong Kong Telecommunications Limited, SmarTone Mobile Communications Limited, China Mobile Hong Kong Company Limited and Hutchison Telephone Company Limited, all represented by Prudential Surveyors International Limited
<u>Site</u>	: Lot 428 S.C (Part) in D.D. 10 and adjoining Government Land, Lam Tsuen, Tai Po, New Territories
<u>Site Area</u>	: About 85.743m ² (including about 5.209m ² Government Land)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<u>Zoning</u>	: Area shown as 'Road'
<u>Application</u>	: Proposed Public Utility Installation (Telecommunications Radio Base Station)

1. The Proposal

- 1.1 The applicants seek planning permission for the installation of a proposed telecommunications radio base station (TRBS) at the application site (the Site) (**Plan A-1**) which falls within an area shown as 'Road' on the approved Lam Tsuen OZP No. S/NE-LT/11. The applicants propose to access the Site via Lam Kam Road by constructing a footpath¹ on government land (**Plan A-2**). The proposed free-standing TRBS is regarded as a 'Public Utility Installation' use. According to the Notes of the OZP, such use in an area shown as 'Road' requires planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicants, the proposed TRBS comprises seven sets of equipment and eight antennas mounted on a pole of 15.5m high (**Drawings A-1** and **A-2**). Excavation works at a depth of about 0.925m and an area of 69.6m² will be required for the construction of reinforced concrete footing. Details of the proposed TRBS are as follows:

¹ Footpath is regarded as 'Road' use which is always permitted within an area shown as 'Road'

Facilities	Dimensions (L x W x H) (m)
Antenna	
Antennae (8 nos.)	0.399 x 0.169 x 1.6
Equipment	
1. Equipment on pole (16 nos.)	0.395 x 0.2 x 0.73
2. Equipment Set A	2.5 x 1.5 x 2.3
3. Equipment Set B	2.5 x 1.5 x 2.3
4. Equipment Set C	2.5 x 1.5 x 2.3
5. Equipment Set D	2.5 x 1.5 x 2.3
6. Common Facilities	1.5 x 1 x 2.3
7. CLP Typical Concrete Meter Kiosk	2.5 x 0.9 x 2.1
Total Equipment Area: 20.014m²	

- 1.3 The site layout plans and photomontages submitted by the applicants are at **Drawings A-1 to A-4**.
- 1.4 The Site is the subject of a previous application (No. A/NE-LT/678) for the same applied use, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 6.3.2020. However, the proposed TRBS is not installed. A comparison of the proposals under the previously approved application No. A/NE-LT/678 and the current application is shown as below:

	Approved Application No. A/NE-LT/678 (a)	Current Application No. A/NE-LT/729 (b)	Difference (b)-(a)
Site Area (about)	60m ²	85.743m ² (including 5.209m ² government land)	+25.743m ²
No. of applicants	3	4	+1
No. of set of equipment	5 sets	7 sets	+2 sets
No. of antenna	24	8	-16
Maximum height of pole	15.15m	15.15m	No Change
Reinforced concrete rooting	Dimensions (m)		
	10(W) x 6(D) x 1(H)	11.6(W) x 6(D) x 1(H)	+1.6(W)
	Depth of excavation works		
	0.925m	0.925m	No Change
	Area of excavation works		
	60m ²	69.6m ²	+9.6m ²
Footpath	N/A	10.934m ²	+10.934m ²

- 1.5 According to the applicants, no trees and natural environment will be affected and the applicants will undertake suitable visual mitigation measures to minimize the possible visual impacts. For example, the proposed above-ground structure(s) will be painted

in green or grey. The applicants will also introduce landscape mitigation such as perimeter planting to further minimize the potential visual impacts as far as possible on the adjacent road along Lam Kam Road and surrounding rural community and will also reinstate all unavoidably disturbed planting to the existing condition.

1.6 In support of the application, the applicants have submitted the following documents:

- (a) application form with attachments received on 30.6.2022 (Appendix I)
- (b) further Information (FI) received on 15.8.2022 providing responses to departmental comments (Appendix Ia)

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the planning statement attached to the application form and FI submission at **Appendices I and Ia**. They can be summarized as follows:

- (a) the surrounding areas of the Site is suffering from weak mobile phone signal. The proposed TRBS aims to enhance the mobile phone signal and to provide a higher quality and more reliable mobile phone services to Lam Tsuen. It will greatly enhance the user experience of local residents, pedestrians, and provide a more stable connection in case of emergency. To fully utilize the Site, an additional mobile network operator will share the proposed TRBS at the Site;
- (b) the former RBS serving the area concerned was installed on a village house's rooftop in Pak Ngau Shek Ha Tsuen, which has ceased operation due to repossession by the landowner. The applicants have explored to install the RBS at other village houses nearby but the owners rejected the proposal. Therefore, the applicants have no alternative and need to build a stand alone antenna tower on ground level;
- (c) to comply with the Buildings Ordinance, the applicants propose to include the government land to be constructed as a footpath providing direct access for Lam Kam Road. The applicants originally proposed to use the adjacent government land as access footpath to the Site in the previous application No. A/NE-LT/678. Nevertheless, after further study, the applicants noted that the adjoining government land to the southeast of the Site cannot be used as access footpath as it was fenced and occupied and the area to the northeast of the Site does not have a proper access and have many trees. The proposed access footpath under the current application will involve less construction works and has the least impact on the existing environment. The proposed footpath will not encroach onto Lam Kam Road (**Appendix Ia**); and
- (d) the current proposal is the minimal design to accommodate all the equipment necessary to support all mobile network operators to provide effective mobile coverage to the area concerned. The proposed antennas would be placed on a higher platform for a better ability to disperse the signal with less interference, as the trees located on the opposite side of Lam Kam Road are over 10m high, the proposed antenna of 15.15m high is required to prevent signal blockage.

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

The applicants are not the “current land owners”. However, they have complied with the 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) by notifying the land owner. Detailed information would be deposited at the meeting for Members’ inspection. For the adjoining government land, the TPB PG-No.31A is not applicable.

4. Previous Application

- 4.1 The Site is the subject of a previous application (No. A/NE-LT/678) submitted by three of the applicants under the current application for the same use. The application was approved with conditions by the Committee on 6.3.2020 mainly on the grounds that there was a need for the proposed TRBS development which will improve the quality and reliability of mobile telecommunication services in the area; unlikely to generate significant adverse landscape and visual impacts on the surrounding areas; and no adverse departmental comments on the application.
- 4.2 Details of the previous application are summarized at **Appendix II** and its location is shown on **Plans A-1** and **A-2**.

5. Similar Application

There is no similar application for the proposed development within the areas shown as ‘Road’ on the OZP.

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

- 6.1 The Site is:
- (a) located within upper indirect water gathering grounds (WGG);
 - (b) vacant and covered with grass;
 - (c) located at a slightly higher level from Lam Kam Road; and
 - (d) without direct access from Lam Kam Road.
- 6.2 The surrounding areas have the following characteristics:
- (a) predominantly rural in character with a plant nursery to its immediate west;
 - (b) there are some domestic dwellings at about 50m away to the east and west of the Site; and
 - (c) to the north and south of the Site are mainly fallow and active agricultural land.

7. Planning Intention

Area shown as 'Road' on the OZP is for road purpose.

8. Comments from the Relevant Government Departments

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

Land Administration

8.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site consists of Lot No. 428 S.C in D.D. 10 and a piece of adjoining unallocated government land in Lam Tsuen. The private lot is held under Block Government Lease demised for agricultural purpose, no structure shall be erected thereon without the prior approval from LandsD;
- (c) should the application be approved by the Board, the applicants are required to submit an application for Short Term Tenancy (STT) in respect of the piece of government land concerned. Otherwise, neither occupation nor works of any kind thereon is allowed. LandsD will consider the STT application in accordance with the established procedures and guidelines. However, there is no guarantee at this stage that the STT application would be approved. If the STT application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including the payment of rental and administrative fee as considered appropriate;
- (d) should the application be approved by the Board, the lot owner is required to submit an application for Short Term Waiver (STW) to LandsD if he wishes to erect structure on the subject lot. However, there is no guarantee at this stage that the STW application would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including the payment of waiver fee and administrative fee as considered appropriate;
- (e) the applicants will likely make use of the adjoining unallocated government land near the proposed access linking the Site to Lam Kam Road. As such, no trees thereon shall be interfered with unless prior approval is obtained from LandsD. The maintenance and management responsibility of the said government land and any

other government land leading to the Site should be sorted out with the relevant government departments, prior to making use of them for access purpose. Further, neither occupation nor works of any kind thereon is allowed without the prior approval from LandsD; and

- (f) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto.

Traffic

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

- (a) no comment on the application from traffic engineering point of view; and
- (b) there is currently no road widening programme for the concerned section of Lam Kam Road.

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

- no comment on the application subject to the condition that the applicants are required to repair any damage to the adjoining ground surface, road pavement and road drainage caused by the proposed works at their own cost.

Visual and Landscape

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

Visual

- (a) no comment on the application from the urban design and visual perspectives;
- (b) the Site is the subject of a previously approved application No. A/NE-LT/678 for the same use. As compared with the approved scheme, the current scheme involves increase in site area (+25.743m²), increase in the number of equipment, reduction in the number of antennas and construction of a footpath, while the maximum height of 15.15m remains the same. Given that the maximum height of the proposed pole remains unchanged, and the increase in site area is not substantial, the proposed installation would unlikely induce any significant adverse visual impact on the surrounding areas as compared with the approved scheme;
- (c) it is noted that the applicants will undertake suitable visual mitigation measures and landscape treatment to minimize any potential visual impacts as far as practicable on adjacent road users along Lam Kam Road as well as the surrounding rural community;

and

Landscape

- (d) the Site falls within an area shown as 'Road' which is a non-landscape sensitive zoning and no significant landscape impact arising from the proposed development is anticipated.

Telecommunications

8.1.5 Comments of the Director-General of Communication (DG of C):

- (a) no objection to the application;
- (b) to enhance mobile network coverage and increase network capacity, mobile network operators (MNOs), having regard to their business and operational needs, will identify suitable locations (subject to the physical environment and distribution of buildings of an area) for installation of TRBS to provide service coverage for relevant areas in order to meet the public demand for mobile communications services;
- (c) before bringing their TRBS into use, MNOs are required to obtain approval from the Communications Authority (CA). As the executive arm of CA, the Office of the Communications Authority (OFCA), apart from examining the radiation level of individual TRBS, will also conduct technical assessments of the total radiation level at the location of the TRBS when vetting TRBS applications to ensure that the total radiation level complies with the radiation safety standards (i.e. International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines) before granting approvals;
- (d) upon commencement of the operation of their TRBS, MNOs are required to provide OFCA with measurement reports within one month to demonstrate that the NIR level of the TRBS continues to comply with the safety standards; and
- (e) OFCA will conduct from time to time sample checks on the radiation levels of approved TRBS so as to safeguard public health. Members of the public may call OFCA's hotline if they are concerned about the radiation levels at their homes or in public places. OFCA will deploy its staff to conduct site inspections and measurements of radiation level, and will explain to members of the public the measurement results.

Health Aspect

8.1.6 Comments of the Department of Health (D of Health):

- (a) no comment on the application;
- (b) since telecommunication installations and facilities are not under the purview of the D of Health, he is not in a position to comment on site selection issues or issues related to the installation or operation of telecommunication facilities; and
- (c) according to the World Health Organization (WHO), with the 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. As such, the applicants 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.

Environment

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

- (a) no objection to the application;
- (b) the Site is within WGG. The applicants are reminded to comply with all relevant environmental protection/pollution control ordinances during construction and operation; and
- (c) the applicants are advised to make reference to the “Recommended Pollution Control Clauses” to adopt suitable mitigation measures and good site practice during the construction works.

Drainage

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

- (a) no in-principle objection to the application from public drainage point of view;
- (b) should the application be approved, an approval condition requiring the submission and implementation of drainage proposal for the Site should be imposed to ensure that it would not cause adverse drainage impact to the adjacent areas;
- (c) the proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site.

Any existing flow path affected should be re-provided. The applicants should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicants are required to maintain the drainage system properly and rectify/modify the nearby existing/original drainage systems if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the development of the Site. The applicants shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure or ineffectiveness of the modified drainage systems caused by their works;

- (d) if there is sewage discharge from the Site, please note that DSD's maintained public sewers exist in the vicinity but the feasibility of sewerage connection is subject to the invert level of discharge connection pipe leading from the Site. The applicants shall demonstrate the technical feasibility of sewerage connection. Should the applicants choose to dispose of the sewage of the proposed development through other means, views and comments from Environmental Protection Department should be sought;
- (e) the applicants shall provide written consent(s) from relevant lot owner(s) and/or LandsD's permission for laying new drains/channels and/or modifying/upgrading existing ones outside the Site or on government land (where required); and
- (f) the cost and works of drainage and sewerage connection as well as future maintenance responsibility shall be borne by the applicants.

Water Supply

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

- (a) no objection to the application; and
- (b) the Site is located within upper indirect WGG and the applicants are required to comply with the "Conditions of Working within Water Gathering Ground".

Building Matters

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

- (a) no in-principle objection to the application;
- (b) the application involves the construction of reinforced concrete footing to support over 15m radio base station and antenna and reinforced concrete staircase from Lam Kam Road to the Site. It is building works and thus submission of plans for approval under the

Buildings Ordinance (BO) is required;

- (c) before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent from BD should be obtained, otherwise they are unauthorized building works. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
- (d) in connection with item (c) above, the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively; and
- (e) detailed comments will be given at building plan submission stage.

Electricity and Gas Safety

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

Electricity Safety

- (a) no comment on the application from electricity supply safety aspect;
- (b) 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 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 Site. The applicants are 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

- (c) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site; and
- (d) 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. The project proponent/consultant/works contractor is required to observe the Electrical and Mechanical Service Department’s requirements on the “Avoidance of Damage to Gas Pipes 2nd Edition” for reference.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Commissioner of Police (C of P);
- (d) Director of Fire Services (D of FS); and
- (e) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

9. Public Comment Received During Statutory Publication Period

On 8.7.2022, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

10. Planning Considerations and Assessments

- 10.1 The application is for a proposed TRBS at the Site which falls within an area shown as 'Road' on the OZP. Although the Site falls within an area shown as 'Road', it is actually located outside the Lam Kam Road. This area shown as 'Road' is intended to reflect the existing Lam Kam Road and to reserve land to facilitate future possible road widening. C for T advises that there is currently no road widening programme for the concerned section of Lam Kam Road and he has no in-principle objection to the application.
- 10.2 According to the applicants, the surrounding areas of the Site are suffering from poor mobile phone signal since the former RBS located on a village house's rooftop in Pak Ngau Shek Ha Tsuen ceased operation. Therefore, there is a need for the proposed TRBS development which will improve the quality and reliability of mobile telecommunication services for Pak Ngau Shek Ha Tsuen, Shui Wo Tsuen and Chai Kek Village in the Lam Tsuen area. DG of C has no comment on the application.
- 10.3 The Site, located at a slightly higher level from Lam Kam Road, is currently covered with grasses. Its surrounding areas are predominantly rural in character with a plant nursery to its immediate west and fallow and active agricultural land to its north and south. There are domestic structures to the east and west of the Site at about 50m away. To minimize the potential landscape and visual impacts, the applicants will reinstate all unavoidably disturbed planting to the existing condition and will undertake suitable visual mitigation measures such as to paint the sets of equipment, antennas and antenna poles in green or grey (**Appendix I**). CTP/UD&L of PlanD has no comment on the application as significant adverse landscape and visual impacts arising from the proposed development are not anticipated.
- 10.4 The Site is located within the upper indirect WGG. CE/C of WSD and DEP have no objection to the application and advise that the applicants should comply with all environmental protection/pollution control ordinances, "Recommended Pollution Control Clauses for Construction Contract" and "Conditions of Working within WGG" to ensure no insurmountable environmental impact would be caused. Other

government departments consulted, including CE/MN of DSD and D of Health, have no objection to or no comment on the application.

- 10.5 The Site is the subject of a previous application (No. A/NE-LT/678) as set out in paragraph 4 above for the same use submitted by the same applicants (3 out of 4). There has not been major change in planning circumstances since the approval of the previous application.

11. **Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the subject application, it is suggested that the permission shall be valid until 26.8.2026, 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 implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and

Advisory Clauses

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

- 11.3 There is no strong reason to recommend rejection of the application.

12. **Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition and 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 reason(s) for rejection should be given to the applicants.

13. **Attachments**

Appendix I	Application form and attachment received on 30.6.2022
Appendix Ia	FI received on 15.8.2022
Appendix II	Previous application
Appendix III	Recommended advisory clauses

Drawings A-1 and A-2	Site layout plans submitted by the applicants
Drawings A-3 and A-4	Photomontages submitted by the applicants
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
AUGUST 2022**