

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/41

- Applicant** : SmartTone Mobile Communications Limited represented by Prudential Surveyors International Limited
- Site** : Government Land (GL) in D.D. 86 and 90, Man Kam To, New Territories
- Site Area** : About 4.84m²
- Land Status** : GL
- Plans** : Draft Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/5 (currently in force)
Approved Man Kam To OZP No. S/NE-MKT/4 (at the time of submission)
- Zoning** : “Green Belt” (“GB”)
[No change to the “GB” zone under the current OZP]
- Application** : Proposed Public Utility Installation (Radio Base Station) and Associated Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (radio base station) and associated excavation of land at the application site (the Site). The Site falls within areas zoned “GB” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Public Utility Installation’ which is a Column 2 use within the “GB” zone, and the associated excavation of land require planning permission from the Town Planning Board (the Board). The Site, consisting of two portions (i.e. the western and eastern portions) adjoining to the boundary patrol road managed by the Hong Kong Police Force (HKPF) within the Frontier Closed Area, are hard-paved and generally vacant (**Plans A-2a, A-2b, A-4a and A-4b**).
- 1.2 According to the applicant, the proposed installation comprises two free-standing equipment (with dimensions of 0.55m (L) x 2m (W) x 1.35m (H) and 0.55m (L) x 1.6m (W) x 1.35m (H) respectively) (Sets A and B)¹ each on a concrete plinth and an antenna (with dimension of 0.203m (L) x 0.419m (W) x 1.64m (H)) mounted on the existing lamp

¹ The proposed free-standing radio base station is regarded as a ‘public utility installation’ use.

pole No. 375² in the western portion (**Drawings A-1a, A-2a and A-2c**). These equipment will connect via the armoured fibre and power cables routed through an existing cable tray at a higher level of the existing fencing along the boundary patrol road to a meter kiosk (with dimension of 0.7m (L) x 1.15m (W) x 1.6m (H))³ in the eastern portion (**Drawings A-1b and A-2b**). The applicant also applies for excavation of land of an area of 2.05m² with a depth of about 0.6m for laying an underground pipe for power cable under a section of the boundary patrol road connecting to the electricity meter within the meter kiosk in the eastern portion (**Drawing A-1b**). The applicant undertakes that the excavation of land will be backfilled after the installation of the power cable. The proposed installation aims to enhance the expected signal coverage along the border area, which could improve the user experience of local residents and HKPF, especially in case of emergency. The proposed layout plans, installation details, photomontages and expected signal coverage, as submitted by the applicant, are shown in **Drawings A-1a and A-1b, A-2a to A-2c, A-3 and A-4**.

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

- | | | |
|-----|--|---------------|
| (a) | Application Form received on 4.11.2024 | (Appendix I) |
| (b) | Supplementary Planning Statement | (Appendix 1a) |
| (c) | Supplementary Information (SI) received on 7.11.2024 | (Appendix 1b) |
| (d) | SI received on 11.11.2024 | (Appendix 1c) |
| (e) | Further Information (FI) received on 29.11.2024* | (Appendix 1d) |
| (f) | FI received on 9.12.2024* | (Appendix 1e) |
| (g) | FI received on 10.12.2024* | (Appendix 1f) |

* *accepted and exempted from publication and recounting requirements*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, Supplementary Planning Statement, SIs and FIs at **Appendices I to If**, as summarised below:

- (a) the proposed installation aims to enhance the mobile phone signals, delivering higher quality and more reliable mobile phone services to the local areas and HKPF, while ensuring a more stable connection in case of emergencies. The selected locations could provide the mobile network coverage that meets the operational needs of HKPF;
- (b) the Site is adjacent to an existing vehicle road under the management of HKPF, therefore it is easier to manage access and to provide power and fibre connections within the Site;
- (c) the Site is surrounded by open spaces, which could minimise nearby signal obstructions, which is an essential consideration for radio base station;

² According to the covering Notes of the OZP, provision of 'Telecommunications Radio Base Station' which involves an equipment cabinet not bigger than 5m (L) x 4.5m (W) x 3.5m (H) and antenna(e) not bigger than 0.6m (L) x 0.6m (W) x 2.5m (H), excluding pole, for planar shape or 0.8 metre in diameter for circular shape, within, attached to or on the roof top of a building or structure for the provision of public telecommunications services to serve the local district, is always permitted in the "GB" zone. The proposed antenna is regarded as telecommunications radio base station, which is always permitted and no planning permission from the Board is required.

³ According to the covering Notes of the OZP, provision of 'Public Utility Pipeline' including the piping installation associated small scale structures for drainage, sewerage, water, gas, electricity, telephone, broadcasting, television or telecommunications lines is always permitted in the "GB" zone.

- (d) the Site is formed and no significant adverse impacts in terms of environmental, visual and landscape, etc. arising from the proposed installation are anticipated; and
- (e) the proposal was circulated to concerned government departments and no adverse comments were received.

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

As the Site involves GL only, 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. 31B) are not applicable to the application.

4. Town Planning Board Guidelines

The Site falls within “GB” zone. The Town Planning Board Guidelines on Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) is relevant to the application. The relevant extract of which is at **Appendix II**.

5. Background

The Site is currently not subject of any active enforcement action.

6. Previous Application

The Site is not the subject of any previous application.

7. Similar Application

There is no similar application for the same use within the same “GB” zone in the Man Kam To area over the past five years.

8. The Site and Its Surrounding Areas (Plans A-1, A-2a and A-2b, aerial photos on Plan A-3a and A-3b and site photos on Plan A-4a and A-4b)

8.1 The Site is:

- (a) hard-paved and generally vacant; and
- (b) located adjoining to the boundary patrol road managed by HKPF within the Frontier Closed Area.

8.2 The surrounding areas are of rural character intermixed with fallow agricultural land and vegetated areas. To the further southeast of the western portion is the village cluster of Muk Wu Nga Yiu.

9. Planning Intention

- 9.1 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.
- 9.2 According to the Explanatory Statement of the OZP, as excavation of land within the “GB” zone may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

10. Comments from Relevant Government Departments

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

Police Operation

- 10.1.1 Comments of the Commissioner of Police (C of P):
- (a) the application is supported due to operational need;
 - (b) due to weak signal at some border areas, his officers cannot seek immediate reinforcement or assistance when handling boundary security incidents via beat radio or mobile phone, which definitely poses danger to his officers during execution of their duty;
 - (c) apart from that, Robin’s Nest Country Park, which is situated near boundary area and fence road, is established and more tourists will probably visit in the coming future. Under weak telecommunication signal, it would be difficult for tourists seeking assistance/rescue and increasing difficulties on search and rescue operations for HKPF, the Fire Services Department, Government Flying Service, etc.; and
 - (d) no matter for HKPF or the public, there is an imminent need to enhance telecommunication signal.

Highways Maintenance

- 10.1.2 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):
- (a) he has no comment from highways maintenance perspective;
 - (b) excavation permit on GL and public roads should be obtained from DLO/N, LandsD and Excavation Permit Team of his office respectively prior to commencement of any excavation works; and
 - (c) any damage done to the existing public pavement, street furniture, roadside planter, road drainage system and highway structure due to the applicant’s works should be reinstated to his satisfaction at the cost of the proponent of the captioned project.

Land Administration

10.1.3 Comments from the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) her office has no objection to the application;
- (b) the Site is on GL which falls within the boundary patrol road and Frontier Closed Area and is managed by C of P and maintained by HyD; and
- (c) the applicant should note her advisory comments in **Appendix III**.

Traffic

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

she has no objection to the application from a traffic engineering viewpoint subject to the following conditions:

- (a) proposed installation would not obstruct traffic or cause safety issues to other road users; and
- (b) where disruption to traffic, either vehicular or pedestrian, could occur as a result of the works, e.g. temporary lane closure, loading/unloading operation etc. on any public roads managed by Transport Department (TD) is anticipated, temporary traffic arrangement scheme should be submitted to relevant parties, including TD and Road Management Office of HKPF, for comments before the commencement of works.

Environment

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

- (a) considering the proposed installation and excavation works are in small scale, he has no objection to the subject planning application from the environmental perspective;
- (b) no environmental complaint was received for the Site in the past three years; and
- (c) the applicant should note his advisory comments in **Appendix III**.

Landscape

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

- (a) she has no adverse comment on the application from the landscape planning perspective;
- (b) with reference to the aerial photo of 2023, the Site is located in an area of rural inland plains landscape character comprising of woodland, clusters of tree groups, vegetated areas and small houses within the “Village Type Development” zone. According to Section 3 of **Appendix**

Ia, the installation is proposed on existing lamp pole and small equipment is proposed at adjoining land. No trees will be affected; and

- (c) based on site photos taken in 2024, the Site is hard-paved access road without vegetation. Significant adverse impact on the landscape character and existing landscape resources arising from the proposed installation is not anticipated.

Fire Safety

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

- (a) he has no specific comment on the application; and
- (b) any excavation/construction works should under no circumstances cause obstruction to the nearby fire hydrants and ground valves. Should any relocation/blanking-off of fire hydrants be necessary, prior consent from his department should be sought.

Health Aspect

10.1.8 Comments of the Director of Health (DoH):

- (a) since telecommunication installations and facilities are not under the purview of his department, he is not in a position to comment on site selection issues or issues related to the installation or operation of telecommunication facilities; and
- (b) 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.

10.2 The following government departments have no objection to or no comment on the application:

- (a) Director-General of Communications (DG Com);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (f) Head of the Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (g) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (h) District Officer (North), Home Affairs Department (DO(N), HAD); and
- (i) Director of Electrical and Mechanical Services (DEMS).

11. Public Comments Received During Statutory Publication Period

On 12.11.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix IV**). One from the representative from Muk Wu supports the application mainly on the grounds of supporting Government infrastructure projects. The remaining one from a member of the North District Council indicates no comment on the application.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed public utility installation (radio base station) and associated excavation of land at the Site zoned “GB” on the OZP. The proposed installation 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. Nonetheless, noting that the current application is submitted to enhance the telecommunication signals in the local areas and provide a stable connection for HKPF’s daily operations and emergencies, C of P supports the application.
- 12.2 According to TPB PG-No. 10, applications for public utility installations in “GB” zone must demonstrate that the proposed development is essential and that no alternative sites are available. According to the applicant, the Site is the most suitable location for the proposed installation, as it is located adjacent to the boundary patrol road managed by HKPF and it could provide mobile network coverage that meets the operational needs of HKPF and would be subject to less signal obstructions due to being surrounded by open spaces. DG Com and DEMS have no objection to or no comment on the application from telecommunications and electricity supply safety perspectives respectively.
- 12.3 The Site, situated adjacent to the boundary patrol road managed by HKPF, is hard-paved and generally vacant. The proposed installation is small in scale and is considered not incompatible with the surrounding areas. CTP/UD&L, PlanD has no adverse comment on the application and advises that significant adverse impact on the landscape character and the existing landscape resources arising from the proposed installation is not anticipated. Overall, the proposed installation generally complies with the TPB PG-No. 10 in that it could be considered as an essential infrastructure project for enhancing telecommunication signals; the proposed installation is considered compatible with the surrounding areas; and it would not cause adverse landscape impact on the “GB” zone.
- 12.4 The applicant also applies for excavation of land of an area of 2.05m² with a depth of about 0.6m to facilitate the cable laying. Excavation of land within “GB” zone requires planning permission from the Board as it may cause adverse drainage impact on the adjacent areas and adverse impact on the natural environment. In this regard, the CE/MN, DSD, DEP and DAFC have no objection to or no comment on the application from the public drainage, environmental and nature conservation perspectives respectively.
- 12.5 CHE/NTE, HyD and C for T have no comment on the application from highways maintenance and traffic engineering perspectives. Other relevant governments consulted, including D of FS, have no objection to or no adverse comment on the application.
- 12.6 There are two public comments received indicating support and no comment on the application as mentioned in paragraph 11 above.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 20.12.2028, 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 recommended advisory clauses are at **Appendix III**.
- 13.3 There is no strong reason to recommend rejection of the application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with attachments received on 4.11.2024
Appendix Ia	Supplementary Planning Statement
Appendix Ib	SI received on 7.11.2024
Appendix Ic	SI received on 11.11.2024
Appendix Id	FI received on 29.11.2024
Appendix Ie	FI received on 9.12.2024
Appendix If	FI received on 10.12.2024
Appendix II	Relevant Extracts of TPB PG-No. 10
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments
Drawings A-1a and A-1b	Proposed Layout Plans
Drawings A-2a to A-2c	Installation Details
Drawing A-3	Photomontages
Drawing A-4	Expected Signal Coverage
Plan A-1	Location Plan
Plans A-2a and A-2b	Site Plans
Plans A-3a and A-3b	Aerial Photos
Plans A-4a and A-4b	Site Photos