

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

**APPLICATIONS NO. A/NE-SLP/2 & 3**

<b><u>Applicant</u></b>	HGC Global Communications Limited represented by JEG Engineering Company Limited		
<b><u>Sites</u></b>	Government Land (GL) near Lot 187 RP in D.D. 66, So Lo Pun, New Territories		
<b><u>Site Area</u></b>	About 12m <sup>2</sup>	(Application No. A/NE-SLP/2)	
	About 12m <sup>2</sup>	(Application No. A/NE-SLP/3)	
<b><u>Land Status</u></b>	GL		
<b><u>Plan</u></b>	Approved So Lo Pun Outline Zoning Plan (OZP) No. S/NE-SLP/4		
<b><u>Zoning</u></b>	“Green Belt” (“GB”)		
<b><u>Application</u></b>	Proposed Public Utility Installation (Microwave Station) and Associated Excavation and Filling of Land		

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (PUI) (microwave station) and associated excavation and filling of land at the application sites (the Sites) falling within an area zoned “GB” on the OZP (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘PUI’ is a Column 2 use within the “GB” zone, which requires planning permission from the Town Planning Board (the Board). Excavation and filling of land within the “GB” zone also require permission from the Board. The Sites are currently vacant and hard-paved (**Plan A-4**).
- 1.2 The Sites are accessible via So Lo Pun Jetty and local footpaths connecting So Lo Pun to Lai Chi Wo and Yung Shue Au (**Plans A-1 and A-2**). No vehicular access is available to the Sites. According to the applicant, the proposed PUI comprises one set of base transceiver station equipment (3.45m (L) x 3.45m (W) x 4m<sup>1</sup> (H)) (**Drawings A-1 and A-3**) (Application No. A/NE-SLP/2) and an antenna (3.45m (L) x 3.45m (W) x 16m (H)) (**Drawings A-2 and A-3**) (Application No. A/NE-SLP/3). The proposal also involves associated excavation of land and back-filling of land by concrete (about 0.6m) within the entire Sites. The site layout plans and photomontage are shown at **Drawings A-1 to A-3**.

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<sup>1</sup> According to the applicant, about 1.5m high of vertical space is reserved for the installation of solar panel on top of the stainless steel cabinet (about 2.5m high) for providing electricity to the stainless steel cabinet.

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

- (a) Application Forms with attachments received on 25.11.2024 (**Appendices Ia and Ib**)
- (b) Supplementary Information (SI) received on 27.11.2024 (**Appendix Ic**)
- (c) Further Information (FI) received on 10.1.2025\* (**Appendix Id**)
- (d) Further Information (FI) received on 17.1.2025\* (**Appendix Ie**)

*\*accepted and exempted from publication and recounting requirements*

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the applications are detailed in the Application Forms, SI and FI at **Appendices Ia to Ie**, as summarised below:

- (a) the proposed PUI is to support the “Subsidy Scheme to Extend Fibre-based Networks to Villages in Remote Areas” (the Subsidy Scheme) launched by the Office of the Communications Authority (OFCA);
- (b) as per OFCA’s request, the proposed PUI is to enhance the coverage of high-speed broadband network with the villages around So Lo Pun, Ap Chau and Kat O;
- (c) the proposed location at So Lo Pun (i.e. the Sites) is considered the most optimal location to provide such essential public utilities, as the Sites are located in the mid-point with shortest transmission path from inland to outlying islands, including Ap Chau and Kat O. Also, the Sites are relatively flat which are easier for construction; and are located on an existing ruin and no vegetation clearance is required; and
- (d) to minimise the potential environmental and ecological impact, construction works will be conducted between 9:00 a.m. and 5:00 p.m. from Mondays to Friday, and no additional light and glare will be installed on site. Construction wastes will be removed by sea transport each working day. Temporary storage area of work materials will not encroach onto any site of ecologically sensitive habitats. Waterproof membrane will be provided under concrete footing to prevent potential construction runoff from entering into the nearby mangrove and ecologically important stream.

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

As the Sites involve GL 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. 31B) are not applicable to the applications.

**4. Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 10 for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) is relevant to the applications. Relevant extracts of the Guidelines are attached at **Appendix II**.

**5. Background**

5.1 To meet the demand for high-speed broadband services in remote areas in Hong Kong, the Government adopts a policy initiative to provide telecommunications companies with financial incentives (in the form of subsidies) to encourage the extension of fibre-based networks to villages in remote areas. OFCA supports the Government in implementing the policy initiative through launching the Subsidy Scheme to select fixed network operators to be granted with subsidies and monitor their implementation work to expand their network coverage to the villages concerned. HGC Global Communications Limited (i.e. the applicant) has been selected by OFCA to implement the Subsidy Scheme for a total of 60 villages in North District. The project commenced in May 2020 and is anticipated for completion by May 2025.

5.2 The Sites have been cleared of vegetation and hard-paved when the draft So Lo Pun Development Permission Area (DPA) Plan No. DPA/NE-SLP/1 was gazetted on 30.9.2010.

5.3 The Sites are not subject to any active planning enforcement action.

**6. Previous Application**

There is no previous application at the Sites.

**7. Similar Application**

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

**8. The Sites and Their Surrounding Areas (Plans A-1 to A-4)**

8.1 The Sites are :

- (a) currently vacant and hard-paved;

- (b) located at the northern fringe of an existing hard-paved platform; and
- (c) accessible via So Lo Pun Jetty and local footpaths connecting So Lo Pun to Lai Chi Wo and Yung Shue Au.

8.2 The surrounding areas are predominantly rural in character and mainly covered with dense tree groups, ponds and unused land. To the immediate east and west of the Sites are a few ruins and temporary structures. To the further north is the Plover Cove Country Park.

## **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 Filling or excavation of land 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 applications are summarised below:

### **Telecommunications**

- 10.1.1 Comment of the Director-General of Communications (DG of Communications):

he supports the applications as the proposed installations at the Sites fall into the coverage of the Subsidy Scheme.

### **Land Administration**

- 10.1.2 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) she has no objection to the applications;
- (b) the Sites fall entirely on unleased and unallocated GL;
- (c) if the applications are approved, the applicant will need to apply to her office for an excavation permit for carrying out the proposed excavation for plinths of microwave stations at the Sites. The application for the excavation permit will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The excavation permit, if approved, will

be subject to such terms and conditions including the payment of prescribed fee as considered appropriate by LandsD;

- (d) the applicant should ensure the proposed installations are covered by Block Licence dated 27.6.1997 issued by Chief Estate Surveyor/Estate Management, LandsD, otherwise necessary applications for occupation of GL should be submitted before commencement of works; and
- (e) her advisory comments are at **Appendix III**.

### **Nature Conservation**

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

- (a) he has no comment on the applications from nature conservation perspective, noting that the Sites are vacant; and
- (b) his advisory comments are at **Appendix III**.

### **Environment**

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

- (a) he has no objection to the applications; and
- (b) his advisory comments are at **Appendix III**.

### **Urban Design and Visual**

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

- (a) the Sites are located near the northeastern entrance to the So Lo Pun area, at a distance of about 85m away from the natural coastline of Crooked Harbour (Kat O Hoi). Flanking the vegetated hillslopes to the northwest, the Sites are sandwiched between two ruins with a pavilion, another ruin, graves in the locality near a footpath. Given their scale and site context, the proposed PUI (microwave station) will unlikely induce any significant adverse visual impact on the surrounding area; and
- (b) her advisory comments are at **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 applications from landscape

planning perspective;

- (b) with reference to the aerial photo of 2023, the Sites are located in an area of settled valleys landscape character comprising water body, small structures, vegetated areas, scattered tree groups and woodlands within the “GB” zone;
- (c) based on the recent site photos, the Sites are hard-paved and vacant with no sensitive landscape resources. Significant adverse impact on the landscape character and existing landscape resources within the Sites arising from the proposed development is not anticipated; and
- (d) her advisory comments are at **Appendix III**.

### **Electricity Supply**

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

- (a) he has no particular comment on the applications from electricity supply safety aspect; and
- (b) his advisory comments are at **Appendix III**.

### **Fire Safety**

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

- (a) he has no specific comment on the applications subject to water supplies for firefighting and fire service installations being provided to his satisfaction; and
- (b) his advisory comments are at **Appendix III**.

### **District Officer’s Comments**

10.1.9 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

Consultation letters were issued to the Chairman of Sha Tau Kok District Rural Committee, the Chairman of Lung Shan Area Committee and the Indigenous Inhabitant Representative (IIR) of So Lo Pun on 9.12.2024 with the consultation deadline on 23.12.2024.

### **Other Departments**

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

- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);

- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- Commissioner for Transport (C for T);
- Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD); and
- Head of Geotechnical Engineering Office, CEDD (H/GEO, CEDD).

## **11. Public Comments Received During Statutory Publication Period**

- 11.1 On 6.12.2024, the applications were published for public inspection. During the statutory public inspection period, a total of eight public comments were received.
- 11.2 Two comments from an individual (**Appendix IVa**) object to the applications on the grounds that the justification of enhancing network coverage is not supported by any data or details, and there is no information of any disturbance to trees and vegetation caused by the erection of the proposed installations.
- 11.3 Two comments from the Conservancy Association (**Appendix IVb**) raise concerns on the applications, which are summarised below:
- (a) there is no environmental and ecological assessment provided in the submission to justify that no potential environmental and ecological impacts would be anticipated;
  - (b) the applicant should further clarify and evaluate the construction arrangement of the proposed PUI, including how the excavated materials being handled and transported, any temporary work site for storage or stockpiling work materials to prevent encroaching sites of ecologically sensitive habitats, any temporary access for transporting work materials to the Sites, any additional light and glare disturbance on nocturnal species, any tree removal or vegetation clearance work and any preventive measures to prevent potential construction runoff from entering into the nearby mangrove and ecological important stream;
  - (c) no further details on the work schedule are available except the expected completion time. Detailed work schedule should be given; and
  - (d) certain restrictions on work time (e.g. no night-time work and no works on weekends and public holidays) should be set to maintain the tranquil rural environment.
- 11.4 The remaining four comments from one member of North District Council and one individual indicate no comment on the applications (**Appendix IVc**).

## **12. Planning Considerations and Assessments**

- 12.1 The applications are for proposed PUI (microwave station) and associated excavation and filling of land at the Sites within the “GB” zone on the OZP. Although the proposed developments are not entirely in line with the planning intentions of the “GB” zone, for which there is a general presumption against development, the applicant states that the proposed microwave station is intended to enhance the coverage of high-speed broadband network with the villages around So Lo Pun, Ap Chau and Kat O under the Subsidy Scheme launched by OFCA. In this regard, DG of Communications supports the applications as the proposed installations at the Sites fall into the coverage of the Subsidy Scheme.
- 12.2 According to TPB PG-No. 10, applications for PUIs within “GB” zone must demonstrate that the proposed development is essential and no alternative sites are available. According to the applicant, the Sites at So Lo Pun are considered the most optimal location to provide such essential public utilities, as the Sites are located in the mid-point with shortest transmission path from inland to outlying islands, including Ap Chau and Kat O, and are relatively flat which are easier for construction.
- 12.3 The Sites are currently vacant and located on an existing hard-paved platform with no sensitive landscape resources. No vegetation clearance is required. DAFC has no comment on the applications from nature conservation perspective. CTP/UD&L, PlanD has no objection to the applications from urban design, visual and landscape planning perspective and advises that significant adverse impact on the surrounding landscape character and existing landscape resources arising from the proposed installations are not anticipated. DEMS has no particular comment on the applications from electricity supply safety aspect. Other departments consulted, including DEP, D of FS and CE/MN of DSD have no objection to or no adverse comment on the applications. In view of the nature and design of the proposed installations, no adverse environmental, fire safety and drainage impacts on the surrounding areas are anticipated. In view of the above, the proposed PUI generally complies with the TPB PG-No. 10 in that it could be considered as an essential infrastructure project for enhancing telecommunication services in remote area; it is considered compatible with the surrounding areas; and would not cause adverse landscape impact on the “GB” zone.
- 12.4 The applications also involve excavation and filling of land. Excavation and filling of land within the “GB” zone require planning permission from the Board as it may cause adverse drainage and environmental impacts on adjacent areas. In this regard, CE/MN of DSD, DAFC and DEP have no objection to or no adverse comment on the applications from drainage, nature conservation and environmental perspectives respectively.
- 12.5 Regarding the public comments as detailed in paragraph 11, the government departments’ comments and planning assessment above are relevant. The applicant has proposed various mitigation measures as stated in paragraph 2(d) above to minimise the potential environmental and ecological impacts to the surroundings during construction phases, and relevant government departments including DAFC and DEP have no objection to or no comment on the

applications.

### **13. Planning Department's Views**

13.1 Based on the assessments made in paragraph 12 and taking into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the applications.

13.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid until 24.1.2029, and after the said date, the permissions shall cease to have effect unless before the said date, the developments permitted are commenced or the permissions are renewed. The following approval condition and advisory clauses for each of the applications are also suggested for Members' reference:

#### Approval Condition

- the provision of water supplies for firefighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

#### Advisory Clauses

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

13.3 Alternatively, should the Committee decide to reject the applications, the following reason for rejection is suggested for Members' reference:

the proposed public utility installation (microwave station) with associated excavation and filling of land 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. There is no strong planning justification in the submission for a departure from such planning intention.

### **14. Decision Sought**

14.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant the permission.

14.2 Should the Committee decide to approve the applications, Members are invited to consider the advisory clause(s), if any, to be attached to the permissions, and the date when the validity of the permissions should expire.

14.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**15. Attachments**

<b>Appendices Ia and Ib</b>	Application Forms with attachments received on 25.11.2024
<b>Appendix Ic</b>	SI received on 27.11.2024
<b>Appendix Id</b>	FI received on 10.1.2025
<b>Appendix Ie</b>	FI received on 17.1.2025
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 10
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendix IV</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan of Application No. A/NE-SLP/2
<b>Drawing A-2</b>	Layout Plan of Application No. A/NE-SLP/3
<b>Drawing A-3</b>	Photomontage of Applications No. A/NE-SLP/2 and 3
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2025**