

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/92

<u>Applicant</u>	: SmarTone Mobile Communications Limited represented by Prudential Surveyors International Limited
<u>Site</u>	: Government Land (GL) in D.D. 80, Ta Kwu Ling North, New Territories
<u>Site Area</u>	: About 6.98m ²
<u>Land Status</u>	: GL
<u>Plan</u>	: Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
<u>Zoning</u>	: “Green Belt” (“GB”)
<u>Application</u>	: 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 an area zoned “GB” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Public Utility Installation’ is a Column 2 use in the “GB” zone, which requires planning permission from the Town Planning Board (the Board). Excavation of land within the “GB” zone also requires planning permission from the Board. The Site is hard-paved, vacant and adjoining the boundary patrol road managed by the Hong Kong Police Force (HKPF) within the Frontier Closed Area.
- 1.2 The Site is accessible via the boundary patrol road. According to the applicant, the Site consists of two portions (i.e. the eastern and western portions). The proposed installation in the western portion for a radio base station comprises two sets of free-standing equipment (Equipment A and B)¹ mounted on two concrete plinths with a total area of about 1.98m² (Equipment A: 0.55m (L) x 2m (W) x 1.35m (H) and Equipment B: 0.55m (L) x 1.6m (W) x 1.35m (H)) (**Drawing A-2a**) and an antenna² (with dimension of

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

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 0.8m 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.

0.203m (L) x 0.419m (W) x 1.64m (H)) mounted on an adjoining lamp pole No. 258A (**Drawing A-2c**). The applicant also applies for excavation of land at the eastern portion of an area of about 5m² with a depth of about 0.6m for laying a 10m long underground pipe for power cable connecting to an existing meter kiosk (**Drawing A-2b**). The applicant undertakes that the excavation of land will be backfilled after the installation of the power cable. The two portions of the Site will be connected by armoured fibre cable and power cable (about 215m long) above ground on the existing fencing³ along the boundary patrol road. The proposed layout plan, installations details, photomontages and expected signal coverage, as submitted by the applicant, are shown in **Drawings A-1, 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 with attachments received on 4.11.2024 (Appendix I)
- (b) Supplementary Information (SI) received on 7.11.2024 (Appendix Ia)
- (c) SI received on 11.11.2024 (Appendix Ib)
- (d) Further Information (FI) received on 29.11.2024* (Appendix Ic)
- (e) FI received on 10.12.2024* (Appendix Id)

** 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, SIs and FIs at **Appendices I to Id**, as summarised below:

- (a) the proposed installation aims to enhance the mobile phone signal. A higher quality and more reliable phone services could be provided to the local area and the user experience of the locals, local visitor and HKPF could be greatly enhanced, providing a more stable connection in case of emergency. The selected location could provide coverage fulfilling HKPF's expectation;
- (b) nearby blockage is an essential consideration as it would affect the signal. The Site is a good location for the proposed installation as it is surrounded by open spaces;
- (c) the Site is adjoining to the existing road under HKPF's management. It is easier to control, and power and fibre connection could be provided easily;
- (d) the Site is formed and would not have adverse environmental and visual impacts and no tree would be affected; 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 'owner's consent/notification' requirements as set out in the Town Planning Board Guidelines on Satisfying the 'Owner's Consent/Notification'

³ According to the covering Notes of the OZP, provision of 'public utility pipeline' including the piping installation for drainage, sewerage, water, gas, electricity, telephone, broadcasting, television or telecommunications lines is always permitted in the "GB" zone.

Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG No. 31B) is not applicable to the application.

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 application. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

The Site is not subject to any active enforcement case.

6. Previous Application

There is no previous application covering the Site.

7. Similar Application

There is no similar application within the same “GB” zone in the vicinity of the Site in the past five years.

8. The Site and its Surrounding Areas (Plans A-1 to A-4)

8.1 The Site is:

- (a) hard-paved, vacant and adjoining the boundary patrol road managed by HKPF within the Frontier Closed Area; and
- (b) accessible from the boundary patrol road.

8.2 The surrounding areas are of rural character mainly comprising vacant land covered with vegetation.

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 with 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 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 they are handling boundary security incident 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 there in the coming future. Under weak telecommunication signal, it would be difficult for tourists seeking assistance/rescue and increase difficulties on search and rescue operation 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.

Land Administration

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

- (a) she 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 the Highways Department (HyD); and
- (c) other advisory comments are at **Appendix III**.

Traffic

10.1.3 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) the 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 the 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

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

- (a) considering the proposed installation and excavation of works are in small scale, he has no objection to the application from the environmental perspective;
- (b) no environmental complaint against the Site has been received over the past three years; and
- (c) other advisory comments are at **Appendix III**.

Landscape

10.1.5 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 woodland, clusters of tree groups and vegetated areas. According to the applicant's submission, the installation is proposed on an existing lamp pole and small equipment is proposed at adjoining land. No trees will be affected; and
- (c) based on the site record taken on 22.11.2024, the Site is hard-paved access road without vegetation. Significant adverse impact on the landscape character and the existing landscape resources arising from the proposed installation is not anticipated.

Fire Safety

10.1.6 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 any obstructions to the nearby fire hydrants and ground valves. Should any relocation/blanking-off of fire hydrants be necessary, prior consent from his department has to be sought.

Health Aspect

10.1.7 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 departments have no objection to or no comment on the application:

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

11. Public Comment Received During Statutory Publication Period

On 12.11.2024, the application was published for public inspection. During the statutory public inspection period, one comment from a member of the North District Council indicates no comment on the application was received (**Appendix IV**).

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 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 signal 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 the telecommunications and electricity supply safety perspectives respectively.
- 12.3 The Site is hard-paved and adjoining the boundary patrol road managed by HKPF. 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 about 5m² with a depth of about 0.6m to facilitate the cable laying. Excavation of land within the "GB" zone requires planning permission from the Board as it may cause adverse drainage impacts on the adjacent areas and adverse impacts 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 the highways maintenance and traffic engineering perspectives. Other relevant government departments consulted, including D of FS, have no objection to or no adverse comment on the application.
- 12.6 There is one public comment received indicating 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 comment 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 attached 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 Attachment received on 4.11.2024
Appendix Ia	SI received on 7.11.2024
Appendix Ib	SI received on 11.11.2024
Appendix Ic	FI received on 29.11.2024
Appendix Id	FI received on 10.12.2024
Appendix II	Relevant Extracts of TPB PG-No. 10
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comment
Drawing A-1	Layout Plan
Drawings A-2a to A-2c	Installations Details
Drawing A-3	Photomontages
Drawing A-4	Expected Signal Coverage
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**