

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

**APPLICATION NO. A/NE-TKL/696**

<b><u>Applicant</u></b>	: PCCW-HKT Telephone Limited
<b><u>Site</u></b>	Government Land in D.D. 82, Ping Che Road, Ta Kwu Ling, New Territories
<b><u>Site Area</u></b>	: 170 m <sup>2</sup> (about)
<b><u>Land Status</u></b>	: Short Term Tenancy (STT) No. 874 (i) Built-over area (BOA) not exceeding 44.4m <sup>2</sup> (ii) Erection of only 3 single-storey structures with a height not exceeding 4.3m (iii) Restricted to telephone exchange purpose
<b><u>Plan</u></b>	: Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
<b><u>Zonings</u></b>	: "Agriculture" ("AGR") (about 142 m <sup>2</sup> or 84% of the Site) An area shown as 'Road' (about 28 m <sup>2</sup> or 16% of the Site)
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Public Utility Installation (Telephone Exchange) for a Period of 5 Years until 7.4.2027

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary public utility installation (telephone exchange) under application No. A/NE-TKL/561 for a further period of 5 years until 7.4.2027. The Site falls mainly within an area zoned "AGR" with a minor portion within an area shown as 'Road' on the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14. According to the Notes of the OZP, 'Public Utility Installation' (including telephone exchange) within "AGR" zone and within an area shown as 'Road' on the OZP requires planning permission from the Board. The Site is currently used for the applied use with valid planning permission until 7.4.2022.
- 1.2 The Site is the subject of six previously approved applications (No. A/NE-TKL/173, 270, 337, 355, 378 and 561) for temporary public utility installation (telephone exchange) each for a period of five years submitted by the same applicant under the current application. The last application No. A/NE-TKL/561 was approved by the Committee on 7.4.2017 for a period of

five years up to 7.4.2022 (**Appendix III**). The applicant has complied with all the approval conditions of the last application.

- 1.3 According to the applicant, there are three major temporary structures for machine rooms and equipment room with ancillary installations including a switch room, a meter room, an antenna pole and three concrete plinths. The total floor area is about 44.4m<sup>2</sup> with heights ranging from 2.65m to 4m (excluding the antenna pole and concrete plinths). As compared with the previously approved application No. A/NE-TKL/561, the current development scheme is the same in terms of the applied use, site layout and the development parameters. The layout of the development proposal reflecting the existing temporary structures/installations submitted by the applicant in support of the renewal application is at **Drawing A-1**.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application form with attachments received on 21.2.2022 (**Appendix I**)
  - (b) Further Information received on 21.3.2022 (**Appendix Ia**)

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

The justifications put forth by the applicant in support of the application are detailed in the application form at **Appendices I and Ia** and summarized as follows:

- (a) using temporarily containerized telephone exchange is considered the best option for providing telephone services to the people in the vicinity. It can also avoid the need to construct a permanent building to house the telecommunication equipment;
- (b) telephone switching equipment, i.e. electronic circuitry, is installed inside the containers and operated to meet the demand growth of telephone services and future development in the Ta Kwu Ling area;
- (c) the equipment inside the containers is digital electronics and fully automatic. Its operation will neither create pollution problem nor result in adverse environmental impact;
- (d) all the approval conditions, including the landscaping and drainage works, specified by the Board under the previous planning application have been complied with, and renewal of the planning approval would have no environmental impact on the surrounding area;
- (e) there is no parking requirement for the development as only a few visits per month by van or private car for site inspection purpose would be needed; and
- (f) there is no change in the development parameters as compared with the previously approved application. The applicant has also submitted a fire service installations (FSIs) proposal in support of the renewal application.

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

As the Site involves government land 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. 31A) is not applicable to the application.

#### 4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 34C on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34C) is relevant to this application. The relevant extract of the Guidelines is attached at **Appendix II**.

#### 5. **Previous Applications**

- 5.1 The Site is the subject of six previous planning applications (No. A/NE-TKL/173, 270, 337, 355, 378 and 561) submitted by the same applicant for the same use each for a period of five years.
- 5.2 The six previous applications were approved by the Committee between August 2001 and April 2017 mainly on the grounds that the use under application was small in scale and was considered not incompatible with the surrounding rural character; no adverse traffic, drainage and environmental impacts on the surrounding areas; relevant government departments had no adverse comments on the applications; and the use under the last application was the same as the previous applications with no change in the planning circumstances. The applicant has complied with all the approval conditions under the last application No. A/NE-TKL/561 and its planning permission is valid until 7.4.2022.
- 5.3 As compared with the last approved application No. A/NE-TKL/561, the current development scheme is the same in terms of the applied use, site layout and the development parameters.
- 5.4 Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

#### 6. **Similar Application**

There is no similar application for temporary telephone exchange use in the same “AGR” zone in the vicinity of the Site.

#### 7. **The Site and Its Surrounding Area (Plans A-1 and A-2, aerial photo at Plan A-3 and site photos at Plan A-4)**

- 7.1 The Site is:

- (a) flat, formed and fenced;
- (b) currently used as a temporary telephone exchange; and
- (c) directly abutting Ping Che Road.

7.2 The surrounding areas have the following characteristics:

- (a) situated in an area dominated by open storage yards, temporary structures and active/ fallow agricultural land;
- (b) to the east across Ping Che Road is the ex-Sing Ping School with an approved application for proposed temporary transitional housing under application No. A/NE-TKL/692; and
- (c) to the south and west are open storage yards, unused land and a few temporary domestic structures.

## 8. **Planning Intention**

The planning intention of the “AGR” zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

## 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/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises government land which is covered by STT No. 874 for ‘telephone exchange’ use. The total built-over area of the STT site should not exceed 44.4m<sup>2</sup>, and the tenant may erect on the STT site 3 single storey structures having a height not exceeding 4.3m; and
- (b) it is noted that the number and height of the existing structures exceed those permitted under the STT No. 874. The tenant has submitted an application for modification of STT. The application will be considered by the government in its landlord’s capacity and there is no guarantee that it will be approved. If the application for modification of STT is approved, its commencement date will be backdated to the first date of existence of the irregularities and it will be subject to such terms and conditions to be imposed including payment of revised rent

and administrative fee as considered appropriate by her office.

### **Agriculture**

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

- considering that the previous application for the same use as the current application was approved by the Board, he has no strong view against the renewal application.

### **Drainage**

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

- (a) no objection to the application from the public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicant to submit drainage condition record for the Site as previously implemented under planning application No. A/NE-TKL/561 to ensure that there will be no adverse drainage impact to the adjacent area; and
- (c) the applicant should maintain those existing drainage facilities properly and rectify those facilities if they are found inadequate / ineffective during operation.

### **Environment**

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

- in view of the small scale and nature of the development, the development is unlikely to cause major pollution.

### **Landscape**

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

- (a) no objection to the application from the landscape planning point of view;
- (b) since the development scheme and layout under the current application is the same as those approved under the previous application, landscape impact from the renewal application is not anticipated; and
- (c) should the application be approved by the Board, it is considered not necessary to impose landscape and tree conditions as no

further adverse landscape impact with the Site arising from the continuous use is anticipated.

### **Fire Safety**

#### 9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to fire service installations and water supplies for fire-fighting being provided to the satisfaction of his department;
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

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

- no in-principle objection to the renewal application. Detailed comments enclosed in **Appendix V**.

### **District Officer's Comments**

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

- he has consulted the locals regarding the application and all consultees had no comment on the application.

#### 9.2 The following government departments have no comment on the application:

- (a) Commissioner for Transport (C for T);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) Director of Electrical and Mechanical Services (DEMS).

## **10. Public Comments Received During Statutory Publication Period (Appendix IV)**

On 25.2.2022, the application was published for public inspection. During the statutory public inspection period, two public comments were received. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. An individual raises objection to the application on the ground that a permanent telephone exchange on a site with appropriate zoning should be provided.

## 11. Planning Considerations and Assessment

- 11.1 The application is for renewal of planning permission for temporary installation of telephone exchange for a further period of five years. According to the applicant, the telephone exchange, which is accommodated by the converted containers, is considered best option for providing telephone service in rural area. While the temporary telephone exchange is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, DAFC has no strong view against the renewal application as there is a previously approved application for the same use at the Site. The applied use serves to provide telephone services to the area. Approval of the application on a temporary basis for five years would not frustrate the long-term planning intention of the “AGR” zone.
- 11.2 The applied use under application is small in scale and considered not incompatible with the surrounding rural character, which is predominantly a mix of open storage yards, fallow/active agricultural land and temporary structures (**Plan A-2**). In this regard, CTP/UD&L, PlanD has no objection to the renewal application. Other government departments consulted, including C for T, DEP, CE/MN, DSD, DEMS, PM(N), CEDD and have no adverse comment on or no objection to the application.
- 11.3 The application generally complies with the TPB PG-No. 34C in that there has not been any material change in planning circumstances since the approval of the last application; there are no major adverse departmental comments against the renewal application; all the approval conditions for the last application have been complied with; and the approval period sought which is for the same as the last approval granted by the Board is not unreasonable.
- 11.4 The Site is the subject of six previously approved applications (**Plan A-1**) for the same temporary use submitted by the same applicant under the current application. The last application No. A/NE-TKL/561 was approved by the Committee on 7.4.2017 for a period of five years up to 7.4.2022. The applicant has complied with all the approval conditions of the previous application. The current scheme is the same as the previously approved application No. A/NE-TKL/561 in terms of the applied use, site area, layout and development parameters. There has not been any major change in planning circumstances of the area since the approval of the previous applications.
- 11.5 Regarding the public comments as detailed in paragraph 10 above, the government department’s comments and the planning assessment above are relevant.

## 12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the renewal application.

- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 5 years and **be renewed from 8.4.2022 until 7.4.2027.** The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a record of existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 8.7.2022;
- (b) the implementation of proposals for fire service installations and water supplies for fire-fighting within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 8.10.2022; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

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

- 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 clause(s), 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.

**Attachments**

<b>Appendix I</b>	Application form with attachments received on 21.2.2022
<b>Appendix II</b>	Relevant Extract of TPB Guidelines No. 34C on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development
<b>Appendix III</b>	Previous applications



<b>Appendix IV</b>	Public Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<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**  
**APRIL 2022**