

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/980

<u>Applicant</u>	:	China Galleon Limited represented by Chief Force Limited
<u>Site</u>	:	Lot 2901 (Part) in D.D.111, Wang Toi Shan Wing Ning Lei, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 40 m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<u>Zoning</u>	:	“Residential (Group D)” (“R(D)”)
<u>Application</u>	:	Proposed Public Utility Installation (Telecommunication Radio Base Station) and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (telecommunication radio base station (TRBS)) and filling of land at the application site (the Site). The Site is zoned “R(D)” on the Pat Heung OZP (**Plan A-1a**). According to the Notes of the OZP, ‘Public Utility Installation’ is a Column 2 use in the “R(D)” zone which requires planning permission from the Town Planning Board (the Board). Filling of land within “R(D)” zone also requires planning permission from the Board. The Site is paved and generally vacant (**Plans A-2 to A-4b**) and it is within a larger site used for open storage with valid planning permission under the previous application No. A/YL-PH/942 (details are at paragraph 5 below).
- 1.2 According to the applicant, the proposed TRBS comprises antennas (with dimensions not exceeding 395mm(W) x 180mm(D) x 730mm(H) each) mounted on a pole with height of 15m and supporting equipment including 28 radio remote units (RRU) (with dimensions not exceeding 150mm(W) x 356mm(D) x 480mm(H) each) and two equipment/facility cabinet units (with dimensions not exceeding 1000mm(W) x 480mm(D) x 1200mm(H) each). A concrete plinth with depth of 0.5m will be formed to cover the entire site area for the proposed development. According to the applicant, the proposed TRBS is to enhance the mobile phone coverage in Wang Toi Shan Wing Ning Lei and nearby areas. The site layout plan and equipment details plan of the proposed development submitted by the applicant are at **Drawings A-1** and **A-2**.

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

- (a) Application form with supplementary information received (**Appendix I**)
on 24.11.2023 and 5.12.2023
 - (b) Further Information (FI) received on 12.12.2023* (**Appendix Ia**)
 - (c) FI received on 11.3.2024* (**Appendix Ib**)
- * accepted and exempted from publication and recounting requirements*

1.4 On 12.1.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary information and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) The proposed development is to enhance the mobile phone coverage in Wang Toi Shan Wing Ning Lei and nearby areas. The Site is considered suitable as it is located in an area with better signal coverage and away from the village clusters.
- (b) The height of the proposed antenna pole is comparable to the conventional antenna poles generally used in other areas. An antenna pole of 15m high will provide a signal coverage of about 150,000m². Such height is necessary in order to prevent signal obstruction by nearby tree canopies, structures/buildings and slopes.
- (c) Should the current application be approved by the Committee, the applicant will apply to the government for modification of land use under lease. The applicant will also liaise closely with the mobile network operator to adopt subdued colour for the proposed TRBS in order to enhance compatibility with the surrounding environment.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to planning enforcement action.

5. Previous Applications

5.1 The Site forms part of eight previously approved applications (No. A/YL-PH/296, 392, 555, 627, 685, 741, 831 and 942) covering considerably larger site areas for various temporary open storage uses (including three renewals of temporary

planning permissions) which are not relevant to the current application for public utility installation use. The planning permission under the last application No. A/YL-PH/942 was for renewal of a planning approval for temporary open storage of construction materials, machinery (electricity generator), vehicle parts, temporary transit shipment particles and containers for storage of plastic barriers. The application was submitted by the applicant's representative of the current application and was approved with conditions by the Committee in March 2023 with planning permission valid until 25.5.2026. The proposed TRBS under the current application would be developed within the open storage site approved under application No. A/YL-PH/942.

5.2 Details of the previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1b**.

6. **Similar Application**

There is no similar application for public utility installation (TRBS) use within the same "R(D)" zone in the vicinity of the Site in the past five years.

7. **The Site and Its Surrounding Areas (Plans A-1a to A-4)**

7.1 The Site is:

- (a) paved and generally vacant;
- (b) within a larger site used for open storage with valid planning permission under the previous application No. A/YL-PH/942; and
- (c) accessible to Kam Tin Road via local tracks.

7.2 The surrounding areas are rural in character intermixed with open storage/storage yards (including two sites with valid planning permissions under applications No. A/YL-PH/881 and 942), vehicle stripping/repair workshops, vehicle park, retail shop, vacant land and grassland. The vehicle stripping/repair workshops, vehicle park and retail shop uses are without valid planning permission. The village settlements of Wang Toi Shan Wing Ning Lei within the "Village Type Development" zone is located about 130m to the further west of the Site (**Plans A-1a and A-3**).

8. **Planning Intention**

The planning intention of the "R(D)" zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Departments

9.1 The following 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/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) no adverse comment on the application;
- (b) the Site comprises an Old Schedule Agricultural Lot No. 2901 in D.D.111 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) the Site is covered by Short Term Waiver (STW) No. 3931 for the purpose of temporary open storage of construction materials, machinery (electricity generator), vehicle parts, temporary transit shipment particles and containers for storage of plastic barriers; and
- (d) if the current application is approved, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate to permit the structure(s) erected within the Site. If the public utility installation (TRBS) is intended for permanent use, the applicant has to apply for a land exchange. Applications of any of the above will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. If such application(s) is approved, it will be subject to such terms and conditions including the payment of waiver fee and/or premium and administrative fee as considered appropriate by LandsD. ***No site coverage was stated in the development parameters. However, structures including but not limited to antenna, RRU equipment and cabinet would be erected. The applicant should provide the proposed built-over area of the structures upon application to LandsD.***

Telecommunication

9.1.2 Comments of the Director of General of Communications (DG of C):

- (a) no in-principle objection to the proposed development; and
- (b) a proposed radio base station by mobile network operator at the Site could enhance its mobile network coverage to the surrounding rural area/village and may possibly cover part of the Lam Tsuen Country Park.

Traffic

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

- (a) no comment on the application from traffic engineering perspective; and

- (b) it is noted that there is no car parking space within the Site.

Visual and Landscape

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

Visual

- (a) the Site is located in an area which is rural in character, mainly surrounded by temporary structures and open storage areas. While the proposed development is considered not incompatible with the surrounding rural context and would not significantly alter the visual character of the area, the applicant may consider adopting subdued colouring to help blend in better with the surrounding environment; and

Landscape

- (b) no significant landscape impact arising from the proposed development is anticipated.

Drainage

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

no objection in-principle to the proposed development from public drainage point of view.

Health Aspect

- 9.1.6 Comments of the Director of Health (D of Health):

according to the World Health Organisation (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.

Environment

- 9.1.7 Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application in view of the nature and scale of the proposed development; and

- (b) no environmental complaint concerning the Site was received in the past three years.

Nature Conservation

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

no comment on the application from nature conservation perspective as the Site falls within the “R(D)” zone and has been paved.

9.2 The following government departments have no comments on/no objection to the application:

- (a) the District Officer (Yuen Long), Home Affairs Department;
- (b) the Chief building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) the Project Manager (West), Civil Engineering and Development Department;
- (d) the Chief Engineer/Construction, Water Supplies Department;
- (e) the Director of Fire Services; and
- (f) the Chief Highway Engineer/New Territories West, Highways Department.

10. Public Comments Received During Statutory Publication Period

The application was published for public inspection. During the statutory publication period, no public comment was received

11. Planning Considerations and Assessments

- 11.1 The application is for proposed public utility installation (TRBS) and filling of land at the Site zoned “R(D)” (**Plan A-1a**). The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The proposed development is not in conflict with the planning intention. According to the applicant, the proposed TRBS is to enhance the mobile phone coverage in Wang Toi Shan Wing Ning Lei and nearby areas. DG of C has no in-principle objection to the application and considers that the proposed development could enhance the mobile network coverage to the surrounding rural area/village and may possibly cover part of the Lam Tsuen Country Park.
- 11.2 Filling of land within the “R(D)” zone also requires planning permission from the Board. In this regard, CE/MN, DSD and DEP have no objection to the application from drainage and environmental perspectives.
- 11.3 The proposed TRBS with a site area of about 40m² and comprising an antenna pole with height of 15m is not significant in scale. The applicant also proposes to adopt subdued colour for the TRBS to enhance compatibility with the surrounding.

The proposed development is considered not incompatible with the surrounding uses intermixed with open storage/storage yards, vehicle stripping/repair workshops and vehicle park. CTP/UD&L, PlanD considers that the proposed development is not incompatible with the surrounding rural context and would not significantly alter the visual character of the area, and significant landscape impact is not anticipated.

- 11.4 Other relevant departments including CBS/NTW, BD have no objection to or no adverse comment on the application. Advisory comments from the concerned departments on the technical aspects are incorporated in the recommended advisory clauses in **Appendix III**.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **10.5.2028**, 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 in **Appendix III**.
- 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 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.

14. Attachments

Appendix I	Application form with supplementary information received on 24.11.2023 and 5.12.2023
Appendix Ia	FI received on 12.12.2023
Appendix Ib	FI received on 11.3.2024
Appendix II	Previous applications
Appendix III	Recommended advisory clauses

Drawings A-1 and A-2	Site layout plan and equipment details plan
Plan A-1a	Location plan
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4	Site photos

**PLANNING DEPARTMENT
MAY 2024**