

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

**APPLICATION NO. A/NE-LK/129**

- Applicant** : PCCW-HKT Telephone Limited
- Site** : Government Land in D.D. 39, Shek Chung Au, Sha Tau Kok, New Territories
- Site Area** : 240 m<sup>2</sup> (about)
- Land Status** : Short Term Tenancy (STT) No. 858  
(i) Erection of 4 structures with a height and total gross floor area not exceeding 2.71m and 59.2m<sup>2</sup> respectively  
(ii) Restricted to the purpose of installation of telephone exchange equipment
- Plan** : Approved Luk Keng and Wo Hang Outline Zoning Plan (OZP) No. S/NE-LK/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Renewal of Planning Approval for Temporary Public Utility Installation (Telephone Exchange) for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to continue to use the application site (the Site) for temporary telephone exchange under application No. A/NE-LK/98 for a period of five years. The Site falls within an area zoned “AGR” on the approved Luk Keng and Wo Hang OZP No. S/NE-LK/11. According to the Notes of the OZP, ‘public utility installation’ (including telephone exchange) is a Column 2 use in the “AGR” zone requiring planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use (with previous planning permission lapsed on 31.7.2020).
- 1.2 The Site is the subject of two previously approved applications (No. A/NE-LK/60 and 98) for similar temporary public utility installation (telephone exchange) for a period of five years submitted by the same applicant under the current application. The last application No. A/NE-LK/98 was approved by the Committee on 3.7.2015 for a period of five years up to 30.7.2020 (**Appendix III**). The applicant has complied with all the approval conditions of

the previous application.

- 1.3 According to the applicant, there are 6 temporary structures which includes three fiber glass containers for machine room use, one fiber glass container for future expansion, one for a power meter room, and one for an air pressurization unit room. The total floor area is about 59.2m<sup>2</sup> with about 2.6m (1-storey) in height. As compared with the previously approved application No. A/NE-LK/98, the current development scheme is generally the same in terms of the applied use, site layout and the development parameters. The layout of the development proposal submitted by the applicant in support of the renewal application is at **Drawing A-1**. The Site is currently used for the applied use with valid planning permission No. A/NE-LK/98 until 30.7.2020.
- 1.4 In support of the application, the applicant has submitted Application form received by the Board on 2.6.2020 in **Appendix I**.
- 1.5 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 (the previous planning permission was valid up to 30.7.2020) for consideration of the application has been rescheduled, and the Town Planning Board has agreed to defer consideration of the application and the application is now scheduled for consideration by the Committee at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement at **Appendix I**. They can be summarised as follows:

- (a) using containerized telephone exchange is considered the best option for providing telephone service 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 service and future development in the Shek Chung Au area;
- (c) the equipment inside the containers is digital electronics and fully automatic. Its operation will not create pollution problem and result in adverse environmental impact;
- (d) all the approval conditions, including the landscaping and drainage work, 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.

### 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 two previous planning applications for proposed temporary installation of telephone equipment / temporary public utility installation (telephone exchange) for five years (No. A/NE-LK/60 and 98) submitted by the same applicant as the current application (**Plan A-1**).
- 5.2 Application A/NE-LK/60 was approved by the Committee on 30.7.2010 mainly on the considerations that the uses under application were small in scale and considered not incompatible with the surrounding rural character; the developments were unlikely to cause adverse environmental, drainage, traffic and landscape impacts; and concerned government departments had no adverse comment on or no objection to the applications.
- 5.3 Application No. A/NE-LK/98 was also approved by the Committee on 3.7.2015 on similar grounds with the previously approved applications and also mainly on the considerations that the application generally complies with TPB-PG No. 34B in that there are no material change in planning circumstances or change in land uses of the surrounding area, no adverse planning implications arising from the renewal of planning approval, all the approval conditions for the last previous application have been complied with and the approval period sought is not unreasonable.
- 5.4 All the approval conditions stipulated under the previously approved application No. A/NE-LK/98 have been complied with, and its planning permission is valid until 30.7.2020. As compared with the previously approved application No. A/NE-LK/98, the current development scheme is generally the same as the previously approved scheme in terms of the applied use, site layout and the development parameters.
- 5.5 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, fenced off and currently used as telephone exchange with valid planning permission until 30.7.2020;
- (b) currently occupied by five structures, including three single-storey fiber glass containers, an air pressure unit and a meter room (**Drawing A-1**); and
- (c) accessible via an existing village road leading to Sha Tau Kok Road – Shek Chung Au.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate south is vacant land, and to the further south across Sha Tau Kok Road – Shek Chung Au is an international school, namely, International College Hong Kong (**Plan A-1**);
- (b) to the south-west are some vacant land and further south is the “Village Type Development” zone of Shek Chung Au village;
- (c) to the south-east is the Shek Chung Au Sewage Pumping Station (**Plan A-2**); and
- (d) to the north are some domestic structures and vacant land.

## 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 Government land within the Site is covered by STT No. 858 for the purpose of installation of telephone exchange equipment involving four structures with a height and a total gross floor area not exceeding 2.71m and 59.2 m<sup>2</sup> respectively;
- (b) the parameters of the existing structures conforms to those stipulated under the STT concerned at the time of site inspection; and
- (c) should the renewal of planning application be approved, the tenant shall always act in accordance with the tenancy agreement of the concerned STT. Otherwise, her office reserves the right to take necessary tenancy enforcement actions against any irregularities.

### **Traffic**

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

she has no comment on the application from traffic engineering point of view.

9.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) he has no comment on the application from highways point of view; and
- (b) the existing access adjoining the Site is not maintained by his office.

### **Agriculture**

9.1.4 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**

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

- (a) he has 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 to ensure that there will be no adverse drainage impact to the adjacent area. If the existing drainage system is found to be inadequate or ineffective during operation, the applicant is required to rectify the system to the satisfaction of the relevant Government departments and also at his own cost; and
- (c) the Site is in an area where no public sewerage connection is available.

### **Environment**

#### 9.1.6 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; and

### **Landscape**

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

- (a) she has 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**

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

he has no in-principle objection to the application subject to the existing fire services installations implemented on the Site being maintained in efficient working order at all times.

### **Building Matters**

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

he has no in-principle objection to the renewal application. Detailed

comments enclosed in **Appendix V**.

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

9.1.10 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) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (b) Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director-General of Telecommunications; and
- (d) Director of Electrical and Mechanical Services (DEMS).

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

On 9.6.2020, the application was published for public inspection. During the statutory public inspection period, two public comment were received. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. An individual commented that there are insufficient information regarding the reasons for allowing the same tenants to continue their STTs for a long time; and if the STT arrangement for the necessary community use is not tenable, permanent solution should be found via rezoning.

## **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 Shek Chung Au 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. 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 Site is the subject of two previously approved applications (No. A/NE-LK/60 and 98) (**Plan A-1**) for similar proposed temporary public utility installation (telephone exchange) for a period of five years submitted by the same applicant under the current application. The last application No. A/NE-LK/98 was approved by the Committee on 3.7.2015 for a period of five years up to 30.7.2020. The applicant has complied with all the approval

conditions of the previous application. The current scheme is generally the same as the previously approved application No. A/NE-LK/98 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 application.

- 11.3 The use under application is small in scale and considered not incompatible with the surrounding rural character, which is predominantly a mix of government use, school, village houses and vacant land (**Plan A-2**). In this regard, CTP/UD&L, PlanD has no objection to the renewal application. The use under application is also unlikely to cause adverse environmental, drainage and traffic impacts on the surrounding areas. 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.
- 11.4 The application generally complies with the TPB PG-No. 34C on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' as 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.
- 11.5 Regarding the public comments as detailed in paragraph 11 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 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 until 1.9.2025, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

### Approval conditions

- (a) the existing drainage facilities implemented under Application No. A/NE-LK/98 on the Site shall be maintained properly at all times during the planning approval period;
- (b) the existing fire services installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (c) 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 1.12.2020;

- (d) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (e) if the above planning condition (c) 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 2.6.2020
<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 comment
<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