

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/678

<u>Applicants</u>	Hong Kong Telecommunications Limited, SmarTone Mobile Communications Limited and China Mobile Hong Kong Company Limited, all represented by Prudential Surveyors International Limited
<u>Site</u>	Lot 428 S.C (Part) in D.D. 10, Lam Tsuen, Tai Po, New Territories
<u>Site Area</u>	About 60m ²
<u>Lease</u>	Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<u>Zoning</u>	Area shown as 'Road'
<u>Application</u>	Proposed Public Utility Installation (Radio Base Station and Antennas)

1. The Proposal

- 1.1 The applicants seek planning permission for the installation of a proposed radio base station (RBS) and antennas at the application site (the Site) (**Plan A-1**) which falls within an area shown as 'Road' on the approved Lam Tsuen OZP No. S/NE-LT/11. The proposed free-standing RBS is regarded as a 'Public Utility Installation' use. According to the Notes of the OZP, such use in an area shown as 'Road' requires planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicants, the proposed RBS comprises five sets of equipment (i.e. Equipment Set A, B and C (2.5m (L) x 1.5m (W) x 2.3m (H)); common facilities (1.5m (L) x 1m (W) x 2.3m (H)) and a CLP typical concrete meter kiosk (2.5m (L) x 0.9m (W) x 2.1m (H)) sitting on a reinforced concrete footing (10m(L) x 6m(W) x 1m(H)) and 24 antennas (6 antennas x 4) installed on a pole with a maximum height of 15.15m (**Drawings A-1** and **A-2**). Excavation works at a depth of about 0.925m will be required for the construction of reinforced concrete footing.
- 1.3 According to the applicants, the existing mature trees and roadside vegetation would serve as a landscape buffer to minimize the possible visual impacts to the road users along Lam Kam Road and the residents living in the nearby

villages. Moreover, the sets of equipment, antennas, antenna pole and mounting brackets will be painted in green as visual mitigation measures. The applicants undertake to retain the existing shrubs and hedges as far as possible during and after the construction stages. The applicants propose to access the Site from Lam Kam Road via a strip of Government land (**Plan A-2**). The section plan, site layout plan and photomontages submitted by the applicants are at **Drawings A-1 to A-3**.

1.4 In support of the application, the applicants have submitted the following documents:

- (a) application form with attachments received on **(Appendix I)** 23.9.2019
- (b) further information (FI) received on 24.10.2019[^] **(Appendix Ia)** providing responses to departmental comments
- (c) FI received on 16.1.2020[^] providing responses to **(Appendix Ib)** departmental and public comment and clarifications on background information of the application
- (d) FI received on 25.2.2020[^] providing responses to **(Appendix Ic)** departmental comments

([^] accepted and exempted from publication and recounting requirements)

1.5 On 15.11.2019, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicants' request to defer making a decision on the application for two months to allow time for the applicants to prepare FI in support of the application. The latest FI was received on 25.2.2020 and the application is scheduled for consideration by the Committee on 6.3.2020.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the planning statement attached to the application form at **Appendix I** and FI submission at **Appendices Ia to Ic**. They can be summarized as follows:

- (a) the surrounding area of the Site is suffering from poor mobile phone signal. The proposed RBS development aims to provide high quality and reliable mobile phone services to the nearby villages, including Pak Ngau Shek Ha Tsuen, Shui Wo Tsuen and Chai Kek Village in the Lam Tsuen area;
- (b) the former RBS serving the area concerned was installed on a village house's rooftop in Pak Ngau Shek Ha Tsuen, which has ceased operation due to re-possession of the roof-top area by the land owner. Since the owners of the village houses in the area have rejected the installation of RBS on their roof, the applicants have no alternative and need to build a stand-alone antenna tower. The owner of the Site has provided a written consent for the proposed RBS development at the Site (**Appendix Ic**);

- (c) the proposed RBS is the most basic design to accommodate all the equipment necessary for the applicants to provide effective signal coverage to the area concerned. As the proposed antennas need to be placed on a higher platform to better disperse the signal, and the trees on the opposite side of Lam Kam Road are over 10m high, the proposed height of the antenna pole is 15.15m in order to prevent blockage of the signal;
- (d) the radio-frequency electromagnetic fields generated by the proposed RBS are a type of non-ionizing radiation which are of extremely low frequencies on the electromagnetic spectrum and will not cause harm to human beings. Also, the applicants are required to obtain approval from the Communication Authority before the proposed RBS can commence operation;
- (e) the proposed sets of equipment, antennas, antenna poles and mounting brackets will be painted in green to minimize the potential visual impact. Besides, the Site is set back from Lam Kam Road. The existing mature trees and roadside vegetation will serve as a landscape buffer to minimize the possible visual impacts to the road users along Lam Kam Road and the residents living in the nearby villages; and
- (f) the Site and the proposed access to the Site are vacant and do not fall within any environmentally sensitive areas. No trees will be affected during the construction works and operation of the proposed development.

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

The applicants are not the “current land owners”. However, they have complied with the 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) by notifying the land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Application

There is no previous application at the Site.

5. Similar Application

There is no similar application for the proposed development within the areas shown as ‘Road’ on the OZP.

6. The Site and Its Surrounding Area (Plans A-1, A-2 and photos on Plans A-3 and A-4)

6.1 The Site is:

- (a) vacant and covered with grass;

- (b) located at a slightly higher level from Lam Kam Road; and
- (c) accessible from Lam Kam Road via a footpath.

6.2 The surrounding areas have the following characteristics:

- (a) predominantly rural in character with a plant nursery to its immediate west;
- (b) there are some domestic dwellings at about 50m away to the east and west of the Site; and
- (c) to the north and south of the Site are mainly fallow agricultural land.

7. **Planning Intention**

Area shown as 'Road' on the OZP is for road purpose.

8. **Comments from Relevant Government Departments**

8.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site consists of Lot No. 428 S.C in D.D. 10 which is held under Block Government Lease demised for agricultural purpose, no structure shall be erected thereon without the prior approval from LandsD;
- (c) should the application be approved by the Board, the lot owner is required to submit an application for Short Term Waiver (STW) to LandsD if he wishes to erect structure on the subject lot. However, there is no guarantee at this stage that the STW application would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including the payment of waiver fee and administrative fee as considered appropriate;
- (d) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto; and

- (e) the applicant should be advised that the strip of Government land involved for pedestrian access purpose should not be exclusively occupied nor damaged by any private party.

Traffic

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

- (a) no in-principle objection to the application from traffic engineering point of view; and
- (b) there is currently no road widening programme for the concerned section of Lam Kam Road.

Visual and Landscape

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

Visual

- (a) no comment on the application from the urban design and visual perspectives;
- (b) the proposed installation works will involve a change to the visual character of this section of Lam Kam Road which is at present flanked by mature trees and roadside vegetation;
- (c) the applicants are advised to adopt suitable visual mitigation measures (eg. colour and design of the pole structure, etc.) for the proposed above-ground structure(s) and to consider introducing landscape mitigation (eg. perimeter planting etc.) with an aim to further minimize any potential visual impacts as far as practicable on adjacent road users along Lam Kam Road as well as the rural community living in the surrounding villages;

Landscape

- (d) as the application does not involve any landscape issue and there is no significant landscape resources within the Site, no significant landscape impact is envisaged; and
- (e) since the Site does not fall in “landscape sensitive zonings and areas” and the proposed development is unlikely to cause adverse landscape impact, it is considered not necessary to impose any landscape-related condition should the application be approved by the Board.

Telecommunications

8.1.4 Comments of the Director-General of Communication (DG of C):

- (a) no comment on the application, including the proposed scale and area requirement;
- (b) to enhance mobile network coverage and increase network capacity, mobile network operators (MNOs), having regard to their business and operational needs, will identify suitable locations (subject to the physical environment and distribution of buildings of an area) for installation of RBS to provide service coverage for relevant areas in order to meet the public demand for mobile communications services;
- (c) before bringing their RBS into use, MNOs are required to obtain approval from the Communications Authority (CA). As the executive arm of CA, the Office of the Communications Authority (OFCA), apart from examining the radiation level of individual RBS, will also conduct technical assessments of the total radiation level at the location of the RBS when vetting RBS applications to ensure that the total radiation level complies with the radiation safety standards (i.e. International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines) before granting approvals;
- (d) upon commencement of the operation of their RBS, MNOs are required to provide OFCA with measurement reports within one month to demonstrate that the NIR level of the RBS continues to comply with the safety standards; and
- (e) OFCA will conduct from time to time sample checks on the radiation levels of approved RBS so as to safeguard public health. Members of the public may call OFCA's hotline if they are concerned about the radiation levels at their homes or in public places. OFCA will deploy its staff to conduct site inspections and measurements of radiation level, and will explain to members of the public the measurement results.

Health Aspect

8.1.5 Comments of the Director of Health (D of Health):

- (a) no comment on the application;
- (b) since telecommunication installations and facilities are not under the purview of Department of Health, he is not in a position to comment on site selection issues or issues related to the installation or operation of telecommunication facilities; and

- (c) according to the World Health Organization (WHO), with compliance with the relevant ICNIRP guidelines, exposure to radio-frequency electromagnetic fields, such as those generated by telecommunication facilities, would not pose any significant adverse effects to workers and the public. As such, the applicants 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

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

- (a) no objection to the application;
- (b) the site is within water gathering ground (WGG). Should the application be approved, the applicants should be reminded of his obligation to comply with all environmental protection/pollution control ordinances, in particular Water Pollution Control Ordinance and Waste Disposal Ordinance; and
- (c) the applicants are reminded to follow Environmental Protection Department's "*Recommended Pollution Control Clauses for Construction Contract*" to take standard precautionary measures and ensure no insurmountable environmental impact would be caused, in particular site runoff.

Drainage

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

- (a) no in-principle objection to the application from public drainage point of view;
- (b) if the application is approved, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent areas;
- (c) there is no existing DSD maintained public drain available for connection in the area. The applicants should have their own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site. Any existing flow path affected should be re-provided. The applicants should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicants are required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation.

The applicants shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems; and

- (d) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought.

Water Supply

8.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) the Site is located within upper indirect WGG;
- (b) noting that the applicants have undertaken to implement the following preventive measures against water pollution to the upper indirect WGG (**Appendices Ib** and **Ic**), he has no objection to the application:
 - (i) no discharge of effluent or foul water into adjoining land, storm water drain, channel, stream or river course is allowed. Such foul water or effluent shall be collected and disposed of outside WGG. All solid waste and sludge arising from the proposed development shall be disposed of properly outside WGG. The use and storage of pesticides, toxicants, flammable solvents, laticidal oil, rodenticide, tar and petroleum oil are strictly prohibited in WGG. No chemicals including fertilizers shall be used without prior approval from the Water Authority;
 - (ii) oil leakage and spillage shall be prevented within WGG at all times. During construction stage, the machine will be inspected before carrying out of construction works and all the machine components will be secured and guarded. Also, the Site will be cleaned up upon completion of the construction works. During operation stage, a notice will be placed on site to ensure workers are informed not to leave any machinery or stuff on site; and
 - (iii) the structures and use under the application shall be as far away from any water courses as possible. No earth and other construction materials which may cause contamination to WGG are allowed to stockpiled or stored on site during the construction phase. All excavated or filled surfaces shall be protected from erosion during construction phase. Siltation to any water courses shall be prevented within WGG during construction phase. All construction spoils shall be

contained and protected. Effluent containing spoils shall be disposed of after desiltation.

Building Matters

8.1.9 Comments of the Chief Building Surveyor/New Territories East 1 and Licensing, Buildings Department (CBS/NTE1&L, BD)

- (a) no in-principle objection to the application;
- (b) the application involves the construction of an extensive reinforced concrete footing to support over 15m radio base station and antennas. It is building works and thus submission of plans for approval under the Buildings Ordinance (BO) is required;
- (c) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent from BD should be obtained, otherwise they are unauthorized building works. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
- (d) in connection with item (c) above, the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively;
- (e) noting that the Site is bounded by other private lots, the accessibility of the Site and EVA should be resolved at building plan submission stage; and
- (f) detailed comments will be given at building plan submission stage.

Electricity and Gas Safety

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

Electricity Safety

- (a) no comment on the application from electricity supply safety aspect;
- (b) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable)

to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicants are reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines;

Gas Safety

- (c) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site; and
- (d) the project proponent/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development. The project proponent/consultant/works contractor is required to observe the Electrical and Mechanical Service Department’s requirements on the “Avoidance of Damage to Gas Pipes 2nd Edition” for reference.

8.2 The following Government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Director of Fire Services;
- (c) Chief Highway Engineer/New Territories East, Highways Department;
- (d) Commissioner of Police;
- (e) Project Manager (North), Civil Engineering and Development Department;
- (f) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (g) District Officer (Tai Po), Home Affairs Department.

9. Public Comment Received During Statutory Publication Period

On 4.10.2019, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that the proposed development is located close to his plant nursery, and such development should be located further away (at least 300m away). The commenter also suggested to notify all the nearby residents by letter, lengthen the public consultation period and indicate the distance between the proposed development and nearby domestic structures.

10. Planning Considerations and Assessments

- 10.1 The application is for a proposed radio base station (RBS) and antennas at the Site which falls within an area shown as 'Road' on the OZP. Although the Site falls within an area shown as 'Road', it is actually located outside the Lam Kam Road. This area shown as 'Road' is intended to reflect the existing Lam Kam Road and to reserve land to facilitate future possible road widening. C for T advises that there is currently no road widening programme for the concerned section of Lam Kam Road. As such, he has no in-principle objection to the application.
- 10.2 The proposed RBS comprises five sets of equipment sitting on a reinforced concrete footing with an area of 60m² and 24 antennas installed on a pole with a maximum height of 15.15m. According to the applicant, the surrounding area of the Site is suffering from poor mobile phone signal since the former RBS located on a village house's rooftop in Pak Ngau Shek Ha Tsuen ceased operation. Therefore, there is a need for the proposed RBS development which will improve the quality and reliability of mobile telecommunication services for Pak Ngau Shek Ha Tsuen, Shui Wo Tsuen and Chai Kek Village in the Lam Tsuen area. The DG of Communication has no comment on the application and advises that the applicants are required to obtain approval from the Communication Authority before bringing the proposed RBS into use and to provide measurement reports to OFCA within one month from the commencement of operation of the proposed RBS to demonstrate that the radiation level complies with the safety standards.
- 10.3 The Site, located at a slightly higher level from Lam Kam Road, is currently covered with grasses. Its surrounding area is predominantly rural in character with a plant nursery to its immediate west and fallow agricultural land to its north and south. There are domestic structures to the east and west of the Site at about 50m away. To minimize the potential landscape and visual impacts, the applicants have undertaken to retain the existing shrubs and hedges nearby as far as possible during and after the construction stage and to paint the sets of equipment, antennas, antenna poles and mounting brackets in green (**Appendix Ia**). CTP/UD&L of PlanD has no comment on the application as significant adverse landscape and visual impacts arising from the proposed development are not anticipated.
- 10.4 The Site is located within the upper indirect WGG. As the applicants have undertaken to implement preventive measures against water pollution to the upper indirect WGG (**Appendices Ib** and **Ic**), CE/C of WSD has no objection to the application. Also, DEP has no objection to the application and advises that the applicants should comply with all environmental protection/pollution control ordinances and EPD's "Recommended Pollution Control Clauses for Construction Contract" to ensure no insurmountable environmental impact would be caused. Other Government departments consulted, including CE/MN of DSD, DEMS and D of Health, have no objection to or no comment on the application.

- 10.5 Regarding the public comment objecting to the application as detailed in paragraph 9 above, Government departments' comments and the planning assessments above are relevant. With respect to the commenter's suggestion to notify all the nearby residents by letter and lengthen the public consultation period, it should be noted that the publication of the application has followed the established procedures in accordance with the Town Planning Board Guidelines No. 30B including publication of notice once a week in three local newspapers and posting of site notice at a prominent location on or near the Site during the first three weeks of the public inspection period.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comment mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 6.3.2024, 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 following condition of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

- the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

- 11.3 There is no strong reason to recommend rejection of the application.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

13. Attachments

Appendix I	Application form and attachment received on 23.9.2019
Appendix Ia	FI received on 24.10.2019
Appendix Ib	FI received on 16.1.2020
Appendix Ic	FI received on 25.2.2020
Appendix II	Public comment
Appendix III	Recommended advisory clauses
Drawing A-1	Section plans submitted by the applicant
Drawing A-2	Layout plans submitted by the applicant
Drawing A-3	Photomontages submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MARCH 2020**