

RNTPC Paper No. A/YL-NSW/271A
For Consideration by
the Rural and New Town
Planning Committee
on 20.9.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/271

- Applicant** : Hong Kong St. John Ambulance
- Site** : Government Land in D.D. 123, Nam Sang Wai, Yuen Long
- Site Area** : About 36.5 m²
- Land Status** : Government Land (GL)
- Plan** : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
- Zoning** : “Conservation Area” (“CA”)
- Application** : Proposed Temporary First Aid Post for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary first aid post for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “CA” on the approved Nam Sang Wai OZP No. S/YL-NSW/8. According to the covering Notes of the OZP, temporary use not exceeding a period of three years may be allowed subject to planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently partly vacant with grass, and partly occupied by a broken car and a refuse collection box (**Plan A-4**).
- 1.2 The proposed use is to provide first aid and minor treatment services for cyclists during weekends and public holidays. The proposed layout plan and perspective are at **Drawings A-1 and A-2** respectively. The Site is accessible from Nam Sang Wai Road. The major development parameters are as follows:

Applied Use	Proposed Temporary First Aid Post for a Period of 3 Years
Site Area	About 36.5 m ²
No. of Structures	4 ● bike storage area (15.25 m ²);

	<ul style="list-style-type: none">• first aid treatment unit (includes service station area, lockers, changing facilities and supplies) (15.25 m²); and• 2 portable lavatories for male and female (1.44 m² each).
Total Floor Area	About 33.38 m ²
Building Height (No. of Storey)	Not exceeding 2.9 m (1 storey)
Operation Hours	2:30 p.m. to 6:30 p.m. on Saturdays, 10:30 a.m. to 6:30 p.m. on Sundays and Public Holidays
No. of Staff	6

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

- (a) Application Form received on 31.5.2019 **(Appendix I)**
- (b) Further Information (FI) received on 12.7.2019 clarifying the proposed use and means of delivery of first aid equipment **(Appendix Ia)**
- (c) FI received on 14.8.2019 requesting for activation of the application **(Appendix Ib)**
- (d) FI received on 12.9.2019 clarifying the background information **(Appendix Ic)**

(All FIs were exempted from publication)

1.4 On 19.7.2019, the Rural and New Town Planning Committee (the Committee) decided to defer decision on the application for a period of 1 month as requested by the applicant for their seeking of policy support from the Food and Health Bureau (FHB). On 12.8.2019, the applicant submitted FI, and the application is 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 Part 7 of the Application Form and FI at **Appendices I** and **Ia** respectively. They can be summarized as follows:

- (a) Due to the rising number of cyclists and accidents, the proposed first aid post is to meet the demand for first aid/minor treatment services. The first aid post is a temporary service station serving areas in vicinity and is considered a local and minor use.

- (b) The proposed development is of temporary nature and the units are prefabricated and placed on the existing gravel surface, hence no disturbance to the neighborhood is anticipated. The prefabricated unit is made of metal which will be made off site and hauled to the Site. The ambulance officers will use bicycle to access and deliver first aid equipment to the Site, and they will only station at weekends and public holidays when cyclists are active.
- (c) No tree felling is required and no fresh water supply is needed. No concrete construction and pond filling works will be involved. The applicant has consulted Structural Engineers whose advice is that the prefabricated unit (metal container) can be stabilized without in situ concrete work on site. Should the application be approved, professionals will be engaged to address and comply with appropriate regulations.
- (d) Temporary portable toilets will be provided for staff use only if required by concerned departments. Cleaning will be once per week to keep them clean and hygienic.

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

4. Town Planning Board Guidelines

According to the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C), the Site falls within the Wetland Conservation Area (WCA). The relevant assessment criteria are summarized as follows:

- (a) The planning intention of the WCA is to conserve the ecological value of the fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. It comprises the existing and contiguous, active or abandoned fishponds in the Deep Bay Area, which should all be conserved.
- (b) New development within the WCA would not be allowed unless it is required to support the conservation of the ecological value of the area or the development is an essential infrastructural project with overriding public interest.
- (c) Any development within WCA which requires planning permission from the Board should be supported by an ecological impact assessment (EcoIA) to demonstrate that the development would not result in a net loss in wetland function and negative disturbance impact. Moreover, wetland compensation is required for development involving pond filling and mitigation measures against disturbance would be necessary.

- (d) Subject to submission of EcoIA, the type of activities which may be considered within the WCA must be related to conservation, environmental education or essential infrastructure projects needed for public purposes.

5. Background

The Site is not a subject of any active enforcement case.

6. Previous Application

The Site is not the subject of any previous application.

7. Similar Application

There is no similar application within the same “CA” zone on the Nam Sang Wai OZP.

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

8.1 The Site is:

- (a) a piece of GL and currently partly vacant with grass, and partly occupied by a broken car and a refuse collection box;
- (b) accessible from Nam Sang Wai Road; and
- (c) located within the WCA of Deep Bay Area.

8.2 The surrounding areas are intermixed with fish ponds, domestic structures, cultivated agricultural land and vacant/unused land:

- (a) to its immediate north and northwest are mainly vacant/unused land and a kiosk; to its further west and northwest are contiguous fish ponds;
- (b) to its east across Nam Sang Wai Road (a single 2-way road popular for cyclists) is Kam Tin River; and
- (c) to its south and southwest are ponds, cultivated agricultural land, scattered residential dwellings, and across Kam Tin River is Yuen Long Bypass Floodway Engineered Wetland.

9. Planning Intention

The planning intention of the “CA” zone is to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. The “no-net-loss in wetland” principle is adopted for any change in use within this zone. The primary intention is to discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest.

10. Comments from Relevant Government Departments

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

Policy Support

10.1.1 Comments of the Secretary for Food and Health (SFH):

- (a) Grants in-principle policy support to the application on the understanding that the proposed setting up of a first aid post in that area would facilitate delivery of better and more responsive first aid service to the public.
- (b) Hong Kong St. John Ambulance should be advised to follow proper procedures as required by relevant Government departments regarding the application and the use of GL.
- (c) No additional financial resources will be required from Department of Health for the setting up and recurrent operation or maintenance of the first aid post.

Land Administration

10.1.2 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site falls within unleased and unallocated GL at Nam Sang Wai. The proposed site area of 36.5 m² shall be subject to verification. LandsD has no adverse comment on the application from the land administrative point of view.
- (b) Should the proposed planning application be approved and the applicant submits an application for short term tenancy (“STT”) for implementing the proposed temporary first aid post, there is no guarantee that the STT application will be approved. Policy support from relevant bureau is a prerequisite for application of direct grant STT. Such application, if approved by LandsD acting in the capacity as the landlord at LandsD’s discretion, would be subject to

such terms and conditions including, among others, the payment of rental and administrative fee as may be imposed.

- (c) Noting Transport Department (TD)'s comments that the Site is connected to the public road network via a section of a local access which is not managed by TD, LandsD has no record of the management and maintenance responsibilities of the local access road.

Traffic

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

- (a) The Site is connected to the public road network via a section of a local access which is not managed by TD. The land status of the local access road should be clarified with LandsD by the applicant. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) Should the application be approved, the following condition should be incorporated:

No vehicle is allowed to access the Site.

10.1.4 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) He has no comment if the access arrangement is agreeable to TD.
- (b) The access between the Site and Nam Sang Wai Road is not and will not be maintained by HyD. Presumably, the relevant department will provide their comments if any.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

10.1.5 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

The Site neither falls within any administrative route protection boundary, gazetted railway scheme boundary, nor railway protection boundary of heavy rail systems. As such, he has no comment on the application from railway development viewpoint.

Environment

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

- (a) Based on the application form and FI at **Appendices I and Ia**

respectively, the proposed development involves two prefabricated units as bike storage and first aid treatment unit and two portable toilets. The two units will be made off site, delivered to and placed in the Site. The two portable toilets are not for public use and the cleaning of portable toilets will be arranged every week. In view of the above, he has no adverse comment on the application.

- (b) The applicant should be informed that should there be any change to the proposed development, in particular that would result in any new access roads, sewers, sewage treatment facilities, earthworks, dredging works and building works, the applicant should contact DEP to confirm whether the proposed change would involve any designated project under the Environmental Impact Assessment (EIA) Ordinance, before its construction and operation. Environmental permit is required for the construction and operation of the designated projects specified in Schedule 2, Part I of the EIA Ordinance.
- (c) No environmental complaint pertaining to the Site has been received over the past 3 years.

Landscape

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

- (a) The Site (area about 36.5 m²), surrounded by Kam Tin River and located to the west of Nam Sang Wai Road, falls within an area zoned “CA” on the approved Nam Sang Wai OZP No. S/YL-NSW/8.
- (b) According to the aerial photo of 2018, the surrounding area is comprised of rivers, fish ponds, scattered tree groups and temporary structures. As the proposed temporary first aid post is of a relatively small scale, the proposed use is considered not incompatible with the existing landscape setting in proximity.
- (c) According to the site visit conducted on 3.1.2019, the Site was on gravel road and no existing tree was found within the Site boundary. With reference to the submission, the proposed temporary first aid post is either prefabricated or proprietary units, and there is neither tree felling nor pond filling. As further adverse landscape impact arising from the proposed use is not anticipated, he has no objection to the application from landscape planning perspective.
- (d) Based on the proposed layout plan submitted, the Site would be fully utilized for the proposed use, and the proposed temporary first aid post is of a relatively small scale and is unlikely to cause adverse visual and landscape impacts, it is opined that landscape condition is not necessary, should the application be approved by the Board.

Nature Conservation

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

He notes that the subject temporary first aid post falls within WCA and "CA" zone. Based on the submission, the Site is small on gravel road, while the proposed use is temporary and would not involve concrete construction work, land excavation, pond filling nor tree felling. Presuming that the temporary portable toilets would meet the requirements of EPD, the proposed development does not seem to cause significant ecological impact. As such, he has no strong view on the application and considers that an EcoIA is not necessary from nature conservation point of view.

Drainage

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

- (a) Given the Site has an area of about 36.5 m², he has no objection in principle to the proposed development from the public drainage point of view.
- (b) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (c) The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.

Fire Safety

10.1.10 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to FSD for approval. The applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and

- (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Water Supply

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

- (a) He has no objection to the application.
- (b) Should the application be approved, the following requirements shall be observed:
 - (i) existing water mains will be affected. The cost of any necessary diversion shall be borne by the proposed development; and
 - (ii) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Building Matters

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

Noting that the proposed temporary first aid post is located on GL, he is not in a position to provide comment on the application.

Others

10.1.13 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) For any waste generated from the activity/operation, the applicant should arrange disposal properly at her own expenses.
- (b) The applicant is advised to consider their own operational need to provide portable toilets for their staff at the Site. If provided, the applicant should maintain the acceptable general hygienic condition of portable toilets to avoid generating nuisance to surrounding environment (i.e. regular desludging and cleansing of portable toilet).

District Officer's Comments

10.1.14 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has no comment on the application and the local comments should be submitted to the Board directly, if any.

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

- (a) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Commissioner of Police (C of P); and
- (e) Director of Leisure and Cultural Services (DLCS).

11. Public Comment Received During Statutory Publication Period

On 11.6.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 2.7.2019, no comment was received.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary first aid post for a period of 3 years. The Site falls within "CA" zone which is intended to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. The primary intention is to discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest. According to the applicant, the proposed first aid post is temporary in nature providing first aid and minor treatment services for the cyclists in vicinity during weekends and public holidays. The units are prefabricated and placed on the existing gravel surface. No concrete construction and pond filling works will be involved in the erection of the post. The SFH has given in-principle policy support to the application on the understanding that the proposed development will facilitate delivery of better and more responsive first aid service to the public. Taking into account its small scale and temporary nature, and its purpose for providing first aid service to the public, the proposed use is considered not in conflict with the planning intention

of the “CA” zone.

- 12.2 The Site falls within the WCA of the TPB PG-No. 12C for which the planning intention is to conserve the ecological value of the fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. The Site is vacant and does not involve wetland areas. DAFC has no strong view on the application as the Site is small on gravel road, and the proposed use is temporary in nature and would not involve concrete construction work, land excavation, pond filling nor tree felling, and considers that submission of EcoIA is not necessary from nature conservation point of view. DEP has no adverse comments on the application noting that the two prefabricated units for bike storage and first aid treatment will be made off site, delivered to and placed at the Site, and the two portable toilets are not for public use with the cleaning service arranged every week.
- 12.3 The Site is situated to the west of Nam Sang Wai Road. It is currently vacant and covered with grass. The proposed use is considered not incompatible with its immediate surrounding area which mainly comprises fish ponds, vacant/unused land and scattered residential dwellings. CTP/UD&L, PlanD has no objection to the application as no tree felling will be involved, and further adverse landscape impact is not anticipated. Concerned Government departments including C for T, D of FS, CE/MN of DSD, DLO/YL of LandsD and C of P have no objection to or no adverse comments on the application. Adverse environmental, ecological, traffic, fire safety and drainage impacts are not envisaged. The technical requirements of C for T and D of FS could be addressed by approval conditions as recommended in paragraph 13.2 (a) to (c) below.
- 12.4 There is no public comment received on the application during the statutory publication period.

13. Planning Department’s Views

- 13.1 Based on the assessments in paragraph 12 above, the Planning Department considers that the application could be tolerated for a period of 3 years.
- 13.2 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 3 years until 20.9.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicle is allowed to access the Site during the planning approval period;
- (b) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.3.2020;

- (c) in relation to (b) above, the provision of fire service installations within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.6.2020;
- (d) if the above planning condition (a) 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;
- (e) if any of the above planning conditions (b) or (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; and
- (f) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) the development is not in line with the planning intention of the "CA" zone, which is primarily to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
 - (b) approval of the application would set an undesirable precedent for similar applications within the "CA" zone and the WCA, and the cumulative effect of which would result in negative disturbance impacts on wetland ecology in the area.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 period of which the permission should be valid on a temporary basis.
- 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 received on 31.5.2019
Appendix Ia	FI received on 12.7.2019
Appendix Ib	FI received on 14.8.2019
Appendix Ic	FI received on 12.9.2019
Appendix II	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Perspective
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2019**