

RNTPC Paper No. A/YL-NSW/300A
For Consideration by the
Rural and New Town
Planning Committee
on 26.8.2022

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/300

<u>Applicant</u>	: Hong Kong St. John Ambulance
<u>Site</u>	: Government Land in D.D. 123, Nam Sang Wai, Yuen Long
<u>Site Area</u>	: About 36.5 m ²
<u>Lease</u>	: Government Land (GL)
<u>Plan</u>	: Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
<u>Zoning</u>	: “Conservation Area” (“CA”)
<u>Application</u>	: Proposed Temporary First Aid Post for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary first aid post at the application site (the Site) for a period of 3 years. The Site falls within an area zoned “CA” on the approved Nam Sang Wai OZP No. S/YL-NSW/8 (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently vacant.
- 1.2 According to the applicant, the temporary first aid post is proposed to be accommodated in a retired double decker bus (not exceeding 4.5 metres in height) after modification works. It will also be used for bike storage and supplies for first aid use. Two temporary portable toilets are placed beside the retired bus. The total gross floor area under application is about 33.3m². As shown in **Plan A-2**, the Site is accessible from Nam Sang Wai Road via a local access. No vehicle parking space or loading/unloading space will be provided. The

operation hours of the proposed use are between 2:30 p.m. and 6:30 p.m. on Saturdays and between 10:30 a.m. and 6:30 p.m. on Sundays and public holidays, and no operation from Mondays to Fridays.

- 1.3 The Site is the subject of a previous application (No. A/YL-NSW/271) which was revoked on 20.12.2021 due to non-compliance of planning conditions (details at paragraph 6 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on (Appendix I) 14.6.2022.
 - (b) Further Information (FI) received on 16.8.2022. * (Appendix Ia)

Remarks: * accepted and exempted from publication and recounting requirements.

- 1.5 On 12.8.2022, the Committee agreed to the applicant's request to defer making a decision on the application for one month to allow more time for the applicant to prepare FI to address departmental comments. The FI was received on 16.8.2022, 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 the Application Form with attachments and FI at **Appendices I and Ia**. They can be summarized as follows:

- (a) In view of the rising number of cyclists and accidents, the proposed first aid post is to meet the demand for first aid services. The first aid post is a temporary service station serving areas in vicinity and is considered a local and minor use. The ambulance officers will cycle to deliver first aid equipment to the Site, and they will only station at weekends and public holidays when cyclists are active.
- (b) The proposed development is of temporary nature and the retired bus donated by Kowloon Motor Bus will be rested on the existing gravel surface, hence no disturbance to the neighbourhood is anticipated. Modification work will be carried out to suit the use of the first aid post and submission to the Buildings Department is not anticipated. FSIs provision in the unit is proposed similar to another first aid post set by the applicant in Ting Kok area.
- (c) No tree felling is required and no fresh water supply is needed. No concrete construction and pond filling works will be involved.

- (d) Temporary portable toilets will be provided for staff use only.
- (e) The approved first aid post under previous application could not be taken forward given the out of expectation in tender price.

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 (TPG PG-No. 31A) are not applicable to the application.

4. Town Planning Board Guideline

According to the Town Planning Board Guidelines for Application for Development within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) is relevant to the application, the Site falls within the Wetland Conservation Area (WCA). Relevant extract of the Guidelines is at **Appendix II**.

5. Background

The Site is not subject to any active planning enforcement action.

6. Previous Application

The Site is the subject of a previous application (No. A/YL-NSW/271) for the same use (temporary first aid post) by the same applicant, which was approved by the Committee on 20.9.2019 for a period of 3 years mainly on the consideration that the proposed temporary development was not in conflict with the planning intention of the “CA” zone; the proposed use was not incompatible with its immediate surrounding area and the concerns of government departments could be addressed by approval conditions. However, the planning permission was revoked on 20.12.2021 due to non-compliance with the approval conditions on the submission of FSIs proposal and the provision of FSIs.

7. Similar Application

During the past five years since 2017, there is no similar application within the same “CA” zone on the OZP.

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

8.1 The Site is:

- (a) accessible at the south via a local access from Nam Sang Wai Road;
- (b) fenced off and currently vacant; and
- (c) located within the Wetland Conservation Area of Deep Bay Area.

8.2 The surrounding areas are intermixed with fish ponds, grassland, residential structures, cultivated agricultural land and vacant land:

- (a) to the north are storage yards/residential structures and grassland;
- (b) to the east are Nam Sang Wai Road and Kam Tin River;
- (c) to the south and southwest are grassland, ponds, ruins, residential structures, fallow agriculture land and Yuen Long Bypass Floodway Engineered Wetland; and
- (d) to the west and northwest are fish ponds/cultivated agricultural land.

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 Apart from the government departments as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

10.2 The following government departments have specific comments on the application:

Policy Support

10.2.1 Comments of Secretary for Health (S for Health):

- (a) in-principle policy support has been granted by the Health Bureau to the application, subject to the conditions that:
 - (i) Hong Kong St. Johns Ambulance will follow proper procedures as required by relevant government departments regarding the application and use of government land; and
 - (ii) no additional financial resources will be required from the Department of Health for the setting up and recurrent operation or maintenance of the first-aid post.

Environment

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

- (a) she has no objection to the planning application on the understanding that there will be provision of a retired double-deck bus (for bike storage and supplies for first aid use) and two temporary portable toilets at the Site and the applicant confirmed that no construction of new access road, sewage treatment facilities, earthworks nor building works will be required for the Site; and
- (b) advisory comments as detailed in **Appendix IV**.

Nature Conservation

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

- (a) he has no strong view on the subject planning application and he considers that an Ecological Impact Assessment is not necessary from nature conservation point of view given the proposed first aid post is temporary and minor in nature; and
- (b) he notes that the subject temporary first aid post falls within WCA and “CA” zone. Based on the application, the Site is limited in area 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 the Environmental Protection Department, the

proposed temporary use does not seem to cause significant ecological impact.

11. Public Comment Received During Statutory Publication Period

On 24.6.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 15.7.2022, one comment was received from an individual (**Appendix V**) raising concerns about the compliance status of the previous application and hygiene issues.

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 retired double decker will be rested on the existing gravel surface. No concrete construction and pond filling works will be involved in the erection of the post. The S for Health has given in-principle policy support to the application. 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 limited in area while 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 objection on the application noting that no construction of new access road, sewage treatment, earthworks nor building works will be required for the Site.
- 12.3 The Site is situated to the west of Nam Sang Wai Road. It is currently vacant and fenced off. The proposed use is considered not incompatible with its immediate surrounding area which mainly comprises fish ponds, grassland and village settlement. CTP/UD&L, PlanD has no objection to the application as significant adverse landscape impact is not anticipated. Other concerned government

departments including D of FS and C for T have no adverse comment on fire safety and traffic aspects respectively, and their technical concerns/requirements could be addressed by approval conditions as recommended in paragraph 13.2 below.

- 12.4 As detailed in paragraph 6, the Committee has approved one previous application (No. A/YL-NSW/271) for the same use by the same applicant. Approval of the current application is in line with the previous decisions of the Committee. Although the previous application was revoked due to non-compliance of on the submission of FSIs proposal and provision of FSIs, the applicant has submitted a FSIs proposal for the current application. As D of FS has no objection in principle to the application, the application may be given sympathetic consideration. The applicant will be advised to closely monitor the progress on compliance with the approval conditions and that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 12.5 One public comment was received during the statutory application period raising concern to the application as stated in paragraph 11 above. In this regard, relevant departments' comments as well as the planning assessments and considerations stated above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taking into account the public comment in paragraph 11, the Planning Department has 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 26.8.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised 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 26.2.2023;
- (b) in relation to (a) above, the implementation of the revised fire service installations proposal 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 26.5.2023;

- (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; and
- (d) 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 IV**.

- 13.3 There is no apparent reason to reject the application.

14. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant renewal of the planning 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 period of which the permission should be valid on a temporary basis.
- 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 applicants.

15. Attachments

Appendix I	Application form with attachments received on 14.6.2022
Appendix Ia	FI received on 16.8.2022
Appendix II	Relevant Extract of TPB PG-No. 12C
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
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
AUGUST 2022**