

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

**APPLICATION NO. A/NE-TK/694**

<b><u>Applicant</u></b>	Hong Kong St. John Ambulance (HKSJ)
<b><u>Site</u></b>	Government Land in D.D. 28, Sam Wo Road, Ting Kok, Tai Po, New Territories
<b><u>Site Area</u></b>	About 44 m <sup>2</sup>
<b><u>Land Status</u></b>	Government land
<b><u>Plan</u></b>	Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<b><u>Zoning</u></b>	An area shown as 'Road'
<b><u>Application</u></b>	Proposed Temporary First Aid Post (FAP) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed temporary FAP for a period of three years on the application site (the Site) (**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 occupied by the applicant for erection of prefabrication units for the proposed FAP use.
- 1.2 According to the applicant, the proposed FAP is mainly to provide minor first aid treatment for cyclists. It would consist of a single-storey structure (not more than 3m high) with a floor area of about 21.33m<sup>2</sup> to accommodate a first aid treatment room, staff lockers and a storage area for six custom-made bicycles for carrying first aid boxes. The open area of the Site (about 22.35 m<sup>2</sup>) will be used for circulation which will not be fenced off. The operation hours are from 2:30 p.m. to 6:30 p.m. on Saturdays and 10:30 a.m. to 6:30 p.m. on Sundays and public holidays. It will also open from Monday to Friday (10:30 a.m. - 6:30 p.m.) for occasional duty upon request.
- 1.3 The Site is the subject of a previous application No. A/NE-TK/638 submitted by the same applicant for the same use for a temporary period of three years, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 1.6.2018 up to 1.6.2021. However, the application was revoked on 1.11.2020 due to non-compliance with the approval condition regarding the implementation of fire services installations (FSIs). The proposed use under current application is largely the same as the previous one in terms of development parameters and layout, except a slight

reduction in the site area of 4m<sup>2</sup> by deleting the portable toilets from the proposal.

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

- (a) Application Form with attachments received on 20.11.2020 (**Appendix I and Ia**)
- (b) Location plan, layout plan and photomontage (**Drawings A-1, A-2 and A-3**)
- (c) Further Information (FI) received on 18.12.2020 elaborating the reasons of not complying with the approval condition of the previous permission regarding the implementation of FSIs and providing details of FSIs proposal approved by Fire Services Department (*accepted and exempted form publication and recounting requirements*) (**Appendix Ib**).

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

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form at **Appendix I** and they are summarized as follows:

- (a) planning permission had been granted with conditions by the Board on 1.6.2018 up to 1.6.2021, in which the approval conditions had been complied with except the implementation of FSIs;
- (b) the reason for not implementing the FSIs within the specific time limit is due to (i) the delay in getting approval from Buildings Department (BD) on the building works which are required to be in place prior to implementation of FSIs and (ii) Covid-19 epidemic resulting in delay of construction programme and administrative work;
- (c) approval of General Building Plan (GBP) of the required building works and relevant Short Term Tenancy (STT) for the proposed use had been granted by BD and Lands Department respectively;
- (d) proposed FSIs including the installation of exit signage, fire extinguishers and emergency lighting have been included in the GBP and approved by the FSD. These FSIs proposals form part of the current submission; and
- (e) it is anticipated that the proposed development could be completed in March 2021.

## **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) are not applicable to the application.

**4. Previous Application**

4.1 The Site is the subject of a previous application (No. A/NE-TK/638) submitted by the same applicant for the same use for a temporary period of three years, which was approved with conditions by the Committee on 1.6.2018 mainly on the considerations that the proposed FAP would facilitate delivery of better and more responsive first aid service to the public and it will unlikely cause any adverse impacts on the surrounding areas. The applicant has complied with the approval condition regarding the submission of FSIs proposal to the satisfaction of the Director of Fire Services (D of FS). However, the FSIs proposal was not implemented within the specified time limit and the planning permission was revoked on 1.11.2020. The proposed use under current application is largely the same as compared to the previous one, except a slight reduction in the site area of about 4m<sup>2</sup> by deleting the portable toilets from the proposal. In support of the application, the applicant has also included the FSIs proposal previously approved by D of FS as part of the current submission.

4.2 Details of the previous application are shown **Appendix II** and its location is shown on **Plan A-1**.

**5. Similar Application**

There is no similar application for FAP use within the area shown as ‘Road’ on the OZP.

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

6.1 The Site is:

- (a) a piece of Government land, hard paved and currently occupied for the erection of prefabrication units for FAP use;
- (b) situated to the immediate west of several bicycle rental shops; and
- (c) bounded by the cycling track to the north and Ting Kok Road to the south.

6.2 The surrounding areas are predominantly rural in character with cluster of village houses and scattered tree groups. To the southeast on the opposite side of Ting Kok Road are a public carpark, public transport terminus and barbecue area.

## **7. Comments from Relevant Government Departments**

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

### Policy Support

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

- (a) in-principle policy support has been granted to the proposal;
- (b) the applicant should follow proper procedures as required by relevant government departments regarding the proposed development and the use of Government land; and
- (c) no additional financial resources will be provided by Department of Health for the setting up and recurrent operation or maintenance of the FAP.

### Land Administration

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

- (a) no objection to the application;
- (b) the Site falls within STT No.1764 commencing on 3.7.2019 for the applicant to operate a non-profit-making FAP subject to a term of 3 years and thereafter quarterly; and
- (c) in accordance with Special Condition No. 4 of the STT, the FAP shall commence to operate before 19.1.2021. Should the applicant consider it necessary to extend the date of commencement to operate, the applicant is required to submit a separate application to this office with full justifications.

### Fire Safety

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

- (a) no in-principle objection to the application subject to FSIs being provided to his satisfaction;
- (b) the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant is advised that (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; and
- (c) if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety

requirements will be formulated upon receipt of formal submission of general building plans.

### Landscape

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

the Site falls within an area shown as “Road” on the OZP which is non-landscape sensitive and no significant landscape impact arising from the proposed use is anticipated.

### Water Supply

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

- (a) no objection to the application;
- (b) the Site encroaches upon a waterworks reserve. No structure shall be erected over the waterworks reserve and such area shall not be used for storage purposes; and
- (c) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards.

### Drainage

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

- (a) no in-principle objection to the application;
- (b) since no existing DSD maintained public drain is available for connection in the area, the applicant should have its own stormwater collection and discharge system to enter for the runoff generated within the Site and overland flow from surrounding of the Site;
- (c) any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation; and

### Building Matters

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

for any new proposed buildings, the advisory comments at para (f) of **Appendix IV** should be observed.

7.2 The following Government departments have no objection to/or no comment on the application:

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

## **8. Public Comment Received During Statutory Publication Period**

On 27.11.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual questioning whether the approval condition on the implementation of FSIs proposal could be complied with.

## **9. Planning Considerations and Assessments**

9.1 The applicant seeks planning permission to use the Site for the proposed FAP on a temporary basis for a period of three years. The Site falls within an area shown as 'Road' on the OZP. C for T and CHE/NTE of HyD have no objection to/no comment on the application. According to the applicant, the proposed FAP is mainly to provide minor first aid treatment for cyclists. The SFH has given in-principle policy support to the proposal.

9.2 The Site is situated to the southern side of the cycling track near Sam Wo Road, which is a popular cycling attraction. It is hard-paved and currently occupied for erection of prefabrication units for the proposed FAP use. The proposed use would consist of a single-storey structure of not more than 3m high with a floor area of about 21.33m<sup>2</sup> to accommodate a first aid treatment room, staff lockers and a storage area for six bicycles for carrying first aid boxes. It is considered not incompatible with its immediate surrounding area which mainly comprises village houses, scattered tree groups and recreational facilities.

- 9.3 The Site is the subject of a previous application (No. A/NE-TK/638) submitted by the same applicant for the same use for a temporary period of three years, which was approved with conditions by the Committee on 1.6.2018. It was approved mainly on the considerations that the proposed FAP would facilitate delivery of better and more responsive first aid service to the public and it will unlikely cause any adverse impacts on the surrounding areas. The applicant has complied with the approval condition regarding the submission of FSIs proposal to the satisfaction of the D of FS. However, the FSIs proposal was not implemented within the specified time limit and the planning permission was revoked on 1.11.2020. The applicant explains that the FSIs were not implemented within the specified time limit due to the delay in getting approval from BD on the building works which are required to be in place prior to implementation of FSIs. Furthermore, the Covid-19 epidemic has also caused delay of construction programme and administrative work. The proposed use under current application is largely the same as compared to the previous one in terms of development parameters and layout, except a slight reduction in the site area of about 4m<sup>2</sup> by deleting the portable toilets from the proposal. In support of the application, the applicant has included the FSIs proposal previously approved by D of FS, including the installation of exit signage, fire extinguishers and emergency lighting, as part of the current submission. D of FS has no objection to the application.
- 9.4 In view of the small scale of the proposed FAP and its temporary nature, it is unlikely to cause any adverse traffic, environmental, landscape, sewerage and drainage impacts on the surrounding areas. Relevant Government departments consulted, including DLO/TP, C for T, DEP, CTP/UD&L of PlanD, CE/MN of DSD etc. have no objection to/adverse comment on the application. CE/C of WSD advises that the Site encroaches onto a waterworks reserve (**Plan A-2**), on which no structure nor storage use shall be allowed. According to the applicant's submission, there will be no structure nor storage use on the said waterworks reserve. To ensure the protection of the waterworks reserve, relevant approval condition is recommended in paragraph 10.2(a) below.
- 9.5 Having regard to the above and taking into account that there is no significant change in planning circumstances since the approval of the previous application, it is considered that the current application could be given sympathetic consideration. Should the application be approved by the Committee, shorter compliance periods are recommended with a view to closely monitoring the progress on compliance with approval conditions. Furthermore, the applicant should be advised that if there is further non-compliance with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 9.6 One public comment was received from an individual questioning whether the approval condition on the implementation of FSIs proposal could be complied with. The planning assessment in paragraph 9.3 above is relevant.

## 10. Planning Department's Views

- 10.1 Based on the assessments made in paragraph 9, the Planning Department considers that the temporary use under the application could be tolerated for a period of three years.
- 10.2 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 three years until 8.1.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no structure shall be erected over the waterworks reserve at the Site and such area shall not be used for storage purposes during the planning approval period;
- (b) the submission of water supplies for fire fighting and fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 8.4.2024;
- (c) in relation to (b) above, the implementation of water supplies for fire fighting and 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 8.7.2024 ;
- (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; and
- (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.

### Advisory Clauses

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

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

## 11. Decision Sought

- 11.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 11.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses to be attached to the permission, and the period of which the permission should be valid on a temporary basis.



11.3 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.

**12. Attachments**

<b>Appendix I and Ia</b>	Application form received on 20.11.2020
<b>Appendix Ib</b>	Supplementary information received on 18.12.2020
<b>Appendix II</b>	Previous application
<b>Appendix III</b>	Public comment
<b>Appendix IV</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Site plan submitted by the applicant
<b>Drawing A-2</b>	Layout plan submitted by the applicant
<b>Drawing A-3</b>	Photomontage submitted by the applicant
<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

**PLANNING DEPARTMENT**  
**January 2021**