

TPB PG-NO. 16

**TOWN PLANNING BOARD GUIDELINES FOR APPLICATION FOR
DEVELOPMENT/REDEVELOPMENT WITHIN
“GOVERNMENT, INSTITUTION OR COMMUNITY” ZONE FOR USES OTHER
THAN GOVERNMENT, INSTITUTION OR COMMUNITY USES
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

(Important Note :-

The Guidelines are intended for general reference only. The decision to approve or reject an application rests entirely with the Town Planning Board (the Board) and will be based on individual merits and other specific considerations of each case.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17/F, North Point Government Offices, 333 Java Road, Hong Kong - Tel. No. 22315000.

The Guidelines are liable to revision without prior notice. The Board will only make reference to the Guidelines current at the date on which it considers an application.)

1. Scope and Application

- 1.1 “Government, Institution or Community” (“G/IC”) zones are designated on statutory plans to reflect the existing Government, Institution or Community (GIC) uses and to reserve sites for future provision of GIC facilities in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) to meet the present and future needs of the community. Some GIC developments, especially the low-rise and low-density ones, also serve as “breathing space” within a high-rise and high-density environment. Some areas/sites are also zoned “G/IC” to cater for unforeseen future demands and for which no specific GIC uses have been designated for the time being.
- 1.2 Over the years, due to changing demographic structure and revisions to the standards and requirements of provision of GIC facilities, some existing or planned facilities may become surplus, obsolete or under-utilised while some others may require in-situ expansion or reprovisioning elsewhere so as to meet the current and anticipated future operational needs. In these circumstances, opportunities exist for some “G/IC” sites to be developed/redeveloped for non-GIC uses or for a mixture of GIC and non-GIC uses.
- 1.3 Use of “G/IC” sites for non-GIC uses which fall within Column 2 of the Notes for the “G/IC” zone may or may not be permitted with or without conditions on application to the Town Planning Board (the Board) under section 16 of the Town Planning Ordinance. The planning permission system will enable the Board to maintain adequate planning control over the use of “G/IC” sites and yet allow sufficient flexibility in accommodating the changing aspirations and requirements of the community, and sometimes to meet demand for better utilisation of the site

potential.

- 1.4 Applications for development/redevelopment within a “G/IC” zone for non-GIC uses will be considered by the Board on individual merits and in accordance with the main planning criteria set out in paragraph 2 below.
- 1.5 As a general rule, for sites zoned “G/IC”, a major portion of the proposed development should be dedicated to GIC and other public uses including public open spaces. Otherwise, the proposed development is considered to constitute a significant departure from the planning intention of the “G/IC” zone and, unless with very strong justifications and under special circumstances, planning permission for such development would not be granted.
- 1.6 If the development is for predominantly non-GIC uses (e.g. more than 50% of the total site area or gross floor area of the development, as the case may be, are for non-GIC uses), the Board might consider rezoning the site to an appropriate zoning if the proponent could demonstrate that all the planning criteria have been met. Through zoning amendment to the relevant statutory plan, members of the public would be informed of the change in planning intention, and an opportunity could be provided for the public to comment on the zoning amendments and lodge objections for the consideration of the Board under the provisions of the Town Planning Ordinance.
- 1.7 This set of Guidelines is applicable to both development and redevelopment of “G/IC” sites for non-GIC uses, including a mixture of GIC and non-GIC uses

2. Main Planning Criteria

- 2.1 In general, sites zoned “G/IC” are intended to be developed or redeveloped solely for GIC uses unless it can be established that the provision of GIC facilities would not be jeopardised and the concerned Government departments have no objection to releasing a particular “G/IC” site or a certain part of it for non-GIC uses. For applications for development/redevelopment for non-GIC uses within a “G/IC” site, the applicant should satisfactorily demonstrate the following:
 - a. in the case of a “G/IC” site designated with specific uses,
 - i. the application site is no longer required for the designated GIC uses, or adequate reprovisioning of the designated GIC uses is provided either in-situ or elsewhere; and
 - ii. there is adequate provision of other GIC facilities in the district, or the application site is not suitable for other GIC facilities; or

- b. in the case of an undesignated “G/IC” site, the application site is no longer required to be reserved for any GIC uses; and
 - c. the proposed development/redevelopment would not adversely affect the provision of GIC facilities in the district on a long-term basis.
- 2.2 The proposed development should not adversely affect the normal operation of the existing GIC facilities nor delay the implementation of the planned GIC facilities, if any, within the “G/IC” site. Temporary reprovisioning, if necessary, should be provided prior to the completion of the proposed development.
- 2.3 The proposed development should be compatible in land-use terms with the GIC uses on the site, if any, and with the surrounding areas.
- 2.4 The scale and intensity of the proposed development should be in keeping with that of the adjacent area. In this regard, development restrictions stipulated on the statutory plan for similar development in the locality and the prevailing development restrictions administratively imposed by the Government on nearby similar developments (e.g. development restrictions in Special Control Areas and plot ratios in accordance with the density zones under the HKPSG) would be taken into consideration.
- 2.5 The scale and design of the proposed development should have regard to the character and massing of the buildings in the surrounding areas and should not cause significant adverse visual impact on the townscape of the area. Where one of the planning intentions of the existing/designated GIC development on the site is to serve as a “breathing space” or visual break within a high-rise and high-density environment, the proposed development should be designed in such a way that this planning intention would not be undermined.
- 2.6 The proposed development should be sustainable in terms of the capacities of existing and planned infrastructure such as drainage, sewerage, roads, water supply and utilities in the locality and its surrounding areas.
- 2.7 There should be adequate provision of parking and loading/unloading facilities to serve the proposed development in accordance with the HKPSG and to the satisfaction of the Transport Department. Adequate vehicular access arrangements should also be provided to the satisfaction of the Transport Department.
- 2.8 The proposed development should be sustainable in terms of the overall planned provision of open space and GIC facilities in the area.
- 2.9 The proposed development should not cause, directly or indirectly, the surrounding areas to be susceptible to adverse environmental impacts and should not be

susceptible to adverse environmental impacts from pollution sources nearby including heavily trafficked road; otherwise adequate environmental mitigation, monitoring and audit measures must be provided.

- 2.10 For “G/IC” sites covered by mature trees and vegetation or located in areas of high landscape or amenity value, the design and layout of the proposed development should be compatible and should blend in well with the surrounding areas. The proposed development should not involve extensive clearance of existing natural vegetation, adversely affect the existing natural landscape, or cause adverse visual impact on the natural environment in the surrounding areas. A master landscape plan (including a detailed survey of the existing trees, proposals on preservation of the trees, tree transplanting, compensatory planting and, where appropriate, an indication of the proposed hard finishes of all landscape areas, slopes and retaining structures) should be submitted to the Board for consideration.
- 2.11 The design and layout of the proposed development should have regard to the preservation of any existing buildings of historical or architectural values on or adjoining the application site.
- 2.12 The financial viability of a development/redevelopment proposal in support of the GIC elements to be provided, the status of the land under lease and the planning gains to be brought about by the proposed development would also be part of the considerations of the Board when assessing the proposal. However, the amount of weight to be given to these considerations would depend on the circumstances and merits of each case. Under normal circumstances, planning considerations such as land-use compatibility, traffic and environmental impacts, and landscape and urban design concerns would take precedence.
- 2.13 All other statutory or non-statutory requirements of relevant Government departments should be met.

3. In-situ Conversion of “G/IC” Building for non-GIC Uses

- 3.1 With the exception of the criteria under para. 2.4, 2.5, 2.10 and 2.11 mentioned above, this set of Guidelines is also applicable to proposed in-situ conversion for non- GIC uses of an existing “G/IC” building, or part thereof, within the “G/IC” zone.

Advisory Clauses

- (a) to liaise with the local people to address their concerns relating to the development;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the STT application received will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it is subject to such terms and conditions, including among others the payment of fee, as may be imposed by LandsD;
- (c) to note the comments of the Commissioner for Transport (C for T) that:
 - (i) sufficient manoeuvring space shall be provided within the application site (the Site). No vehicles are allowed to queue back to public roads or reverse onto/from public roads; and
 - (ii) the local track leading to the subject site is not under Transport Department's (TD's) purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains; and
 - (ii) HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road. Ping Shan Nam Pak Road is not maintained by HyD;
- (e) to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department;
- (f) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) to provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste / wastewater generated from the proposed use; and
 - (ii) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances;
- (g) Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the approval of the application does not imply approval of tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government departments direct to obtain necessary approval on tree works;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is required to submit hydraulic calculations with the drainage and sewerage proposal to demonstrate that downstream existing storm water drain and foul sewer have sufficient capacity to cater for the additional flow;

- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised on the following points: (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (b) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. 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;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (the BO) and should not be designated for any proposed use under the captioned application;
 - (ii) for UBW erected on leased land, enforcement action may be taken by the Buildings Department to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
 - (iii) before any new building works (including containers / open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on application site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iv) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
 - (v) the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;
 - (vi) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of B(P)R;
 - (vii) if the proposed use under application is subject to issue of a license, the applicant should be reminded that any existing structures on the application site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (viii) detailed checking under the BO will be carried out at building plan submission stage; and
 - (ix) Section 25 of the BO shall be complied with in cases of any intended material change in the use of a building by the person intending to carry out or authorizing the carrying out of such change; and

- (k) to note the comments of the Head, Geotechnical Engineering Office, Civil Engineering and Development Office (H(GEO), CEDD) that:
- (i) two registered man-made slopes (Feature Nos. 6NW-B/C63 and 6NW-B/C134) are located in the vicinity of the Site. According to his records, LandsD is responsible for maintenance of these slopes;
 - (ii) the stability conditions of Feature Nos. 6NW-B/C63 and 6NW-B/C134 are unknown. Should the proposal be proceeded under a STT arrangement, these features should be studied, and where necessary upgraded to meet the current safety standards, before the Site could be occupied by the tenant. The study/upgrading works could be done by LandsD or their agent, or alternatively by the tenant before the Site is occupied for its intended purposes. Proper maintenance of these slopes should be carried out by the tenant unless the maintenance agent (i.e. LandsD) agrees to continue to undertake the maintenance responsibility; and
 - (iii) the applicant is reminded to submit any proposed buildings works to BD for approval as required under the provisions of the BO.