

**Relevant extracts of the Town Planning Board Guidelines for
Designation of “Other Specified Uses” Annotated “Rural Use” (“OU(RU)”) Zone
and Application for Development within “OU(RU)” Zone under Section 16 of the
Town Planning Ordinance
(TPB PG-No. 38)**

Main Planning Criteria for Assessing Planning Applications

1. Application for development within “OU(RU)” zone would need to demonstrate that the proposed development is in line with the planning intention of the zone and will not adversely affect the rural environment, the conservation of the rural landscape and the maintenance of the rural character of the area and its surroundings and will not overstrain the capacity of existing and planned infrastructure such as transport, drainage, sewerage and water supply in the area. Each development proposal will be assessed on its individual merits, with particular reference to its sustainability in ecological, environmental and infrastructural terms.
2. The following are criteria for assessing planning application in “OU(RU)” zone.

Development Intensity

- (a) The scale, intensity and built form of the proposed development should be compatible with the existing uses in the vicinity of the site, the general setting of the surrounding areas and the rural landscape and rural character, and should not adversely affect natural landscape.

Location and Land Use Compatibility

- (b) Any proposed developments expected to generate substantial traffic or rely on other supporting Government, institution or community (GIC) facilities in the vicinity, such as residential use, should generally be located in areas close to the new towns or major roads to take advantage of the existing/planned infrastructure in these areas.

Landscape and Overall Project Design

- (c) The design and layout of any proposed development should be compatible and should blend in well with the surrounding areas, and the rural landscape and rural character. The proposed development should not involve extensive site formation and extensive clearance of existing natural vegetation. It should not cause adverse landscape or visual impact on the surrounding areas.

Ecology

- (d) If a proposed development encroaches onto the boundary of, or is located in the vicinity of sites/areas which may have ecological value worthy of conservation or preservation, prior consultation with the Agriculture, Fisheries and Conservation Department should be made.

Cultural Heritage

- (e) The Antiquities and Monuments Office should be consulted if a proposed development encroaches onto the boundary of, or is located in the vicinity of sites/areas having possible archaeological/ historical interests worthy of conservation or preservation.

Environment

- (f) The proposed development should not cause unacceptable environmental impacts and should not be susceptible to adverse environmental effects from pollution sources unless adequate mitigating measures are provided.

Transport

- (g) Notwithstanding the locational consideration set out in paragraph (b) above, Traffic Impact Assessment (TIA) may be required to be carried out to demonstrate that traffic volume generated, particularly those from recreational or tourism uses, does not exceed the capacity of the local road network, or that proposed mitigation measures such as junction improvements are practical and effective. If recreational or tourism uses are proposed, impact assessment should be carried out for vehicular traffic and pedestrian flow on local road network during weekends and public holidays. Adequate parking and loading/unloading facilities should be provided within the development to meet the traffic demands during peak hours. Advice from the Transport Department should be sought regarding the traffic implications of the proposed development.

Drainage

- (h) Application for planning permission for development should demonstrate that the proposed development would not cause adverse drainage impact on the upstream, adjacent and downstream areas. In particular, for development within flood-prone areas or causing unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development, planning applications should include a drainage impact assessment (DIA) and include necessary flood mitigation measures where appropriate to demonstrate that the proposed development would not adversely affect drainage or aggravate flooding in the area.

Sewerage

- (i) Waste water should be properly collected and disposed of by connecting to public sewers leading to Government treatment plants. However, many areas of the rural New Territories are not served by public foul sewers. In these circumstances, an applicant may need to provide his own sewage treatment facilities to treat the sewage to acceptable standards for direct discharge into the receiving waters. Alternatively, an applicant may construct new sewer connecting his proposed development with Government sewerage facilities subject to the agreement by Environmental Protection Department and in consultation with Drainage Services Department regarding the connection point.

Water Supply

- (j) Water Supplies Department (WSD) should be consulted on whether water supply will be

available in close proximity to the development sites. If necessary, the applicant may be requested to extend his private water mains to the nearest Government water mains for connection and to sort out the land matters associated with the main laying in private lots. For developments within the rural areas close to the water gathering ground or within the water gathering ground, WSD should be consulted on the potential impacts of the proposed developments on the water gathering grounds.

Provision of "Government, Institution or Community" Facilities

- (k) The projected demand for GIC facilities and open space arising from the proposed development should generally be met by the existing/planned provision in the district. Depending on the planning circumstances, the applicant may need to propose measures to address the shortfall in order to avoid overstraining the provision of GIC, open space and recreational facilities within the same district. For details of the provision of such facilities in the district, advice from Planning Department may be sought.

Planning Gain

- (l) The applicant will be required to demonstrate that the proposed development will not adversely affect the local community and, if applicable, demonstrate that it will bring planning gain to the community.

Previous Applications Covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s) / Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TT/362	Proposed Temporary Shop and Services (Grocery Store) for a Period of 3 Years	6.11.2015 (revoked on 6.12.2017)	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12)
2	A/YL-TT/408	Proposed Temporary Shop and Services (Retail Shop for Pet Food) for a Period of 3 Years	11.8.2017	(1), (2), (4), (7), (8), (9), (10), (11), (12)
3	A/YL-TT/414	Proposed Temporary Shop and Services (Grocery Store) for a Period of 3 Years	8.12.2017 (revoked on 8.9.2019)	(1), (2), (4), (7), (8), (9), (10), (11), (12)

Approval Condition(s):

- (1) No operation during specific time limit is allowed on the site.
- (2) No medium and heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer is allowed to be parked/stored on or enter/exit the site.
- (3) No open storage activities are allowed on the site.
- (4) No vehicle is allowed to queue back to or reverse onto/from public road.
- (5) The provision of a waterworks reserve within 1.5m from the centerline of the affected water mains within the site.
- (6) The provision of boundary fencing on the site.
- (7) The submission and implementation of landscape proposal.
- (8) The submission and implementation of (revised) drainage proposal.
- (9) Maintenance of implemented drainage facilities
- (10) The submission and implementation of water supplies for firefighting and a fire service installations proposal.
- (11) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (12) Reinstatement of the site to an amenity area upon expiry of planning permission.

Similar Applications within the Subject “OU(RU)” Zone on the OZP

Approved Applications

	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (RNTPC)	Approval Condition(s)
1	A/YL-TT/400	Proposed Temporary Shop and Services (Retail Shop for Pet Food) for a Period of 3 Years	28.4.2017	(1), (2), (4), (6), (7), (8), (9), (10), (11), (12)
2	A/YL-TT/466	Temporary Shop and Services (Motor-vehicle Showroom) with Ancillary Office for a Period of 3 Years	31.5.2019	(1), (2), (3), (4), (5), (7), (8), (9), (10), (11), (12)

Approval Condition(s):

- (1) No operation during specific time limit is allowed on the site.
- (2) No medium and heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer is allowed to be parked/stored on or enter/exit the site.
- (3) No vehicle repairing, car washing or any other workshop activities, as proposed by the applicant, are allowed on the Site during the planning approval period;
- (4) No vehicle is allowed to queue back to or reverse onto/from public road.
- (5) the submission and implementation of a run in/out proposal
- (6) The provision of boundary fencing on the site.
- (7) The submission and implementation of landscape and or tree preservation proposal.
- (8) The submission and implementation of (revised) drainage proposal.
- (9) Maintenance of implemented drainage facilities
- (10) The submission and implementation of water supplies for firefighting and a fire service installations proposal.
- (11) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (12) Reinstatement of the site to an amenity area upon expiry of planning permission.

Advisory Clauses

- (a) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. warehouse use) which currently exists on the application site (the Site) but not covered by the application. Immediate action should be taken to discontinue such development/use not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owner(s) at the Site;
- (c) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should you fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Within the Site, Lots No. 1005 S.B & 1019 and 1018 in D.D. 118 are currently covered by Short Term Waivers (STW) No. 4914 and 4750 respectively permitting structures erected thereon for the purpose of “Temporary Shop and Services (Grocery Store)”. The Site is accessible from Tai Shu Ha Road East via Government Land (GL) and private land. Her office does not provide maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or regularise any irregularities on Site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by her department;
- (e) to note the comments of the Commissioner for Transport that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking of vehicles on public road are allowed. The land status of the access road/path/track leading to the Site from the unnamed public road opposite to Tai Shu Ha Road East should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Tai Shu Ha Road East;

- (g) to note the comments of the Director of Environmental Protection 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 to minimise any potential environmental nuisance on the surrounding area;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that approval of planning application does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. Relevant authority/government department(s) should be approached direct to obtain the necessary approval on tree works;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that consideration should be given to provide catchpit at the turning points of the u-channel. The invert levels of the proposed catchpits should be shown on the drainage plan for reference. The existing drainage facilities, to which the stormwater of the development from the Site would discharge, are not maintained by his office. The owner of the existing drainage facilities to which the proposed connection will be made should be identified. Consent from the owner should be obtained prior to commencement of the proposal works. In the case that it is a local village drains, DLO/YL, LandsD should be consulted. The hydraulic capacity of the existing drainage facilities should be checked to ensure that it would not be adversely affected by the development. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan. Sand trap or provisions alike should be provided before the collected runoff is discharged to the public drainage facilities. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. DLO/YL, LandsD should be consulted and consent from the relevant owners should be sought for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (j) to note the comments of the Chief Engineer/Construction, Water Supplies Department that existing water mains will be affected (**Plan A-2** of this RNTPC paper). A waterworks reserve within 1.5m from the center line of the water main shall be provided to her department. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of her department and their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the subject water main. Government shall not be liable to any damage whatsoever and however caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;
- (k) to note the comments of the Director of Fire Services 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. The applicant is advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. However, if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. As regards your submitted FSIs proposal, modified hose reel system, fire alarm system, emergency lighting, exit sign and fire

extinguisher should be provided; and

- (1) to note comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the Site under the BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.