

**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.

**Relevant extract of the Town Planning Board Guidelines for
Renewal of Planning Approval and Extension of Time for Compliance
with Planning Conditions for Temporary Use or Development
(TPB PG-No. 34C)**

1. The criteria for assessing applications for renewal of planning approval include:
 - (a) whether there has been any material change in planning circumstance since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
 - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
 - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
 - (d) whether the approval period sought is reasonable; and
 - (e) any other relevant considerations.
2. Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

Previous Applications covering the Application Site

Approved Application

	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (RNTPC/TPB)	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) to (10)

Approval Condition(s):

- (1) No operation between 9:00 p.m. and 9:00 a.m.
- (2) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer is allowed to be parked/stored on or enter/exit the application site (the Site).
- (3) No vehicle is allowed to queue back to or reverse onto/from public road.
- (4) Provision of boundary fence.
- (5) Submission and implementation of a landscape proposal.
- (6) Submission and implementation of the revised drainage proposal.
- (7) Maintenance of implemented drainage facilities.
- (8) Submission and implementation of a fire service installations proposal.
- (9) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (10) Reinstatement of the Site to an amenity area upon expiry of planning permission.

Rejected Applications

	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (RNTPC/TPB)	Rejection Reason(s)
1	A/YL-TT/73 #	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	15.9.2000 (on review)	(1), (2), (3), (4)
2	A/YL-TT/365	Temporary Warehouse for Storage of Vehicle Parts for a Period of 3 Years	4.12.2015	(1), (4), (5)
3	A/YL-TT/387	Temporary Warehouse for Storage of Vehicle Parts for a Period of 3 Years	30.9.2016	(1), (4), (5)

The site was zoned "Agriculture" ("AGR") on the then Tai Tong OZP No. S/YL-TT/6. Only a small portion of the site overlaps with the current application site.

Rejection Reason(s):

- (1) The proposed development was not in line with the planning intention of the “AGR” / “OU(RU)” zone. No strong justifications have been given in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The development was considered not compatible with the surrounding land uses with cultivated/fallow agricultural land and residential structures.
- (3) Two areas are zoned “Open Storage” (“OS”) on the draft Tai Tong Outline Zoning Plan No. S/YL-TT/6 to meet the demand for land for open storage use. There is insufficient information in the submission to demonstrate why suitable sites within these “OS” zones cannot be made available for the proposed development.
- (4) Approval of the application would set an undesirable precedent for similar uses to proliferate into the “AGR”/“OU(RU)” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
- (5) Not in line with the Town Planning Board Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone’ (TPB PG-No. 38). The applicant fails to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas.

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/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), (5), (6), (8), (9), (10), (12), (13), (14)
2	A/YL-TT/408	Proposed Temporary Shop and Services (Retail Shop for Pet Food) for a Period of 3 Years	11.8.2017 (revoked on 11.11.2019)	(1), (2), (5), (9), (10), (12), (13), (14)
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), (5), (9), (10), (12), (13), (14)
4	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), (4), (5), (7), (10), (12), (13)
5	A/YL-TT/470	Proposed Temporary Shop and Services (Grocery Store) for a Period of 3 Years	1.11.2019	(1), (2), (5), (10), (11), (12), (13)
6	A/YL-TT/495	Proposed Temporary Shop and Services for a Period of 3 Years	15.5.2020	(1), (2), (5), (11),

Approval Condition(s):

- (1) No operation during specific time limit is allowed on the application site (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 repairing, car washing or any other workshop activities are allowed on the Site.
- (5) No vehicle is allowed to queue back to or reverse onto/from public road.
- (6) The provision of a waterworks reserve within 1.5m from the centerline of the affected water mains within the Site.
- (7) The submission and implementation of a run in/out proposal
- (8) The provision of boundary fencing on the Site.
- (9) The submission and implementation of landscape and/or tree preservation proposal.
- (10) The submission and implementation of (revised) drainage proposal.
- (11) All existing trees within the Site shall be maintained.
- (12) The submission and implementation of water supplies for firefighting and/or a fire service installations proposal.
- (13) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (14) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (15) Existing drainage facilities on the Site shall be maintained.

Advisory Clauses

- (a) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. storage 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) of the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Government land (GL) and 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. No permission is given for occupation of GL (about 4m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. Within the Site, Lots 3586 S.B RP and 3587 in D.D. 116 are currently covered by Short Term Waiver (STW) No. 4983 to permit structures erected thereon for the purpose of 'Temporary Shop and Services (Retail Shop for Pet Food)'. The STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate. The 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. Furthermore, the GL portion should be excluded from the Site or a direct grant Short Term Tenancy should be applied for use of the Site. 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(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her department;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the Site from Tai Shu Ha Road East and Tai Shu Ha Road West shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the Site for manoeuvring of vehicles. No parking of vehicles on public road are allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the 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;
- (f) to note the comments of the Director of Environmental Protection that the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department should be followed to minimise any potential environmental nuisances on the surrounding area;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning

Department that it is important to undertake proper tree care for existing trees within the Site. Useful information published by the Greening, Landscape & Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for reference in the following links:

- Pictorial Guide for Tree Maintenance (護養樹木的簡易圖解):
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf
- Handbook on Tree Management (樹木管理手冊):
https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html
- Tree Risk Assessment and Management Arrangement (樹木風險評估及管理安排):
https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html
- Minimising Tree Risks (護養樹木 保障安全):
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_leaflet_Big_font_size_v1_2012_03_29.pdf
- Pictorial Guide for Tree Maintenance to Reduce Tree Risks (減低樹木風險的樹木護養簡易圖解):
[http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

Approval of the s.16 application by the Town Planning Board 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; and

- (h) to note the 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 Building Authority (BA), they are unauthorised building works (UBW) under the Buildings Ordinance (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 BD 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 Site under the BO. Before any new building works (including containers / open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA 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. 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 the building plan submission stage.