

**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
Application for Open Storage and Port Back-up Uses
(TPB PG-No. 13G)**

1. On 14.4.2023, the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) were promulgated, which set out the following criteria for the various categories of area:
 - (a) Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns;
 - (b) Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate or if required, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas;
 - (c) Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and/or relevant technical assessments/proposals have been included in the fresh applications, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions; and
 - (d) Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant), and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and/or relevant technical assessments/proposals have been included in the fresh applications, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. Planning permission for a maximum period of 3 years may be allowed for an applicant to identify suitable sites for relocation. Application for renewal of approval will be assessed on its individual merits.

2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarised as follows:
- (a) port back-up sites and those types of open storage generating adverse noise, air pollution, visual intrusion and frequent heavy vehicle traffic should not be located adjacent to sensitive receivers such as residential dwellings, hospitals, schools and other community facilities;
 - (b) port back-up uses are major generators of traffic, with container trailer/tractor parks generating the highest traffic per unit area. In general, port back-up sites should have good access to the strategic road network, or be accessed by means of purpose built roads;
 - (c) adequate screening of the sites through landscaping and/or fencing should be considered where sites are located adjacent to public roads or are visible from surrounding residential areas;
 - (d) there is a general presumption against conversion of active or good quality agricultural land and fish ponds to other uses on an ad-hoc basis. For flood prone areas or sites which would obstruct natural drainage channels and overland flow, advice should be sought; and
 - (e) for applications involving sites with previous planning approvals, should there be no evidence to demonstrate that the applicants have made any genuine effort to comply with the approval conditions of the previous planning applications, planning permission may be refused, notwithstanding other criteria set out in the Guidelines are complied with.

Previous Applications Covering the Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s) / Development(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	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]
2	A/YL-TT/507	Proposed Temporary Shop and Services for a Period of 3 Years	20.11.2020 [Revoked on 20.12.2022]

**Similar Applications within the Subject “Other Specified Uses” Annotated “Rural Use” Zone
on the Tai Tong Outline Zoning Plan in the Past Five Years**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s) / Development(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-TT/615	Proposed Temporary Open Storage and Warehouse for a Period of 3 Years	5.4.2024
2	A/YL-TT/619	Proposed Temporary Open Storage and Warehouse for a Period of 3 Years	5.4.2024
3	A/YL-TT/668	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) for a Period of 3 Years	20.9.2024 [Revoked on 20.6.2026]

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department:

- no adverse comment on the application; and
- advisory comments as detailed in **Appendix VI**.

2. Traffic

(a) Comments of the Commissioner for Transport:

- no adverse comment on the application; and
- advisory comments as detailed in **Appendix VI**.

(b) Comments of the Chief Highway Engineer/New Territories West, Highways Department:

- no objection on the application; and
- advisory comments as detailed in **Appendix VI**.

3. Environment

Comments of the Director of Environmental Protection:

- no objection to the application;
- no environmental complaint concerning the application site (the Site) has been received in the past three years; and
- advisory comments as detailed in **Appendix VI**.

4. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department:

- no in-principle objection to the proposed use from drainage point of view and no adverse comment on the submitted drainage proposal;
- should the application be approved, approval conditions requiring the implementation and maintenance of the submitted drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Town Planning Board should be stipulated; and
- advisory comments as detailed in **Appendix VI**.

5. **Fire Safety**

Comments of the Director of Fire Services:

- no objection to the application subject to fire service installations (FSIs) being provided to his satisfaction; and
- advisory comments as detailed in **Appendix VI**.

6. **Landscape**

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department:

- no adverse comment on the application;
- the Site is located within an area zoned “Other Specified Uses” annotated ‘Rural Use’ and is a Category 2 areas under Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G);
- based on the aerial photo taken in 2025, the Site was situated in an area of miscellaneous rural fringe landscape character comprising temporary structures and tree clusters. The proposed use is considered not incompatible with the landscape character of the area;
- with reference to the above aerial photo and site photos taken in September 2026, the Site was formed. Some temporary structures, farm areas and existing trees are observed within the Site. According to the Application Form and the Proposed Landscape & Tree Preservation Plan (**Drawing A-3**), no tree felling will be involved and all existing trees at the periphery of the Site will be preserved; and
- in view of the above, significant adverse landscape impact arising from the proposed use is not anticipated.

7. **District Officer’s Comments**

Comments of the District Officer (Yuen Long), Home Affairs Department:

- no comment from departmental point of view; and
- his office has not received any comment from the village representatives in the vicinity.

8. **Other Departments**

The following departments have no objection to/no comment on the application and their advisory comments, if any, are detailed in **Appendix VI**:

- Chief Building Surveyor/New Territories West, Buildings Department;
- Chief Engineer/Construction, Water Supplies Department;
- Project Manager (West), Civil Engineering and Development Department;

- Director of Agriculture, Fisheries and Conservation;
- Director of Electrical and Mechanical Services; and
- Commissioner of Police.

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - (i) 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;
 - (ii) Lots 1020RP as well as 1005 S.B. and 1019 in D.D.118 are covered by Short Term Waiver (STW) Nos. 1820 and 4914 for the purpose of “Private Residential” and “Temporary Shop and Services (Grocery Store)” respectively; and
 - (iii) the STW holder will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) without STW shall apply to this office for a STW to permit the structure(s) erected within the said private lot(s). The application(s) for STW will be considered by the Government in its capacity of a landlord and there is no guarantee that such application(s) will be approved. The STW application, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed uses are temporary in nature, only erection of temporary structure(s) will be considered;
- (d) to note the comments of the Commissioner for Transport that:
 - (i) sufficient manoeuvring space shall be provided within 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 Site are not under Transport Department’s purview. The applicant shall obtain consent of the owners/managing departments of the local track and footpath for using the local track and footpath as the access to the Site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) the vehicular access leading from Tai Shu Ha Road West to the Site is not maintained by HyD. HyD will not take up the maintenance of the access; and
 - (ii) adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains;
- (f) to note the comments of the Director of Environmental Protection that:
 - (i) the applicant should 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 Environmental Protection Department to minimise the potential environmental nuisances on the surrounding areas;

- (ii) the applicant should implement appropriate pollution control measures outlined in the Professional Persons Environmental Consultative Committee (ProPECC) Practice Notes 2/24 'Construction Site Drainage' to minimise any potential environmental impacts on nearby water bodies during the construction of the project; and
 - (iii) the applicant should ensure no repairing, dismantling, cleaning, car beauty services or other workshop activities would be carried out at the Site, as committed in applicant's justifications;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) that:
- (i) for any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to public, please submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary; and
 - (ii) she has the following comments on the submitted drainage proposal:
 - the applicant should implement the drainage facilities on site in accordance with the agreed drainage proposal;
 - the applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system;
 - the existing 375mm surface U-channel, to which the applicant proposed to discharge the stormwater from the subject site is not maintained by this office. The applicants) shall resolve any conflict/disagreement arisen for discharging the runoff from the application site(s) to the proposed discharge points). Moreover, the applicants) should ensure that this drainage system and the existing downstream drains/channels/streams have adequate capacity to convey the additional runoff from the application site(s). Regular maintenance should be carried out by the applicants) to avoid blockage of the system;
 - the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
 - the applicant should resolve any conflict/disagreement with relevant lot owners) and seek permission from DLO/YL for laying new drains/channels and/or modifying/upgrading existing ones in other private lots or on Government Land, where required, outside the application site(s);
- (h) to note the comments of the Director of Fire Services that:
- (i) sufficient number of stand-alone fire detectors shall be provided at Structure 1; and
 - (ii) if the proposed structures are 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; and

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) 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 Building Authority should be obtained, otherwise they are unauthorized building works (UBWs) under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (ii) 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;
 - (iii) 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;
 - (iv) if the existing structure (not being a New Territories Exempted House) is erected on leased land without approval of the Building Authority (BA), they are unauthorised building works (UBWs) under the BO and should not be designated for any proposed use under the captioned application;
 - (v) for UBWs erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBWs as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBWs on the Site under the BO;
 - (vi) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings which are subject to the control of Part VII of the B(P)R;
 - (vii) the 6m high warehouse may be considered excessive. It should be justified upon formal plan submission to BD; and
 - (viii) detailed comment under the BO will be provided at building plan submission stage.

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tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年09月26日星期六 1:25
收件者: tpbpd/PLAND
主旨: A/YL-TT/811 DD 118 Tai Tong Rural
類別: Internet Email

A/YL-TT/811
Lot 1005 S.B (Part) in D.D. 118, Tai Tong, Yuen Long
Site area: About 827sq.m
Zoning: "Other Specified Uses" annotated "Rural Use"
Applied use: Open Storage / Warehouse / 3 Vehicle Parking

Dear TPB Members,

507 approved 20 Nov 2020. Revoked 20 Dec 2022 re failure to fulfil Landscape and Drainage conditions.

Presumably Mr. Kwok has been engaged in unapproved operations since then.

The application should be rejected as the applicant has demonstrated zero respect for the regulations for many years.

Mary Mulvihill

From: [REDACTED]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Friday, October 23, 2020 4:01:03 AM
Subject: A/YL-TT/507 DD 118 Tai Tong Rural

Dear TPB Members

Size reduced to 820sq.m/3 Vehicle Parking

495 approved 1 Nov 2019

The site was the subject of three previously approved applications and the last approved application was revoked due to non-compliance with approval conditions on requiring the implementation of landscape and fire services installations (FSIs) proposals. The current applicant had submitted landscape, drainage and FSIs proposals to which relevant departments had no objection. Hence, sympathetic consideration might be given to the application and shorter compliance periods were recommended in order to closely monitor the progress on compliance. Approval of the application was in line with the Committee's previous decisions on the previous applications at the site and two similar applications within the same "OU(RU)" zone

But to date there have been 3 deferments. So Applicant puts in another application in order to keep the ball rolling for another year or so.

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PlanD falls for these tricks but surely members are more savvy?

Time to call time on this one.

Mary Mulvihill

From: [REDACTED]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Sunday, April 12, 2020 3:42:42 AM
Subject: A/YL-TT/495 DD 118 Tai Tong

A/YL-TT/495

Lot 1005 S.B (Part) in D.D. 118, Tai Tong, Yuen Long

Site area : About 872sq.m

Zoning : "Other Specified Uses" annotated "Rural Use"

Applied use : Retail shop for pet food and toilet uses / 1 Vehicle Parking

Dear TPB Members,

So the grocery store approved in Dec is out the window and now it is pet food and toilet uses?

As there are very few residents nearby perhaps the newly appointed members might question the real intention of the applicant.

Mary Mulvihill

From: [REDACTED]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Monday, July 1, 2019 1:58:58 AM
Subject: A/YL-TT/414 DD 118 Tai Tong

A/YL-TT/470

Lots 1005 S.A (Part), 1005 S.B (Part), 1018 (Part) and 1019 (Part) in D.D. 118, Tai Tong, Yuen Long

Site area : About 1,150m²

Zoning : "Other Specified Uses" annotated "Rural Use"

Applied Use: Grocery Shop / 3 Vehicle Parking

Dear TPB Members,

Smell a rat here? The 'grocery' shop is now being extended by 190mts. Members should refer to the 8 Dec 2017 minutes.

The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)
had reservation on the application since the application site was originally partly active farm

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and partly vegetated with trees and shrubs but was now hard paved. Approval of the application would set an undesirable precedent encouraging other similar applications to clear and form the application site prior to planning approval. The cumulative impact would result in the degradation of the rural landscape character in general.

PlanD had reservation on the application, **the application site was zoned "OU(RU)" which was intended for upgrading or improving the area or providing support to the local communities.** Relevant approval conditions were recommended to address the landscape concerns.

I note that members did not ask any questions last time. Hopefully they will fulfill their duty to 'inquire' into details this time around. Where is the community nearby to be served by such a large 'grocery' store? Only a few parking spaces so obviously not attracting customers from an extended pool.

This application is obviously a 'Destroy to Build' attempt to pave over additional vegetated area.

Have the premises been inspected to find out what sort of business is actually being transacted there? Questions please.

Mary Mulvihill

From: [REDACTED]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Thursday, November 16, 2017 2:29:33 AM
Subject: A/YL-TT/414 DD 118 Tai Tong

A/YL-TT/414
Lots 1005 S.B (Part) and 1019 (Part) in D.D. 118, Tai Tong, Yuen Long
Site area : About 960m²
Zoning : "Other Specified Uses" annotated "Rural Use"
Applied Use: Grocery Shop

Dear TPB Members,

This application appears to be to legitimize an ongoing unapproved land use.

Grocery shop in the middle of fields? There are only some scattered residents in the immediate area so the stated use is suspicious.

The development is not in line with the planning intention of "Other Specified Uses" annotated "Rural Use" ("OU(RU)") zone which is primarily for preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Town Planning Board, with a view to upgrading or improving the area or providing support to the local communities.

TPB should reject this application.

Mary Mulvihill