~~APPROVED~~*DRAFT* SHEUNG PAK NAI AND HA PAK NAI OUTLINE ZONING PLAN NO. S/YL-PN/9*A*

(Being a~~*n Approved*~~ ***Draft*** Plan for the Purposes of the Town Planning Ordinance)

NOTES

(N.B. These form part of the Plan)

(1) These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.

(2) Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.

(3) No action is required to make the use of any land or building which was in existence immediately before the first publication in the Gazette of the notice of the interim development permission area plan conform to this Plan, provided such use has continued since it came into existence. Any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.

(4) A use or development of any land or building permitted under an earlier draft or approved plan including interim development permission area plan for the area and effected or undertaken during the effective period of that plan is always permitted under this Plan. Any material change of such use or any other development (except minor alteration and/or modification to the completed development of the land or building which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.

(5) Except to the extent that paragraph (3) or (4) applies, any use or development falling within the boundaries of the Plan and also within the boundaries of the interim development permission area plan, unless always permitted in terms of the Plan, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without permission from the Town Planning Board.

(6) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect

of the site of the use or material change of use or development or redevelopment shall lapse.

(7) Road junctions, alignment of roads and railway tracks, and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.

(8) The following uses or developments are always permitted on land falling within the boundaries of the Plan except (a) where the uses or developments are specified in Column 2 of the Notes of individual zones or (b) as provided in paragraph (9) in relation to areas zoned ~~"Coastal Protection Area"~~ ***"Other Specified Uses" annotated "Coastal Protection Park"***:

(a) maintenance, repair or demolition of a building;

(b) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, footpath, bus/public light bus stop or lay-by, cycle track, taxi rank, ***small unmanned aircraft take-off and landing facilities,*** public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;

(c) maintenance or repair of road, railway track, watercourse, nullah, sewer and drain;

(d) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities and waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;

(e) rebuilding of New Territories Exempted House;

(f) replacement of an existing domestic building, i.e. a domestic building which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area plan, by a New Territories Exempted House; and

(g) provision, maintenance or repair of a grave of an indigenous New Territories villager or a locally based fisherman and his family members for which permission has been obtained from Government.

(9) In areas zoned ~~"Coastal Protection Area"~~ ***"Other Specified Uses" annotated "Coastal Protection Park"***,

(a) the following uses or developments are always permitted:

(i) maintenance or repair of plant nursery, amenity planting, sitting out area, rain shelter, refreshment kiosk, road, watercourse, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, shrine and grave;

(ii) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related

facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and

(iii) provision of amenity planting***, sitting out area, rain shelter, footpath, public utility pipeline, electricity mast, lamp pole and telephone booth*** by Government; and

(b) the following uses or developments require permission from the Town Planning Board:

provision of plant nursery, ***refreshment kiosk and shrine, and provision of the following uses*** ~~***amenity planting (***~~other than by Government~~***),: amenity planting,*** sitting out area, rain shelter, ~~***refreshment kiosk,***~~ footpath, public utility pipeline, electricity mast, lamp pole~~***, and*** telephone booth ~~and shrine~~.

(10) In any area shown as 'Road', all uses or developments except those specified in paragraphs (8)(a) to (8)(d) and (8)(g) above and those specified below require permission from the Town Planning Board:

road, toll plaza, on-street vehicle park, railway station and railway track.

(11) (a) Except in areas zoned ~~"Coastal Protection Area"~~ ***"Other Specified Uses" annotated "Coastal Protection Park"***, temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (filling or excavation) is carried out and that the use or development is a use or development specified below:

structures for carnivals, fairs, film shooting on locations, festival celebrations, religious functions or sports events.

(b) Except as otherwise provided in paragraph (11)(a), and subject to temporary uses for open storage and port back-up purposes which are prohibited in areas zoned ~~"Coastal Protection Area"~~ ***"Other Specified Uses" annotated "Coastal Protection Park"***, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.

(c) Temporary use or development of land or building exceeding three years requires permission from the Town Planning Board in accordance with the terms of the Plan.

(12) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.

(13) In these Notes, unless the context otherwise requires or unless as expressly

provided below, terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.

"Existing building" means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.

"New Territories Exempted House" means a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as 'Shop and Services' or 'Eating Place', the building works in respect of which are exempted by a certificate of exemption under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

~~Approved~~ *Draft* Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9*A*

Schedule of Uses

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AGRICULTURE

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Government Use (Police Reporting Centre only) On-Farm Domestic Structure Public Convenience Religious Institution (Ancestral Hall only) Rural Committee/Village Office	Animal Boarding Establishment Barbecue Spot Burial Ground Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) House (New Territories Exempted House only, other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Picnic Area Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only) Public Utility Installation Religious Institution (not elsewhere specified) School Utility Installation for Private Project

Planning Intention

This zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

(Please see next page)

AGRICULTURE (*eC*ont'd)

Remarks

(a) Any filling of pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

(b) Any filling of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft Sheung Pak Nai and Ha Pak Nai ~~OZP~~***Outline Zoning Plan*** No. S/YL-PN/7 without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance. This restriction does not apply to filling of land specifically required under prior written instructions of Government department(s) or for the purposes specified below:

(i) laying of soil not exceeding 1.2m in thickness for cultivation; or

(ii) construction of any agricultural structure with prior written approval issued by the Lands Department.

GREEN BELT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use ***Barbecue Spot*** Government Use (Police Reporting Centre only) Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Public Convenience Tent Camping Ground Wild Animals Protection Area	Animal Boarding Establishment Broadcasting, Television and/or Film Studio ~~Barbecue Spot~~ Burial Ground Cable Car Route and Terminal Building Columbarium (within a Religious Institution or extension of existing Columbarium only) Crematorium (within a Religious Institution or extension of existing Crematorium only) Field Study/Education/Visitor Centre Firing Range Flat Golf Course Government Refuse Collection Point Government Use (not elsewhere specified) Helicopter Landing Pad Holiday Camp House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Petrol Filling Station Place of Recreation, Sports or Culture Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Religious Institution Residential Institution Rural Committee/Village Office School Service Reservoir Social Welfare Facility Utility Installation for Private Project

(Please see next page)

GREEN BELT (***e*****C**ont'd)

Planning Intention

The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

Remarks

Any filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

~~COASTAL PROTECTION AREA~~

~~Column 1~~ ~~Uses always permitted~~	~~Column 2~~ ~~Uses that may be permitted with or without conditions on application to the Town Planning Board~~
~~Agricultural Use (other than Plant Nursery)~~ ~~Nature Reserve~~ ~~Nature Trail~~ ~~On-Farm Domestic Structure~~ ~~Picnic Area~~ ~~Wild Animals Protection Area~~	~~Barbecue Spot~~ ~~Field Study/Education/Visitor Centre~~ ~~Government Use~~ ~~Holiday Camp~~ ~~House (Redevelopment only)~~ ~~Pier~~ ~~Public Convenience~~ ~~Public Utility Installation~~ ~~Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation~~ ~~Tent Camping Ground~~ ~~Utility Installation for Private Project~~

~~Planning Intention~~

~~This zoning is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion.~~

~~There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted.~~

~~Remarks~~

~~(a) No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area plan.~~

~~(b) Any filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.~~

OTHER SPECIFIED USES

Column 1	***Column 2***
Uses always permitted	***Uses that may be permitted with or without conditions on application to the Town Planning Board***

For "Coastal Protection Park" only

Agricultural Use (other than Plant Nursery)
Coastal Protection Park (co-ordinated or implemented by Government only)
Government Use
Nature Reserve
Nature Trail
On-Farm Domestic Structure
Public Convenience
Public Utility Installation
Picnic Area
Wild Animals Protection Area
Eating Place
Field Study/Education/Visitor Centre
Holiday Camp
House (Redevelopment only)
Pier
Place of Recreation, Sports or Culture (Fishing Ground and Hobby Farm only)
Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation
Research, Design and Development Centre (ecological/aquaculture related use only)
Shop and Services
Utility Installation for Private Project

Planning Intention

This zone is intended primarily for the establishment and management of the Landside Portion of the Coastal Protection Park to conserve, protect, restore and enhance ecologically sensitive coastal and wetland habitats for the benefits of biodiversity, ecosystem services and nature conservation, while also serving as an outdoor space leveraging the rural characteristics and unique scenery to promote eco-tourism, eco-education and eco-recreation. It also aims to safeguard the ecological integrity, connectivity and resilience of the Deep Bay coastal landscape while maintaining its environmental, cultural and educational values, as well as sustaining existing compatible uses. Visitor facilities, nature-based educational/recreational uses and other supporting uses for the Coastal Protection Park as co-ordinated or implemented by Government are always permitted while similar uses initiated by other project proponents may be permitted subject to planning permission from the Town Planning Board.

Remarks

(a) On land previously falling within the "Coastal Protection Area" zone on the approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9, no redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area plan.

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OTHER SPECIFIED USES (Cont'd)

For "Coastal Protection Park" Only (Cont'd)

Remarks (Cont'd)

(b) Any diversion of stream, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except all works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan No. S/YL-PN/10 without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

(c) On land previously falling within the "Coastal Protection Area" zone or "Green Belt" zone on the approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9, any filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except all works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

(d) On land previously falling within the "Agriculture" zone on the approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9, any filling of pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except all works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

(e) On land previously falling within the "Agriculture" zone on the approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9, any filling of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except all works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan No. S/YL-PN/7 without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

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OTHER SPECIFIED USES (Cont'd)

For "Coastal Protection Park" Only (Cont'd)

Remarks (Cont'd)

(f) On land not previously falling within the "Coastal Protection Area", "Agriculture" or "Green Belt" zones on the approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9, any filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except all works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan No. S/YL-PN/10 without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

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OTHER SPECIFIED USES (Cont'd)

Column 1 *Uses always permitted*	*Column 2* *Uses that may be permitted with or without conditions on application to the Town Planning Board*
For "Columbarium" Only	
Columbarium	*Public Utility Installation* *Utility Installation for Private Project*

Planning Intention

This zone is primarily for land intended for columbarium use.

Remarks

(a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys or the height of the existing building, whichever is the greater.

(b) The maximum number of niches for columbarium use shall not exceed 967.

(c) Based on the individual merits of a development or redevelopment proposal, relaxation of the building height restriction/number of niches stated in paragraphs (a) and (b) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.