

**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**

(Important Note :

The guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17th Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong - Tel. No. 2231 5000.

The guidelines are subject to revision without prior notice.)

1. Introduction

1.1 In 2001, the Planning Department (PlanD) completed a ‘Review of Rural Land Uses in Northern New Territories’. One of the recommendations of the Review was the introduction of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone, with the main objective to preserve the rural landscape/character and to provide land for small-scale rural and passive recreational uses (such as open space landscaped as parks, gardens, sitting-out areas, waterfront promenades, paved areas for informal games, children ' s playgrounds, jogging and fitness circuits etc.) and breathing space. Since the Review only set out a general direction, more detailed planning assessment would be required for assessing rezoning proposal at district level. Three pieces of land in Tai Tong were subsequently identified for rezoning to “OU(RU)” to gauge public opinion on the new zoning mechanism. In 2003, in considering objection received, the Town Planning Board (the Board) considered that Town Planning Board (the TPB) Guidelines should be prepared to set out more clearly the criteria for designating “OU(RU)” sites and the requirements for submitting, as well as criteria for assessing, applications for development within the “OU(RU)” zone.

1.2 The planning intention of the “OU(RU)” zone is primarily for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as a selected range of rural and recreational uses, may be allowed

on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. Rural landscape or character generally reflects the interplay of many attributes such as fung shui woods, trees or green areas, active or fallow agricultural land, traditional and existing village houses and heritage features, passive recreation and open areas, low-rise low-density residential developments, associated government, institution or community uses and supporting infrastructure. In designating “OU(RU)” zone and assessing planning applications in this zone, reference should always be made to the general principles of conservation as set out in Chapter 10 of the Hong Kong Planning Standards and Guidelines (HKPSG).

- 1.3 Whilst there also exists tolerated or unauthorized temporary factories, industrial use or workshops, storage and vehicle parks, it is not the intention of this zoning to maintain these undesirable characteristics resulting from the highly degraded and disorderly situation in some rural areas, but instead by incentives and adequate enforcement to phase out such incompatible and unacceptable features.
- 1.4 Within the “OU(RU)” zone, uses contributing to the rural character and passive recreational uses compatible with the rural environment are permitted as of right (Column 1 use). To allow flexibility with a view to achieving a better use of land resources, some low-rise and low-density developments up to a maximum plot ratio of 0.4 compatible with the rural landscape (for examples selected active recreational uses and low-rise, low-density residential development) are included as Column 2 uses under the Notes of the “OU(RU)” zone¹. Planning permission will be required for such uses or developments, and approval will only be granted by the Board subject to, amongst other planning considerations, demonstration of sustainability in ecological, environmental and infrastructural terms.
- 1.5 Development in “OU(RU)” zone is restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (or 9m where appropriate) including car park.

¹ In considering rezoning a site to “OU(RU)” zone, local circumstances will be taken into account in determining the list of always permitted uses (Column 1 uses) and uses requiring planning permission from the Board (Column 2 uses) with reference to the Master Schedule of Notes to Statutory Plans.

2. **Scope and Application**

This set of Guidelines is intended to set out the planning criteria for the designation of “OU(RU)” zone on statutory plans and for assessing planning applications in this zone.

3. **Main Planning Criteria for Designation of “OU(RU)” Zone**

3.1 In general, the following criteria will be used in assessing the suitability of sites for rezoning to “OU(RU)” zone.

Land Use Compatibility

3.2 Due regard must be paid to the local character when identifying areas suitable for designation as “OU(RU)” zone. Consideration should be given as to whether the rezoning will help contribute to the preservation of the general character of the rural area, and/or whether subsequent development within the “OU(RU)” zone will be compatible with the existing and planned land uses in the surrounding areas.

Existing Land Use and Conditions

3.3 The existing land use and conditions will be taken into account. Areas scattered with existing temporary structures or abandoned pigsties or occupied by non-conforming ‘existing uses’² (e.g. container vehicle parks, open storage yards, workshops and warehouses) may be considered, if rezoning could help phase out non-conforming uses or bring about environmental upgrading.

² An ‘existing use’ refers to a use of any land or building which was in existence immediately before the first publication of the interim development permission area plan/draft development permission area plan covering the area in question and has continued since it came into existence. Such use would be tolerated under the Town Planning Ordinance even if it does not conform to the prevailing statutory town plan.

- 3.4 However, the above is just one of the considerations for assessing such rezoning proposals under application for amendment of plan. Any unauthorized development or environmental degradation in hope of getting agreement from the Board for rezoning the land for “OU(RU)” zone will be subject to enforcement by the relevant authorities including the Planning Authority, and will not be given sympathetic consideration by the Board when assessing the rezoning proposal.
- 3.5 Good quality or active agricultural land should be retained for agricultural purpose. The Agriculture, Fisheries and Conservation Department (AFCD) should be consulted accordingly. Low-quality or abandoned farmland will not necessarily be given sympathetic consideration for rezoning as the full attributes of each site will be assessed comprehensively.

Ecological and Conservation Value

- 3.6 Areas of ecological/conservation importance or high landscape value³, or potential conservation areas, or areas which adjoin or contribute to such valuable public assets and amenities will not be considered for rezoning to “OU(RU)” zone. The AFCD, Environmental Protection Department (EPD) and Landscape Unit of PlanD should be consulted on the ecological, conservation and landscape values of the site and adjoining areas in this regard⁴.
- 3.7 In addition to the ecological and conservation values of the site itself, due consideration will also be given to the potential ecological impacts of any future developments on the surrounding areas should the subject site be rezoned to “OU(RU)”. Rezoning to “OU(RU)” zone will not be considered for areas adjoining or near to Conservation Area, Site of Special Scientific Interest, Green Belt, Country Park, Special Areas, active farmland, streams, wetlands, marshes,

³ This would normally include “Site of Special Scientific Interest”, “Country Park”, “Conservation Area”, “Green Belt” and “Coastal Protection Area” zones, Special Areas, and scenic areas.

⁴ Reference should also be made to Chapter 10 of HKPSG; Unique Areas or Significant Areas for conservation as designated by the Landscape Unit of PlanD (Figure 4 of the Final Executive Report (1998) of the Territorial Development Strategy Review – A Response to Change and Challenges (TDSR)); and the Landscape Strategy Components in the Final Technical Report on TDSR, 1995.

woodlands, important habitats, areas of beauty and walking trails or tourist routes if the proposed rezoning will have adverse impact on these areas.

Cultural Heritage

- 3.8 Sites of significant archaeological, historical, cultural and architectural interests will not be considered for rezoning to “OU(RU)” zone. Advice from Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department (LCSD) will be sought in this regard. Subject to AMO’s advice, areas which provide the general setting for heritage may also not be suitable for rezoning to “OU(RU)” zone.

Accessibility and Transport Capacity

- 3.9 The location of the site should have good accessibility and preferably be close to major roads/traffic network where infrastructure connection/provision for drainage, water supply and sewage is relatively easier. The local and district transport networks should have sufficient capacity to sustain the forecasted traffic demand generated from possible developments upon rezoning.

Infrastructure Provision

- 3.10 The existing and planned infrastructural provision such as drainage or sewerage capacity and water supply of the area should be sufficient to support the requirement arising from possible developments upon rezoning. Sites proposed for rezoning to “OU(RU)” should be in areas where infrastructure connection or provision is relatively easier.

4. Main Planning Criteria for Assessing Planning Applications

- 4.1 Only those uses that are compatible with the rural environment will be permitted as of right. Developments listed in Column 2 of the Notes of the “OU(RU)” zone

will require planning permission from the Board. 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.

- 4.2 The following are criteria for assessing planning application in “OU(RU)” zone.

Development Intensity

- 4.3 Development within “OU(RU)” zone is restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (or 9m where appropriate) including car park. To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of these restrictions may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.
- 4.4 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

- 4.5 Any proposed developments expected to generate substantial traffic or rely on other supporting Government, institution or community 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. Other active recreational uses such as ‘Golf Course/Golf Driving Range’ and ‘Holiday Camp’, due to their nature of use, may need to be located in a more

secluded environment away from the main populated areas but not in areas of natural or rural landscape or other conservation value which will be affected by noise, pesticide, or light pollution. The location of these active recreational uses should take into account infrastructure capacity and access in the area to cater for operation needs and the anticipated number of visitors.

Landscape and overall project design

- 4.6 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. Depending on the local characteristics and site context, visual and landscape impact assessment and/or tree and ecological surveys may need to be conducted. Landscape proposals⁵, including tree and vegetation preservation scheme and landscape treatments or screening arrangement, may have to be submitted. If necessary, the PlanD may be consulted on the landscape and overall project design aspects.

Ecology

- 4.7 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 AFCD should be made. Subject to the advice of AFCD, the applicants may be required to undertake a review of ecological baseline information and up-to-date comprehensive survey to ascertain the ecological value of the site and its surrounding areas, to assess the potential ecological impacts of the proposed development, and if appropriate, to propose necessary mitigation measures to support the application.

⁵ Native species of plants and trees should be used in the landscape proposal as far as practicable.

Cultural Heritage

- 4.8 The AMO of LCSD 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. Subject to the advice of AMO, the applicants may be required to undertake a survey to ascertain the archaeological/historical importance of the site/area and carry out necessary mitigation measures subject to the result of the survey. Such mitigation measures could include design requirements for the site and any new proposed buildings, in addition to any requirements which may be made in paragraph 4.6 above.

Environment

- 4.9 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.
- 4.10 Recreational uses including 'Golf Course/Golf Driving Range', 'Holiday Camp', 'Place of Recreation, Sports or Culture' and 'Private Club', or residential developments may generate adverse environmental impacts such as noise, water and light pollution. Environmental Assessment may be required to demonstrate that the proposed uses would not result in adverse environmental impacts and that adequate environmental mitigation measures should be proposed to reduce any such potential impact. However, under certain circumstances, some of the proposed Column 2 uses might constitute a Designated Project under the Environmental Impact Assessment Ordinance and may require an Environmental Permit. The EPD should be consulted on the environmental implications of the proposed development.

Transport

- 4.11 Notwithstanding the locational consideration set out in paragraph 4.5 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

- 4.12 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. To avoid unnecessary flood risks, developments should not be built in close proximity to existing streamcourses. Consultation with the Drainage Services Department (DSD) may be made to ascertain the acceptability of the proposed development on drainage aspect.

Sewerage

- 4.13 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 EPD and in consultation with DSD regarding the connection point. For developments within the rural areas of the Deep Bay Catchment, the applicant has to demonstrate that any new developments will not generate net increase of pollution load to the sensitive Deep Bay Area. Advice from EPD should be sought in assessing the sewerage implications of the proposed development. Septic tank and soakaway system may be allowed provided that it is not located within water gathering ground and has suitable ground conditions such as low ground water, ample distance from surface or sensitive waters and slope; and adequate soil percolation capacity etc.

Water Supply

- 4.14 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

- 4.15 The projected demand for Government, institution or community (G/IC) 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 G/IC, open space and recreational facilities within the same district. For details of the provision of such facilities in the district, advice from PlanD may be sought.

Planning Gain

- 4.16 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.

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