

TOWN PLANNING BOARD GUIDELINES FOR
APPLICATION FOR DEVELOPMENT WITHIN GREEN BELT ZONE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

(Important Note :

The guidelines are intended for general reference only. The decision to approve or reject an application rests entirely with the Town Planning Board and will be based on individual merits and other specific considerations of each case.

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, Hong Kong - Tel. No. 2231 5000.

These guidelines are liable to revision without prior notice. The Town Planning Board will only make reference to the guidelines current at the date on which it considers an application.)

1. Introduction

- 1.1 The planning intention of the "Green Belt" ("GB") zone is primarily to promote the conservation of the natural environment and to safeguard it from encroachment by urban-type developments.
- 1.2 The "GB" zone covers mainly slopes and hillsides, most of which is naturally vegetated. Some "GB" areas are also designated as Country Parks. Most of the land within the "GB" zone is Government land, although there are also small pockets of private land, generally near built-up areas.
- 1.3 The main purposes of the "GB" zone include the following :
 - a. to conserve existing landscape features, areas of scenic value and areas of recognised "fung shui" importance;
 - b. to define the outer limits of urbanized districts and to serve as a buffer between and within urban areas; and
 - c. to provide additional outlets for passive recreational uses.
- 1.4 To preserve the character and nature of the "GB" zone, the only uses which will always be permitted by the Town Planning Board (the Board) are compatible uses which are essential and for public purpose such as waterworks, water catchment areas, nature reserves, agriculture, forestry and certain passive recreational uses. Other uses, including government/institution/community (G/IC), residential development and public utility installations will require planning permission from the Board and each proposal will be assessed on its individual merits. Applications for development will be considered by the Board according to the criteria set out below.

2. Main Planning Criteria

- a. There is a general presumption against development (other than redevelopment) in a "GB" zone. In general the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use.
- b. An application for new development in a "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas. With the exception of New Territories Exempted Houses, a plot ratio up to 0.4 for residential development may be permitted.
- c. Applications for New Territories Exempted Houses with satisfactory sewage disposal

facilities and access arrangements may be approved if the application sites are in close proximity to existing villages and in keeping with the surrounding uses, and where the development is to meet the demand from indigenous villagers.

- d. Redevelopment of existing residential development will generally be permitted up to the intensity of the existing development.
- e. Applications for G/IC uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available. The plot ratio of the development site may exceed 0.4 so as to minimize the land to be allocated for G/IC uses.
- f. Passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration.
- g. The design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment.
- h. The vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided.
- i. The proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area.
- j. The proposed development must comply with the development controls and restrictions of areas designated as water gathering grounds.
- k. The proposed development should not overstrain the overall provision of G/IC facilities in the general area.
- l. The proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution.
- m. Any proposed development on a slope or hillside should not adversely affect slope stability.

Advisory Clauses

- (a) to note the comments of the Chief Engineer/Construction, Water Supplies Department that the Site falls within water gathering grounds. The applicant is required to observe the “Conditions for Working within Gathering Grounds” (**Annex A**);
- (b) to note the comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) that:
 - (i) the lessee must obtain the approval of government before any buildings or structures of any description are erected or constructed on the land. It is current land policy in certain cases/areas to issue a Short Term Waiver (STW) waiving Government’s right of re-entry for a limited period during which time the lessee may construct a structure/building on the land for use other than agricultural use;
 - (ii) if planning permission for the subject proposal is given, the applicant is required to submit a formal STW application to LandsD for consideration. LandsD would process such application in the capacity of a landlord and if the application is approved, it will be subject to such terms and conditions, including the payment of fees as considered appropriate. However, there is no guarantee that such application will be approved; and
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that the proposed works is located in very close proximity of an existing streamcourse which is a key drainage to convey stormwater runoff from the upstream catchment. All proposed works including site formation works shall be situated at 3m away from the top of the bank of the nearby streamcourse.

Conditions for Working within Gathering Grounds

- (a) Adequate measures shall be taken to ensure that no pollution or siltation occurs to the gathering grounds.
- (b) No earth, building materials, fuel, oil or toxic materials and other materials which may cause contamination to the gathering grounds are allowed to be stockpiled or stored on site.
- (c) All surplus spoils shall be protected and removed off the gathering grounds as soon as possible.
- (d) Temporary drains with silt traps shall be constructed at the boundary of the site prior to the commencement of any earthworks and shall be properly maintained during the progress of the works.
- (e) Regular cleaning of the silt traps shall be carried out to ensure that they function properly at all time.
- (f) All excavated or filled surfaces which have the risk of erosion shall be protected from erosion at all time.
- (g) Facilities for washing the wheels of vehicles before leaving the site shall be provided.
- (h) Any construction plant which causes pollution to the gathering grounds due to leakage of oil or fuel shall be removed off site immediately.
- (i) Any soil contamination with fuel leaked from plant shall be removed off site and the voids arising from removal of contaminated soil shall be replaced by suitable material to the approval of the Director of Water Supplies.
- (j) Provision of temporary toilet facilities is to be subject to the approval of the Director of Water Supplies.
- (k) All waterworks access roads must be maintained unobstructed at all time.
- (l) Site formation plans including details of silt traps shall be submitted to WSD for approval prior to commencement of work.
- (m) No structure or temporary works shall be erected in the catchwaters without prior approval of WSD.
- (n) The Contractor shall be responsible for cleaning frequently any waterworks access roads and associated drainage works of mud and debris.

- (o) The Contractor shall limit the gross weight of the vehicles imposed on the waterworks access road to 5 tonnes and the axle load to 3 tonnes. He shall apply to WSD with details of his vehicles for using the access.
- (p) The approval for using the access may be withdrawn on written notice to the Contractor by WSD at their absolute discretion.
- (q) The Contractor shall recover immediately his vehicle which fell into the catchwater or stream bed or pay to the Government on demand the cost of recovery that may be necessary through the occurrence of any incident caused by the Contractor.
- (r) The Contractor shall carry out repair or reinstatement works to the satisfaction of WSD or pay to the Government on demand the cost of repair and reinstatement to any waterworks installations that shall or may be necessary at any time as a result of damage caused by the Contractor or others under his charge.
- (s) The Contractor shall enter and remain on and use the access at his own risk and he shall indemnify the Government against all claims, costs, damages and expense arising from the use of the access.
- (t) No excavation with depth more than 2m shall be permitted within 60m on plan from the centerline of WSD water tunnels without the prior approval of WSD.