

TPB PG-NO. 10

**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.

Similar Applications

Application No.	Location	Zoning	Date of Consideration	Decision of the RNTPC/TPB	Reasons for Rejection/ Approval Conditions
A/DPA/SK-CWBN/11 Proposed Three New Territories Exempted Houses (NTEHs) - Small House	Lot 141B in D.D 225, Sheung Yeung Village, Clear Water Bay, Sai Kung	“GB”	17.7.2004	Rejected	(1), (2), (3)
A/SK-CWBN/16 Proposed Three New Territories Exempted Houses (NTEHs) - Small House	Lots 416 S.A ss.1, 416 S.B, 416 S.C ss.1, 416 S.C RP, 416 RP, 417 S.A RP, 417 S.A ss.1, 417 S.A ss.2 S.A, 417 S.A ss.2 RP & 417 S.B in D.D. 238 and adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung	“GB”	24.2.2012	Rejected	(1), (3), (4), (5)
A/SK-CWBN/18 Proposed House (New Territories Exempted Houses (NTEH) - Small Houses)	Lots 416S.A ss.2 and 417S.C in D.D. 238 and adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung	“GB”, “V”	17.6.2011	Rejected	(1), (3), (4), (5)
A/SK-CWBN/25 Proposed 3 Houses (New Territories Exempted Houses- Small Houses)	Lots No. 416 A1, 416 B, 416 C1, 416 C RP, 416 RP, 417 A RP, 417 A1, 417 A2A, 417 A2 RP and 417 B in D.D. 238 and adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung	“GB”	21.5.2014	Rejected	(1), (3), (4), (5)

Reasons for Rejection:

- (1) Not in line with the planning intention of “GB” zone
- (2) Insufficient information in the submission to demonstrate that land could not be made available for Small House developments within the "V" zones
- (3) Undesirable precedent
- (4) Not in line with the TPB-PG No. 10
- (5) Not in line with the 'Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories'

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Sai Kung, Lands Department that details of the house development proposal would be examined during the stage of land exchange application. Should the land exchange be approved, it will be subject to terms and conditions, including payment of premium and administrative fee, as considered appropriate. However, there is no guarantee that the said land exchange will be approved irrespective of any approval given by the Town Planning Board;
- (b) to note the comments of Commissioner for Transport that as the section of Pak To Avenue near the subject site is not under Transport Department's management, comments should be sought from relevant management and maintenance agents;
- (c) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that
 - (i) unless the Site abuts on a specified street complying with the requirements under Building (Planning) Regulations (B(P)R) 18A(3) and not less than 4.5m wide, the development intensity of the Site should be determined by the Building Authority under B(P)R 19(3);
 - (ii) the means of obtaining access to the proposed building from a street including the land status of the existing access road should be clarified to demonstrate compliance of B(P)R 5;
 - (iii) every domestic building within the Site shall be provided with an open space complying with the Second Schedule under B(P)R;
 - (iv) emergency vehicular access complying with B(P)R 41D shall be provided for all buildings in the Site;
 - (v) PNAP APP-2, Hong Kong Planning Standards and Guidelines and the advice of Commissioner for Transport will be referred to when determining exemption of gross floor area (GFA) calculation for aboveground or underground carparking spaces; and
 - (vi) applicants' attention is also drawn to the policy on GFA concessions under PNAP APP-151 in particular the 10% overall cap on GFA concessions and, where appropriate, the Sustainable Building Design requirements under PNAP APP-152;
- (d) to note the comments of the Director of Fire Services that the EVA arrangement shall comply with Section 6, Part D of the 'Code of Practice for Fire Safety in Buildings 2011' administered by Buildings Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of fresh water supply to the proposed development, the applicants may need to extend their inside service to the nearest suitable Government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the adopted soil parameters and design groundwater level in the

Geotechnical Planning Review Report should be justified during the detailed design of the site formation works; and

- (g) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that if there is any change in the tree preservation and removal proposal, the applicant should seek comment/advice from relevant government department(s) as appropriate.