

**Extract of Town Planning Board Guidelines No. 10 on
Application for Development within “Green Belt” (“GB”) Zone
under Section 16 of the Town Planning Ordinance (TPB PG-No.10)**

- (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;
- (c) the design and layout of any proposed development should be compatible with the surrounding areas. 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;
- (d) 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;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, road and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (f) the proposed development must comply with the development controls and restrictions of areas designated as water gathering grounds (WGG);
- (g) the proposed development should not overstrain the overall provision of G/IC facilities in the general area; and
- (h) 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.

Previous Applications covering the Application Site

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/233	Open vehicle park with ancillary checking of vehicle for a period of 3 years	21.12.2001 (Approved for 3 years up to 21.12.2004)	A1 – A5 (Revoked on 21.9.2002)
A/NE-KLH/305	Temporary open vehicle park with ancillary on-site vehicle checking for a period of 3 years	7.3.2003 (Approved for 3 years up to 7.3.2006)	A1, A3 – A8 (Revoked on 7.9.2003)
A/NE-KLH/318	Temporary open vehicle park with ancillary on-site vehicle checking for a period of 3 years	15.8.2003 (Approved for 3 years up to 15.8.2006)	A1, A3, A5 – A10 (Revoked on 15.2.2004)
A/NE-KLH/325	Temporary open vehicle park with ancillary on-site vehicle checking for a period of 3 years	25.6.2004 (Approved for 3 years up to 25.6.2007)	A1, A3, A5 – A10
A/NE-KLH/364	Temporary open vehicle park with ancillary on-site vehicle checking for a period of 3 years	29.2.2008 on review (a period until 31.12.2008)	A3, A11 – A14
A/NE-KLH/377	Renewal of Planning Approval for Temporary open vehicle park with ancillary on-site vehicle checking for a period of 3 years	19.12.2008 (a period until 31.12.2009)	A3, A12, A13, A15, A16
A/NE-KLH/393	Renewal of Planning Approval for Temporary open vehicle park with ancillary on-site vehicle checking for a period of 3 years	18.12.2009 (a period until 31.12.2010)	A3, A12, A13, A15, A17
A/NE-KLH/423	Renewal of Planning Approval for Temporary open vehicle park with ancillary on-site vehicle checking for a period of 3 years	10.12.2010 (a period until 31.12.2013)	A3, A5, A12, A13, A16, A18 – A20
A/NE-KLH/480	Temporary open vehicle park with ancillary on-site vehicle checking for a period of 3 years	22.8.2014 (a period until 22.8.2017)	A3, A12, A13, A16, A20
A/NE-KLH/532	Renewal of Planning Approval for Temporary Open Vehicle Park with Ancillary On-Site Vehicle Checking for a Period of 3 Years	11.8.2017 (a period until 22.8.2020)	A3, A4, A12, A13, A16, A21 (Revoked on 23.1.2020)

Approval Conditions

- A1. The provision of peripheral fencing within specified periods from the date of the planning approval.
- A2. The submission and implementation of the mitigation measures on the water quality within the water gathering grounds within specified periods from the date of the planning approval.
- A3. Upon the expiry of the planning permission, the reinstatement of the application site to an amenity area.
- A4. The submission and implementation of a landscape and/or tree preservation proposal within specified periods from the date of planning approval/the date of commencement of the renewed planning approval.
- A5. The submission of drainage proposals and provision of drainage facilities/the implementation of the agreed drainage proposals within specified periods from the date of planning approval/date of commencement of the renewed planning approval
- A6. The development should not cause any water pollution to the upper indirect water gathering grounds.
- A7. The development should not carry out any excavation works unless prior written approval from the Director of Water Supplies was obtained, and should not involve sinking of wells, blasting, drilling or piling works, and should not result in any ground subsidence causing nuisance to the public or damage to Plover Cove Tau Pass Culvert, and/or the area within the tunnel reserve should be hydroseeded and no parking should take place.
- A8. The submission and implementation of proposals of preventive measures against water pollution within the upper indirect water gathering grounds within specified periods from the date of planning approval.
- A9. The provision/maintenance of landscape planting.
- A10. The submission and implementation of the main access proposal for the proposed open vehicle park within specified periods from the date of planning approval.
- A11. The existing drainage facilities, landscape planting and proposals of preventive measures against water pollution on the application site should be maintained at all times during the planning approval period.
- A12. No operation between specified time was allowed on the application site during the planning approval period.
- A13. No excavation works should be carried out unless prior written approval from the Director of Water Supplies was obtained, and no sinking of wells, blasting, drilling or piling works were allowed on the site at any time during the planning approval period.
- A14. The submission and implementation of the proposal of the vehicular access, parking, loading and unloading spaces within specified periods from the date of planning approval.

- A15. The existing vehicular access, drainage facilities, landscape planting and proposals of protective measures against pollution or contamination to the water gathering grounds implemented on the site should be maintained at all times during the planning approval period.
- A16. The submission and implementation of fire services installations (FSIs) and/or water supplies for fire-fighting proposals within specified periods from the date of planning approval/date of commencement of the renewed planning approval.
- A17. The implementation of the accepted FSIs proposal within specified periods from the date of planning approval.
- A18. The implementation of the replacement tree planting within specified periods from the date of commencement of the renewed planning approval.
- A19. The setting back of the eastern boundary of the application site when required to avoid encroachment upon the works limit of the project PWP Item No. 6720TH, "Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling-Stage 2".
- A20. The existing vehicular access, drainage facilities, all existing trees, landscape plantings, proposals of protective measures against pollution or contamination to the water gathering grounds implemented on the site and peripheral fencing should be maintained at all times during the planning approval period.
- A21. The existing vehicular access, drainage facilities, proposals of protective measures against pollution or contamination to the water gathering grounds implemented on the site and peripheral fencing should be maintained at all times during the planning approval period.

**Similar Applications within the same “Green Belt” zone
on the Kau Lung Hang Outline Zoning Plan**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/313	Temporary Warehouse for Storage of Ceramic Tiles for a Period of Three Years	13.06.2003 (for a period of 12 months up to 13.06.2004)	A1 – A6
A/NE-KLH/373	Temporary Warehouse for Storage of Ceramic Tiles For a Period of Three Years	05.09.2008 (for a period of 3 years up to 05.09.2011)	A3 – A10 (Revoked on 05.09.2009)
A/NE-KLH/420	Temporary Warehouse for Storage of Ceramic Tiles for a Period of Three Years	15.10.2010 (for a period of 2 years up to 15.10.2012)	A3 – A10
A/NE-KLH/447	Temporary Warehouse for Storage of Construction Materials for a Period of Three Years	07.12.2012 (for a period of 3 years up to 07.12.2015)	A3, A5 – A12
A/NE-KLH/525	Temporary Warehouse for Storage of Recreational Equipment for a Period of Three Years	07.04.2017 (for a period of 3 years up to 07.04.2020)	A3, A5 – A11 (Revoked on 07.07.2019)

Approval Conditions

- A1. The proposals of preventive measures against water pollution within the upper indirect water gathering grounds should be maintained at all time during the approval period.
- A2. The development should not cause any water pollution to the upper indirect water gathering grounds.
- A3. The development should not carry out any excavation works unless prior written approval from the Director of Water Supplies was obtained, and no sinking of wells, blasting, drilling or piling works were allowed on the site at any time during the planning approval period, and should not result in any ground subsidence causing nuisance to the public or damage to the Plover Cove Tau Pass Culvert.
- A4. The submission and implementation of the previously agreed landscaping proposal.

- A5. Revocation of planning approval for non-compliance with conditions by a specified date/during the planning approval period.
- A6. Upon the expiry of the planning permission, the reinstatement of the application site to an amenity area.
- A7. No workshop activities should be carried out on the site at any time during the planning approval period.
- A8. The existing drainage facilities implemented on the site should be maintained at all times during the planning approval period.
- A9. The submission and implementation of proposals of protective/preventive measures against pollution or contamination to the water gathering grounds/within the upper indirect water gathering grounds.
- A10. The submission and implementation/provision of FSIs and water supplies for fire fighting proposal.
- A11. No night-time operation between the specified time, as proposed by the applicant, was allowed on the application site during the planning approval period.
- A12. The maintenance of existing trees and landscape plantings on the application site at all times during the planning approval period.

Detailed Comments from Relevant Government Departments

Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)

- (i) *Requirements to safeguard raw water quality in water gathering grounds*
- (a) No discharge of effluent or foul water into adjoining land, storm water drain, channel, stream or river course is allowed. Such foul water or effluent shall be collected and disposed of outside the water gathering grounds (WGG).
 - (b) All solid waste and sludge arising from the development shall be disposed of properly outside WGG.
 - (c) The use and storage of pesticides, toxicants, flammable solvents, laticidal oil, rodenticide, tar and petroleum oil are strictly prohibited in WGG.
 - (d) No chemicals including fertilizers shall be used without the prior approval from the Water Authority.
 - (e) Oil leakage and spillage shall be prevented within WGG at all time.
 - (f) The structures and uses under the development shall be as far away from any water courses as possible.
 - (g) Fencing shall be erected on the sides facing the nearest stream course to trap all wind-blown litters such as paper, plastic bags, bottles and boxes within the site of development.
 - (h) Vehicle park shall be surrounded by kerbs and drains. Drainage traps such as grease traps and petrol interceptors shall be installed at each of the drainage outlets and shall be under proper maintenance. All such drainage traps shall have sufficient capacity to ensure the proper collection and disposal of fuel and lubricants.
 - (i) Oil and grease decontamination kit such as absorbent pads shall be made available to decontaminate any possible oil leakage or spillage.
 - (j) Besides vehicle parking, other activities such as on-site vehicle inspection, maintenance, repairing and washing activities shall not be allowed in the applied use.
 - (k) Control measures including not allowing oil tanker to park inside the vehicle parking spaces shall be implemented to avoid oil leakage or spillage in the WGG.
- (ii) *Requirements to safeguard the integrity of the tunnel for Plover Cove Tau Pass Culvert*
- (a) No blasting, drilling or piling shall be permitted on the Site.
 - (b) No well shall be sunk on the Site.

- (c) The depth of any excavation shall not exceed 2m unless otherwise approved by WSD.
- (d) In the event that as a result or arising out of any work on site or any part thereof any subsidence of the ground occurs at any time, the applicant shall indemnify the Government against all actions, claims and demand arising out of any damage or nuisance to private property caused by such subsidence.

Comments of the Chief Buildings Surveyor/New Territories West, Buildings Department (CBS/NTW, BD)

- (a) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the Buildings Department (BD), they are are Unauthorized Building Works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
- (b) for UBW erected on leased land, enforcement action may be taken by the BD to mobilize their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
- (c) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (d) in connection with (c) above, 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) Regulation respectively;
- (e) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at building plan submission stage.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) the applicant should follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (c) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
 - (i) the lots are held under Block Government Lease demised for agricultural purpose. No structure shall be erected on the lots without the prior approval from LandsD;
 - (ii) there is no guarantee at this stage that the STW application would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including the payment of waiver fee and administrative fees as considered appropriate;
 - (iii) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access thereto; and
 - (iv) the applicant is required to clear any existing structures immediately unless they are covered by valid approval. Otherwise, appropriate lease enforcement action will be taken in due course;
- (d) to note the comments of the Commissioner for Transport (C for T) that the vehicular access between Tai Wo Service Road West and the Site is not managed by Transport Department. The applicant shall seek agreement/comment from the responsible party for the management and maintenance measures to be implemented for the vehicular access;
- (e) to note the comments of the the Chief Buildings Surveyor/New Territories West, Buildings Department (CBC/NTW,BD) that:
 - (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the Buildings Department (BD), they are Unauthorized Building Works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) for UBW erected on leased land, enforcement action may be taken by the BD to mobilize their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - (iii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP)

should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iv) in connection with (iii) above, 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) Regulation respectively; and
 - (v) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at building plan submission stage;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) while there are DSD's public stormwater drains in this area, the use should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from the surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/ fence to allow surface runoff to pass through Site if any boundary wall/ fence are to be erected. Any existing flow path affected should be re-provided. The use should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems 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 failure of the systems;
 - (ii) there are existing public sewers in the vicinity of the Site; and
 - (iii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;
- (g) to note the comments of the Director of Fire Services (D of FS) that:
- (i) the applicant should submit relevant layout plans incorporated with the proposed fire serves installations (FSIs) for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and good practice guidelines for open storage should be adhered to; and
 - (ii) if the proposed structure(s) is require to comply with the Buildings Ordinance (Cap.123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
- (i) the applicant should closely observe his undertaking of no use and storage of pesticides, toxicants, flammable solvents, laticidal oil, rodenticide, tar, petroleum oil, chemicals including fertilizers and detergents on site. The applicant should also be reminded to follow and implement the mitigation or

improvement measures stated in the risk assessment report. Additional mitigation measures may be required when the actual situation renders the initial risk assessment report inviable. Should pollution be detected in future due to the applied use, immediate remedial action to clear the pollution must be taken by the applicant;

- (ii) the applicant should comply with the following measures to safeguard the integrity of the tunnel for Plover Cove Tau Pass Culvert:
 - (1) no blasting, drilling or piling shall be permitted on the Site;
 - (2) no well shall be sunk on the Site;
 - (3) the depth of any excavation shall not exceed 2m unless otherwise approved by WSD; and
 - (4) in the event that as a result or arising out of any work on site or any part thereof any subsidence of the ground occurs at any time, the applicant shall indemnify the Government against all actions, claims and demand arising out of any damage or nuisance to private property caused by such subsidence; and
 - (iii) for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable government water mains for connection. The applicant 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; and
- (i) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that:
- (i) there are high pressure and immediate pressure underground town gas transmission pipelines (running along Tai Wo Service Road West) in the vicinity of the Site. The applicant shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development; and
 - (ii) the applicant is required to observe the Electric and Mechanical Services Department (EMSD)'s requirements on the 'Avoidance of Damage to Gas Pipes 2nd Edition'.