

**Relevant Extracts of Town Planning Board Guidelines for
Application for Development within Green Belt Zone
under Section 16 of the Town Planning Ordinance
(TPB PG-No. 10)**

1. 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 assessment criteria:
 - (a) there is a general presumption against development (other than redevelopment) in "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 "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds;

 - (c) passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration;

 - (d) the design and layout of any proposed development should be compatible with the surrounding area. It should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, and cause any adverse visual impact on the surrounding environment;

 - (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 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; and

- (g) any proposed development on a slope or hillside should not adversely affect slope stability.

Previous s.16 Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use/Development</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-LFS/278	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	GB	20.11.2015 (revoked on 8.1.2016)	1 to 11

Approval Conditions

1. No land filling or increase in site formation level is allowed.
2. No operation between 7:30 p.m. and 9:00 a.m. is allowed.
3. No public vehicle park is allowed.
4. No vehicle is allowed to queue back or reverse onto/from the public road.
5. The provision of fencing.
6. The submission and implementation of a drainage.
7. The maintenance of the implemented drainage facilities.
8. The submission and implementation of a tree preservation and landscape proposal.
9. The submission and implementation of fire service installations proposal.
10. Revocation clauses.
11. Reinstatement clause.

**Similar s.16 Applications for Recreational Use
within the same “Green Belt” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-LFS/39	Recreational Uses including Barbecue Spot, Playground, Refreshment Kiosk, Visitor Centre, Public Car Park & Ancillary Uses	GB & V	14.5.1999	1, 2, 4, 5 & 7
2	A/YL-LFS/56	Proposed Recreational Development including Garden, Fishing Ground, Barbecue Spot, Refreshment Kiosk, Public Car Park with Ancillary Facilities	GB	28.7.2000	1, 2, 27, 28
3	A/YL-LFS/63	Barbecue Spot and Refreshment Kiosk with Ancillary Car Park	GB	11.5.2001 by TPB (1 year)	1, 2, 4, 8
4	A/YL-LFS/86	Temporary Refreshment Kiosk and Car Park (3 years)	GB	14.6.2002 (3 years)	8
5	A/YL-LFS/135	Temporary Refreshment Kiosk and Car Park (3 Years)	GB	4.11.2005 by TPB (3 years) (Revoked on 20.12.2005)	8, 9, 10, 11, 12, 13, 14, 15
6	A/YL-LFS/166	Temporary Hobby Farming (Organic Farm and Education Centre) (3 Years)	GB	14.12.2007 (3 years) (Revoked on 20.12.2005)	1, 3, 6, 12, 16, 17 & 18
7	A/YL-LFS/172	Proposed Recreational Development (Including Barbecue Spot, Refreshment Kiosk, Hobby Farming, Fishing Ground, Children Playground and Ancillary Public Car Park)	GB & O	7.3.2008	3, 6, 17, 21, 29
8	A/YL-LFS/304	Proposed Place of Recreation, Sports or Culture and Shop and Services (including Barbecue Spot, Refreshment Kiosk, Hobby Farming and Children Playground)	GB	6.4.2018 (3 years) (Revoked on 6.1.2020)	2, 6, 8, 9, 12, 16, 19, 20, 21, 22, 25, 28
9	A/YL-LFS/311	Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	GB	3.8.2018 (Revoked on 3.11.2019)	1, 2, 6, 8, 9, 12, 16, 22, 23, 24, 25
10	A/YL-LFS/343	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	GB	5.7.2019	2, 6, 8, 9, 16, 20, 26

Approval Conditions

1. The submission and implementation of landscaping proposals.
2. The submission and implementation/provision of drainage proposal/facilities.
3. The submission of a Drainage Impact Assessment (DIA)/and implementation and maintenance of the flood mitigation measures/provision of stormwater drainage facilities identified in the DIA.
4. The submission and provision of sewage treatment and disposal facilities.
5. The provision of emergency vehicular access and fire safety facilities.
6. The submission and implementation/provision of fire services facilities/installations proposals.
7. The submission and implementation of the layout of the car park.
8. The reinstatement of the application site to an amenity area.
9. No night time operation was allowed on the site.
10. No overnight accommodation including the erection of Mongolian tents was allowed on site.
11. No additional structures other than those shown on the layout plan submitted by the applicant were allowed to be erected on site.
12. the drainage facilities on the application site shall be maintained.
13. the landscape planting on the application site shall be maintained in good condition.
14. the submission and implementation of a compensatory planting proposal.
15. the submission and implementation of vehicular access arrangement proposal.
16. No public announcement system, loudspeaker or any form of audio amplification system was allowed to be used on the site at any time during the planning approval period.
17. No public vehicle park was allowed on the site at any time during the planning approval period.
18. No vehicle, except private cars and coaches ancillary to the activities of the proposed development, was allowed to be parked on the designated ancillary car park at any time during the planning approval period.
19. Revocation clause.
20. No vehicle is allowed to queue back to public road or reverse onto/from the public road.
21. The submission and implementation of the tree preservation and landscape proposal.
22. Removal of existing hard-paving on the Site.
23. The provision of ingress/egress.
24. The provision of portable toilet.
25. The provision of fencing.
26. The submission and implementation of run-in/out proposal.
27. The provision of sewage impact assessment.
28. The permission shall cease to have effect on the specified date unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.
29. The submission and implementation of paving proposal.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-LFS/302	Temporary Place of Recreation, Sports or Culture (Hobby Farm and Fishing Ground)	GB	8.12.2017	1, 2
2	A/YL-LFS/344	Proposed Temporary Place of Recreation, Sports or Culture (Fishing Ground) for a Period of 3 Years	GB	2.8.2019	1, 2, 3

Rejection Reasons

1. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone for the area which was primarily to define the limits of urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlet. There was a general presumption against development within this zone. No strong justification was given in the submission for a departure from the planning intention.
2. The applied use is not in line with the TPB Guidelines No. 12C for Application for Development within Deep Bay Area in that it will affect the ecological integrity of the existing fish pond.
3. The development does not comply with the Town Planning Board Guidelines for “Application for Development within Green Belt Zone” in that the proposed development involved extensive clearance of natural vegetation cover or affecting the natural landscape.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Government Land (GL) and Old Schedule Agricultural Lots (OSALs). The OSALs are held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of the GL included in the Site (about 130m² subject to verification). The act of occupation of GL without Government's prior approval is not allowed. The lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or to regularize any irregularity on site, if any. Also, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should ensure that the proposed development would not adversely affect the watercourse in the vicinity;
- (d) to note the comments of the Director of Environmental Protection (DEP) that ***the proposed development includes recreational uses within Deep Bay Buffer Zone 2. According to Item P.1, Part I of Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO), "A residential or recreational development, other than New Territories exempted houses, within Deep Bay Buffer Zone 1 or 2" is a Designated Project (DP). An Environmental Permit is required for construction and operation of a DP under the EIAO. The applicant is reminded to implement good site practices and good housekeeping to avoid causing environmental impacts to the surrounding areas. Nevertheless, further assessments would be conducted to confirm its environmental acceptability under the statutory EIAO process.*** The applicant is advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' (COP);
- (e) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within the Site. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of the trees works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain necessary approval on tree works;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted Houses) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on

leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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) Regulations (B(P)R) respectively. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (i) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant is reminded to submit the proposed building works to BD for approval as required under the provisions of the BO;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
 - i. The applicant should indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system);
 - ii. The existing open drain, to which the applicant proposed to discharge the stormwater from the Site was not maintained by his department. The applicant should identify the owner of the existing drainage facilities and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD) should be consulted;
 - iii. Further to (ii) above, since there is no record of the said discharge path, the applicant should provide site photos to demonstrate its presence and existing condition;
 - iv. The proposal should indicate how the runoff (the flow direction) within the Site would be discharged to the proposed u-channel;
 - v. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given;
 - vi. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities;
 - vii. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap;
 - viii. Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site;
 - ix. The development should neither obstruct overland flow nor adversely affect existing

natural streams, village drains, ditches and the adjacent areas, etc.; and

- x. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works; and
- (k) to note the comments of the Director of Fire Services (D of FS) that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.