

Extract 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)

The relevant assessment criteria are as follows:

- (a) There is a general presumption against development (other than redevelopment) in a “Green Belt” (“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 government/institution/community (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 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 within/straddling the subject “R(D)” and “GB” Zones on the OZP

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use/ Development</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason</u>
1	A/YL-TYST/18 [^]	Temporary Warehouse for a Period of 12 Months	“R(D)”, “R(B)1”	23.1.1998 (on review)	(5), (6), (7), (8)
2	A/YL-TYST/155	Temporary Open Storage of Building Materials and Warehouse for a Period of 3 Years	“R(D)”, “GB”	3.5.2002 (on review)	(3), (5), (8), (9)
3	A/YL-TYST/462	Proposed Temporary Warehouse and Open Storage of Construction Materials, Machinery and Recyclable Materials (Plastics, Paper and Metal) with Ancillary Workshop and Caretaker's Room (Staff Quarters) for a Period of 3 Years	“R(D)”	6.11.2009	(2), (3), (4), (5), (6), (8),
4	A/YL-TYST/670	Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Office and Warehouses for a Period of 3 Years	“R(D)”	10.10.2014 (on review)	(2), (3), (5), (8)
5	A/YL-TYST/958*	Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	“GB”, “U”	3.5.2019	(1), (5), (8)
6	A/YL-TYST/959	Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years	“GB”	3.5.2019	(1), (5), (8)

[^] Straddling the adjacent “Residential (Group B)1” zone

* Straddling the adjacent “Undetermined” zone

Rejection Reasons

- (1) The development was not in line with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone in that the development has affected the existing natural landscape.
- (2) The application did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E).

- (3) The applicant failed to demonstrate that the proposed development would not generate adverse environmental/drainage/traffic/landscape impacts on the surrounding areas.
- (4) The applicant's proposed access arrangement which was to use the existing cycle track as the vehicular access to the application site would pose safety hazards on the cyclists in the area was not acceptable.
- (5) The development was not in line with the planning intention of the "R(D)"/"GB" zones.
- (6) The development was incompatible with the rural residential developments in the vicinity of the site.
- (7) No information was provided in the submission to demonstrate that the goods to be stored in the application premises cannot be accommodated in godown premises.
- (8) The approval of the application would set an undesirable precedent for similar applications in the area.
- (9) The current environmental and traffic conditions associated with the access track to the application site are already deteriorating. Approving the application would result in a further degradation of the environmental and traffic conditions of the area.

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the development on the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises Old Schedule Agricultural Lots 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. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularise any irregularities on the Site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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 her department;
- (c) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Long Hon Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the Site for manoeuvring of vehicles. No parking of vehicles on public road is allowed;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department 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. His department shall not be responsible for the maintenance of any access connecting the Site and Tong Yan San Tsuen Interchange;
- (e) to note the comments of the Director of Environmental Protection that relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department should be followed to minimise any potential environmental nuisances on the surrounding areas;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Relevant layout plans incorporated with the proposed FSIs should be submitted to his department for 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 also be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorised building works (UBW) under the 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 the 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, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorised 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 building plan submission stage. Detailed checking under BO will be carried out at building plan submission stage; and

- (h) to note the comments of the Project Manager (West), Civil Engineering and Development Department that based on the preliminary project boundary of the proposed Yuen Long South (YLS) Development, part of the Site falls within the boundary of the proposed YLS Development – Stage 4. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong and the detailed implementation programme with phasing and packaging of works for YLS Development – Stage 4 is being formulated.