

**Relevant extracts of the Town Planning Board Guidelines for
Application for Development within Green Belt Zone
(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 Planning Criteria:
 - (a) an application for new development in "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds;

 - (b) the design and layout of any proposed development should be compatible with the surrounding areas. 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;

 - (c) 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; and

 - (d) the vehicular access road and parking providing 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.

**Relevant extracts of the Town Planning Board Guidelines for
Application for Open Storage and Port Back-up Uses
(TPB PG-No.13E)**

1. On 17.10.2008, the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) were promulgated, which set out the following criteria for the various categories of area:
 - (a) Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns;
 - (b) Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas;
 - (c) Category 3 areas: applications would normally not be favorably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions; and
 - (d) Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. A maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites

for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merit.

2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarized as follows:
 - (a) there will be a general presumption against development on sites of less than 1,000 m² for open storage uses and 2,000 m² for port back-up uses in rural areas, other than sites located in major corridors, industrial/godown/workshop areas, quarrying activities or where it is demonstrated that optimum use is made of the site. This is to prevent the further proliferation of small sites in rural areas, minimizing sprawl over countryside areas and reducing travel trips;
 - (b) port back-up sites and those types of open storage uses generating adverse noise, air pollution and visual intrusion and frequent heavy vehicle traffic should not be located adjacent to sensitive receivers such as residential dwellings, hospitals, schools and other community facilities;
 - (c) port back-up uses are major generators of traffic, with container trailer/tractor parks generating the highest traffic per unit area. In general, port back-up sites should have good access to the strategic road network, or be accessed by means of purpose built roads;
 - (d) adequate screening of the sites through landscaping and/or fencing should be provided where sites are located adjacent to public roads or are visible from surrounding residential areas;
 - (e) there is a general presumption against conversion of agricultural land and fish ponds to other uses on an ad hoc basis, particularly in flood prone areas or sites which would obstruct natural drainage channels and overland flow; and
 - (f) for applications involving sites with previous planning approvals, should there be no evidence to demonstrate that the applicants have made any genuine effort to comply with the approval conditions of the previous planning applications, planning permission may be refused, or a shorter compliance period for the approval conditions may be imposed, notwithstanding other criteria set out in the Guidelines are complied with.

**Similar s.16 Applications for Temporary Warehouse and Open Storage Uses
within the Same “GB” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Rejected Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason</u>
1.	A/YL-LFS/130	Temporary Warehouse for a Period of 3 Years	GB	18.3.2005	1, 6, 8
2.	A/YL-LFS/200	Temporary Warehouse and Open Storage of Recyclable Goods (including Electronic Goods and Scrap Metals) for a Period 3 Years	GB	29.1.2010	1, 3,4, 5, 8
3.	A/YL-LFS/227	Temporary Open Storage of Scrap Metal, Paper and plastic for a Period of 3 Years	GB	4.11.2011	1,4, 5, 7, 8
4.	A/YL-LFS/228	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	GB, R(E)	18.11.2011	1, 2, 7, 8
5.	A/YL-LFS/252	Temporary Warehouse (Storage of Household Materials and Canned Food) for a Period of 3 Years	GB	11.10.2013	1, 3, 8
6.	A/YL-LFS/259	Temporary Warehouse for Plastic and Paper Products for a Period of 3 Years	GB, MRDJ	7.3.2014	1, 3, 8
7.	A/YL-LFS/262	Temporary Open Storage of Warehouse for Storage of Recycled Materials for a Period of 3 Years	GB	13.6.2014	1, 3, 4, 5, 8
8.	A/YL-LFS/279	Proposed Temporary Open Storage of Building Material with Ancillary Office for a Period of 3 Years	GB	18.9.2015	1, 3, 5, 8
9.	A/YL-LFS/280	Temporary Warehouse for Plastic and Paper Products for a Period of 3 Years	GB, MRDJ	23.10.2015	1, 3, 8
10.	A/YL-LFS/285	Proposed Temporary Open Storage of Construction Machinery, Materials and Equipment for a Period of 3 Years	GB	18.3.2016	1, 3, 5, 8

Rejection Reasons

1. The proposed development at the applications site 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 outlets. 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 proposed development would defeat the planning intention of the “Residential (Group E)” zone which was primarily for the phasing out of existing industrial uses through redevelopment for residential use on application to the Town Planning Board.
3. The development was not in line with the Town Planning Board Guidelines No. 10 for "Application for Development within Green Belt Zone" in that the development involved extensive clearance of natural

vegetation, affected the existing natural landscape in the area, (and/or) the development is not compatible with the surrounding areas.

4. The development was not in line with the Town Planning Board Guidelines No. 12B for "Application for Development within Deep Bay Area" in that no previous approval for open storage use had been granted for the site, and the development did not complement the ecological functions of the wetlands and fishponds around the Deep Bay Area, and would have adverse disturbances on birds.
5. The development was not in line with the Town Planning Board Guidelines No. 13E for "Application for Open Storage and Port Back-up Uses" in that there was no exceptional circumstances to justify the development, no previous approval for open storage use had been granted for the site, there were adverse department comments on the environmental aspects, and the development would generate environmental nuisance on the surrounding areas.
6. There was insufficient information in the submission to demonstrate that the proposed development would not have significant environmental, drainage, and flooding impacts on the surrounding areas.
7. The development was not compatible with the existing rural neighbourhood and landscape character, (and/or) particularly the existing residential dwellings and an approved residential development nearby.
8. Approval of this application would set an undesirable precedent for similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lot 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 Site is accessible from Deep Bay Road through Government Land (GL). Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site. The lot owners will need to apply to her office to permit the structures to be erected or regularize any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications 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 will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (b) 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 nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (c) to note the comments of the Director of Environmental Protection (DEP) that 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”);
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that 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 BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect 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. 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. 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 the building plan submission stage;
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) 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 FSI to be installed should be clearly marked on the

layout plans. Attached good practice guidelines for open storage should be adhered to (**Appendix V**). If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) is required, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (f) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such activity and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such work / operation, the applicant should arrange disposal properly at their own expenses. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.