

**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.

Previous s.16 Applications covering the Application Site

Rejected Application

	<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/31	Pond filling and development of golf driving range with ancillary private club, conservation and recreational facilities	GB	18.12.1998 (Upon review)	1, 2, 3, 4 and 5

Rejection Reasons

1. The proposed development at the application 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 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. 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.
 3. The proposed vehicular access arrangement for the proposed development was not acceptable.
 4. There was insufficient information in the submission to explain why land in "Recreation" zone of the Outline Zoning Plan could not be made available for the proposed development.
 5. 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.
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Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition</u>
1.	A/YL-LFS/40	Proposed Temporary Golf Driving Range with Ancillary Pro-Shop, Storage Area, Washroom & Parking Area for 3 Years	GB	28.5.1999	1, 2, 3, 4, 5, 8
2.	A/YL-LFS/74	Proposed Extension to the Greenfield Garden (including Flea Market for Green/Environmental Friendly Products) for a Period of 3 Years	GB	8.3.2002 (Upon review)	1, 2, 4, 6, 7, 8

Approval Conditions

1. The submission and implementation of landscaping proposals.
2. The submission of a Drainage Impact Assessment and provision of drainage facilities.
3. The provision of sewage treatment and disposal facilities.
4. The provision of fire services facilities.
5. The provision of vehicular access and the submission and implementation of the layout of the car park.
6. The submission of fire services installations proposals.
7. The provision of drainage facilities.
8. Reinstatement clause.

**Similar s.16 Applications for Vehicle Park Use
within the Same "GB" Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Rejected Application

	<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/118	Temporary Vehicle Park (Private Cars & Light Goods Vehicles) for a Period of 3 Years	GB	21.11.2003	1, 2, 3, 4

Rejection Reasons

1. The proposed development was not in line with the planning intention of the "Green Belt" zone 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;
 2. The development did not comply with the revised Town Planning Board Guidelines for "Application for Developments within Deep Bay Area" in that there was insufficient information in the submission to demonstrate that the development would not have adverse disturbance impacts on the ecological integrity and ecological values of the adjoining fish ponds as well as those within the Deep Bay area;
 3. There was no information in the submission to demonstrate that the proposed development would not have adverse drainage, traffic and landscape impacts on the surrounding area; and
 4. Approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such applications would result in a general degradation of the environment and ecology of the area.
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Approved Application

	<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/341	Proposed Temporary Public Vehicle Park for Private Cars for a Period 3 Years	GB O(1)	31.5.2019	1, 2, 3, 4, 5, 6, 7, 8, 9

Approval Conditions

1. No operation from 11:00 p.m. to 7:00 a.m.
2. No light goods vehicle, medium goods vehicle and heavy goods vehicle, as defined in the Road Traffic Ordinance, is allowed to enter the Site.
3. No vehicle without valid licence issued under the Road Traffic Ordinance, is allowed to be parked/stored on the Site.
4. No vehicle is allowed to queue back to or reverse onto/from public roads.
5. The submission and implementation of the revised drainage proposal.
6. The implemented drainage facilities shall be maintained.
7. All the existing trees within the Site shall be maintained in good condition.
8. The submission and implementation of fire service installations proposal.
9. Reinstatement clause.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) 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 lot owners of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities 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. 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 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;
- (d) to note the comments of the Commissioner for Transport (C for T) that the local track leading to the Site is not under Transport Department's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (e) 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;
- (f) 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") issued by the Environmental Protection Department;
- (g) 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 House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO). For UBW erected on leased land, enforcement action may be taken by the Buildings Department 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 application site under the BO. Before any demolition works are to be carried out on application site, prior approval and consent of the BA should be obtained. An Authorized Person (AP) should be appointed as the co-ordinator for any demolition works in accordance with the BO. Should the AP confirm the works fall into the Minor Works Control System (MWCS), then the applicant may proceed with the works under the MWCS. For details of the

submission procedure under the MWCS, the applicant may wish to visit BD's website at www.bd.gov.hk; and

- (h) 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.