

**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.

**Similar s.16 Applications for Filling and Excavation of Land for Permitted Agricultural Use  
within the Same "GB" Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reason</u></b>
1.	A/YL-LFS/101	Pond Filling for agricultural use (flower planting)	GB	20.6.2003 (upon review)	1, 2, 3
2.	A/YL-LFS/133	Pond Filling for Plant Nursery Use for a Period of 3 Years	GB	27.5.2005	1, 2, 4
3.	A/YL-LFS/136	Temporary Pond Filling for Agricultural Use (Flower Planting) for a Period of 3 Years	GB	18.11.2005 (upon review)	1, 2, 4
4.	A/YL-LFS/201	Proposed Pond Filling and Land Filling for Agricultural Use	GB	29.1.2010	1, 2, 3, 5
5.	A/YL-LFS/202	Proposed Land Filling (by 1.2m) for Agricultural Use	GB	17.12.2010 (upon review)	6

**Rejection Reasons**

1. 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 ecological impacts on the surrounding areas.
2. There was no information in the submission to demonstrate that the proposed development would not have adverse drainage and landscape impact on the surrounding area.
3. Approval of the application would set an undesirable precedent for similar pond filling, the cumulative effect of approving such applications would result in a general degradation of the environment and ecology of the area.
4. There was insufficient information in the submission to demonstrate that there was a need for pond filling at the application site for plant nursery use.
5. The proposed development was not in line with the revised Town Planning Board Guidelines for Application for Development within the Green Belt under Section 16 of the Town Planning Ordinance in that there was a general presumption against development (other than redevelopment) in "Green Belt" ("GB") zone, and the proposed development would have adverse landscape impacts on the surrounding area.
6. The site would be higher than the surrounding areas after the proposed land filling. The applicant failed to justify the need to fill up the site and the filling depth being applied for, and to demonstrate that the proposed land filling would not have adverse drainage and landscape impacts on the surrounding area.

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition</u></b>
1.	A/YL-LFS/9	Pond Filling for Agricultural Use (Fruit Tree Plantation)	GB R(C)	23.8.1996	1, 2
2.	A/YL-LFS/10	Pond Filling for Agricultural Use (Fruit Tree Plantation)	GB	23.8.1996	1, 2
3.	A/YL-LFS/132	Temporary Land Filling for Plant Nursery Use for a Period of 3 Years	GB	19.8.2005 (upon review)	1, 2, 3

**Approval Conditions**

1. The provision of detailed information on the sources of fill materials and types of bunds used for the pond filling to demonstrate that the proposed pond filling will not cause adverse impact to the remaining fish ponds.
2. Revocation clause.
3. The submission of a Drainage Impact Assessment, implementation of flood mitigation measures/ provision of the proposed drainage facilities.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) the planning permission is given to the developments/uses under application. It does not condone any other developments/uses which currently occur on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such developments/uses not covered by the permission;
- (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 owner(s) of the lot without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by the Lands Department 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 premium or fee, as may be imposed by the Lands Department;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) as follows:
  - (i) the Site falls within the “GB” zone and possesses potential for agricultural rehabilitation. The applicants should provide more details of the agricultural activities (e.g. cultivation area, type of crops to be grown, market channel for the crop produce, etc.) to be conducted at the Site, justify the need for filling and excavation of land for agricultural use, and provide more information about the fill materials for the Board’s consideration.
  - (ii) According to Agriculture, Fisheries and Conservation Department’s (AFCD) record, they have received an application for Letter of Approval for erecting agricultural structures at Lots 1238 S.B in D.D. 129 in August 2017 by another applicant and forwarded the application to LandsD in September 2017 for further processing and approval.
  - (iii) It is noticed that the applicants also propose to have sheep shed and kennel in the Site. The applicants are reminded that under the Public Health (Animals) (Boarding Establishment) Regulations, Cap. 139I, any person who provides food and accommodation for animals in return for a fee paid by the owner must apply for a Boarding Establishment Licence from AFCD. The applicant should also be reminded that the establishment and ancillary facilities which is licensed under the Cap 139I Public Health (Animals) (Boarding Establishment) Regulations must always fulfil the criteria listed in the Regulations.
  - (iv) On the other hand, the dogs kept by the applicants should also be properly licensed as in accordance with Cap. 421 Rabies Ordinance and they are reminded to observe Cap 169 Prevention of Cruelty to Animals Ordinance at all times.

- (v) The Public Health (Animals and Birds) (Exhibitions) Regulations, Cap. 139F, regulates all persons who exhibit animals or birds in return for a fee paid by the public admitted to enter the venue for the exhibition. In that regards, the applicants will need to apply for licence if he or she is exhibiting the goats for a fee. Please refer to the following link for details of the regulations.  
[https://www.pets.gov.hk/english/animal\\_business/exhibition\\_licence.html#tab\\_03](https://www.pets.gov.hk/english/animal_business/exhibition_licence.html#tab_03)
- (vi) On the contrary, no licence is needed to keep goats in the New Territories areas. To combat nuisance, it is advised that the applicants tend the goats all the time if the goats are roaming and free grazing.
- (e) to note the comments of the Commissioner for Transport (C for T) that 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 HyD shall not be responsible for the maintenance of any access connecting the Site and public road;
- (g) to note the comments of the Director of Environmental Protection (DEP) that the applicant is reminded to strictly comply with relevant pollution control ordinances, including Waste Disposal Ordinance and Water Pollution Control Ordinance, and to implement appropriate pollution control measures to minimise any potential environmental impacts during construction. Reference could be made to relevant publications/guidelines including the following:
- Recommended Pollution Control Clauses for Construction Contracts  
[https://www.epd.gov.hk/epd/english/environmentinhk/eia\\_planning/guide\\_ref/rpc\\_1.html](https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc_1.html)
- ProPECC PN 1/94 Construction Site Drainage  
[https://www.epd.gov.hk/epd/sites/default/files/epd/english/resources\\_publications/files/pn94\\_1.pdf](https://www.epd.gov.hk/epd/sites/default/files/epd/english/resources_publications/files/pn94_1.pdf)
- (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 House) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned 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) 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 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. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (j) 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 building/site formation/slope remedial/excavation works to the Buildings Department for approval as required under the provisions of the Building Ordinance.