

**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.

**Detailed comments of Chief Engineer/Mainland North, Drainage Services  
Department (CE/MN, DSD)**

- (a) He has the following comments on the submitted drainage proposal:
- i. Peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the whole Site (including the Mongolian Yurt area) and to intercept the overland flow from the adjacent lands;
  - ii. The applicant is advised to demonstrate with hydraulic calculation that the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the application site and the overland flow intercepted from the adjacent lands;
  - iii. The ground to the north and west of the application site is significantly higher. Since the overland flow from the adjacent lands shall be probably intercepted, external catchment shall be considered in the calculation;
  - iv. The existing ponds, to which the applicant proposed to discharge the stormwater from the subject site was not maintained by this office. The applicant should identify the owner of the existing drainage facilities and obtain consent from the owner prior to commencement of the proposed works;
  - v. The gradients and the sizes of the proposed U-channels should be shown on the drainage plan;
  - vi. The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel;
  - vii. The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan;
  - viii. Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given;
  - ix. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities;
  - x. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap;
  - xi. 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;
  - xii. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and

- xiii. The applicant should consult DLO/YL 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.

**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 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. No permission is given for occupation of Government Land (G.L.) of about 1,588 m<sup>2</sup> in area (subject to verification) included in the Site. The act of occupation of G.L. without Government's prior approval is not allowed. With the implementation of the tightened arrangement for handling regularisation applications, LandsD will no longer accept application for regularisation of new or extension of unlawful occupation of G.L. or erection of new structures which is found commenced on or after 28 March 2017. The lot owners will need to apply to his office to permit the structures to be erected or regularise any irregularity on Site. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Furthermore, the applicant has to either exclude the G.L. from the Site or apply for a formal approval prior to the actual occupation of the G.L. Application 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 rent or fee, as may be imposed by LandsD;
- (c) to note the comments of the the Director of Agriculture, Fisheries and Conservation (DAFC) that the Site falls within the WBA. It is in proximity to the fishponds in the WCA and part of the Site falls within Mai Po Inner Deep Bay Ramsar Site. In accordance with TPB PG-No. 12C, the proposal should not have a negative off-site disturbance impact on the ecological value of wetlands in WCA or cause net increase in pollution load in Deep Bay. While the use under application is temporary in nature and the proposal involves building one-storey structures, she notes there is a general lack of information regarding the potential impact of the proposed use to the nearby environment, such as (i) treatment of sewage, in particular, from the proposed toilet and café; (ii) types of night-time outdoor lighting, in particular, if there are any upward-pointing light; (iii) noisy work or activities during both construction and operation phases of the proposed use.
- (d) 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 Deep Bay Road;
- (e) to note the comments of the Director of Environmental Protection (DEP) that no environmental complaint pertaining to the Site has been received in the past three years. ***Under s.16B of Waste Disposal Ordinance, Cap. 354, the landowner of private land needs to apply for a valid permission to deposit construction waste on a private land. The applicant should be asked to contact DEP. 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");***
- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that part of the Site is overlooked by steep natural terrain and meets the alert criteria for a natural terrain

hazard study (NTHS). The applicant is required to submit a Geotechnical Planning Review Report (GPRR) in support of the planning application. The GPRR should include a preliminary geotechnical review of the natural terrain hazards, assess the geotechnical feasibility of the proposed development, and where necessary, indicate the recommended extent of the NTHS study area and a commitment to undertake the NTHS and to carry out any necessary mitigation measures as part of the proposed development. The application could affect or be affected Feature nos. 2SW-C/D2 (maximum height about 7m), 2SW-D/C12 (maximum height about 9.7m) and 2SE-D/C13 (maximum height about 4m) as shown on the attached location plans, and also meets the criteria for submission of a GPRR to support the application. The application covers unallocated Government land, which could affect or be affected by part of Feature Nos. 2SW-D/C12 and /C13. In case PlanD and DLO decide to dispose the unallocated Government land, it is recommended that DLO should include the standard Green Hatched Black Clause in the Special Conditions of land disposal documents for maintenance, investigation and study, and carrying out of any necessary remedial works to these slopes. The applicant is reminded to submit building / site formation / drainage works to Building Department for approval as required under the provisions of the Building Ordinance;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (i) Peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the whole Site (including the Mongolian Yurt area) and to intercept the overland flow from the adjacent lands;
  - (ii) The applicant is advised to demonstrate with hydraulic calculation that the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the Site and the overland flow intercepted from the adjacent lands;
  - (iii) The ground to the north and west of the Site is significantly higher. Since the overland flow from the adjacent lands shall be probably intercepted, external catchment shall be considered in the calculation;
  - (iv) The existing ponds, to which the applicant proposed to discharge the stormwater from the Site was not maintained by his office. The applicant should identify the owner of the existing drainage facilities and obtain consent from the owner prior to commencement of the proposed works;
  - (v) The gradients and the sizes of the proposed U-channels should be shown on the drainage plan;
  - (vi) The proposal should indicate how the runoff (the flow direction) within the Site would be discharged to the proposed u-channel;
  - (vii) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan;
  - (viii) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given;
  - (ix) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities;
  - (x) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap;

- (xi) 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;
  - (xii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
  - (xiii) 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.
- (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 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 FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or license is required under Hotel and Guesthouse Accommodation Ordinance (HAGAO), Cap 349, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively;
- (i) to note the comments from the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):
- (i) 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) and should not be designated for any proposed use under the application.
  - (ii) 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.
  - (iii) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
  - (iv) 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.
  - (v) The Site does not abut on a specified street of net 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.
  - (vi) If the proposed use under application is subject of issue of a license, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

- (j) 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 work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surroundings. 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. For any waste generated from such activity / operation, the applicant should arrange disposal properly at their own expenses.