

**Relevant 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 and 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.

Previous s.16 Applications covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Zoning(s)</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
2.	A/YL-LFS/357	Temporary Public Vehicle Park (Private Car, Medium Goods Vehicle, Heavy Goods Vehicle and Container Vehicle) for a Period of 3 Years	GB & O(1)	6.3.2020	1, 5, 6, 7

Rejection Reasons

1. The proposed development/applied use is 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.
6. The applied use is not in line with the Town Planning Board (TPB) Guidelines No. 10.
7. The applied use is not in line with the then Town Planning Board (TPB) Guidelines No. 13E.

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.
8. The submission of fire services installations proposals.
9. 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.

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.

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

He has the following comments on the submitted drainage plan:

- (a) The applicant should indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system).
- (b) Since there is no record of the discharge path, the applicant should provide site photos to demonstrate its presence and existing condition.
- (c) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
- (d) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
- (e) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
- (f) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
- (g) Where walls or hoarding are erected and laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
- (h) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (i) 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.

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. The lot owner(s) will need to apply to his 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. 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(s) 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 Commissioner for Transport (C for T) that sufficient manoeuvring space shall be provided within the Site. 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;
- (d) 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 Tin Wah Road;
- (e) 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' issued by the Environmental Protection Department;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
 - (i) The applicant should indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system).
 - (ii) Since there is no record of the discharge path, the applicant should provide site photos to demonstrate its presence and existing condition.
 - (iii) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
 - (iv) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
 - (v) Sand trap or provision alike should be provided before the collected runoff is

discharged to the public drainage facilities.

- (vi) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
 - (vii) Where walls or hoarding are erected and laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
 - (viii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
 - (ix) 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.
- (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) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by 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; and
- (h) to note the comments of the Director of Fire Services (D of FS) that the applicant shall 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 FSIs to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.