

**Relevant extracts of the Town Planning Board Guidelines for  
Application for Development within Green Belt Zone  
(TPB PG-No.10)**

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) there is a general presumption against development (other than redevelopment) in “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 “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds;
- (c) passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration;
- (d) the design and layout of any proposed development should be compatible with the surrounding area. 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;
- (e) 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;
- (f) 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; and
- (g) any proposed development on a slope or hillside should not adversely affect slope stability.

**Similar s.16 Application for Proposed Filling of Land for Permitted Agricultural Use  
within the same “GB” Zone on the Lau Fau Shan and Tsmi Bei Tsui OZP**

**Approved Application**

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-LFS/9	Pond Filling for Agricultural Use (Fruit Tree Plantation)	GB and 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)	2,3

**Approval condition(s)**

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.

**Rejected Application**

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-LFS/101	Pond Filling for agricultural use (flower planting)	GB	7.3.2003 (upon review)	2-4
2.	A/YL-LFS/133	Pond Filling for Plant Nursery Use for a Period of 3 Years	GB	27.5.2005	2,4,5
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)	2,4,5
4.	A/YL-LFS/201	Proposed Pond Filling and Land Filling for Agricultural Use	GB	29.1.2010	1-4

5.	A/YL-LFS/202	Proposed Land Filling (by 1.2 m) for Agricultural Use	GB	17.12.2010 (upon review)	2,6
6.	A/YL-LFS/359	Proposed Filling and Excavation of Land for Permitted Agricultural Use	GB	17.7.2020 (upon review)	4,5

Rejected Reason(s)

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 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 or no information in the submission to demonstrate that the proposed development would not have significant environmental/ landscape/ drainage and/or flooding impacts on the surrounding areas.
3. 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.
4. 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.
5. There was insufficient information in the submission to demonstrate that there was a need for pond/land filling at the application site for plant nursery or agricultural use.
6. The site would be higher than the surrounding areas after the proposed land filling

**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 (OSALs) 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;
- (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 (TD)'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 the access arrangement should be commented by TD. 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;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant is reminded that the land should not be filled with construction waste and it is the applicant's responsibility to comply with all relevant environmental legislations during construction and operation of the project. The applicant is also advised to follow the 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)) to minimize the environmental impacts during the construction stage;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
  - (i) It is noted that an existing ditch passing through the Site on private land will be preserved under the proposed works. The applicant should provide information of the said ditch and how to retain and maintain it.
  - (ii) The overland flow of stormwater in the vicinity should not be obstructed by the proposed works. Measures such as peripheral surface channels should be provided to collect the surface runoff accrued on the Site and to intercept the overland flow from the adjacent lands. The applicant should provide details in the drainage proposal.
  - (iii) The applicant should provide cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas.
  - (iv) Where walls or hoarding are erected and laid along the site boundary, the applicant should provide adequate opening to intercept the existing overland flow passing through the Site.

- (v) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (vi) 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; and
- (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 Building 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 Sites under the BO. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Sites, 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 Sites 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 Sites do 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.