

**Extract of Town Planning Board Guidelines
for Application for Development within the Green Belt Zone
under Section 16 of the Town Planning Ordinance**

(TPB PG-No. 10)

The main planning criteria for assessing applications for development within the “Green Belt” zone under s.16 of the Town Planning Ordinance are:

- (a) There is a general presumption against development (other than redevelopment) in a "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 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 Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Zoning</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1	A/YL-PS/26	Mostly "U" and partly "V"	Temporary Container Trailer, Lorry and Private Car Park for a Period of 12 Months	6.3.1998	(5), (7), (9), (11), and (13)
2	A/YL-PS/187	Partly "U" and partly "V"	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	26.11.2004 (TPB) (approved for 2 years)	(1), (5), (7), (8), (10), (12) and (13)
3	A/YL-PS/254	Partly "U" and partly "V"	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles under Application No. A/YL-PS/187 for a Period of 3 Years	17.11.2006 (approved for 2 years)	(1), (2), (3), (6), (7), (8), (12) and (13)
4	A/YL-PS/289	Partly "U" and partly "V"	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	24.10.2008 (approved for 2 years)	(1), (2), (4), (6), (7), (8), (12) and (13)
5	A/YL-PS/332	Partly "U" and partly "V"	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles under Application No. A/YL-PS/289 for a Period of 3 Years	12.11.2010 (approved for 2 years)	(1), (2), (4), (6), (7), (8), (12) and (13)
6	A/YL-PS/397	Partly "GB" and partly "V"	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	11.1.2013	(1), (2), (4), (6), (7), (8), (12) and (13)
7	A/YL-PS/509	Partly "GB" and partly "V"	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	8.1.2016	(1), (2), (4), (6), (7), (8), (12) and (13)

Approval Conditions

- (1) Only private cars and light goods vehicles to be parked.
- (2) Restriction on operation hours.
- (3) No repair and workshop activity.

- (4) No dismantling and repairing of vehicles and other workshop activity.
- (5) Submission and implementation of landscape and tree preservation proposal.
- (6) Existing landscape planting should be maintained
- (7) Submission and implementation of drainage proposal/provision of drainage facilities.
- (8) Submission and implementation of fire service installations.
- (9) Provision of paving and peripheral fencing of the site.
- (10) Provision of peripheral fencing of the site.
- (11) Provision of a vehicular access.
- (12) Revocation clauses.
- (13) Reinstatement clause.

Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Zoning</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Reasons for Rejection</u>
1	A/YL-PS/90	Partly "V" and partly "REC"	Temporary Container Vehicles and Trailers Park with Ancillary Repair/Maintenance Workshops, Open Storage of Building Materials and Office for a Period of 3 Years	12.1.2001	(1) to (3)
2	A/YL-PS/168	Partly "U" and partly "V"	Temporary Vehicle Park for Private Cars, Light Goods Vehicles, Ancillary Office and Canteen for a Period of 3 Years	2.4.2004 (TPB)	(1), (2), (4) and (5)

Reasons for Rejection:

- (1) Not in line with planning intention.
- (2) Not compatible with surrounding land uses.
- (3) Insufficient information to demonstrate no adverse noise, dust, environmental and visual impacts.
- (4) Insufficient information to demonstrate no adverse drainage impacts.
- (5) Undesirable precedent.

**Similar s.16 Applications within the same “GB” and “V” Zones
on the approved Ping Shan OZP No. S/YL-PS/18**

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1	A/YL-PS/213	“V”	Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	27.5.2005 (approved for 2 years) (revoked on 15.12.2005)	(1), (2), (4) to (8), (10) and (11)
2	A/YL-PS/216	“V”	Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	24.6.2005 (approved for 2 years) (revoked on 15.12.2005)	(1), (2), (4) to (8), (10) and (11)
3	A/YL-PS/463	“V”	Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	27.2.2015	(1), (3) to (7), (9) to (14)
4	A/YL-PS/551	“V”	Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	9.2.2018	(1), (3), (4), (6), (7), (9) to (14)

Approval Conditions

- (1) No vehicles without valid licences issued under the Road Traffic Ordinance to be parked/stored on site.
- (2) Only private cars and light goods vehicles to be parked.
- (3) Only private cars to be parked
- (4) Restriction on operation hours.
- (5) Submission and implementation of landscape and tree preservation proposal.
- (6) Submission and implementation of drainage proposal/provision of drainage facilities.
- (7) Submission and implementation of fire service installations.
- (8) Provision of paving and fencing of the site.
- (9) Provision of boundary fencing.
- (10) Revocation clauses.
- (11) Reinstatement clause.
- (12) Posting notice to indicate that only private cars to enter/be parked on the site.
- (13) No vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity.
- (14) No vehicle queuing back to public road or reversing onto/from public road.

Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Zoning</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Reasons for Rejection</u>
1	A/YL-PS/240	“V”	Temporary Public Vehicle Park for Private Car, Light Goods Vehicle and Container Trailer for a Period of 3 Years	13.10.2006 (TPB)	(1) to (3)
2	A/YL-PS/241	“V”	Temporary Public Vehicle Park for Private Car, Light Goods Vehicle and Container Trailer for a Period of 3 Years	7.4.2006	(1), (2) and (4)

Reasons for Rejection:

- (1) Not in line with planning intention.
- (2) Not compatible with surrounding residential dwellings.
- (3) Insufficient information to demonstrate no adverse environmental and drainage impacts.
- (4) Insufficient information to demonstrate no adverse environmental, drainage and landscape impacts.

Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the site.
- (b) to note that the erection of fence walls and/or external mesh fences on private land are building works subject to the control under the Buildings Ordinance. The applicant should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation.
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises an Old Scheduled Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lot No. 39 RP in D.D.122 is covered by Short Term Waiver (STW) No. 3362 which permits the structure(s) erected thereon for the purpose of "Ancillary office and shroff to vehicle park". Government Land (GL) adjoining lot 40 RP in D.D. 122 is covered by Short Term Tenancy (STT) No. 3031 for "Temporary public vehicle park for private cars and light good vehicles". The site is accessible form Yung Yuen Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the application site. Should planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to this office for modification of the STW/STT conditions where appropriate. The owner(s) of the lot without STW will need to apply to his office to permit 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by Lands Department acting in the capacity as 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 Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), 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 the BD to effect their removal in accordance with BD's 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) are to be carried out on the site, prior approval and consent of the BD 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. 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 respectively. If the site does not abut on a

specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage.

- (e) to follow the latest Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area.
- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the subject site.
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the site falls within the Railway Protection Zone of West Rail. The applicant should seek comments of the MTR Corporation Limited (MTRCL). Adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains. The HyD shall not be responsible for the maintenance of any access connecting the site and Ha Mei San Tsuen Road.
- (h) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department that as the site falls within the route protection boundary of the West Rail, the applicant should consult MTRCL with respect to operation, maintenance, safety and future construction of the existing railway network with reference to the procedures in PNAP-APP24,.
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installation (FSIs) are anticipated to be required. Therefore, 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 FSI 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), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.
- (j) to note the comments of the Director of Food and Environmental Hygiene 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 surrounding. For any waste generated from the such activity / operation, the applicant should arrange disposal properly at her own expenses. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.