

**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 Applications Covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-TYST/407	Temporary Place of Recreation (War Game Playground) for a Period of 3 Years	2.1.2009 Approved for 2 years on review	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-TYST/507	Renewal of Planning Approval for Temporary "Place of Recreation (War Game Playground)" Use for a Period of 2 Years	23.12.2010	(1), (2), (6), (7), (8), (9)
3	A/YL-TYST/625	Renewal of planning approval for temporary "place of recreation (war game playground)" for a period of 2 years	21.12.2012 [Revoked on 2.7.2013]	(1), (2), (4), (6), (8), (10), (11)
4	A/YL-TYST/782	Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years	27.5.2016 [Revoked on 27.4.2020]	(1), (4), (6), (8), (10), (11), (12), (13), (14), (15), (16)
5	A/YL-TYST/921	Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years	19.10.2018	(1), (4), (6), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17)

Approval Conditions

- (1) No specified night time operation is allowed.
- (2) No new or further excavation of the existing ditches is allowed on the site.
- (3) Provision of protective fence on the site.
- (4) Submission and implementation of landscape (and tree preservation) proposal.
- (5) Submission of a layout plan of the site including the existing location and dimension of ditches within the site.
- (6) Revocation of planning approval if any of conditions is not complied with at any time or by the specified date.
- (7) Reinstatement of the application site to an amenity area upon expiry of the planning permission.
- (8) Maintenance of the existing protective fence on the site.
- (9) Maintenance of the existing landscape planting/trees on the site.
- (10) Maintenance of the existing drainage facilities on the site.
- (11) Submission and implementation of fire service installations proposal.
- (12) No excavation/land filling is allowed on the site.
- (13) No vehicle is allowed to queue back to or reverse onto/from public road.
- (14) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site.
- (15) Submission and implementation of run-in/out proposal.
- (16) Submission and implementation of drainage proposal.

(17) No loudspeakers and public announcement systems will be used within the site.

Rejected Application

	<u>Application No.</u>	<u>Proposed Use/Development</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1	A/YL-TYST/858	Temporary Place of Recreation, Sports or Culture (Hobby Farm), Picnic Area, Barbecue Spot and Tent Camping Ground for a Period of 3 Years	9.2.2018	(1), (2)

Rejection Reasons:

- (1) The development is not in line with the planning intention of the “GB” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The proposed development did not comply with the Town Planning Board Guidelines No. 10 in that the proposed development would affect the existing natural landscape.

Similar Applications Within/Straddling the Subject “GB” Zone on the OZP

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use/Development</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TYST/358#	Temporary Barbecue Site cum Green Recreational Playground for a Period of 3 Years	22.6.2007	(1), (2), (3)
2	A/YL-TYST/378	Temporary War Game Centre for a Period of 3 Years	20.6.2008	(2)
3	A/YL-TYST/484#	Proposed Temporary Organic Farm cum Barbecue and Leisure Activity Area for a Period of 3 Years	30.7.2010	(1), (2), (3), (4)

Straddles the subject “Green Belt” (“GB”) and adjacent “Residential (Group D)” (“R(D)”) zones.

Rejection Reason(s):

- (1) Not in line with the planning intention of the “GB” and “R(D)” zones.
- (2) Insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, landscape, traffic, and/or drainage impacts on the surrounding areas.
- (3) Approval of the application would set an undesirable precedent for similar applications within the “GB” and “R(D)” zones, the cumulative effects of which would result in a general degradation of the rural character of the area.
- (4) The proposed development which attracted visitors and group activities was incompatible with the rural and tranquil character of the surrounding areas.

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the Site comprises GL and Old Schedule 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. Within the Site, the government land (GL) and Lots 419, 496 to 500 in D.D. 119 are currently covered by Short Term Tenancy (STT) No. 3093 and Short Term Waivers (STWs) Nos. 4702, 4703 and 4704 to permit structures erected thereon for the purpose of “Temporary Place of Recreation, Sports or Culture (Hobby Farm)”. The STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department 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 premium or fee, as may be imposed by her department;
- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Lam Tai West Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly. Sufficient space within the Site should be provided for manoeuvring of vehicles. No parking of vehicles on public road are allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that if the access arrangement is agreed by the Transport Department (TD), the run-in/out at Lam Tai West Road should be provided in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. The proposed access arrangement will require removal or modification of existing railings at Lam Tai West Road; agreement of TD should be sought before commencement of the works. The removal and modification work shall be completed to the satisfaction of TD and his department. Should roadside trees be affected by the run-in/out, LandsD and Leisure and Cultural Services Department should be consulted. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the Site and Lam Tai West Road;
- (f) to note the comments of the Director of Environmental Protection that the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department should be followed to minimise any potential environmental nuisances on the surrounding areas. If septic tank and soakaway system is used in case of unavailability of public sewer, its design and construction should follow the requirements of his department’s

Professional Persons Environmental Consultative Committee Practice Note No. 5/93 (ProPECC PN 5/93) – “Drainage Plans Subject to Comment by the Environmental Protection Department”. It is your obligation to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures;

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that appropriate measures should be adopted to avoid causing disturbance or pollution to the existing natural stream within or immediately adjacent to the Site as well as the mature woodland in the vicinity of the Site. Trees within or adjacent to the Site should be preserved. If landscape planting is required, native species instead of exotic species should be planted as far as practicable in order to match with the surrounding woodland which comprises mainly native species. Regarding the animals in the agricultural education rooms, according to his data base, the subject address does not associate with any licence granted by his department, nor have any applications been received regarding the Site. 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 this regard, application for a licence is required if exhibition of animals for a fee is involved. For details of the regulations, the website of his department’s Animal Management Division should be referred to;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Relevant layout plans incorporated with the proposed FSIs should be submitted 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 also be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that 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 Building Authority should be obtained, otherwise they are unauthorised building works (UBW) under the BO. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. The three sites shall be considered as three separate sites and 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 three sites do not abut on a specified street of not less than 4.5m wide and the permitted development intensity of each individual site shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (j) to note the comments of the Project Manager (West), Civil Engineering and Development Department that based on the preliminary project boundary of the proposed Yuen Long South (YLS) Development, part of the Site falls within the boundary of the proposed YLS Development – Stage 3. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong and its detailed implementation programme with phasing and packaging of works for YLS Development is being formulated.