

TPB PG-NO. 10

TOWN PLANNING BOARD GUIDELINES FOR
APPLICATION FOR DEVELOPMENT WITHIN GREEN BELT ZONE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

(Important Note :

The guidelines are intended for general reference only. The decision to approve or reject an application rests entirely with the Town Planning Board and will be based on individual merits and other specific considerations of each case.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17th Floor, North Point Government Offices, 333 Java Road, Hong Kong - Tel. No. 2231 5000.

These guidelines are liable to revision without prior notice. The Town Planning Board will only make reference to the guidelines current at the date on which it considers an application.)

1. Introduction

- 1.1 The planning intention of the "Green Belt" ("GB") zone is primarily to promote the conservation of the natural environment and to safeguard it from encroachment by urban-type developments.
- 1.2 The "GB" zone covers mainly slopes and hillsides, most of which is naturally vegetated. Some "GB" areas are also designated as Country Parks. Most of the land within the "GB" zone is Government land, although there are also small pockets of private land, generally near built-up areas.
- 1.3 The main purposes of the "GB" zone include the following :
 - a. to conserve existing landscape features, areas of scenic value and areas of recognised "fung shui" importance;
 - b. to define the outer limits of urbanized districts and to serve as a buffer between and within urban areas; and
 - c. to provide additional outlets for passive recreational uses.
- 1.4 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 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.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) that as the proposed works will affect Water Gathering Ground and Government Land Licence No. S11675. Water Supplies Department and the Licensee concerned should be consulted prior to commencement of works;
- (b) to note the comments of the Commissioner for Transport (C for T) that as the access road to the subject Site is not managed by TD, the applicant should seek comments/agreement of the owner or relevant management/maintenance authorities;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant is reminded to follow Environmental Protection Department (EPD) 's "Recommended Pollution Control Clauses for Construction Contract" available on EPD's website to take standard precautionary measures against site run-off;
- (d) to note the comments of the Director of Agriculture, Fisheries & Conservation (DAFC) that the applicant should avoid or minimize impacts to trees on government land;
- (e) to note the comments of the Chief Engineer/ Construction, Water Supplies Department (WSD) as follows:
 - (i) the Site falls within the upper indirect water gathering grounds. The applicant is required to observe the "Conditions for Working within Gathering Grounds" (**Annex A**);
 - (ii) the applicant is required to either divert or protect the water mains found on site. If diversion is required, existing water mains inside the proposed site are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5 metres in width should be provided for the diversion of the existing water main(s). The cost of diversion of existing water main(s) upon request will have to be borne by the applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence;
 - (iii) if diversion is not required, the following conditions shall apply:
 - (a) existing water main(s) are affected as indicated on the site plan and no development which requires resiting of water main(s) will be allowed;
 - (b) details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
 - (c) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main(s). Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (d) no trees or shrubs with penetrating roots may be planted within the Waterworks

Reserve or in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5 metres or less, and the barrier must extend below the invert level of the pipe;

- (e) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet; and
- (f) tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage being caused to water main(s).

(f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H of GEO, CEDD):

- (i) trench/pit openings are located near existing slopes. The proposed openings would appear to pose a threat to the slope if extreme care and control is not exercised in the planning, design, construction or supervision of the work. The utility undertakers should pay attention to the "Guide to Trench Excavations (Shoring Support and Drainage Measures)" jointly published by HyD and CEDD which provides good technical guidelines on trench excavation;
- (ii) the utility undertakers are required to note the following particulars:
 - (a) excavation at the slope crest should not be opened up during the wet season unless unavoidable;
 - (b) design of trench above slopes should take into consideration of potential land flooding and performance of land drainage in the vicinity;
 - (c) adequate trench drainage measures against water ingress should be provided (e.g. upstand, sandbags, protective aprons, pumps, etc.);
 - (d) any voids/gaps/leakage areas surrounding the trench should be promptly rectified to avoid water ingress or leakage;
 - (e) the trench support wall should be installed ahead of excavation if such excavation is critical to the stability of slope adjacent to the trench;
 - (f) it is not desirable to have the whole length of a long trench opened up at any one time, even with support. Excavations should be in sections of shortest practical length; and
- (iii) it is recommended that the trench/pit be backfilled with fine fill material in accordance with the specifications and standard of Section 6 of the General Specification (GS) for Civil Engineering Works.

(g) to note the comments of the Director of Electrical and Mechanical Services (DEMS):

- (i) the applicant should be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established

under the Regulation when carrying out works in the vicinity of the electricity supply lines;
and

- (ii) the project proponent/consultant/works contractor shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the application site and any required minimum set back distance away from them during the design and construction stages of development. Apart from that, the project proponent/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes" for reference. The webpage address is: [http://www.emsd.gov.hk/filemanager/en/content_286/cop_gas_pipes\(english\).pdf](http://www.emsd.gov.hk/filemanager/en/content_286/cop_gas_pipes(english).pdf).

Conditions for Working within Gathering Grounds

- (a) Adequate measures shall be taken to ensure that no pollution or siltation occurs to the gathering grounds.
- (b) No earth, building materials, fuel, oil or toxic materials and other materials which may cause contamination to the gathering grounds are allowed to be stockpiled or stored on site.
- (c) All surplus spoils shall be protected and removed off the gathering grounds as soon as possible.
- (d) Temporary drains with silt traps shall be constructed at the boundary of the site prior to the commencement of any earthworks and shall be properly maintained during the progress of the works.
- (e) Regular cleaning of the silt traps shall be carried out to ensure that they function properly at all time.
- (f) All excavated or filled surfaces which have the risk of erosion shall be protected from erosion at all time.
- (g) Facilities for washing the wheels of vehicles before leaving the site shall be provided.
- (h) Any construction plant which causes pollution to the gathering grounds due to leakage of oil or fuel shall be removed off site immediately.
- (i) Any soil contamination with fuel leaked from plant shall be removed off site and the voids arising from removal of contaminated soil shall be replaced by suitable material to the approval of the Director of Water Supplies.
- (j) Provision of temporary toilet facilities is to be subject to the approval of the Director of Water Supplies.
- (k) All waterworks access roads must be maintained unobstructed at all time.
- (l) Site formation plans including details of silt traps shall be submitted to WSD for approval prior to commencement of work.
- (m) No structure or temporary works shall be erected in the catchwaters without prior approval of WSD.
- (n) The Contractor shall be responsible for cleaning frequently any waterworks access roads and associated drainage works of mud and debris.

- (o) The Contractor shall limit the gross weight of the vehicles imposed on the waterworks access road to 5 tonnes and the axle load to 3 tonnes. He shall apply to WSD with details of his vehicles for using the access.
- (p) The approval for using the access may be withdrawn on written notice to the Contractor by WSD at their absolute discretion.
- (q) The Contractor shall recover immediately his vehicle which fell into the catchwater or stream bed or pay to the Government on demand the cost of recovery that may be necessary through the occurrence of any incident caused by the Contractor.
- (r) The Contractor shall carry out repair or reinstatement works to the satisfaction of WSD or pay to the Government on demand the cost of repair and reinstatement to any waterworks installations that shall or may be necessary at any time as a result of damage caused by the Contractor or others under his charge.
- (s) The Contractor shall enter and remain on and use the access at his own risk and he shall indemnify the Government against all claims, costs, damages and expense arising from the use of the access.
- (t) No excavation with depth more than 2m shall be permitted within 60m on plan from the centerline of WSD water tunnels without the prior approval of WSD.