

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.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that the Tenant of STT No. CX2229 (hereinafter referred to as 'the Tenant') will need to apply to his office for modification of the STT conditions if the approved condition is not permissible under the existing STT. Such application will be considered by the LandsD acting in the capacity of the landlord or lessor at his sole discretion. There is no guarantee that such application will be approved and the Tenant should note that the said STT may be terminated for any future development if so required.
- (b) to note the comments of the Director of Environmental Protection that there is currently no public sewer at the Site. The applicant is advised to connect to the public sewers when it is available in future.
- (c) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD) that the applicant should be reminded to provide adequate stormwater drainage collection and disposal facilities at his own expenses to deal with the surface runoff of the Site or the same flowing onto the Site from the adjacent areas.
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape of Planning Department that the applicant should maintain the existing plantings/vegetation within the Site. The applicant should also be reminded that any approval of tree preservation proposal or pruning proposal should be obtained direct from LandsD.
- (e) to note the comments of the Chief Building Surveyor/ New Territories East (1) and Licensing, Buildings Department (BD) that:
 - (i) if there are existing structure which had been erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) for unauthorised building works (UBW) erected on leased land, enforcement action may be taken by 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 at the Site under the BO;
 - (iii) before any new building works (including site formation works) are to be carried out at the Site, the prior approval and consent from the Building Authority should be obtained, otherwise they are UBW;
 - (iv) if the proposed use under the application is subject to the issue of a license, please be reminded that the building safety and other relevant requirements as may be imposed by the licensing authority would need to be complied with;
 - (v) as denoted in section 8 of the applicant's submitted form, no development proposal involving alteration or extension of existing building is entailed. In case there is/are proposed development(s)/building(s) associated with the planning application:
 - i. the permissible site coverage (SC) and plot ratio (PR) of the

development(s)/building(s) should comply with Regulations 20 and 21 of the Building (Planning) Regulations (B(P)R);

- ii. if the Site does not abut on a specified street, the intensity (i.e. SC, PR and building height(s)) of the development(s)/building(s) shall be determined by the Building Authority under B(P)R19(3) upon formal submission of building plans to BD;
 - iii. the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)R5 and 41D respectively; and
 - iv. detailed comments under the BO on the private development(s)/building(s) such as permissible PR, SC, emergency vehicular access, private streets and/or access roads, barrier free access and facilities, compliance with the sustainable building design guidelines, etc. will be formulated at the formal building plan submission stage.
- (f) to note the comments of the Director of Fire Services that:
- (i) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from licensing authority;
 - (ii) the applicant is reminded that if there are any laboratories and/or Design & Technology/Art Room in the application, these rooms shall satisfy the following:
 - i. the rooms concerned should be completely separated from other part of the premises by walls of not less than 1-hour fire resistance period;
 - ii. high level ventilation to open balcony/open-type corridor at a height of 1800mm from floor level may be provided;
 - iii. all exit doors of the rooms concerned shall be self-closing with a fire resistance period of not less than 30 minutes;
 - iv. no storage of any dangerous goods exceeding the exempted quantity in accordance with the Dangerous Goods (General) Regulations, Cap 295B Laws of Hong Kong, shall be allowed; and
 - (iii) in addition, the arrangement of emergency vehicular access shall comply with Section 6, Part D of the *Code of Practice for Fire Safety in Buildings 2011* which is administered by BD.