

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 the lessee must obtain approval of Government before any buildings or structures of any description are erected or constructed on the land. If the buildings or structures are to be used for agricultural purposes, a Letter of Approval may be issued by DLO/SK through Director of Agriculture, Fisheries and Conservation (DAFC). If planning permission for the subject proposal is given, the applicant is required to submit a formal application for erection of the proposed agricultural structure through DAFC for consideration. However, there is no guarantee that such application will be approved. Such application, if eventually approved, shall be subject to such terms and conditions as the Government considers appropriate at its discretion;
- (b) to note the comments of Chief Town Planner/Urban Design & Landscape, Planning Department that approval of section 16 application under Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the Lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage collection and disposal facilities should be provided in connection with the proposed use to deal with the surface runoff of the Site or the same flowing on to the Site from the adjacent areas without causing any adverse drainage impact to the areas or nuisance to the adjoining areas; and
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD) that:
 - (i) the applicant needs to observe and follow the conditions on “Control of Construction Activities” (**Annex 1**) during construction, in particular, conditions (j) to (m) regarding the use and maintenance of portable toilets; and
 - (ii) for provision of water supply to the Site, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards.

Control of Construction Activities

For any construction activities within gathering grounds, the following conditions should be followed:

- (a) Adequate measures shall be taken to ensure that no pollution or siltation happens to the gathering grounds. The whole of the foul water drainage during the construction period shall be conveyed by suitable means for proper discharge outside the gathering grounds.
- (b) No earth, building materials, fuel, soil or toxic materials and other materials which may cause contamination to the gathering grounds are allowed to be stockpiled 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 along 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 times.
- (f) All excavated or filled surfaces, which are prone to erosion, shall be protected from erosion at all times.
- (g) Facilities for washing the wheels of vehicles before leaving the site shall be provided. The effluent and washed off spoils from the wheels of vehicles shall be properly treated and disposed of e.g. connected to the temporary drains with silt traps.
- (h) Any construction plant which may cause pollution to the gathering grounds due to leakage of oil or fuel shall be removed from the gathering grounds immediately.
- (i) Any soil contaminated 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 satisfaction of the Water Authority.
- (j) Portable toilets of the closed chemical type may be provided on site subject to the approval of the Water Authority*/shall be provided on site to the satisfaction of the Water Authority*. The portable toilets and associated facilities shall be properly maintained to prevent pollution of water courses. Any portable toilets so provided shall be cleaned with waste collected at least 3 times per week or more frequent as required by the Water Authority. Sludge and waste water including cleanup water from the toilets shall be conveyed outside the gathering grounds for proper disposal. A portable toilet shall be kerbed on all sides and located at least 30 m away from any water course.
- (k) Appropriate measures shall be taken to prevent damage to or overturning of the portable toilets by, say strong wind or vandalism, leading to discharge of sewage into the gathering grounds.

- (l) If serious malfunction occurs and the portable toilets are to be closed, the Water Authority shall be informed of the problems and the proposed remedy.
- (m) If, as a result of operation of the toilet, the water quality condition or the aesthetic condition of any nearby water course deteriorates or there appears foul seepage into the gathering grounds, the toilet shall be closed down immediately pending completion of remedial measures to the satisfaction of the Water Authority.
- (n) The Allocatee*/Purchaser*/Grantee* shall be responsible for cleaning frequently any waterworks access roads and associated drainage works of mud and debris arising from the construction activities.
- (o) Site formation plans including details of silt traps shall be submitted to the Water Authority for approval prior to commencement of works.
- (p) All waterworks access roads must be maintained unobstructed at all times.
- (q) No structure or temporary works shall be erected in the catchwaters without prior approval of the Water Authority.
- (r) The Allocatee*/Purchaser*/Grantee* shall not run any vehicles in any waterworks access roads unless with the prior approval of the Water Authority. He shall apply to the Water Authority for its approval with details of his vehicles for using the access. Unless otherwise approved, the Allocatee*/Purchaser*/Grantee* shall limit the gross weight of the vehicles imposed on the waterworks access to 5 tonnes and the axle load to 3 tonnes.
- (s) The approval for using the access may be withdrawn on written notice to the Allocatee*/Purchaser*/Grantee* by the Water Authority at its absolute discretion.
- (t) The Allocatee*/Purchaser*/Grantee* shall pay to the Government on demand the cost of repair and reinstatement to any waterworks installation or access road that shall or may be necessary at any time during the term as a result of damage caused by any works or other activities under his charge, and shall indemnify the Government against any claim, action or demand arising therefrom.
- (u) The Allocatee*/Purchaser*/Grantee* shall enter and remain on and use the access at his own risk and he shall indemnify the Government against