

Town Planning Board Guidelines for Development Within Green Belt Zone
(TPB PG-No. 10)

1. 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) an application for new development in "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds;

 - (b) the design and layout of any proposed development should be compatible with the surrounding areas. It should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, and cause any adverse visual impact on the surrounding environment;

 - (c) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, road and water supply. It should not adversely affect drainage or aggravate flooding in the area; and

 - (d) 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.

Previous s.16 Application covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Reason(s) for Rejection</u>
1.	A/YL-HT/88	"GB" on approved Ha Tsuen OZP No. S/YL-HT/2	Temporary Open Storage of Construction Materials for 12 Months	29.10.1999 (TPB)	1, 2, 3, 4

Reasons for Rejection:

1. the development is not in line with the planning intention of the "Green Belt" zone which is to define the limits of urban developments by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis
2. the development is not compatible with the areas to the south which are natural in character with mainly land covered with extensive natural vegetation including mature trees
3. there is no information in the submission to demonstrate that the development would not cause adverse visual and drainage impacts on the surrounding area
4. the approval of the application would set an undesirable precedent for other similar applications. The cumulative impact of approving such similar applications would result in a general degradation of the environment of the area

Detailed comments of concerned Government departments

**Detailed comments of Chief Town Planner/Urban Design and Landscape,
Planning Department (CTP/UD&L, PlanD)**

- (a) With reference to the site photographs from DPO dated 1.6.2018, it is observed the site is at the moment mainly vacant with some wild grasses and banana trees. A wooded knoll is observed generally along the west and south of the site. The site is situated in an area of rural landscape character disturbed by open storage yards. The proposed excavation and extensive hard paving (with noticeable signs of earthworks recently carried out) is not compatible with the planned “GB” zone and its landscape character.
- (b) With reference to the aerial photos Aerial Photo No.: E019815N (dated 4.4.2017) and Aerial Photo No.: E026301N (dated 26.5.2017), it is observed that the site was originally almost entirely vegetated with well-established trees and shrubs in April 2017 but appears to be missing/removed in late May 2017 prior to obtaining planning permission. Hence landscape impact (i.e. blanket loss of natural/semi-natural vegetation and noticeable ground disturbance of natural landform) has taken place.
- (c) Approval of the application would set an undesirable precedent likely to encourage the proliferation of other incompatible uses. The cumulative impact of which would undermine the integrity of the “GB” zone and the general degradation of its rural landscape character.

Other Detailed Comments

- (d) Due to the lack of information (such as database of a tree survey) prior to the unauthorised excavation and land filling, there is inadequate information to ascertain the extent of landscape impact taken place.
- (e) In continuation to the above, despite the Applicant proposing 50 nos. relatively small size nursery stocks of tree species (*Ficus microcarpa* 細葉榕, which is erroneously stated as 細頁榕 in the application) it is unlikely able to compensate for the blanket loss of vegetation of well-established trees and its understorey of shrubs/groundcovers.

- (f) The submitted landscape proposal is confusing and illegible. As the applicant only drew a single line to represent the 50 proposed trees, the landscape proposal lacks basic and important information such as proposed tree location(s) (including alignment) and reference of scale. On the other hand, the proposed U-channels along the western and southern boundaries as indicated on the rainwater drainage plan are in direct conflict with the proposed tree planting. On the whole, there is inadequate information to ascertain the feasibility of the landscape proposal.
- (g) Based on the above, his office has reservations on the application from the landscape planning perspective. Should the application be approved, he would recommend the approval condition to submit and implement a landscape proposal to the satisfaction of the Director of Planning or the TPB in the permission.

Advisory Comments

- (h) For useful information on how to submit a landscape proposal, the applicant may wish to refer to “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses” published by PlanD.
- (i) Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB.
- (j) The applicant is reminded that approval of the tree preservation and landscape proposal does not imply approval of tree works such as pruning, transplanting or felling under lease. Tree felling applications should be submitted direct to DLO for approval.

Detailed comments of Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD)

He has no objection in principle to the proposed application from drainage point of view. He provides comments on the submitted drainage proposal at below:.

- (i) Please demonstrate with hydraulic calculation that the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on application site and the overland flow intercepted from the adjacent lands.
- (ii) The ground to the west of the application site are hilly. External catchment shall be taken into account in the assessment of proposed drainage facilities.
- (iii) Please indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). In the case that local village drains are involved, DO/YL should be consulted.
- (iv) Further to (iii) above, since there is no record of the said discharge path, please provide evidence (e.g. site photos) to demonstrate its presence/existing condition.
- (v) The gradients and the sizes of the proposed U-channels should be shown on the drainage plan.
- (vi) The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel.
- (vii) Consideration should be given to provide grating for the surface channels.
- (viii) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
- (ix) Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.
- (x) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
- (xi) Standard details should be provided to indicate the sectional

- details of the proposed u-channel and the catchpit/sand trap.
- (xii) Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site.
 - (xiii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
 - (xiv) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.

Should the application be approved, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of this Division.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The Private Land (PL) of Lot Nos. 6 S.B in D.D. 125, Lot Nos. 117 and 118 both in D.D. 128 are covered by a Letter of Approval (LOA) No. MY/LM 16029 for the erection of agricultural structures. No permission is given for occupation of Government Land (GL) (about 666m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible to Kai Pak Ling Road through GL. Her office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site does not fall within any Airfield Height Restriction Area. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularities on site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application(s) will be considered by the LandsD acting in the capacity of 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 LandsD;
- (b) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads. The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Fung Kong Tsuen Road;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that for useful information on how to submit a landscape proposal, the applicant may wish to refer to "Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses" published by PlanD. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB. The applicant is reminded that approval of the tree preservation and landscape proposal does not imply approval of tree works such as pruning, transplanting or felling under lease. Tree felling applications should be submitted direct to DLO for approval;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that he has the following comments on the submitted drainage proposal:
- (i) Please demonstrate with hydraulic calculation that the proposed drainage

facilities are adequate to collect, convey and discharge the surface runoff accrued on application site and the overland flow intercepted from the adjacent lands.

- (ii) The ground to the west of the application site are hilly. External catchment shall be taken into account in the assessment of proposed drainage facilities.
 - (iii) Please indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). In the case that local village drains are involved, DO/YL should be consulted.
 - (iv) Further to (iii) above, since there is no record of the said discharge path, please provide evidence (e.g. site photos) to demonstrate its presence/existing condition.
 - (v) The gradients and the sizes of the proposed U-channels should be shown on the drainage plan.
 - (vi) The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel.
 - (vii) Consideration should be given to provide grating for the surface channels.
 - (viii) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
 - (ix) Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.
 - (x) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
 - (xi) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
 - (xii) Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site.
 - (xiii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
 - (xiv) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should ensure that the vegetation on Government Land both within and outside the Site would not be affected. The applicant should also be advised to implement necessary measures to avoid causing any disturbance or pollution to the wooded area to the west of the Site; and
- (g) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and

Development Department (H(GEO), CEDD) that there is an un-registered man-made slope adjoining Lot No. 118 in D.D. 128 (i.e. north-western boundary of the Site). The applicant should ensure that the proposed site formation works would not affect this slope, and should submit the proposed site formation works to the satisfaction of the Buildings Department, if found necessary.