

**Relevant Extracts of the Town Planning Board Guidelines for
Application 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 a "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 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.
 - (c) 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.
 - (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. Tree preservation and landscaping proposals should be provided.

Similar s.16 Applications in this Part of the “GB” zone on the LTY Y OZP

Rejected Applications

| | <u>Application No.</u> | <u>Proposed Use(s)/ Development(s)</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Rejection Reasons</u> |
|---|-------------------------------|---|---|-------------------------------------|
| 1 | A/TM-LTY Y/129 | Temporary Vehicle Park for Goods Vehicles, Coaches and Container Vehicles for a Period of 3 Years | 24.3.2006 TPB | (1), (2), (3), (4) |
| 2 | A/TM-LTY Y/133 | Temporary Private Parking Area and Public Car Park for a Period of 3 Years | 3.3.2006 | (1), (2), (3), (4) |
| 3 | A/TM-LTY Y/137 | Temporary Vehicle Park for Private Cars, Coaches, Container or Goods Vehicles and Truck-mounted Crane and Repair Area, Mobile Crane Parking and Repair Area, Storage Area (Including Container Storage) and Ancillary Site Office for a Period of 3 Years | 13.10.2006 TPB | (1), (2), (3), (4) |

Main Reasons for Rejection

- (1) Not in line with the planning intention of the “Green Belt” (“GB”) zone.
- (2) Not compatible with the surrounding areas.
- (3) No information in the submission to demonstrate that the development would not have adverse traffic, drainage, environmental and/or landscape impacts on the surrounding areas.
- (4) Set undesirable precedent.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:
 - (i) the Site falls within Lot No. 883 RP in D.D. 130 (“the Lot”). The Lot is Old Schedule Lot 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. Subject to survey, an existing temporary structure covered by Government Land Licence No. M2177 may have slightly encroached onto the north-eastern side of the Lot;
 - (ii) site inspection revealed that the site was currently used for cultivation. The existing fence and a number of existing structures on the northern side of the Lot were found extending to the adjoining government land (GL). No permission has been given for the erection of the structures nor has any permission been given for the occupation of the GL concerned. The layout of the existing structures does not entirely tally with the layout of the eight containers proposed to be placed within the Site. Depending on the structural details, these containers may be regarded as structures and prior permission will be required for their erection. He reserves his rights to offer further comments and take appropriate action when the containers are found to be in contravention of the lease restriction;
 - (iii) currently, the Site is accessible via a strip of footpath leading from Fu Hang Road. His office does not carry out maintenance works for the said footpath;
 - (iv) The applicant proposed to construct a vehicular access over Lot Nos. 884 RP, 886 RP and 920 RP in D.D. 130 and the adjoining GL. It is the applicant’s own responsibility to ensure that he has the right to construct, use and maintain the proposed access. There is no guarantee that right-of-way will be given to the application site through the existing footpath or any GL that is or will be affected;
 - (v) the lot owner may consider submitting a formal application to his office for a Short Term Waiver (“STW”) to permit erection of structures on the Lot if applicable. However, there is no guarantee that the application will be approved and he reserves his right to take any action as may be appropriate. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administration fee etc; and
 - (vi) notwithstanding the above, his office reserves the right to take enforcement actions as considered appropriate against any unauthorized erection/extensions/alterations of the structures affected irrespective of whether planning permission will be given or not. Enforcement action will also be taken should any structures be found erected without any prior approval given by his office or any unauthorized occupation of GL;

- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the proposed access from the Site to Fu Hang Road and HyD structure No. N745 is not and will not be maintained by HyD. Adequate drainage measures should be provided to prevent surface water flowing from the Site to nearby public roads and drains;
- (d) to follow 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;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) regarding to the drainage facilities:
 - (i) the applicant should refer to the guidelines as specified in “Technical Note to prepare a Drainage Submission” which is available at DSD’s website (https://www.dsd.gov.hk/EN/Technical_Documents/DSD_Guidelines/index.html);
 - (ii) catchpit(s) should be provided at proposed drainage connection before connecting to the existing drainage system;
 - (iii) details of the proposed u-channel, catchpits and pipe and how it would be connected to this existing drainage system should be clarified and clearly shown in the drawing;
 - (iv) peripheral drainage channels should be provided to intercept the surface run-off from the uphill catchment so as to avoid the Site from overland flow influence;
 - (v) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at own expense. For any works to be carried out outside his lot boundary, the applicant should consult DLO/TM and seek consent from relevant lot owners before commencement of the drainage works; and
 - (vi) the proposed works should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas;
- (f) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised on the following points: (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (b) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) if the existing structures are erected on leased land without approval of Building Authority (BA) (not being a New Territories Exempted House), they are

- unauthorized under BO and should not be designated for any approved use under the application;
- (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent from BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (iii) for 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 on the Site under the BO;
 - (iv) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of Building (Planning) Regulations (B(P)R) at the building plan submission stage; and
 - (v) in connection with (ii) above, the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the B(P)R respectively;
- (h) to note the comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO) that:
- (i) AMO should be consulted should there be any changes of the development plan and/or proposed works that would involve excavation and/or site formation works in the Site; and
 - (ii) AMO should be informed immediately if antiquities or supposed antiquities are discovered within the Site for the proposed temporary public vehicle park; and
- (i) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that:
- (i) the requirements of minimum safety clearance, minimum vertical clearance and preferred working corridor of the concerned overhead lines as stipulated in Clause 2.3.5, 2.3.6 and 2.3.14 under Chapter 7 - Utility Services of the HKPSG should be observed and ensure they shall be maintained at any time during and after construction;
 - (ii) no scaffolding, crane and hoist shall be built or operated within 6m from the outermost 400kV conductors at all times. Warning notices should be posted at conspicuous locations to remind operators and workers of the site boundary. CLP Power shall be consulted on the safety precautions required for carrying out any works near the concerned overhead lines;
 - (iii) in any time during and after construction, CLP Power shall be allowed to get access to the working corridor area of the concerned overhead lines for carrying out any operation, maintenance and repair work including tree trimming;
 - (iv) the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation

shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

- (v) as regards the electric and magnetic fields arising from the transmission overhead lines, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity, if any.