

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.

Detailed Departmental Comments

A. Comments of the Director of Environmental Protection (DEP)

Water

- (a) Mitigation measures, such as silt traps and rubbish traps, should be proposed and implemented to prevent pollution from entering the drainage system.
- (b) The applicant is reminded to arrange licensed collector to collect and dispose sewage from the chemical toilet on-site as needed.
- (c) The applicant should submit a proposal to handle sewage from staff and patronages and wastewater arising from other sources, such as washing basins commonly provided at BBQ spots and preparation of food for BBQ etc.
- (d) Drainage outlet should be provided within the Site. The applicant should refer to Section 5 of Environmental Protection Department Practice Note for Professional Persons (ProPECC PN) 5/93.
- (e) The applicant should propose:
 - Sufficient capacity of wastewater treatment and disposal facility for wastewater generated on-site.
 - Effective handling and/or treatment of wastewater to comply with Water Pollution Control Ordinance (WPCO) and ProPECC PN 5/93; and
 - Best management practice to avoid refuse and other pollution from entering the surface runoff.

Sewerage

- (f) The BBQ site would have wastewater which would cause water pollution to nearby drains and streams. Connection to public sewer at So Kwun Wat Road should be explored in the first place through submission of proposal. Connection to public sewer should be pursued.
- (g) The applicant is required to submit a proposal on sewerage and wastewater disposal complying with WPCO, or a sewerage impact assessment if sewer connection is proposed. Connection to public sewer would prevent water pollution.

Noise

- (h) The applicant is required to ensure that the noise sensitive receivers nearby would not have direct line of sight from the noise sources within the Site including BBQ area, loading/unloading area, and other fixed noise sources, through careful positioning and applying effect screening, such as sheds and/or contains.
- (i) The applicant should confirm that no loudspeaker would be operated in the outdoor environment.
- (j) The operation hours of the BBQ area, loading/unloading areas and any other fixed noise source should be within the daytime/ evening hours (0700 to 2300 hour) to avoid noise impact in night time.

Air

- (k) The applicant should position the barbeque grills away from nearby village houses as much as possible to avoid causing odour impact.

B. Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD)

- (a) A drainage plan showing the details of the existing drains and the proposed drains including the type and the dimension of the drains should be provided. In addition, details of the existing drainage system to which the proposed drainage connection is to be made are missing.
- (b) Information on the formation level, proposed paving, fall direction, etc. of the Site and its neighbouring area should be illustrated to determine the respective catchment area and to demonstrate the adequacy of the size of the proposed peripheral drains. A surface channel at the peripheral of the site should be constructed to intercept all rain water falling onto the site.
- (c) The applicant is reminded to make reference to Drainage Services Department (DSD) Technical Note to prepare a 'Drainage Submission' in DSD [homepage](https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf) at https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf.
- (d) The applicant shall obtain consent from District Lands Office/ Tuen Mun (DLO/TM) prior to commencement of all proposed works on government land. Excavation permits should also be obtained from DLO/TM or Highways Department (HyD) for any excavation works required. The applicant should be responsible for the future maintenance and possible relocation of such works as and when required by the Government.
- (e) The wastewater proposal for the subject application involved the use of septic tank and his Department is not in the position to comment on the proposal. The applicant shall meet the full satisfaction of Environmental Protection Department, the planning authority of sewerage infrastructure.

Advisory Clauses

- (a) The planning permission is given to the development/use and structure under application. It does not condone any other development/use and structure which currently occur in the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use and structure not covered by the permission;
- (b) to resolve any land issue relating to the temporary development with the concerned owners of the adjacent lots;
- (c) to note the comments of District Lands Officer/ Tuen Mun (DLO/TM) that
 - i. If planning permission is given, his Office will reactivate the processing of the Short Term Tenancy for regularisation of the existing structures on the Site. 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 Lands Department 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. His Office reserves the right to take enforcement actions as considered appropriate against any unauthorised erection/extensions/alternations of the structures affected irrespective of whether planning permission will be given or not. Enforcement action will also be taken should any structures are found erected without any prior approval given by his Office or any unauthorised occupation of Government land;
 - ii. direct grant of the Government land within the Site by way of Short Term Tenancy (STT) to the applicant will not be considered. His Office reserves the right to take land control and enforcement action if the subject Government land is unlawfully occupied;
 - iii. prior approval will be required for laying the drains and channels on any Government land and there is no guarantee that approval will be given. In the event that approval is given, the applicant would be required to apply for an excavation permit from his Office before the commencement of any construction works; and
 - iv. the Site is accessible via Government land adjoining a road branching off from Tuen Mun Road. This Office does not carry out maintenance works for the access and road nor guarantee that right-of-way will be given to the Site;
- (d) to note the comments of Comments of the Commissioner for Transport (C for T) that:
 - i. no vehicle is allowed to queue back to or reverse onto/ from public road at any time during the planning approval period; and

- ii. the Site is connected to the public road network via a section of local access road which is not managed by his Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/ New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note the comments of Comments of the Director of Environmental Protection (DEP) that

Water

- i. Mitigation measures, such as silt traps and rubbish traps, should be proposed and implemented to prevent pollution from entering the drainage system.
- ii. To arrange licensed collector to collect and dispose sewage from the chemical toilet on-site as needed.
- iii. Drainage outlet should be provided within the Site. The applicant should refer to Section 5 of Environmental Protection Department Practice Note for Professional Persons (ProPECC PN) 5/93.

Sewerage

- iv. Connection to public sewer at So Kwun Wat Road should be explored in the first place through submission of proposal. Connection to public sewer should be pursued.

Noise

- v. The applicant should ensure that the noise sensitive receivers nearby would not have direct line of sight from the noise sources within the Site including BBQ area, loading/unloading area, and other fixed noise sources, through careful positioning and applying effect screening, such as sheds and/or contains.
- vi. No loudspeaker would be operated in the outdoor environment.

Air

- vii. The applicant should position the barbeque grills away from nearby village houses as much as possible to avoid causing odour impact.
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - i. reference should be made to DSD Technical Note to prepare a ‘Drainage Submission’ in DSD homepage at https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf;
 - ii. consent should be obtained from DLO/TM prior to commencement of all

proposed works on government land. Excavation permits should also be obtained from DLO/TM or Highways Department (HyD) for any excavation works required. The applicant should be responsible for the future maintenance and possible relocation of such works as and when required by the Government; and

- iii. the wastewater proposal for the subject application involved the use of septic tank and his Department is not in the position to comment on the proposal. The applicant shall meet the full satisfaction of Environmental Protection Department, the planning authority of sewerage infrastructure;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that
- i. if the existing structures erected on leased land are without approval of the 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. before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - iii. for UBW erected on lease land, enforcement action may be taken by the BD to affect 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 proposed use under application is subject to the issue of a license, the applicant is reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - v. In connection with (h)(ii) above, the Site shall be provided with means if obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
 - vi. 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 the B(P)R at the building plan submission stage; and
 - vii. formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments will be provided at the building plan submission stage; and

- (i) to note the comments of Director of Fire Services (D of FS) that the layout plans with the proposed fire service installations (FSIs) to be submitted should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSI 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 BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.