

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 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 at https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf.

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 note the comments of District Lands Officer/ Tuen Mun (DLO/TM) that
 - i. The layout plan provided by the applicant only indicates the arrangement of solar photovoltaic (PV) panels and lateral side of the solar panel without installation details. The containers and solar panels may be regarded as structures and prior permission from his Office will be required;
 - ii. the proposed system involves erection of structures, the lot owner may consider submitting a formal application to his office for a Short Term Waiver (STW) to permit erection of the proposed structures on the Lots. 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 administrative fee etc.;
 - iii. his Office reserves the right to take enforcement actions as considered appropriate against any unauthorised erection/extensions/alterations of the structures affected irrespective of whether planning permission will be given or not;
 - iv. vehicular access is only available via a road branching off from So Kwun Wat Tsuen Road up to a footbridge near the southwestern tip of the Site. The Site can only be accessed through private lots and Government land located between the Site and the footbridge. His Office does not carry out maintenance works for the said road nor guarantee that right-of-way over the Government land will be given to the Site. The applicant shall make his own arrangement for access over the private land affected;
- (c) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to the public road network via a section of local access road which is not managed by his Department. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) 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;

- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant should comply with the relevant pollution control ordinances, including Waste Disposal Ordinance and Water Pollution Control Ordinance, and to implement appropriate pollution control measures to minimise any potential environmental impacts during construction of the system. Reference could be made to relevant publications/ guidelines including the following:
- Recommended Pollution Control Clauses for Construction Contracts
(available at:
https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc_1.html)
 - Professional Persons Environmental Consultative Committee (ProPECC)
Practice Notes 1/94, 'Construction Site Drainage'
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that reference should be made to Drainage Services Department (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.
- (g) 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 (g)(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;
- (h) to note the comments of Director of Fire Services (D of FS) that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. Emergency vehicular access (EVA) in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Regulation 41D of B(P)R which is administrated by the BD; and
- (i) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that all fixed electrical installations of the solar energy system shall comply with the Electricity Ordinance (Cap. 406) and its subsidiary regulations.