

**Relevant Extract of Town Planning Board Guidelines for
Application for Development within Green Belt Zone
under Section 16 of the Town Planning Ordinance
(TPB PG-No. 10)**

The relevant assessment criteria are as follows:

- (a) There is a general presumption against development (other than redevelopment) in a “Green Belt” (“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 government/institution/community (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.

Previous s.16 Applications covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-LFS/10	Pond Filling for Agricultural Use (Fruit Tree Plantation)	GB	23.8.1996 by RNTPC (until 23.8.1998)	1, 2
2.	A/YL-LFS/56	Proposed Recreational Development including Garden, Fishing Ground, Barbecue Spot, Refreshment Kiosk, Public Car Park with Ancillary Facilities	GB	28.7.2000 by RNTPC (until 28.7.2003)	3, 4, 5, 6
3.	A/YL-LFS/172	Proposed Recreational Development (Including Barbecue Spot, Refreshment Kiosk, Hobby Farming, Fishing Ground, Children Playground and Ancillary Public Car Park)	GB & O	7.3.2008 by RNTPC (until 7.3.2012)	2, 5, 6, 7, 8
4.	A/YL-LFS/304	Proposed Place of Recreation, Sports or Culture and Shop and Services (including Barbecue Spot, Refreshment Kiosk, Hobby Farming and Children Playground)	GB & O	6.4.2018 by RNTPC (until 6.4.2021)	2, 6, 7, 9, 10, 11, 12, 13,

Approval Conditions

1. The provision of detailed information on the sources of fill materials and types of bunds used for the pond filling.
2. The submission and implementation of landscaping and tree preservation proposals.
3. The provision of drainage facilities.
4. The provision of sewerage impact assessment.
5. No public vehicle parking was allowed on the site at any time during the planning approval period.
6. The submission of a Drainage Impact Assessment (DIA) and implementation and maintenance of the flood mitigation measures/provision of stormwater drainage facilities identified in the DIA.
7. The submission and implementation of fire service installations proposals.
8. The submission and implementation of paving proposal.
9. No operation between 11:00 pm and 11:00 am.
10. No use of public announcement system.
11. No vehicle queuing back to or reverse onto/from the public road is allowed.
12. Removal of the existing hard-paving on the Site.
13. The provision of fencing.

Rejected Application

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
2	A/YL-LFS/31	Pond Filling and Development of Golf Driving Range with Ancillary Private Club, Conservation and Recreational Facilities	GB	18.12.1998 (Upon review)	1, 2, 3, 4 and 5

Rejection Reasons

1. The proposed development at the application site was not in line with the planning intention of the "Green Belt" ("GB") zone for the area which was primarily to define the limits of urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlet. There was a general presumption against development within this zone. No strong justification was given in the submission for a departure from the planning intention.
2. There was insufficient information in the submission to demonstrate that the proposed development would not have significant environmental, drainage, and flooding impacts on the surrounding areas.
3. The proposed vehicular access arrangement for the proposed development was not acceptable.
4. There was insufficient information in the submission to explain why land in "Recreation" zone of the Outline Zoning Plan could not be made available for the proposed development.
5. Approval of this application would set an undesirable precedent for similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) 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 site inspection conducted by LandD in November 2019 revealed that some structures had been erected on portions of the unleased Government land (G.L.) within the Site. No permission is given for occupation of G.L. of about 434m² in area (subject to verification) included in the Site. The act of occupation of G.L. without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of G.L. or erection of new structures which is found commenced on or after 28 March 2017. The Site is accessible from Tin Wah Road through private lots and G.L. LandsD provides no maintenance work for the G.L. involved and does not guarantee any right-of-way to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the G.L. from the Site or apply for a formal approval prior to the actual occupation of the G.L. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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 LandsD;
- (d) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring space shall be provided within the Site. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (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 at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Wah Road;
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to properly design the temple to address the traffic noise from the Tin Ying Road and follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" ("COP");

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that some trees within the Site are in poor condition. Dieback twigs, dead branches, topped and leaning trees are observed. The applicant is reminded to carry out regular inspection for existing trees and undertake remedial measures such as pruning, staking or tree removal as necessary to minimize tree risk. The applicant is advised that approval of the application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. Applicant is reminded to approach relevant authority/government department(s) directly to obtain the necessary approval on tree works;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should be advised to preserve the existing trees on Government land within and adjacent to the Site;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (j) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. 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;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by the Buildings Department to effect their removal in accordance with the prevailing 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 application site under the BO. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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 Building Planning Regulations [B(P)R] respectively. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (1) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such activities or operations, the applicant should arrange disposal properly at her own expenses. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.