

**Relevant Extracts 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)**

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 assessment criteria:
  - (a) there is a general presumption against development (other than redevelopment) in "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 "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds;
  - (c) passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration;
  - (d) the design and layout of any proposed development should be compatible with the surrounding area. 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;
  - (e) 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;
  - (f) 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; and

- (g) any proposed development on a slope or hillside should not adversely affect slope stability.

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Applied Use(s)/Development(s)</u></b>	<b><u>Zoning(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1	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	1, 2, 3, 9
2	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	1, 4, 5, 6, 7
3	A/YL-LFS/304	Proposed Place of Recreation, Sports or Culture and Shop and Services (including Barbecue Spot, Refreshment Kiosk, Hobby Farming, Children Playground and Ancillary Public Car Park)	GB & O(1)	6.4.2018 (approved for 3 years)  (revoked on 7.1.2020)	1, 6, 8, 10, 11, 12, 13, 14, 15

**Approval Conditions**

1. The submission and implementation of landscaping and tree preservation proposals.
2. The provision of drainage facilities.
3. The provision of sewerage impact assessment.
4. No public vehicle parking was allowed on the site at any time during the planning approval period.
5. 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.
6. The submission and implementation of fire service installations proposals.
7. The submission and implementation of paving proposal.
8. Removal of the existing hard-paving on the site, except the refreshment kiosk, before operation of the proposal use.
9. The permission shall cease to have effect on 28.7.2003 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.
10. No use of public announcement system, loudspeaker or any form of audio amplification system.
11. No vehicle is allowed to queue back or reverse onto/from the public road at any time.
12. The provision of fencing.
13. The submission and implementation of revised drainage proposal.
14. No operation between 11:00p.m. and 11:00a.m. is allowed on the site.
15. Reinstatement clause.

**Similar s.16 Applications for Recreational Use  
within the same “Green Belt” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-LFS/39	Recreational Uses including Barbecue Spot, Playground, Refreshment Kiosk, Visitor Centre, Public Car Park & Ancillary Uses	GB & V	14.5.1999	1, 2, 4, 5 & 7
2	A/YL-LFS/63	Barbecue Spot and Refreshment Kiosk with Ancillary Car Park	GB	11.5.2001 by TPB (1 year)	1, 2, 4, & 8
3	A/YL-LFS/86	Temporary Refreshment Kiosk and Car Park (3 years)	GB	14.6.2002 (3 years)	8
4	A/YL-LFS/135	Temporary Refreshment Kiosk and Car Park (3 Years)	GB	4.11.2005 by TPB (3 years) (Revoked on 20.12.2005)	8, 9, 10, 11, 12, 13, 14 & 15
5	A/YL-LFS/166	Temporary Hobby Farming (Organic Farm and Education Centre) (3 Years)	GB	14.12.2007 (3 years) (Revoked on 20.12.2005)	1, 3, 6, 12, 16, 17 & 18
6	A/YL-LFS/278	Temporary Place of Recreation, Sports or Culture (Hobby Farm) (3 Years)	GB	20.11.2015 (3 years) (Revoked on 27.1.2016)	2, 6, 8, 9, 17, 19, 20, 21,
7	A/YL-LFS/311	Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	GB	3.8.2018 (Revoked on 3.11.2019)	1, 2, 6, 8, 9, 12, 16, 22, 23, 24, 25
8	A/YL-LFS/343	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	GB	5.7.2019	2, 6, 8, 9, 16, 20, 26

**Approval Conditions**

1. The submission and implementation of landscaping proposals within 3/9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board.
2. The submission and implementation/provision of drainage proposal/facilities within 6/9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
3. The submission of a Drainage Impact Assessment and provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage

Services or of the Town Planning Board.

4. The submission and provision of sewage treatment and disposal facilities within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.
5. The provision of emergency vehicular access and fire safety facilities within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
6. The submission and implementation/provision of fire services facilities/installations proposal within 6/9 months from the date of planning approval to the satisfaction of the Director of Fire Services Department or of the Town Planning Board.
7. The submission and implementation of the layout of the car park within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
8. The reinstatement of the application site to an amenity area.
9. No night time operation was allowed on the site.
10. No overnight accommodation including the erection of Mongolian tents was allowed on site.
11. No additional structures other than those shown on the layout plan submitted by the applicant were allowed to be erected on site.
12. The drainage facilities on the application site shall be maintained.
13. The landscape planting on the application site shall be maintained in good condition.
14. The submission and implementation of a compensatory planting proposal.
15. The submission and implementation of vehicular access arrangement proposal.
16. No public announcement system, loudspeaker or any form of audio amplification system was allowed to be used on the site at any time during the planning approval period.
17. No public vehicle park was allowed on the site at any time during the planning approval period.
18. No vehicle, except private cars and coaches ancillary to the activities of the proposed development, was allowed to be parked on the designated ancillary car park at any time during the planning approval period.
19. No land filling or increase in site formation level is allowed on the site.
20. No vehicle is allowed to queue back to public road or reverse onto/from the public road.
21. The submission and implementation of the tree preservation and landscape proposal.
22. Removal of existing hard-paving on the Site.
23. The provision of ingress/egress.
24. The provision of portable toilet.
25. The provision of fencing.
26. the submission and implementation of run-in/out proposal.

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reasons</u></b>
1	A/YL-LFS/31	Pond filling and development of golf driving range with ancillary private club, conservation and recreational facilities.	GB	18.12.1998 by TPB	1, 2, 3, 7, 8
2	A/YL-LFS/127	Temporary Proposed Temporary Roller Skating Rink (3 Years)	GB	17.6.2005 by TPB	5, 6
3	A/YL-LFS/302	Temporary Place of Recreation, Sports or Culture (Hobby Farm and Fishing Ground)	GB	8.12.2017	1, 5
4	A/YL-LFS/344	Proposed Temporary Place of Recreation, Sports or Culture (Fishing Ground) for a Period of 3 Years	GB	2.8.2019	1, 4, 5

**Rejection Reasons**

1. The proposed development was not in line with the planning intention of the “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. The applied use is not in line with the TPB Guidelines No. 12C for Application for Development within Deep Bay Area in that it will affect the ecological integrity of the existing fish pond
5. The development does not comply with the Town Planning Board Guidelines for “Application for Development within Green Belt Zone” in that the proposed development involved extensive clearance of natural vegetation cover or affecting the natural landscape.
6. There was insufficient information in the submission to demonstrate that the development would not have adverse traffic, drainage and landscape impacts on the surrounding areas.
7. There was insufficient information in the submission to explain why land in "Recreation" ("REC") zone of the Outline Zoning Plan could not be made available for the proposed development.
8. 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) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Government Land (GL) and 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 lot which is covered by Modification of Tenancy (MoT) is listed below:

Lot No. in D.D. 129	MoT No.	Permitted Structures
1605	17784	Private Residential, Porch, Kitchen (outside the Site)

The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Also, 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. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) 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(s) will be approved. If the application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD;

- (c) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from the public roads. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (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 at the site access to prevent surface water flowing from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of the trees works such as pruning, transplanting and/or felling under lease. The applicant shall approach relevant authority/government department(s) direct to obtain necessary approval on tree works;
- (f) 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 Houses) 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 BD 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 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 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;

- (g) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant shall submit building works to BD for approval as required under the provisions of the BO;
- (h) to note the comments of the Director of Fire Services (D of FS) that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) to be installed should be clearly marked on the layout plans. 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
- (i) 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. 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. For any waste generated from such activity/operation, the applicant should arrange disposal properly at their own expenses.