

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 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 Application Covering the Application Site**

**Approved Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s) / Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-TT/394	Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	9.12.2016 [revoked on 9.6.2017]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)

**Approval Condition(s):**

- (1) Revocation of planning approval if any of the conditions is not complied with at any time or by the specified date.
- (2) Reinstatement of the site to an amenity area upon expiry of the planning permission.
- (3) No night time operation between specific hours.
- (4) No vehicle is allowed to queue back to or reverse onto/from public road.
- (5) No medium or heavy goods vehicles, including container tractors/trailers, are allowed to be parked/stored on or enter/exit the site.
- (6) Provision of boundary fence.
- (7) Submission and/or implementation of the run-in/out proposal.
- (8) Submission and/or implementation of the tree preservation and/or landscape proposal.
- (9) Submission and/or implementation of the drainage proposal.
- (10) Maintenance of the existing/implemented drainage facilities.
- (11) Submission and/or implementation of the fire service installations proposal.

**Similar Application Within the Same “AGR”, “GB” or “OS” Zones  
on the Approved Tai Tong OZP**

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use/Development</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reason(s)</u></b>
1	A/YL-TT/353	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	18.9.2015	(1), (2), (3)

**Rejection Reason(s):**

- (1) Not in line with the planning intention of the “AGR” zone and no strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- (2) Fails to demonstrate that the proposed development would not generate adverse landscape impact on the surrounding areas
- (3) Approving the application would set an undesirable precedent for similar applications within the "AGR" zone, the cumulative effect of which would result in a general degradation of the rural environment and landscape quality of the area.

**Detailed Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department**

1. The applicant is reminded that the approval of the tree preservation and landscape proposal does not imply approval of tree works such as pruning, transplanting or felling under lease. Tree felling applications should be submitted direct to District Lands Officer for approval.
2. In consideration of the proximity to the Tai Lam Country Park and the applied use, the applicant may wish to propose tree species of fruiting and/or ornamental nature compatible with the adjoining wooded area.
3. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 ([http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)) and the Handbook of Tree Management (Chinese Version: [https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)) published by the Greening, Landscape and Tree Management Section, Development Bureau.

**Detailed Comments of the Chief Engineer/Mainland North, Drainage Services Department**

1. Calculation should be provided to justify the dimensions of the proposed u-channel.
2. The invert levels of the proposed catchpits should be shown on the drainage plan for reference.
3. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan.
4. The gradients and the dimension of all the proposed U-channels should be shown on the drainage plan.
5. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
6. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit.

**Advisory clauses**

- (a) prior planning permission should have been obtained before continuing the applied development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (c) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (d) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. farm shop, playground and barbecue spot uses) which currently exists on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the permission;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site consists of Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of Government land (GL) (about 280m<sup>2</sup> subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without Government's prior approval is not allowed. The Site is accessible to Tai Tong Shan Road via GL. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularities onsite. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by her department acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If the 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 her department;
- (f) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Tai Tong Shan Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. The applicant is reminded that sufficient space should be provided within the site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Tai Tong Shan Road;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is advised to preserve the existing trees on GL. If trees on GL would unavoidably be

affected by the development, prior approval for tree felling should be obtained from DLO/YL, LandsD.

- (i) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storages Sites” issued by the Environment Protection Department to minimize any potential environmental nuisances. It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide adequate supporting infrastructure including waste/wastewater collection and disposal facilities for the proper collection, treatment and disposal of waste/wastewater generated from the applied use;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant is reminded that the approval of the tree preservation and landscape proposal does not imply approval of tree works such as pruning, transplanting or felling under lease. Tree felling applications should be submitted direct to DLO for approval. In consideration of the proximity to the Tai Lam Country Park and the applied use, the applicant may wish to propose tree species of fruiting and/or ornamental nature compatible with the adjoining wooded area. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 ([http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)) and the Handbook of Tree Management (Chinese Version: [https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)) published by the Greening, Landscape and Tree Management Section, Development Bureau;
- (k) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that he has the following comments on the submitted drainage proposal: Calculation should be provided to justify the dimensions of the proposed u-channel. The invert levels of the proposed catchpits should be shown on the drainage plan for reference. The existing drainage facilities, to which the stormwater of the development from the Site would discharge, is not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, District Officer, Yuen Long should be consulted. The applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the development. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan. The gradients and the dimension of all the proposed U-channels should be shown on the drainage plan. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (l) to note the comments of the Director of Fire Services that the applicant is advised that the installation/maintenance/modification/repair work of FSI shall be undertaken by a registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him;
- (m) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall

resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards;

- (n) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that 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 unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. 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 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. 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;
- (o) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the BO. The applicant should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Buildings (Minor Works) Regulation; and
- (p) to note the comments of the Director of Electrical and Mechanical Services that the applicant should refer to 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 published by PlanD and ensure they shall be maintained at any time during and after construction. 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. 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. 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. 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.