

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 (PR), site coverage and building height should be compatible with the character of surrounding areas. With the exception of New Territories Exempted Houses (NTEHs), a PR up to 0.4 for residential development may be permitted.
- (c) Applications for NTEHs 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 PR of the development site may exceed 0.4 so as to minimise 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.

Advisory Clauses

- (a) prior planning permission should have been obtained before carrying out the applied development at the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site, i.e. Lot Nos. 1391 and 1393 in D.D.117 (the Lots) are Old Scheduled 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. Her office has taken lease enforcement actions against the Lots which were erected with unauthorised structures thereon. Warning letters were registered in the Land Registry on 10.7.2019 by Memorial Nos. 19071000710059 and 19071000710069. Her office does not guarantee any right-of-way to the Lots. You shall apply to her office via the Agriculture, Fisheries and Conservation Department to permit any structures to be erected for agricultural use. Application(s) will be considered by her department acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application would be approved. If such application(s) is approved, it will be subject to such terms and conditions as may be imposed by her department;
- (c) 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 Road;
- (d) to note the comments of the Director of Environmental Protection that during construction, the relevant requirements in the Practice Note for Professional Person (ProPECC) PN 1/94 “Construction Site Drainage” and “Recommended Pollution Control Clauses for Construction Contracts”, both available from his department’s website, should be met;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that in view of a large existing *Cinnamomum camphora* within the Site, the tree should be maintained in good condition at all times. Approval of the section 16 application by the Town Planning Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. Relevant authority/government department(s) should be approached direct to obtain necessary approval on tree works. Concrete paving is observed within the dripline area of the existing *Cinnamomum camphora*. Any impermeable surfacing within the dripline area should be carefully removed for healthy tree growth. No material or machinery should be placed within the dripline area of the tree to avoid compaction of soil causing root damage to the tree. For further details on tree maintenance and preservation, the ‘Pictorial Guide for Tree Maintenance’ promulgated by the Development Bureau (DEVB) should be referred to, which is available at the Greening, Landscape & Tree Management Section, DEVB’s website;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that all the drainage facilities on site should be maintained in good condition and the proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas,

etc.;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that site formation works are building works under the control of the Buildings Ordinance (BO). Before the filling of land is to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed site formation in accordance with the BO. The Director of Lands may issue a certificate of exemption from prior approval and consent of the BA in respect of site formation works in the New Territories under the BO (Application to the New Territories) Ordinance. You may approach DLO/YL, LandsD or seek AP's advice for details; and
- (h) to note that comments of the Director of Electrical and Mechanical Services that you shall approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the Site. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the Site, the following measures should be carried out: (a) for sites within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV or above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with CLP Power is necessary; (b) prior to establishing any structure within the Site, you and/or your contractors shall liaise with the electricity supplier and, if necessary, ask CLP Power to divert the underground cable and/or overhead line away from the vicinity of the proposed structure; and (c) the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation should be observed when carrying out works in the vicinity of the electricity supply lines.