

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 Applications Covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-TYST/407	Temporary Place of Recreation (War Game Playground) for a Period of 3 Years	2.1.2009 Approved for 2 years on review	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-TYST/507	Renewal of Planning Approval for Temporary "Place of Recreation (War Game Playground)" Use for a Period of 2 Years	23.12.2010	(1), (2), (6), (7), (8), (9)
3	A/YL-TYST/625	Renewal of planning approval for temporary "place of recreation (war game playground)" for a period of 2 years	21.12.2012 [Revoked on 2.7.2013]	(1), (2), (4), (6), (8), (10), (11)

Approval Conditions

- (1) No night time operation between 6:00p.m. and 10:00 a.m. is allowed.
- (2) No new or further excavation of the existing ditches is allowed on the site.
- (3) Provision of protective fence on the site.
- (4) Submission of landscape and tree preservation proposal, including a tree survey, and implementation of landscape and tree preservation proposal.
- (5) Submission of a layout plan of the site including the existing location and dimension of ditches within the site.
- (6) Revocation of planning approval if any of conditions is not complied with at any time or by the specified date.
- (7) Reinstatement of the application site to an amenity area upon expiry of the planning permission.
- (8) Maintenance of the existing protective fence on the application site.
- (9) Maintenance of the existing landscape planting on the application site.
- (10) Maintenance of the existing drainage facilities on the application site.
- (11) Submission and implementation of fire service installations proposal

**Similar Applications Within/Straddling the Subject “GB” Zone
on the Approved Tong Yan San Tsuen OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/782	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years	27.5.2016	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)

Approval Condition(s):

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

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use/Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TYST/358#	Temporary Barbecue Site cum Green Recreational Playground for a Period of 3 Years	22.6.2007	(1), (2), (3)
2	A/YL-TYST/378	Temporary war game centre for a period of 3 years	20.6.2008	(2)
3	A/YL-TYST/484#	Proposed Temporary Organic Farm cum Barbecue and Leisure Activity Area for a Period of 3 Years	30.7.2010	(1), (2), (3), (4)

Straddles the subject “Green Belt” (“GB”) and adjacent “Residential (Group D)” (“R(D)”) zones.

Rejection Reason(s):

- (1) Not in line with the planning intention of the “GB” and/or “R(D)” zones.

- (2) Insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic, drainage and/or landscape impacts on the surrounding areas.
- (3) Approval of the application would set an undesirable precedent for similar applications within the "GB" and "R(D)" zones, the cumulative effects of which would result in a general degradation of the rural character of the area.
- (4) The proposed development which attracted visitors and group activities was incompatible with the rural and tranquil character of the surrounding areas.

Advisory Clauses

- (a) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. racing field use) 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;
- (d) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (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 Building (Minor Works) Regulation;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (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. No permission is given for occupation of Government land (GL) (about 160m² 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 Lam Tai West Road via GL and Private Land. Her office provides no maintenance work for the 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 on site. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a formal approval exclude the area involving the existing footpath 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 such application(s) 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 applicant is advised that the proposed shuttle bus service is subject to approval of Transport Department (TD) with due consideration of availability of public transport services in the vicinity of the development site. Subject to the details of the application, the proposed shuttle bus service may not be approved. The land status of the access road/path/track leading to the Site at Lam Tai West Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified. The relevant management and maintenance authorities shall be consulted accordingly;
- (g) to note the comments of the Chief Engineer/New Territories West, Highways Department (HyD) that if any proposed run-in is agreed by TD, the applicant should provide the run-in/out at Lam Tai West Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. If provision of run-in/out involved removal of

railings, agreement from TD should be sought before commencement of the works. The run-in/out may affect roadside trees, LandsD and Leisure and Cultural Services Department (LCSD) should be consulted. 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 Lam Tai West Road. The sloped area at the back of the footpath of Lam Tai West Road and the drain at the toe are not maintained by his department;

- (h) to note the Director of Environmental Protection's comments that the applicant should follow the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that although the applicant proposed a draft landscape proposal, there is no information on existing tree and its preservation proposal;
- (j) to note comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt appropriate measures to avoid causing disturbance or pollution to the existing stream within or immediately adjacent to the site as well as the mature woodland in the vicinity of the Site. Trees within or adjacent to the Site should also be preserved;
- (k) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (l) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) 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;
- (m) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority for the structures existing at the site. If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under 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 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. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with 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 B(P)R at the building plan submission stage; and

- (n) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should 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 and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice in Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.