

**Relevant extract of the 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 main planning criteria for assessing applications for development within the “Green Belt” (“GB”) zone under s.16 of the Town Planning Ordinance are:

- (a) There is a general presumption against development (other than redevelopment) in a “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.12a Application covering the Application Site

Rejected Application

| | Application No. | Applied Use/Development | Date of Consideration | Rejection Reasons |
|---|------------------------|--|------------------------------|--------------------------|
| 1 | Y/YL-HTF/3 | To rezone the application site from “GB” to “Government, Institution or Community” (“G/IC”) and area shown as ‘Road’ | 13.12.2019 | 1 to 3 |

Rejection Reasons:

1. No strong planning justification for piecemeal rezoning.
2. Failure to demonstrate that the proposed access road is feasible and implementable.
3. Setting an undesirable precedent.

Similar s.16 Application within the same “Agriculture” Zone in the past five years on the Ha Tsuen Fringe OZP

Approved Application

| | Application No. | Applied Use/Development | Zoning(s) | Date of Consideration |
|---|------------------------|---|------------------|------------------------------|
| 1 | A/YL-HTF/1183 | Proposed Temporary Warehouse for Storage of Construction Materials and Machineries, Parking of Special Purpose Vehicles and Rural Workshop with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land and Pond and Excavation of Land | “GB” and ‘Road’ | 28.2.2025 |

Government Departments' General Comments

1. Traffic

(a) Comments of the Commissioner for Transport (C for T):

- no adverse comment on the application from traffic engineering perspective; and
- advisory comments as detailed in **Appendix V**.

(b) Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- no objection to the application from highway maintenance perspective; and
- advisory comments as detailed in **Appendix V**.

2. Environment

Comments of the Director of Environmental Protection (DEP):

- no objection to the application from environmental planning perspective;
- there is no substantiated environmental complaint pertaining to the application site (the Site) in the past three years; and
- advisory comments as detailed in **Appendix V**.

3. Landscape

Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD):

- no adverse comment on the application from landscape planning perspective;
- according to the aerial photo taken in 2025, the Site was situated in an area of miscellaneous rural fringe landscape characterised by temporary structures, farmland and tree clusters;
- with reference to the site photos taken in April 2026, the Site was formed and no existing trees were observed within the Site;
- according to the Landscape Proposal in **Drawing A-3**, 10 new trees are proposed along the northwestern boundary within the Site to mitigate the landscape impact of the proposed use; and
- in view of the above, no significant adverse landscape impact arising from the proposed use is anticipated.

4. **Drainage**

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- no objection in principle to the application from a drainage point of view;
- should the Town Planning Board consider the application be acceptable from the planning point of view, he would suggest that approval condition(s) should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department; and
- advisory comments as detailed in **Appendix V**.

5. **Fire Safety**

Comments of the Director of Fire Services (D of FS):

- no objection in principle to the application subject to fire service installations being provided to his satisfaction; and
- advisory comments as detailed in **Appendix V**.

6. **Project Interface**

Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- the Site falls within the study area of Lau Fau Shan Development under the consultancy Agreement No. CE 5/2024 (CE) “Developments at Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas – Investigation”, which is the Investigation Study and jointly commissioned by PlanD and CEDD. The implementation and land resumption/clearance programme of the Lau Fau Shan, Tsim Bei Tsui and Pak Nai Development is currently being reviewed under the Investigation Study and subject to change; and
- if the planning permission is granted, notwithstanding its validity period, the applicant should note his advisory comments detailed in **Appendix V**.

7. **District Officer’s Comments**

Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

- no comment from departmental point of view; and
- his office has not received any locals’ comment on the application.

8. **Other Departments’ Comments**

The following government departments have no objection to/no comment on the application and their advisory comments, if any, are detailed in **Appendix V**:

- Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);

- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- Chief Engineer/Land Works, CEDD (CE/LW, CEDD); and
- Director of Agriculture, Fisheries and Conservation (DAFC)

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) failure to reinstate the Site as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - (i) the Site comprises GL and Old Schedule Agricultural Lot(s) 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;
 - (ii) the GL within the Site (about 98m² as mentioned in the application form) has been fenced off / unlawfully occupied with unauthorised structure(s) without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28 – Land (Miscellaneous Provisions) Ordinance. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice; and
 - (iii) the lot owner(s) shall apply to his office for Short Term Waiver(s) (STW(s)) and Short Term Tenancy(s) (STT(s)) to permit the structure(s) erected within the private lot and the occupation of the GL. The application for STW(s) and STT(s) will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (d) to note the comments of the Commissioner for Transport (C for T) that:
 - (i) sufficient manoeuvring spaces shall be provided within the Site or its adjacent area. No vehicles are allowed to queue back to public roads or reverse onto/from public roads; and
 - (ii) the local track leading to the Site is not under Transport Department's purview. 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:
 - (i) the access road from Kong Sham Western Highway to the Site is not maintained by his department and his department will not take up the maintenance responsibility; and
 - (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the applicant should follow the latest 'Code of Practice on Handling the Environmental

Aspects of Temporary Uses and Open Storage Sites’;

- (ii) the applicant should follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs). If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of ProPECC PN 1/23 “Drainage Plans subject to Comment by the Environmental Protection Department” including completion of percolation test and certification by Authorized Person;
 - (iii) the applicant should provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use; and
 - (iv) the applicant should meet the statutory requirements under relevant environmental legislation;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) the applicant/owner should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site;
 - (ii) sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected;
 - (iii) any existing flow path affected should be re-provided;
 - (iv) the applicant/owner should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas;
 - (v) there is no details on site layout, site cross section and the information/condition of existing water course / drainage facilities provided in the application. As such, only preliminary comments are provided. It is assumed that the existing water course and drainage facilities remain unchanged and should not be affected / altered / modified;
 - (vi) any earth filling of the watercourse, drainage diversion works or modification works is not allowed unless a drainage proposal is submitted and accepted;
 - (vii) the applicant/owner should be reminded that their drainage facilities shall be properly designed, constructed and maintained in good condition without causing adverse drainage impact to the adjacent area at all times, and the applicant/owner is required to rectify/modify the drainage systems if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the application;
 - (viii) the applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure or ineffectiveness of the drainage systems caused by their application; and
 - (ix) the cost and work of drainage as well as future maintenance responsibility shall be borne by the applicant(s);
- (h) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that the Site falls within the study area of Lau Fau Shan

Development under the consultancy Agreement No. CE 5/2024 (CE) “Developments at Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas – Investigation”, which is the Investigation Study and jointly commissioned by the Planning Department and CEDD. The implementation and land resumption/clearance programme of the Lau Fau Shan, Tsim Bei Tsui and Pak Nai Development is currently being reviewed under the Investigation Study and subject to change. The applicant should be reminded that the Site may be resumed at any time during the planning approval period for potential development project and advised not to carry out any substantial works therein;

- (i) to note the comments of the Director of Fire Services (D of FS) 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 the Fire Services Department for approval. In addition, the applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of the proposed FSIs to be installed should be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (ii) 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;
 - (iii) 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 building plan submission stage;
 - (iv) 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;
 - (v) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R; and
 - (vi) detailed checking under the BO will be carried out at building plan submission stage.

Urgent Return receipt Expand Group Restricted Prevent Copy

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年04月22日星期三 0:14
收件者: tpbpd/PLAND
主旨: A/YL-HTF/1211 DD 125, off Kong Shan Western Highway, Ha Tsuen GB
類別: Internet Email

A/YL-HTF/1211

Lots 1363 RP (Part) and 1364 (Part) in D.D. 125 and Adjoining Government Land, off Kong Shan Western Highway,

Ha Tsuen

Site area: About 1,379sq.m (Includes Government Land of about 98sq.m)

Zoning: "Green Belt"

Applied use: Warehouse / 4 Vehicle Parking / Filling of Land

Dear TPB Members,

Strong Objections. No previous record of approvals. Relocation is no justification for approval as this is 'GB' and part to one of the few remaining parts of Ha Tsuen spared from rampant degradation. DevB cannot support the manipulation of circumstances to this level.

The lots have been filled in without approval even though they are located adjacent to very active agricultural activity.

The area on the left side of the highway should be protected from the incursion of brownfield. Some areas in NT must be preserved if HK hopes to attract top talent to come and live here. The ongoing energy crisis that impacts food supply should be a wake-up call that there is urgent need to preserve some farm land to ensure a basic supply of fresh produce.

The application has no merit.

Mary Mulvihill

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年04月28日星期二 18:25
收件者: tpbpd/PLAND
主旨: KFBG's comments on seven planning applications
附件: 260428 s16 KTN 1227.pdf; 260428 s16 KTN 1226.pdf; 260428 s16 KTN 1225.pdf; 260428 s16 KTN 1189.pdf; 260428 s16 HTF 1211.pdf; 260428 s16 HSK 606.pdf; 260428 s12a LFS 13c.pdf

類別: Internet Email

Dear Sir/ Madam,

Attached please see our comments regarding seven applications. There are seven pdf files attached to this email. If you cannot see/ download/ open these files, please notify us through email.

Please do not disclose our email address.

Thank You and Best Regards,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

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The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

28th April, 2026.

By email only

Dear Sir/ Madam,

**Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with
Ancillary Facilities and Associated Filling of Land for a Period of 3 Years
(A/YL-HTF/1211)**

1. We refer to the captioned.
2. We urge the Board to look at a photo extracted from the Town Planning Board Statutory Planning Portal 3 showing the site (bounded by red line).





嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

3. We urge the Board to investigate with relevant authorities as to whether there is any ongoing unauthorised uses/ activities/ enforcement case covering the current application site; if yes, then consider whether it is appropriate to approve this application.

4. The application site is within Green Belt (GB) zone and the planning intention of this zone is as follows:

The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.¹

5. We urge the Board to reject this application as the proposed use is unlikely to be in line with the above planning intention. We also recommend the Board consider whether the approval of this application would cause potential cumulative impacts on this GB zone and nearby areas.

6. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

¹<https://www.ozp.tpb.gov.hk/api/Plan/PlanNote?planNo=S%2fYL-HTF%2f12&lang=EN&ext=pdf&dType=in#nameddest=GB>

