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 as relevant to the current application are as follow:

(a) There is a general presumption against development (other than redevelopment) in a "GB" zone. In general the Town Planning 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.

(c) Applications for Government, institution or community (GIC) 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 GIC uses.

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) Any proposed development on a slope or hillside should not adversely affect slope stability.

Recommended Advisory Clauses

(a) the applicant should ensure that the future operator/contractor will set up appropriate mechanisms/protocols to maintain dialogue with surrounding operators during the construction and operation phases of the proposed development;

(b) to note the comments of the Commissioner for Harbourfront, Development Bureau (DEVB) that the design and massing of the proposed above-ground structures should blend harmoniously with the surrounding natural and harbourfront environment. The applicant is invited to share the detailed design with Harbour Office of DEVB for updating or consulting Members of the Harbourfront Commission's Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing in due course as appropriate;

(c) to note the comments of the Commissioner for Tourism that mitigation measures should be implemented as appropriate to minimise any environmental impact on the portion of the application site (the Site) zoned "Other Specified Uses" annotated "Recreation and Tourism Related Uses". The subject portion of the Site should be reinstated should any concrete tourism development proposal arises during the interim or upon completion of the works, whichever is the earlier;

(d) to note the comment of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Departments (LandsD) that the Site boundary encroaches upon deposit areas of "the Revised Boundaries of the Tsing Ma Control Area (TWM3975)" and "Tsing Kwai Highway, Cheung Tsing Highway, North West Tsing Yi Interchange, Tsing Long Highway and Tuen Mun Road (EX-NT-15a)". A formal application for Government Land Allocation(s) to LandsD is required to implement the proposed development;

(e) to note the comments of the Director of Environmental Protection (DEP) that:

  (i) the applicant is required to apply for Specified Process Licence for the proposed concrete batching, asphalt production and rock crushing facilities to comply with Best Practice Means for Cement Works (Concrete Batching Plant) BPM 3/2, Best Practice Means for Tar and Bitumen Works (Asphalt Concrete Plants) and Best Practicable Means for Mineral Works (Stone Crushing Plants) BPM 11/1(95) respectively; and

  (ii) the mitigation measures identified in the preliminary environmental review will be implemented by the future contractor during the construction and operation phases for submission to the applicant in consultation with DEP, if required;

(f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:

  (i) the access arrangement of the Site from the adjacent public roads should be commented and approved by Transport Department (TD) from traffic engineering viewpoint. If the access arrangement is acceptable by TD, a proper run-in/out/junction should be formed at its connection with the public road in

accordance with the latest HyD Standard Drawings to match the existing pavement condition by the applicant;

(ii) the proposed slope works shall be commented and approved by the Geotechnical Engineering Office (GEO) of Civil Engineering and Development Department (CEDD);

(iii) should excavation works on public road be required, an Excavation Permit (EP) should be obtained from his Regional Office prior to commencement of excavation works. For works carried out on other unallocated Government Land, EP should be obtained from respective District Lands Office directly;

(iv) the access road between Ngau Kok Wan and Wok Tai Wan are not currently maintained by HyD. HyD will not take up the maintenance responsibility of the road; and

(v) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;

(g) to note the comment of the Chief Engineer/Planning and Development Division, GEO, CEDD that the blasting assessment report, which will be submitted before construction, should clearly stipulate the relevant requirements. These requirements include conducting condition surveys on affected features, defining the allowable vibration limits, establishing monitoring stations, and setting monitoring criteria and procedures in case of exceedance of the limits. During construction, the stability of man-made slope will be maintained by resident site supervision personnel in accordance with the relevant site supervision plan. Should real-time monitoring data indicate that the established limits have been exceeded, on-site personnel are required to take immediate action (including addressing safety concerns) and report the incident to the relevant authorities within a specified timeframe;

(h) to note the comment of the Chief Engineer/Railway Development 1-1, Railway Development Office, HyD that the proposed development falls within/in close proximity to the railway protection boundary of the existing Airport Express Line and Tung Chung Line. With reference to DEVB Technical Circular (Works) No. 1/2019 and/or Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-24, MTR Corporation Limited should be consulted with respect to the operation, maintenance, safety and any future works required for the existing railways;

(i) to note the comments of the Director of Fire Services that:

(i) detailed fire safety requirements will be formulated upon referral from relevant department/authority;

(ii) the provision of emergency vehicular access in the proposed development shall comply with the requirements as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011; and

(iii) in case the proposed tunnels involve tunnel boring method using tunnel boring machine, he may have to formulate additional fire safety requirements and/or setting up a dedicated emergency pressurized team (EPT) for the works. In general, a lead time of about one year is required to set up sufficient EPT members;

(j) to note the comments of the Chief Engineer/Construction, Water Services Department (WSD) that:

(i) existing water mains will be affected. The cost of any necessary diversion shall be borne by the proposed development;

(ii) in case it is not feasible to divert the affected water mains, a waterworks reserve (WR) within 1.5 metres from the center line of the water main shall be provided to WSD. No structure shall be built or materials stored within this WR. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;

(iii) no trees or shrubs with penetrating roots may be planted within the WR or in the vicinity of the water mains; and

(iv) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;

(k) to note the comments of the Chief Engineer/Port Works, CEDD that:

(i) the Site falls within 30 metres behind the copeline of existing seawall, the applicant shall note the promulgation of Port Works Design Manual (PWDM) Part 1, Paragraph 2.11 and Appendix E on the Shoreline Management Guideline (SMG) for Coastal Development. All works, layouts, structures and building management plans along the shoreline shall comply fully with the risk-based planning and design principles outlined in the SMG;

(ii) the applicant shall adopt a Progressive Adaptive Approach and implement an integrated strategy of "Adaptation, Resilience, and Management" to establish multi-layered protection against extreme weather conditions; and

(iii) the applicant should review whether any facilities are proposed in this project within 30 metres of, and behind, the copeline of the existing seawall. If any such works are proposed, a comprehensive coastal risk assessment shall be carried out by a qualified professional in accordance with PWDM Part 1 Appendix E. The assessment shall evaluate factors including, but not limited to, extreme sea levels, storm surges, wave actions, and overtopping risks under future climate change scenarios. CEDD's agreement on the assessment shall be obtained prior to the finalisation of detailed structural designs/building plans;

(l) to note the comments of the Commissioner of Police that from a road management perspective, the anticipated parking, ingress/egress arrangement and number of vehicles going to and from the Site should not cause queuing onto the adjacent roads. Also, the ingress/egress location should not cause traffic congestion at the local road network, and the vehicles entering and leaving the Site should not cause safety issues to local road users;

(m) to note the comments of the Director of Food and Environmental Hygiene that:

(i) the applicant/contractor shall ensure that all vehicles leaving the Site are properly washed to prevent any soil, mud or debris from being deposited on public roads. Effective dust control and road washing measures should be maintained;

(ii) all construction and chemical waste, as well as general refuse generated during both construction and operational phases, must be properly collected and disposed of by the applicant at their own cost. No waste should be discharged into his department's Refuse Collection Points (RCPs) or litter bins; and

(iii) if any existing Food and Environmental Hygiene Department (FEHD) cleansing facilities (e.g. Public Toilets or RCPs) are affected or impacted by the proposed development, the applicant must consult FEHD at an early stage. No existing facility shall be affected, closed, or demolished without FEHD's prior agreement and proper reprovisioning to FEHD's satisfaction;

(n) to note the comments of the District Officer (Kwai Tsing), Home Affairs Department that:

(i) having regard to the proximity of the proposed quarrying and cavern operations to the Tsing Yi Lantau Link Viewing Platform (LLVP) and Visitors Centre (LLVC), comprehensive environmental and traffic mitigation measures should be implemented to ensure that both the daily operations of the LLVP and LLVC and the visitor experiences at the panoramic viewing platform remain undisrupted throughout the project's construction and development period;

(ii) proactive environmental mitigation measures are required to suppress dust and noise in the vicinity of the LLVP. For example, the erection of temporary noise barriers to minimise noise impact and enforcing regular water-spraying schedules across the construction site; and

(iii) for traffic mitigation, appropriate traffic management measures must be deployed to prevent traffic congestion. This is particularly important given that the North West Tsing Yi Interchange serves as the main gateway to both the LLVP and LLVC and the neighbouring waterfront operations; and

(o) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:

(i) approval of the application does not imply approval of tree works such as pruning, transplanting and felling. Application for any tree works should be submitted to relevant departments for approval;

(ii) further opportunities should be explored to minimise the extent of proposed tree felling; and

(iii) more tree planting opportunities within the Site and at off-site locations should be further explored so as to minimise and mitigate the landscape impacts caused by the development.