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 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.

(d) Passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration.

(e) 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.

(f) 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.

(g) 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.

(h) The proposed development should not overstrain the overall provision of G/IC facilities in the general area.

(i) 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.

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

Previous s.16 Applications covering the Application Site

Rejected Applications

Application No.	Development(s)/ Use(s)	Date of Consideration (RNTPC/TPB)	Rejection Reasons
A/DPA/TM-LTYY/59	Open Storage of Machineries and Ancillary Repairing Yard	21.7.1995	(a) to (d)
A/TM-LTYY/254	Proposed Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	8.2.2013	(e) to (g)
A/TM-LTYY/262	Proposed Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	24.1.2014 (Rejected upon review)	(e) to (g)
A/TM-LTYY/341	Proposed Temporary Bike Hire and Maintenance Workshop for a Period of 1 Year	8.9.2017	(e) and (g)

Rejection Reasons:

(a) Not in line with the planning intention for the general area which was primarily to encourage the upgrading of temporary structures with permanent materials for the current use with a view to upgrading the environment.

(b) No information in the submission to demonstrate that the proposed development would not have significant adverse impact on the surrounding environment.

(c) No proper vehicular access to the application site (the Site). Heavy vehicles using the existing pedestrian track would pose hazard to pedestrians.

(d) No information in the submission on the provision of parking spaces, loading/unloading facilities and vehicular access to the Site.

(e) No strong justification in the submission for a departure from the planning intention, even on a temporary basis.

(f) Not in line with Town Planning Board Guidelines for 'Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance.

(g) Setting an undesirable precedent.

Government Bureau/Departments' General Comments

1. Electric Vehicle Charging

Comments of the Secretary for Environment and Ecology (SEE):

- he has no adverse comment on the application from Electric Vehicle (EV) charging policy perspective;
- to echo with the latest version of Chapter 8 of Hong Kong Planning Standards and Guidelines (HKPSG) about EV charging facilities and to support the Government's policies in promoting the wider adoption of EVs, the applicant is suggested to comply with the relevant requirement of HKPSG, i.e., EV chargers with output power of not less than 7kW should be installed in all parking spaces for private cars, light goods vehicles and motorcycles of the application site (the Site); and
- his advisory comments as detailed in **Appendix V**.

2. Traffic

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

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

3. Environment

Comments of the Director of Environmental Protection (DEP):

- no objection to the application;
- no environmental complaint pertaining to the Site was received in the past three years; and
- advisory comments as detailed in **Appendix V**.

4. Drainage

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

- no objection to the application from public drainage point of view;
- should the application be approved, relevant condition(s) should be included to request the applicant to submit and implement a revised drainage proposal for the Site to ensure it will not cause adverse drainage impact to the adjacent areas before the commencement of operation. The applicant could make reference to DSD Technical Note No.1 - Technical Note to prepare a "Drainage Submission"; 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 the satisfaction of the D of FS; and

- advisory comments as detailed in **Appendix V**.

6. Natural Conservation

Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

The Site is an existing disturbed area occupied by some structures. He has no strong view on the application from nature conservation perspective.

7. District Officer's Comments

Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

- no comment from departmental point of view; and

- his office has not received any public comments on the application.

8. Other Departments

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

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

- Director of Electrical and Mechanical Services (DEMS);

- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);

- Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and

- Commissioner of Police (C of P).

Recommended Advisory Clauses

(a) the permission is given to the development/uses under the application. It does not condone any other development/use(s) and structures not covered by the application. Immediate action should be taken to discontinue such development/use(s) and remove such structures not covered by the permission;

(b) failure to reinstate the application site (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 resolve any land issues relating to the development with the concerned owner(s) of the Site;

(d) to note the comments of the Secretary for Environment and Ecology (SEE) that:

  (i) the Government announced the Green Transformation Roadmap of Public Buses and Taxis in December 2024, including measures to realise the target of introducing about 3,000 electric taxis by end-2027. A comprehensive fast charging network is needed to effectively support the operations of electric taxis and achieve the aforesaid target. In addition, the Government announced the Updated Version of the Hong Kong Roadmap on Popularisation of Electric Vehicles in February 2026, which states that the Government will leverage market forces in the future to build a public charging network with fast chargers as the backbone. In this connection, we recommend that the applicant consider installing some fast chargers with a rated output power of 100kW or higher at the subject site and open up a certain number of charging spaces for electric commercial vehicles for use, e.g. electric taxis, electric light goods vehicles; and

  (ii) the applicant is also suggested to consider arranging some of the chargers to also be compatible with Guobiao charging standard;

(e) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:

  (i) the Site is now accessible via Government land (GL) branching off Tat Fuk Road. Her office does not carry out maintenance works for the said GL nor guarantee that any right-of-way to the Site will be given. The applicant shall be responsible for his own access arrangement; and

  (ii) her office reserves the right to take lease enforcement actions as considered appropriate against any unauthorised erection/extensions/alterations of the structures erected or to be erected within Lot 2407 S.B in D.D. 130 ("the Lot") or any unlawful occupation of GL at any time irrespective of whether planning permission will be given or not. Enforcement action will be taken should any structure or structures be found erected without prior approval given by her office or be in breach of the approval given;

(f) to note the comments of the Commissioner for Transport (C for T) that:

  (i) the proposed access route between Tat Fuk Road and the Site is not managed by

the Transport Department. A right-of-way of the proposed access route is not guaranteed. Consent/comments shall be sought from relevant land owners and management parties;

(ii) run-in/run-out proposal shall be provided for access. It should be designed and constructed by the applicant in compliance with Highways Department (HyD)'s standard and to the satisfaction of HyD; and

(iii) sufficient vehicle manoeuvring space should be reserved within the Site. Please ensure that no queuing and/or waiting of motor vehicles from the Site onto Tat Fuk Road, would occur and no motor vehicles shall be permitted to reverse into and out of the Site onto Tat Fuk Road;

(g) to note the comments of the Chief Highway Engineer/New Territories West, HyD (CHE/NTW, HyD) that:

(i) the applicant should take all necessary measures to avoid causing any damage to public roads/street furniture and make good any damage done at his own expenses to HyD's satisfaction arisen from his activity;

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

(iii) Excavation Permit on GL and public road/footpath/road verge should be obtained from DLO/TM, LandsD and HyD's Regional Office respectively prior to commencement of excavation works;

(h) to note the comments of the Director of Environmental Protection (DEP) that the applicant should implement the relevant measures and requirements in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the potential environmental nuisance generated by the proposed development;

(i) to note the comments of the Chief Engineer/Mainland North, DSD (CE/MN, DSD) that:

(i) the applicant is required to maintain his drainage facilities/system properly and rectify them if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnity claims and demands arising out of any damage and/or nuisance caused by failure of his facilities/system;

(ii) the applicant should construct and maintain the proposed drainage facilities whether within or outside the Lot at his own expense;

(iii) the Site is in an area where public sewerage connection is not available. Environmental Protection Department (EPD) should be consulted regarding sewage treatment/disposal facilities for the proposed development; and

(iv) regarding the submitted drainage proposal, the applicant should be advised that the limited desktop checking by the Government on the drainage proposal covers only the fundamental aspects of the drainage design which will by no means relieve his obligations to ensure that (i) the proposed drainage works will not cause any adverse drainage or environmental impacts in the vicinity; and (ii) the proposed drainage works and the downstream drainage systems have the

adequate capacity and are in good conditions to accommodate all discharge water collected from his lot and all upstream catchments. The applicant shall effect any subsequent upgrading of these proposed works and the downstream drainage systems whenever necessary. In this regard, he has the following general comments on the drainage proposal from public drainage viewpoint:

(i) the applicant should check and ensure that the existing drainage system to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Lot. He should also ensure that the flow from the lot will not overload the existing drainage system;

(ii) the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc;

(iii) where structures (e.g. buildings, walls or hoarding or the like) are to be erected, adequate opening or drainage facilities should be provided to allow existing overland flow passing through the Site or to be intercepted by the drainage system of the concerned development;

(iv) the cover levels of proposed U-channels and catch pits should be flush with the adjoining ground level;

(v) the applicant should consult DLO/TM, LandsD and seek agreement from relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

(vi) the applicant should make good all the adjacent affected areas upon the completion of the drainage works;

(vii) the proposed sand-trap/catchpit should be regularly desilted by the applicant to prevent sand and silt from being washed into the existing drainage system/channel at its downstream;

(viii) the applicant shall allow all time free access for the Government and its agent to conduct site inspection on his completed drainage works, if necessary; and

(ix) the applicant shall resolve any conflict/disagreement with relevant lot owner(s) and seek LandsD's permission for laying new sewers/drains/ channels and/or modifying/upgrading existing ones in other private lot(s) or on Government land (where required) outside the Lot;

(j) to note the general comments of the Director of Fire Services (D of FS) that:

(i) 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 as follows:

(i) the layout plans should be drawn to scale and depicted with dimensions and the nature of occupancy; and

(ii) the location of the proposed FSIs to be installed should be clearly marked on the layout plans; and

(ii) 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;

(k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:

(i) there is no record of approval by the Building Authority (BA) for any structures at the Site. BD is not in a position to offer comments on its/their suitability for the use proposed in the application;

(ii) before any new building works are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorised building works (UBWs). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;

(iii) in connection with (ii) above, 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;

(iv) 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;

(v) if any existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under BO and should not be designated for any approved use under the application;

(vi) for UBWs erected on the leased land, including the existing structures under the application, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBWs as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBWs on the Site under BO; and

(vii) detailed comments under BO to be provided during building plans submission;

(l) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) that:

(i) the applicant should ensure that sufficient growing space between trees and adjacent structures will be allowed to achieve the desired planting effect in a sustainable manner; and

(ii) the applicant should consider planting native species instead of exotic fruit trees;

(m) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that there is a high-pressure underground town gas transmission pipeline running along Tat Fuk Road in the vicinity of the vehicle park. In case any excavation work is required to be carried out in the vicinity of the road, the applicant shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the proposed work areas and any required minimum set back distance away from them during the

commencement of work. The applicant is required to observe the requirements of the Electrical and Mechanical Services Department's Code of Practice on "Avoidance of Damage to Gas Pipes" 2nd Edition for reference. The Code can be downloaded via the following web-link: https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd _(Eng).pdf; and

(n) to note the comments of the Commissioner of Police (C of P) that the applicant shall ensure that the siting of the charging station access/egress and the container structure does not obstruct emergency vehicle access or adversely affect traffic flow on the rural road.

□Urgent □Return receipt □Expand Group □Restricted □Prevent Copy

tpbpd/PLAND

寄件者: [redacted]
寄件日期: 2026年10月15日星期四 0:19
收件者: tpbpd/PLAND
主旨: A/TM-LTYY/522 DD 130 Tsoi Yuen Tsuen GB

類別: Internet Email

A/TM-LTYY/522
Lot 2407 S.B in D.D. 130, Tsoi Yuen Tsuen, Tat Fuk Road, Nai Wai, Tuen Mun
Site area: 232 m²
Zoning: "Green Belt"
Applied Use: 3 Vehicle Parking

Dear TPB Members,

402 withdrawn. EV parking = GREENWASH. Strong Objections.

In the many years since the previous application, the UD's have not been removed.

Why has no enforcement action been taken?

Mary Mulvihill

From: [redacted]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Wednesday, July 8, 2020 3:36:54 AM
Subject: A/TM-LTYY/402 DD 130 Tsoi Yuen Tsuen GB

Dear TPB Members,

Application 341 was rejected on 8 Sept 2017 but clearly the unapproved operation was not terminated.

Plan D: The proposed development was not in line with the planning intention of the "GB" zone and there was a general presumption against development within the zone. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. **There were suspected UDs at the site which would be subject to planning enforcement action.** The proposed development involving maintenance workshop activities was not compatible with the surrounding land uses.

So why was action not taken and the site reinstated as GB?

Questions please.

□Urgent □Return receipt □Expand Group □Restricted □Prevent Copy

Mary Mulvihill

From: [redacted]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Friday, August 11, 2017 1:02:26 AM
Subject: A/TM-LTYY/341 DD 130 Tsoi Yuen Tsuen GB

A/TM-LTYY/341
Lot 2407 S.B in D.D. 130, Tsoi Yuen Tsuen, Tat Fuk Road, Nai Wai, Tuen Mun
Site area : 251 m²
Zoning : "Green Belt"
Applied Use : Bike Hire

Dear TPB Members,

Bike hire? And we all believe in Santa Claus also.

This site was rejected for parking and open storage a number of times. The minutes of the rejection on appeal of 24 Jan 2014 make reference to illegal land use.

156. A Member noted that the unauthorised parking of vehicles and storage use had reappeared at the site and asked whether any further action would be undertaken by the Planning Authority. The Secretary replied that the Planning Authority would continue monitoring the site condition and prosecution action would be considered in due course.

157. Members noted that there had been no material change in the planning circumstances since the rejection of the application by RNTPC and the proposed development was not in line with the planning intention of the "GB" zone and the TPB PG-No.10. As such, Members generally agreed that the review application should be rejected.

It is obvious that this site has been used as brownfield for many years.

TPB should not encourage illegal and inappropriate land use. It must again reject this application.

Mary Mulvihill