

**Solnno Action Project
Project Planning Workshop
on Transitional Social Housing
2020.5.25-27**

**Development Control System of
Hong Kong – That is What You
Should Know Briefly**

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Planning and Development Control System

Planning Department

Planning Control

- Town Planning Ordinance
- Statutory plans
- HKPSG
- Guidance Notes

Buildings Department

Building Control

- Buildings Ordinance
- Building Regulations
- Practice Notes

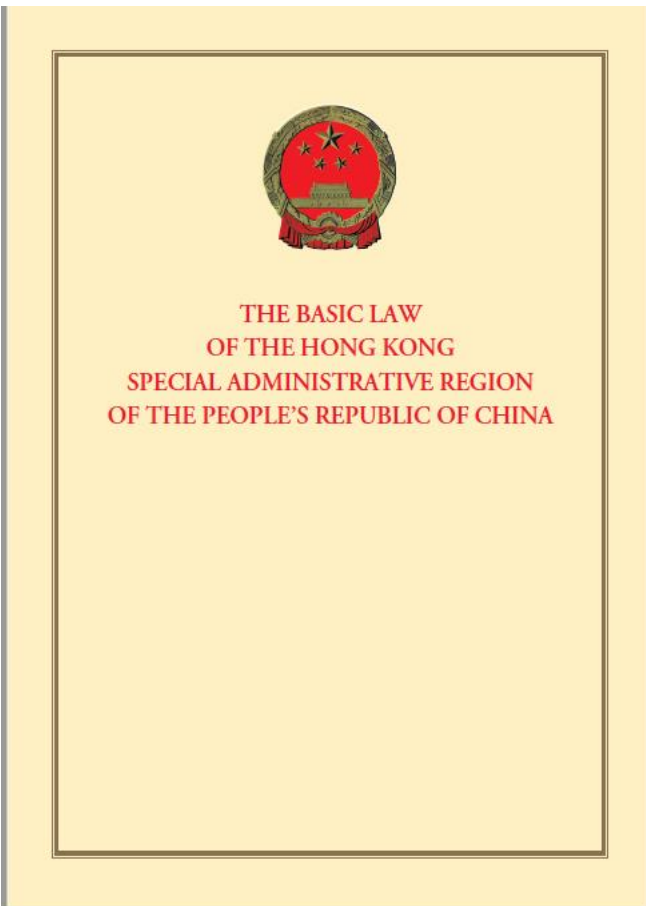
Lands Department

Land Administration Control

- New lease
- Lease modification
- Land exchange
- Short Term Waiver
- Short Term Tenancy
- Building License



The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China



Article 7 – The **land and natural resources** within the Hong Kong Special Administrative Region shall be **State property**. The Government of the Hong Kong Special Administrative Region shall be **responsible** for their management, use and development and for their lease or grant to individuals, legal persons or organizations for use or development. The **revenues** derived therefrom shall be exclusively at the disposal of the government of the Region.

Land Administration System

X

關閉 / Close

補地價仲裁先導計劃
Pilot Scheme for Arbitration on Land Premium

可作短期用途空置用地清單
上載網頁
Vacant sites for short-term uses
available online

港人港地
Hong Kong Property
for Hong Kong People

在私人發展項目內提供公眾設施
Provision of public facilities
in private developments

(2019年12月更新)
(Updated in December 2019)



中華人民共和國香港特別行政區政府
The Government of the Hong Kong Special Administrative Region
of the People's Republic of China

ENGLISH | 繁體版 | 簡體版 | 



地政總署
Lands Department



FLASH ENGLISH / 繁體版 / 簡體版



<https://www.landsd.gov.hk/>



主頁

發展局局長

最新消息

專題檔案

關於我們

新聞公報及刊物

立法會事務

委員會

建造業界事宜

公用表格

公開資料

政府建築物、設施和服務的無障礙事宜

主頁 > 專題檔案 > 資助計劃以支援非政府機構善用空置政府用地



分享

列印此頁

資助計劃以支援非政府機構善用空置政府用地

» 支援非政府機構善用空置政府用地的資助計劃開始接受申請。相關申請文件/資料 –

簡介

申請指引

項目推展指引 (只提供英文版本)

申請表格

常見問題

» 與資助計劃相關的文件/連結 –

立法會財務委員會文件

2019-20財政年度進度報告

相關連結

https://www.devb.gov.hk/tc/issues_in_focus/Funding_Scheme_to_Support_the_Use_of_Vacant_Government_Sites_by_Non_government_Organisations/index.html

2018-19財政預算案

- 現時有約850幅空置政府用地及校舍可供非政府機構以短期租約形式申請租用
- 部分用地位置相對偏遠且交通不便，面積太小，甚或形狀奇特
- 其他用地則具備潛力可作短期用途，但亦有技術限制。為善用這些空置用地，財政司司長於2018-19年度《財政預算案》宣布預留10億元，為合資格項目提供基本工程費用的資助



基本工程費用

+



技術意見



資助範圍及上限

每個項目資助
上限 **6,000** 萬元

包括：

一次過、基本及必須的復修工程費用

斜坡加固工程、地盤平整、搭建臨時構築物、鋪設污水渠／排水管、行人／車輛通道、修葺破舊樓房、裝設消防安全設備、或建設無障礙設施等

顧問費用

可行性報告、詳盡設計、呈交建築物圖則、工料測量、招標服務

保險費用

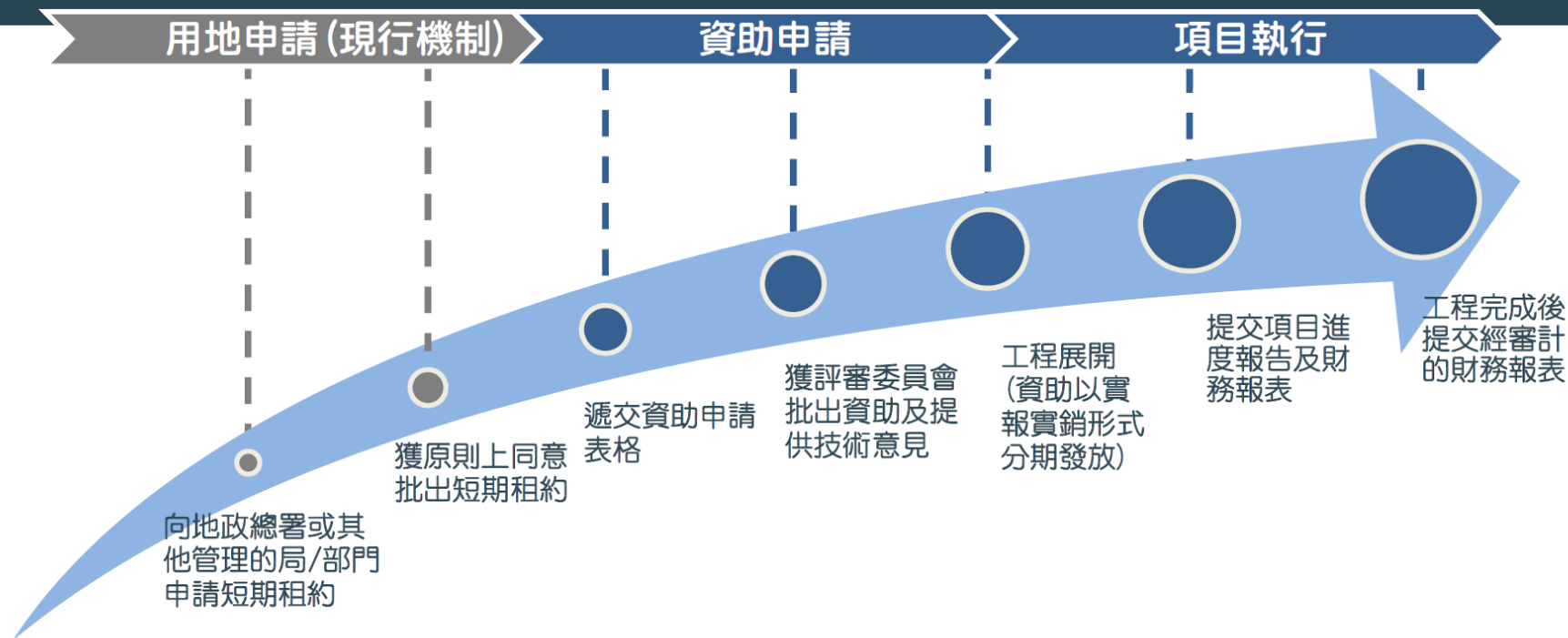
涵蓋測量、勘測及維修工程期間出現的申索

不包括：

- 裝修及室內陳設
- 經常營運支出
(如維修及保養)



資助項目流程



評審機制

- 發展局將主持跨部門評審委員會，審理及監督資助計劃的推行
- 評審準則：
 - 擬議工程須為一次過、基本和必需的復修工程，以使用地／校舍適合使用
 - 擬議工程須具成本效益
 - 擬議工程須為技術性可行
 - 擬議工程須在合理的時間內完成
 - 申請機構須有能力實施工程項目（例如申請機構的管理和技術能力，專業知識、資格、過往記錄和可用於實施擬議工程的資源）



Planning System



Strategic Planning

Regional
Coordination

Hong Kong
Planning
Standards
and Guidelines

Planning/
Topical Studies

District Planning

Statutory:

Outline Zoning Plan
Development Permission
Area Plan
Enforcement

Administrative:

Outline Development Plan
Layout Plan

Town
Planning
Ordinance



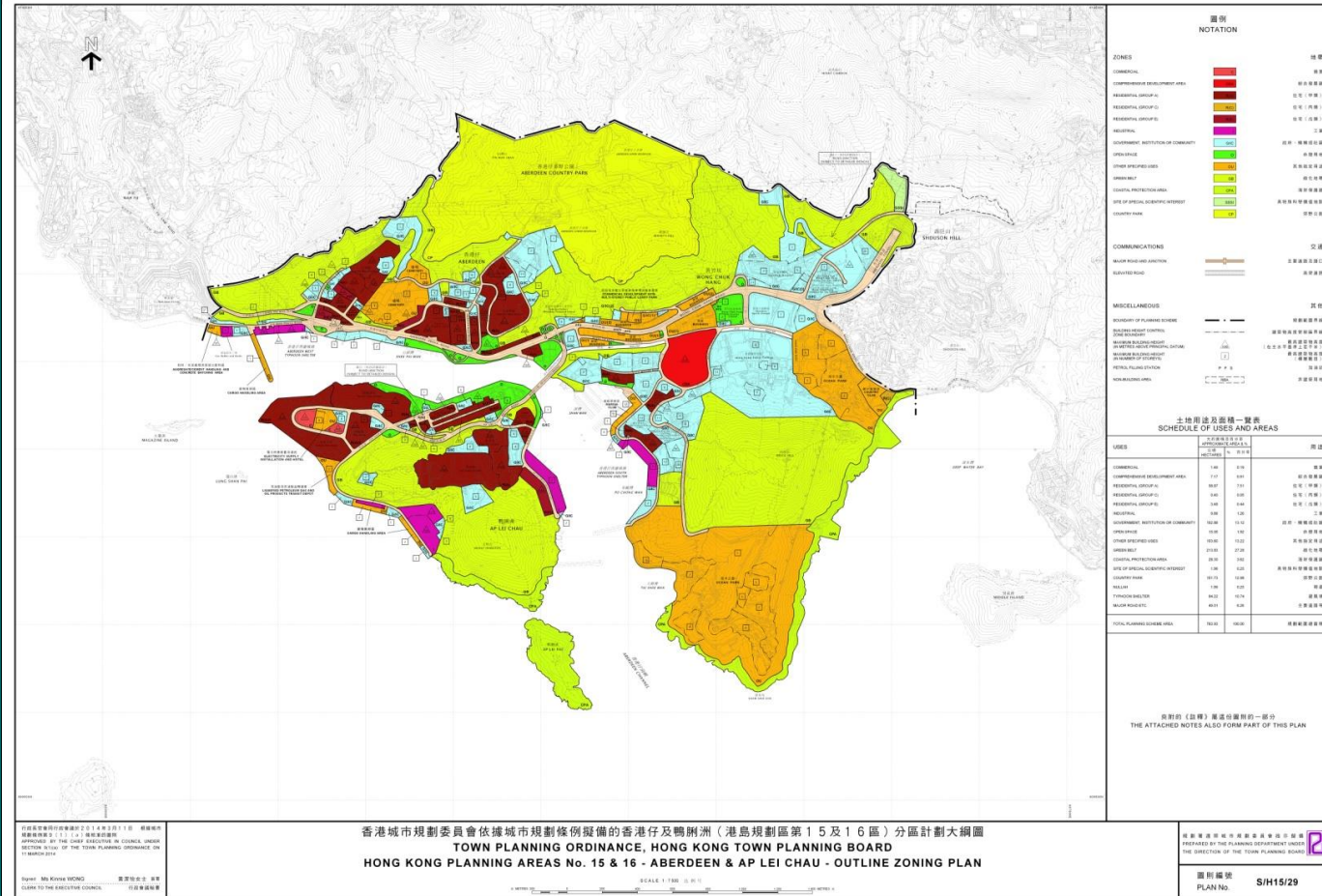
Town Planning Ordinance 城市規劃條例 (Cap 131)

<https://www.elegislation.gov.hk/hk/cap131>

- Enacted in 1939
- Amended in 1991 to extend power to cover rural area
- Last Amended in 2007
- Consisted of 28 sections
- **Preamble**: To promote the *health, safety, convenience and general welfare* of the community by making provision for the systematic *preparation and approval of plans* for the *lay-out of areas* of Hong Kong as well as for the *types of building* suitable for erection therein and for the preparation and approval of plans for areas with which *permission is required for development*
- 本條例旨在為有系統地擬備和核准香港各地區的布局設計及適宜在該等地區內建立的建築物類型的圖則，以及為擬備和核准某些在內發展須有許可的地區的圖則而訂定條文，以促進社區的衛生、安全、便利及一般福利。

Outline Zoning Plan

- The Plan
- The Notes / Schedule of Uses
- Explanatory Statement



Statutory Planning Portal:

<https://www1.ozp.tpb.gov.hk/gos/default.aspx?>

Outline Zoning Plan

- (6) Temporary uses (expected to be 5 years or less) of any land or building are always permitted as long as they comply with any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, and there is no need for these to conform to the zoned use or these Notes. For temporary uses expected to be over 5 years, the uses must conform to the zoned use or these Notes.

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RESIDENTIAL (GROUP A)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Ambulance Depot	Commercial Bathhouse/ Massage Establishment
Flat	Eating Place
Government Use (not elsewhere specified)	Educational Institution
House	Exhibition or Convention Hall
Library	Government Refuse Collection Point
Market	Hospital
Place of Recreation, Sports or Culture	Hotel
Public Clinic	Institutional Use (not elsewhere specified)
Public Transport Terminus or Station (excluding open-air terminus or station)	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances
Residential Institution	Office
School (in free-standing purpose-designed building only)	Petrol Filling Station
Social Welfare Facility	Place of Entertainment
Utility Installation for Private Project	Private Club
	Public Convenience
	Public Transport Terminus or Station (not elsewhere specified)
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle)
	Religious Institution
	School (not elsewhere specified)
	Shop and Services
	Training Centre

(Please see next page)

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住宅(甲類)

第一欄 經常准許的用途	第二欄 須先向城市規劃委員會申請，可能在有附帶 條件或無附帶條件下獲准的用途
救護站	商營浴室／按摩院
分層住宅	食肆
政府用途(未另有列明者)	教育機構
屋宇	展覽或會議廳
圖書館	政府垃圾收集站
街市	醫院
康體文娛場所	酒店
政府診所	機構用途(未另有列明者)
公共車輛總站或車站(露天總站或 車站除外)	香港鐵路通風塔及／或高出路面的 其他構築物(入口除外)
住宿機構	辦公室
學校(只限設於特別設計的獨立校舍)	加油站
社會福利設施	娛樂場所
私人發展計劃的公用設施裝置	私人會所
	公廁設施
	公共車輛總站或車站(未另有列明者)
	公用事業設施裝置
	公眾停車場(貨櫃車除外)
	宗教機構
	學校(未另有列明者)
	商店及服務行業
	訓練中心

(請看下頁)

“Residential (Group A)” Zone

Buildings Ordinance 建築物條例 (Cap 123)

<https://www.elegislation.gov.hk/hk/cap123.pdf>

Preamble: To provide for the **planning, design and construction of buildings** and associated works; to make provision for the rendering safe of dangerous buildings and land; to make provision for regular inspections of buildings and the associated repairs to prevent the buildings from becoming unsafe; and to make provision for matters connected therewith.

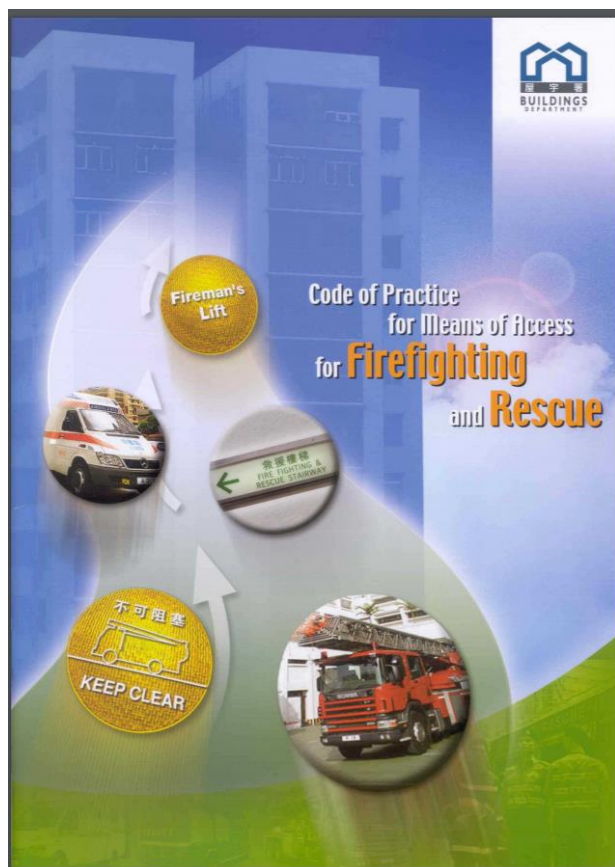
Short Title:

- (1) This Ordinance may be cited as the Buildings Ordinance.
- (2) This Ordinance shall apply to the New Territories in the manner provided by the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

General Building Plan Approval Process

A one-stop process under the Building Ordinance to ensure:

- **Structural and fire safety** – building safety, fire-fighting and fire-prevention installation, means of escape, emergency vehicle access
- **Hygiene and health** – portable water, sewerage, natural lighting and ventilation
- **Operation efficiency and convenience** – general accessibility (vehicular and people, horizontal and vertical), goods delivery, utility services connection and supply, refuse collection, cleansing and maintenance



<https://www.bd.gov.hk/doc/en/resources/codes-and-references/code-and-design-manuals/MOA2004e.pdf>

Part VI – PROVISION OF EMERGENCY VEHICULAR ACCESS

- | | |
|---|----|
| 24. Emergency Vehicular Access to Virgin Sites | 16 |
| 25. Emergency Vehicular Access to Redevelopment Sites | 18 |
- (a) The width of an EVA in the form of a carriageway should be not less than 7.3m. An EVA that is not in the form of a carriageway should be hard-paved, not less than 6 m wide and well demarcated on site.
- (b) If there is any overhead structure over any part of the EVA, a clear headroom of not less than 4.5 m should be maintained.
- (c) The gradient of the EVA should not be steeper than 1 in 10. For such portion of the EVA that is not serving any major facade of any building, the gradient may be increased to not steeper than 1 in 6. Wherever there is a change in gradient, the EVA should be designed and constructed in accordance with the requirements illustrated in Diagram 5 so as not to cause any obstruction to the fire appliances.
- (d) The EVA should allow safe and unobstructed access and safe operation of a fire appliance having the following specifications :

Gross weight	30,000 kg
Turning circle	26 m
Length	12 m

Section 42 Building Authority's powers of exemption

(1) Where in the opinion of the Building Authority special circumstances render it desirable he may, on receipt of an application therefor and upon payment of the prescribed fee, permit by notice in writing modifications of the provisions of this Ordinance. (Amended 44 of 1959 s. 22; 68 of 1993 s. 20)

Granting of Modification or Exemption under Section 42 of the Buildings Ordinance for Transitional Housing Initiatives

https://www.bd.gov.hk/doc/en/resources/codes-and-references/practice-notes-and-circular-letters/circular/CL_GMEBPTHle.pdf



YOUR REF 來信編號 :
OUR REF 本署編號 : BD COMB00007
FAX 傳真編號 : 3106 0006
TEL 電話 : 3106 8019

25th October 2018

To: All Authorized Persons
Registered Structural Engineers
Registered Geotechnical Engineers
Registered General Building Contractors
Registered Specialist Contractors
Registered Minor Works Contractors

Dear Sir/Madam,

Granting of Modification or Exemption under Section 42 of the Buildings Ordinance for Transitional Housing Initiatives

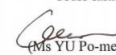
The implementation of various short-term community initiatives on transitional housing aims to provide transitional accommodation and support services for those in need with the support from the Transport and Housing Bureau (THB). Projects under some transitional housing initiatives launched by non-profit making organisations/institutions may be located in old domestic buildings with genuine planning and design constraints, in particular those old tenement houses with deep footprint and narrow frontage, to fully comply with the current statutory requirements under the Buildings Ordinance (BO).

Annex I

In the special circumstances described above, the Buildings Authority is prepared to favorably consider granting modification/exemption of the Building Regulations under section 42 of the BO for works related to such projects in old domestic buildings. Provision of compensatory measures will be required to ensure the modification to be granted will not prejudice the safety and health of the building. The details of the arrangement are set out in the guidelines

proposed to carry out wholesale conversion of an industrial building housing of the same purpose, BD will adopt a similar particular, in view of its temporary nature, BD is prepared to granting exemption from site coverage, plot ratio, open space and lane requirements for domestic buildings under section 42 of the BO under such initiatives.

Yours faithfully,


(Mrs YU Po-mei, Clarice)
Assistant Director / Corporate Services
for Director of Buildings

Modification/Exemption that may be Granted for Transitional Housing Initiatives in Domestic Buildings

Item	Conditions to be imposed	To permit the reduction of natural lighting and ventilation under B(P)R 30 & 31 for bedroom	To permit the omission of natural lighting and ventilation under B(P)R 30 & 31 for bedroom	To permit the omission of natural lighting and ventilation under B(P)R 30 & 31 for living area	To permit the reduction of natural lighting and ventilation under B(P)R 30 & 31 for living area	To permit the non-provision of kitchen under B(P)R 45	To permit the reduction of natural lighting and ventilation under B(P)R 36 for pantry
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Other Related Legislation (1)

Provided for **implementation** of projects:

- Land Resumption Ordinance (Cap 124)
- Foreshore and Seabed (Reclamations) Ordinance (Cap 127)
- Roads (Works, Use and Compensation) Ordinance (Cap 370)
- Railway Ordinance (Cap 519)
- Urban Renewal Authority Ordinance (Cap 563)
- Environmental Impact Assessment Ordinance (Cap 499)
- Land (Compulsory Sale for Redevelopment Ordinance (Cap 545)

Include:

- Administering **authorities**
- Procedure and process for **plans exhibition, submission and consideration of objections** and **approval of plans**
- Rights to **compensation**

Lands Resumption Ordinance (Cap 124)

- **Preamble:** To facilitate the resumption of Government lands **required for public purposes.**
- **Section 3:** Whenever the Chief Executive in Council decides that the resumption of any land required for a public purpose, the Chief Executive may order the resumption thereof under this Ordinance.
- **Section 12(aa):** [determination of compensation] no account shall be taken of the fact the land lies within or is affected by any area, zone or district reserved or set apart of the Town Planning Ordinance.

Foreshore and Sea-bed (Reclamations) Ordinance (Cap 127)

- **Preamble:** To provide for the publication of proposals in respect of reclamations over and upon any foreshore and sea-bed; and to make provision in respect of objections to the proposals, the payment of compensation and connected matters
- **Section 6(1):** Any person who considers that he has an interest, right or easement in or over the foreshore and sea-bed may object to the proposed reclamation.
- **Section 12(1):** Any person who claims that his interest, right or easement will be injuriously affected ... may deliver to the Director a written claim

Roads (Works, Use and Compensation) Ordinance (Cap 370)

- **Preamble:** To provide for the publication of proposals as to works in relation to roads, objections to the proposals, authority to carry out the works and for the use of roads, powers in relation to the works on the use of roads, compensation and connected matters.
- **Section 10:** Any person may ... object to the [road] works or use [of the roads]
- **Sections 11, 12 and 13:** the Chief Executive in Council shall consider the proposals together with the objections, authorize or refuse to authorize the works or the use, and the Chief Executive may order resumption of land for the purpose of or incidental to the works or the use.
- **Sections 27 and 28:** rights to compensation

Railways Ordinance (Cap 519)

- **Preamble:** An Ordinance to provide for the resumption of land, creation of easements or rights and the exercise of other powers by the Government for the construction of railways and to provide for compensation for losses caused by the exercise of the powers.
- **Section 10:** a person may ... object to the scheme, a part or an amendment to the scheme ...
- **Sections 11 and 16:** the Chief Executive in Council must consider the scheme any the objections, and may refuse to authorize or authorize the scheme with or without amendment; and the Chief Executive may order resumption of land for the purpose or incidental to the scheme.
- **Section 32:** rights to compensation

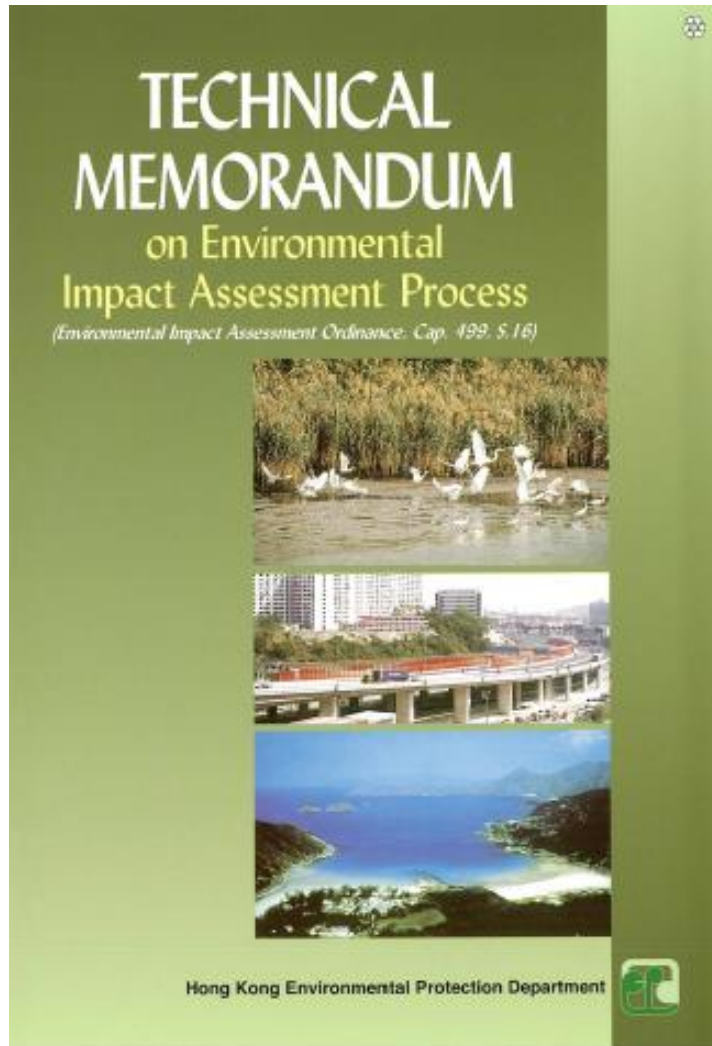
Urban Renewal Authority Ordinance (Cap 563)

- **Preamble:** An Ordinance to establish the **Urban Renewal Authority** for the purpose of carrying out urban renewal and for connected purposes.
- **Section 20:** URA to prepare urban renewal strategy
- **Sections 23 to 26:** publication of development scheme and projects and the handling of objections and appeals (**related to Town Planning Ordinance**).
- **Section 29:** The Secretary of Development may recommend resumption of land under the **Lands Resumption Ordinance**

Environmental Impact Assessment Ordinance (Cap 499)

- **Preamble:** An Ordinance to provide for assessing the impact on the environment of certain projects and proposals, for protecting the environment and for incidental matters.
- **Section 4:** provides that certain projects listed in Schedules 2 and 3 are “**designated projects**” which are subject to statutory EIA process for application of **environmental permit**.
- **Sections 4 to 14:** process of application for environmental permit which includes public inspection of relevant study briefs and reports.
- **Sections 22 to 29:** enforcement, offence and penalty

Environmental Impact Assessment Ordinance (Cap 499)



Set out principles, procedures, guidelines, requirements and criteria for

- Technical content of a project profile, EIA study brief, EIA report;
- Acceptability of a project and;
- Resolving of conflicts; and
- Issuance of environmental permit and imposition of conditions and audit requirements.

Land (Compulsory Sale for Redevelopment) Ordinance (Cap 545)

- **Preamble:** An Ordinance to enable persons who own a specified majority of the undivided shares in a lot to make an application to the Tribunal for an order for the sale of all of the undivided shares in the lot for the purposes of the redevelopment of the lot; to enable the Tribunal to make such an order if specified criteria are met; and for matters incidental thereto or connected therewith.
- **Section 3:** The person or persons who owns or own not less than 90% (or 80% by an order of CE in C) of the undivided shares in a lot may make an application accompanied by a valuation report to the Tribunal for an order to sell all the undivided shares in the lot for the purposes of the redevelopment of the lot.

Other Related Legislation (2):

Provided for preservation, conservation and protection of natural and cultural assets:

- **Country Parks Ordinance (Cap 208)**
- **Marine Parks Ordinance (Cap 476)**
- **Antiquities and Monuments Ordinance (Cap 53)**
- **Protection of Harbour Ordinance (Cap 531)**

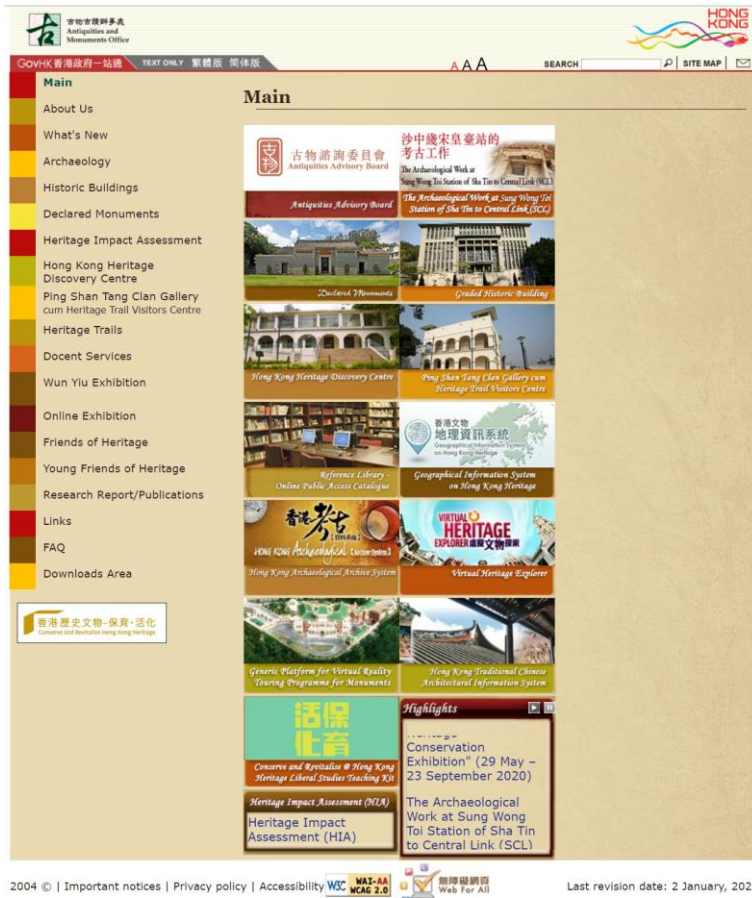
Include:

- Administering **authorities**
- Procedure and process for **plans exhibition, submission and consideration of objections** and **approval of plans**
- Rights to **compensation** where application
- **Presumption** against reclamation in Victoria Harbour

Antiquities and Monuments Ordinance (Cap 53)

- **Preamble:** To provide for the preservation of objects of historical, archaeological and palaeontological interest and for matters ancillary thereto or connected therewith.
- Duties and power of the **Authority (Secretary for Development)** on publication, declaration and control of monuments.
- Establishment of **the Antiquities Advisory Board** which is a statutory advisory body.
- Procedures for **publication** and **declaration** any place, building, site or structure, which the Authority considers to be of public interest by reason of its historical, archaeological or palaeontological significance, to be a monument, historical building or archaeological or palaeontological site or structure
- Provide rights to **compensation and preservation grant**

Hong Kong has 126 Declared Monument 1444 Historic Buildings



Definition of Grading:

Grade 1:	Buildings of outstanding merit, which every effort should be made to preserve if possible.
Grade 2:	Buildings of special merit; efforts should be made to selectively preserve.
Grade 3:	Buildings of some merit; preservation in some form would be desirable and alternative means could be considered if preservation is not practicable.



Our objective is to facilitate
transitional social housing to be
delivered with expediency and
decency

Let's Work Together!