

LAND SHARING PILOT SCHEME (LSPS)
GUIDELINES FOR PLANNING OF SITE FORMATION OF
PUBLIC HOUSING/STARTER HOMES PORTION AND
PROVISION OF INFRASTRUCTURE AND
GOVERNMENT, INSTITUTION OR COMMUNITY (GIC) FACILITIES

1. The “LSPS and Guidance Note on Applications” (GN) has been issued under separate cover¹. To assist applicants of LSPS (the Applicant), this document provides further guidance on the planning of technical assessments and provision of necessary infrastructure and GIC facilities in support of housing development or the private lots constituting the site under application (the Application Site); related site formation works in particular those for the public housing/Starter Homes (SH) portion; and costing.

APPLICATION

Technical Assessments

Types & Scope

2. The Applicant should submit technical assessments covering key impacts on, and not limited to, traffic, drainage, sewerage, waterworks, geotechnical, environment, ecology, cultural heritage, landscape, visual, air ventilation, etc., with a view to demonstrating the feasibility of the proposed development in terms of land use compatibility, infrastructure capacity and environmental protection, etc., and that the proposed development and overall additional population generated therefrom would not impose insurmountable adverse impacts on the vicinity and the wider district, including existing infrastructure. In the event that the existing infrastructure is unable/inadequate to support the proposed population or the proposed development would bring about adverse impacts on the surrounding areas, the Applicant should propose and implement necessary mitigation measures. Other assessments may be required subject to the comments of concerned government departments.

3. Similar to going through the usual process of a section 12A planning application under the Town Planning Ordinance (Cap. 131), technical assessments should be conducted in support of the development proposal, with sufficient details.

Population

4. The technical assessments should also be able to cater for the overall population and flats regardless of the eventual type and mix of public housing/SH, so as to allow flexibility for the Government’s determination and subsequent change of

¹ https://www.devb.gov.hk/filemanager/en/content_1152/LSPS_GN_e.pdf

housing type for the public housing/SH portion. As a general reference for technical assessments, the assumptions of average flat size and average household size for public housing/SH are 50 square metres (m²) in gross floor area (GFA) and 2.8 persons per flat respectively.

5. Assessments should also take into account any cumulative impact from other known and planned developments and infrastructure projects within the assessment area of the infrastructure concerned at the time when the application is made.

Relevant Guidelines

6. Technical assessments should be robust and evidence-based. Applicants should make reference to the extant guidelines and circulars issued by relevant authorities in preparing the assessments, a checklist of these is at **Appendix** for ease of reference.

Proposal

Required Information

7. Supported by technical assessments, the Applicant should specify in the proposed development scheme the types, scope, design and cost of infrastructure and GIC facilities to be provided, including whether a facility or infrastructure would be:

- (a) provided in parts of buildings such as residential blocks or as free-standing premises, and the relevant implementation arrangement to tally with the programme and type of population intake;
- (b) located within or outside the Application Site; and
- (c) for those items to be provided within the Application Site, whether it will be accommodated in the private or public housing/SH portion.

8. Schematic designs suitable for costing purpose of the relevant items including a site plan should be included in the application.

Off-site Provisions

9. In the event that it is necessary to identify an off-site location for a particular infrastructure or GIC facility, the Applicant should substantiate such with justifications and set out the specific parameters for the concerned facility and the proposed feasible location. Such requests for additional off-site land, be they government land or private lots, will be considered on a case-by-case basis.

Areas of Special Concern

10. The Applicant should indicate in its development proposal whether the Application Site falls within any special areas with restrictions to building developments or with characteristics that would have significant impact on the building design, construction time or costs, such as the Scheduled Areas under Schedule 5 of the

Buildings Ordinance, non-building areas for drainage reserves, etc.

11. If discharge of treated effluent within or affecting the Deep Bay Area is planned, the Applicant should observe the relevant Town Planning Board Guidelines². The guiding principle is that the scheme or discharge should not add to the pollution loading of the Deep Bay Area³. For those outside the Wetland Conservation Area and Wetland Buffer Area in Deep Bay, the provision of tertiary sewage treatment facilities is considered sufficient to comply with this guiding principle.

12. If the development proposal involves a designated project under the Environmental Impact Assessment Ordinance (including residential or recreational development within Deep Bay Buffer Zone 1 or 2), the Applicant should also observe the statutory requirements set out in the “Technical Memorandum on Environmental Impact Assessment Process” (EIAOTM) including the requirements to protect the water body under stressed conditions against further degradation⁴.

13. For proposals with encroachment into the Water Gathering Grounds, the Applicant should observe the objective that there should be no material increase in pollution effect to the water resources resulting from the proposed development. The Applicant should carry out an assessment of the possible effect of pollution or erosion and propose mitigation measures as necessary.

Schematic Design and Costing

14. The Applicant has to provide the scope and schematic design of the proposed infrastructure and GIC facilities and relevant site formation works for vetting by relevant government departments. The recurrent consequences, including management, operation and maintenance (“MOM”) costs, staffing, and future replacement of major components, should also be provided.

15. After finalising the schematic design with agreement from all relevant government departments, the costs will be vetted by the Project Strategy and Governance Office (PSGO) of the Development Bureau, with the “fitness for purpose and no frills” principle to achieve a cost-effective design, including life cycle cost, without compromising functionality, safety and quality. The estimated money-of-the-day costs at this stage based on the finalised schematic design, once endorsed by the Chief Executive in Council (CE-in-C), would form the cap in subsequent revisions.

Land Resumption, Clearance and Gazettal of Works

Resumption and Clearance

16. As a matter of principle, the Government will not resume private land for the purpose of deriving the increased domestic GFA for housing development under LSPS. Nonetheless, to support more optimal planning layout and development of LSPS projects, and to facilitate provision of infrastructure and GIC facilities outside the Application Site, the Government may consider resuming private lots owned by other

² TPB PG-No. 12C available at https://www.info.gov.hk/tpb/en/forms/Guidelines/pg12c_e.pdf.

³ See paragraph 6.2.1 of TPB PG-No. 12C

⁴ Section 1.4, Annex 6 of EIAOTM refers

parties or making available government land for LSPS projects under the following circumstances:

- (a) It could be demonstrated that the other private lots are required to meet a “public purpose” or are for the purposes of road works/sewerage works, such as the provision of infrastructure/GIC facilities supporting the private cum public housing/SH development, in which case the Government may resume the private lots concerned under the relevant statutes⁵. The Government may also make available government land for provision of infrastructure, GIC facilities or enlarged public housing/SH development.
- (b) Other than the scenarios envisaged in sub-paragraph (a) above, Government may also make available government land intervening the private lots within the Application Site or along the site boundary as the case may be for housing development in accordance with the prevailing policy. While noting that the government land so granted would mainly serve the purpose of rationalising the site boundary and would not in itself be required for public use, any additional domestic GFA so generated for the development site should still be shared between the Government and Applicant according to the 70:30 public housing/SH and private housing split.

17. If land resumption or clearance is considered necessary under these circumstances, the Applicant should set out the location, number and corresponding area of private lots requiring resumption under the relevant statutes or government land requiring clearance. The Applicant should submit a preliminary project plan showing the anticipated works limit and boundaries of permanent allocated land (site area occupied by a permanent building). Project implementation programme as well as layout and design drawings of the infrastructure works should also be provided. The provision of such infrastructure works should tie in with the timing for the first population intake of relevant housing development.

18. For the purpose of undertaking the infrastructural improvement and provision of GIC facilities, the Government may resume and/or acquire the land required under the provisions of:

- (a) Lands Resumption Ordinance (Cap. 124) (“LRO”);
- (b) Land Acquisition (Possessory Title) Ordinance (Cap. 130);
- (c) Roads (Works, Use and Compensation) Ordinance (Cap. 370) (“RWUCO”);
and
- (d) Water Pollution Control (Sewerage) Regulation (Cap. 358AL).

⁵ The relevant legislation includes the Lands Resumption Ordinance (Cap. 124), the Roads (Works, Use and Compensation) Ordinance (Cap. 370) and the Water Pollution Control (Sewerage) Regulation (Cap. 358AL). The relevant government departments initiating the statutory process have to advise and justify the resumption in their proposal, which will eventually be considered by the appropriate authorities under applicable ordinances, such as CE-in-C.

Gazette for Works and Use

19. Other than the resumption of land under statute as mentioned in paragraph 16 above, some proposed works and land use are required to be published in gazette for public consultation as provided under the respective ordinances, including the following:

- (a) Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) (“FS(R)O”);
- (b) Public Health and Municipal Services Ordinance (Cap. 132) (“PHMSO”);
- (c) Land Drainage Ordinance (Cap. 446); and
- (d) Country Parks Ordinance (Cap. 208).

Considerations

20. Due consideration to the extent of land resumption/acquisition should be given in the project planning. The Applicant should confine the total area of land outside the Application Site that the project will take up or sterilise to the minimum. Clearance of structures such as squatters and graves should be avoided as far as possible, as it will involve additional procedures and take longer time to deliver the land and housing supply.

Time Frame

21. Application for resumption and clearance of land should normally be submitted at least 28 months in advance of target site handover date for LSPS projects involving the LRO, or 34 months for projects involving the RWUCO, depending on complexity of the clearance works.

22. For works which are required to be published in gazette, detailed designs must be available shortly after the gazette of the proposed amendments to the Outline Zoning Plan (OZP) for the LSPS application, usually within three months from the approval of the Chief Executive in Council (CE-in-C), so as to tally with the overall programme of LSPS. Paragraph 26 below is also relevant.

Land Requirement Report

23. Except for LSPS projects that the Lands Department (LandsD) considered that only negligible or minimal resources for land resumption is involved, a standalone Land Requirement Report (LRR) should be submitted demonstrating that efforts have been made to minimise the amount of land resumption. The LRR should list out the options that have been considered for minimising the land sterilised and land required resumption and /or clearance. For the provision of infrastructure and GIC facilities, the necessity and extent of statutory resumption and clearance will be considered by the Government on a case-by-case basis.

Ownership Records and Cost Estimation Report

24. A computer printout containing the historical and current ownership particulars and a complete copy of the Government Land Grant (including all modifications and attachments thereto) of the private land requiring resumption under statute and a land resumption and clearance cost estimation report should also be provided.

Other Authorities

25. In addition to the ordinances related to land resumption, there are other kinds of designated areas governed by various ordinances. Relevant authorities have to be consulted if it is identified during the design stage that the site boundaries encroach upon such areas.

Post-schematic Design Actions

26. The Applicant is advised to undertake thorough site investigations, condition survey and liaison with stakeholders at an early stage to finalise the schematic design so as to minimise late design changes. Upon completion of schematic design, the Applicant should proceed to detailed design of the approved infrastructure works (and GIC facilities where applicable) for works requiring gazette shortly after gazette of the proposed amendments to the OZP. Upon finalising the design of infrastructure and extent of works, the Applicant should submit the necessary documents and drawings showing detailed designs to the Land Sharing Office (LSO) and the responsible works department/authorities for the arrangement of gazette.

27. The Applicant should assist relevant authorities to prepare for and, if the LSPS project is approved, take forward the statutory procedures for authorization of the works and the resumption of land necessitated by the proposed development in the application. The assistance shall include but not limited to preparation and production of documents and drawings, liaison with various government bureaux/departments (B/Ds), attending site meetings, affixing notices near the works site, arranging public consultation, and attending to matters for resolving objection.

Handling Objections

28. As with the established practice, any person may under respective ordinances lodge objection to the gazetted works and/or use of the infrastructure during the objection period (e.g. 60 days from the date of first publication of gazette notice under Cap. 370). If objections are received, the Applicant will have to work with relevant departments with a view to resolving the objections within the required time frame under the corresponding ordinance (i.e. say within nine months under Cap. 370) through discussion with objectors, modification of the scheme and/or imposition of conditions to ameliorate impact from the works. Additional time would be required in case of gazette amendment for modification of the scheme. Any unresolved objection together with records and correspondence relating to the objection will be submitted to the CE-in-C for consideration and decision.

Land Requirement Plan

29. The Land Requirement Plan (LRP) showing the project limit overlaying on land status plan should be submitted for application for land resumption and clearance in respect of the proposed infrastructure/GIC works. LRP, normally in 1:1,000 scale, will be prepared to show by thick black pecked lines all the land required, including that for formation areas, works limits and borrow areas. LRP should also show the area in square metres of each parcel of land.

Consultation

30. Public consultation with concerned District Council(s), major residential groups and other interest bodies should take place before gazettal to allow the public to understand the proposed works. Wherever practicable, relevant plans and scheme should be publicised on local notices boards before seeking approval from appropriate authorities and subsequent gazettal of land resumption notice. In case there is any change to LRP related to GIC facilities, the design and cost of the GIC facilities will be affected and need to be reviewed. LSO will coordinate with relevant B/Ds and the Applicant on the public consultation arrangement.

Clearance

31. Following completion of the statutory procedures, LandsD will process the application with a view to preparing for licence and tenancy cancellation, confirm the timing of the project as well as arrange for pre-clearance work, assessment and payment of various ex-gratia allowances. The Applicant will take up any demolition and clearance works of on-site structures. If necessary, to expedite development, the Applicant may make a separate application to the District Lands Office (DLO) for the advance clearance of part of a site for ground investigation or a topographical survey.

Revisions to Designs and Cost

32. The detailed design and recurrent consequences will be vetted and agreed by relevant departments. Substantial variation from design in application stage should be promptly alerted and substantiated.

33. After finalising the detailed design with agreement from all relevant government departments, PSGO will review the cost based on the finalised design of infrastructure and GIC facilities, with reference to the cap of such cost derived from the finalised schematic design as mentioned in paragraph 15 above, for incorporation into the separate agreement mentioned in paragraph 34 below.

Implementation

Agreement

34. Alongside the applicable statutory procedures, the Applicant is required to enter into the Agreement (as referred to in paragraphs 26 - 29 of the GN) with the Government in respect of the responsibilities and conditions for the Applicant to form the public housing/SH portion, construct the infrastructure and certain GIC facilities

like open space and public transport interchange proposed to support the whole public housing/SH and private housing development, site formation of the public housing or SH portion, and related land resumption and/or clearance, etc. The Agreement will be executed ahead of the assessment of premium of the proposed land exchange/lease modification.

35. The infrastructure and GIC facilities should be constructed to the satisfaction of the responsible department(s) and complying with applicable standards in design and quality to be set out in the Agreement. In general, the completed infrastructure within and outside the Application Site would be handed over to the Government. For the provision of GIC facilities outside the Application Site, the Applicant will either be required to handover the formed land to the Government or construct such facilities to the satisfaction of the Government before handing over. This will be subject to deliberation of the Government with the Applicant on a case-by-case basis.

Disclaimer

36. The above guidelines are subject to revision without prior notice. Users are reminded to keep abreast of the latest version of such available at the website: https://www.devb.gov.hk/en/issues_in_focus/land_sharing_pilot_scheme/index.html and the references available on the relevant websites of other authorities.

Enquiry

37. Applicant may contact the LSO for enquiries in relation to the provision of necessary infrastructure and GIC facilities or for advice prior to the submission of an application:

Address:	Land Sharing Office c/o Development Bureau (Planning and Lands Branch) Units 2701-03, 27/F, Tower 1, Millennium City 1, 388 Kwun Tong Road, Kwun Tong, Kowloon
Email:	lso@devb.gov.hk
Phone:	(852) 3841 7286
Facsimile:	(852) 2116 0346

38. Applicants are also advised to refer to webpage of relevant government departments for respective details on various planning and design guidelines.

Appendix
to LSPS-TG1

List of references for the preparation of technical assessments in support of an application under LSPS

Types of Assessment	Applicable Guidelines/Circulars
Traffic Impact Assessment	<ul style="list-style-type: none"> TPB Guidance Notes on Application for Amendment of Plan Under Section 12A of the Town Planning Ordinance (TPB Guidance Notes on S12A application) https://www.info.gov.hk/tpb/en/forms/Guidance_Notes/S12A_GN_ENG_2019.pdf
Drainage Impact Assessment	<ul style="list-style-type: none"> TPB Guidance Notes on S12A application Drainage Services Department Advice Note No. 1 “Application of the Drainage Impact Assessment Process to Private Sector Projects” https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Advise_Note_1.pdf
Water Supply Impact Assessment and related assessments	<ul style="list-style-type: none"> TPB Guidance Notes on S12A application The Applicant may be required by the Water Supplies Department (WSD) to conduct Water Pollution Risks and Impact Assessment as part of the Water Supply Impact Assessment if the proposed development encroaches into the Water Gathering Grounds. The Applicant should refer to various WSD documents (obtainable from System Planning Section of WSD) on planning and design requirements including but not limited to the following: <ul style="list-style-type: none"> - Civil Engineering Design Manual - Manual of Mainlaying Practice - WSD Standard Drawings
Geotechnical Assessment	<ul style="list-style-type: none"> TPB Guidance Notes on S12A application GEO Advice Note for Planning Applications (can be obtained from the Geotechnical Engineering Office of the Civil Engineering and Development Department) GEO Publication No. 1/2011 “Technical Guidelines on Landscape Treatment for Slopes” https://www.cedd.gov.hk/filemanager/eng/content_151/ep1_2011.pdf
Landscape and Visual Impact Assessment	<ul style="list-style-type: none"> TPB Guidance Notes on S12A application TPB Guidelines No. 41 on ‘Submission of Visual Impact Assessment for Planning Applications to the Town Planning Board’ https://www.info.gov.hk/tpb/en/forms/Guidelines/TPB_PG_41.pdf

Types of Assessment	Applicable Guidelines/Circulars
Air Ventilation Assessment	<ul style="list-style-type: none"> Joint HPLB-ETWB Technical Circular No. 1/06 https://www.devb.gov.hk/filemanager/en/content_679/hplb-etwb-tc-01-06.pdf
Technical Assessment on Environment/ Environmental Impact Assessment (EIA)	<ul style="list-style-type: none"> TPB Guidance Notes on S12A application Chapter 9 of Hong Kong Planning Standards and Guidelines For proposed development or infrastructure which is classified as a Designated Project under the Environmental Impact Assessment Ordinance (EIAO), it should follow the statutory requirements stipulated under the EIAO and obtain an Environmental Permit for construction and operation. <ul style="list-style-type: none"> A Guide to the EIAO https://www.epd.gov.hk/eia/english/guid/index1.html Technical Memorandum on Environmental Impact Assessment Process
Sewerage Impact Assessment	<ul style="list-style-type: none"> For guidance and advice, please refer to the Environmental Protection Department “Guideline for Estimating Sewage Flows for Sewage Infrastructure Planning” and Drainage Services Department Sewerage Manual for details (available at https://www.epd.gov.hk/epd/english/environmentinhk/water/guide_ref/gesf.html and https://www.dsd.gov.hk/EN/Technical_Documents/Technical_Manuals/index.html) For sewage discharging into public sewerage system, the Applicant should assess the impacts of the additional sewage to the existing/planned sewerage infrastructure. The Sewerage Impact Assessment (SIA) should contain the following information: <ul style="list-style-type: none"> a detailed assessment for the flow and pollutant load of wastewater generated by the scheme; preliminary design of the sewerage system in the development and proposal of connection points to the public sewage system; assessment of the impacts on the existing/planned sewage infrastructure; and proposed measures to improve the sewage system in case it is found that the proposed development will lead to deficiency in the existing/planned sewerage infrastructure. For areas that cannot be served by public sewerage system, developments are required to provide their own sewage treatment facilities to treat the sewage to acceptable standards for direct discharge into the receiving waters. The discharge of treated effluent is subject to control under the Water Pollution Control Ordinance (Cap.358) (“WPCO”) and a licence should be obtained with the Environmental Protection Department before discharge

Types of Assessment	Applicable Guidelines/Circulars
	is commenced. Applicant is required to submit a SIA to demonstrate how the sewage is treated and discharged in compliance with the WPCO.
Provision of GIC facilities	<ul style="list-style-type: none">• For general guidance of facilities which should be included in the proposed development scheme in accordance with the total corresponding population, please refer to Chapters 3 (Community Facilities) and 4 (Recreation, Open Space & Greening) of the Hong Kong Planning Standards and Guidelines (HKPSG). Other than quantity, the HKPSG also provides planning guidelines for development, including locational criteria, compatibility between uses and design guidelines for relevant facilities.• For facilities of which the provision standards may be calculated on the basis of a wider area or a district, subject to the comments of the relevant B/Ds, Applicant should also give consideration in offering such facilities in meeting the provision standard of the wider area or the district concerned. The provision of such may benefit the existing population in the district, and serve as a planning gain. In general, the provision of police stations, magistracies, correctional facilities, fire service facilities, ambulance service facilities, post office and public mortuaries is not required.