



# **2<sup>nd</sup> and 3<sup>rd</sup> Batches of Measures to Streamline Development Control**

# Content

- (i) Background**
- (ii) Building setback and building separation (“BS/BS”)**
- (iii) Non-Building Area (“NBA”) restrictions**
- (iv) Design, Disposition and Height (“DDH”) clause**
- (v) Q&A session**



# Background

- 2017 Policy Address

Setting up a Steering Group on Streamlining Development Control under the Planning and Lands Branch of the Development Bureau to -

- consolidate and rationalise standards and definitions adopted by PlanD, LandsD and BD in scrutinising development projects
- streamline the approval process without prejudicing the relevant statutory procedures and technical requirements

- Joint sub-committee on Streamlining Development Control

- formed under Land and Development Advisory Committee
- consider the streamlining proposals recommended by the Steering Group

# Streamlining Development Control



- Align technical definitions and approval standards
- Remove duplicate control under different regimes
- Enhance transparency and certainty in processing proposals
- Consolidate approval authority and procedures
- Streamline processes and shorten processing time

# Streamlining Development Control

## First batch of measures **[Promulgated]**

- Building Height Restriction (BHR)
- Sustainable Building Design Guidelines (SBDG): Site Coverage on Greenery
- Landscape Requirements

## Second batch of measures **[Promulgated]**

- SBDG: Building Setback and Building Separation
- Non-building Areas

## Third batch of measures **[Promulgated]**

- Design, Disposition and Height Clause under Lease

## Areas under review

- Gross Floor Area and Site Coverage
- Premium chargeable under different circumstances

# Streamlining Development Control

## Joint Practice Note No. 6

- SBDG: Building Separation and Building Setback

## Frequently-asked Questions

- Non-building Area Restriction

## Lands Administration Office (LAO) Practice Note

- Design, Disposition and Height Clause under Lease



Buildings Department



Lands Department



Planning Department

**NEW**

## **Joint Practice Note No. 6**

# Sustainable Building Design Guidelines: Building Separation and Building Setback

# Sustainable Building Design Guidelines

- Achieve better ventilation, enhance environmental quality, provide more greenery and mitigate the heat island effect



## 3 Key Building Design Elements:

- **Site Coverage of Greenery Requirement** —————→ **(JPN 3)**
- **Building Separation** —————→ **NEW (JPN 6)**
- **Building Setback** —————→ **(Took effect on 15 Oct 2019)**



# Prior to Streamlined Arrangements

**Under  
the BO**

BS/BS requirements as per PNAP APP-152  
(As pre-requisites for obtaining  
GFA concessions under PNAP APP-151)

**Under  
Lease**

Prescriptive requirements or/and  
building setback area in the lease plan

**NEW**

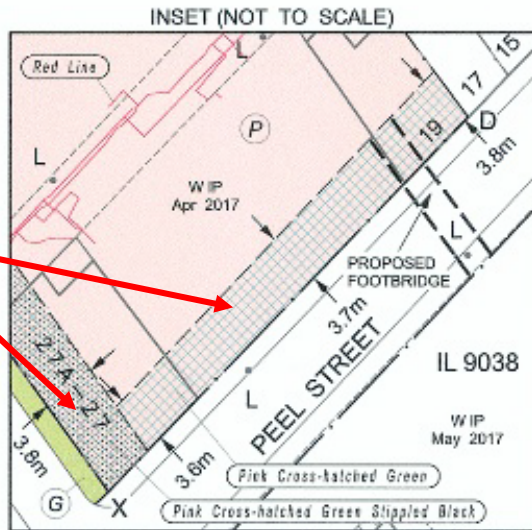
## Streamlined Arrangements for BS/BS requirements per PNAP APP-152

- **BD is the sole authority for private development**
  - to **interpret** BS/BS requirements
  - to **accept** proposals, and
  - to **check** compliance upon completion**according to BD's PNAP APP-152**
- **NO separate submission on BS/BS requirements under lease required**

**NEW**

# Streamlined Arrangements for BS/BS requirements per PNAP APP-152

**Before**



Building Setback Area

**After**

## New or modified leases

Building Setback (a)(i) Unless the Director of Buildings (hereinafter referred to as “the D of B”) agrees otherwise, the Purchaser shall at his own expense submit to the D of B for his written approval a plan or plans demonstrating the configuration and layout of all the buildings, structures, supports for buildings or structures and any projections erected or constructed or to be erected or constructed at or above the ground level or levels of the lot for providing the setback areas from the boundaries of the lot, which submission shall in all respects be in compliance with the requirements of the D of B. The said submission shall include the paving and landscaping proposal of such setback areas and other relevant information as the D of B may require or specify at his sole discretion. The aforesaid submission as approved by the D of B

(14) (a) Except with the prior written consent of the Director and in conformity with any conditions imposed by him including the payment of any administrative fee and premium as he may require, no building, structure, support for any building or buildings or any structure or structures, or projection shall be erected or constructed within the areas respectively shown coloured pink cross-hatched green on PLAN I annexed hereto (hereinafter referred to as “the Pink Cross-hatched Green Area”) and pink cross-hatched green stippled black on PLAN I annexed hereto (hereinafter referred to as “the Pink Cross-hatched Green Stippled Black Area”) at the ground level or levels or within the air space extending upwards from the ground level or levels of the Pink Cross-



**No prescriptive requirement**



**No more building setback area in lease plan**

**NEW**

# Streamlined Arrangements in New / Modified Lease

BS/BS under lease	Authority under lease	Accept proposal / Check compliance	BS/BS proposal included in GBP submission
As per PNAP APP-152 (NO prescriptive requirement)	<b>BD</b>	<b>BD</b>	<b>Yes</b>
If more <b>stringent requirements</b> imposed by other bureaux / departments (B/Ds) ( <b>Prescriptive requirement</b> )	<b>B/D</b>	<b>B/D<sup>#</sup></b>	<b>Yes</b>

**# BD will offer comment on BS/BS provisions & assist in computing the BS/BS provisions according to PNAP APP-152**

**NEW**

# Streamlined Arrangements in Existing Lease

Requirements under lease	Authority under lease	Accept proposal / Check compliance	BS/BS proposals included in GBP submission
Prescriptive BS/BS requirements	LandsD	LandsD# (Follow BD's ruling unless prohibited by explicit lease conditions )	Yes#

#BD will offer comment on BS/BS provisions & assist in computing the BS/BS provisions according to PNAP APP-152

- Check the **prescriptive lease requirement** (Building setback) against submission accepted by BD
- **written approval / consent**, if needed, would be allowed subject to **assessment of premium**



Lands Department



Planning Department

# Non-Building Area (NBA) Restriction

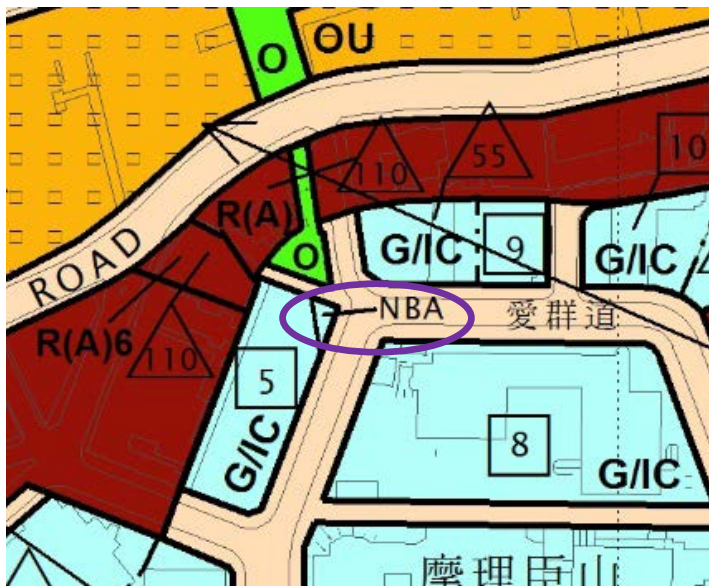
# Current Practice on NBA Restrictions

## **NBA Restrictions may be imposed –**

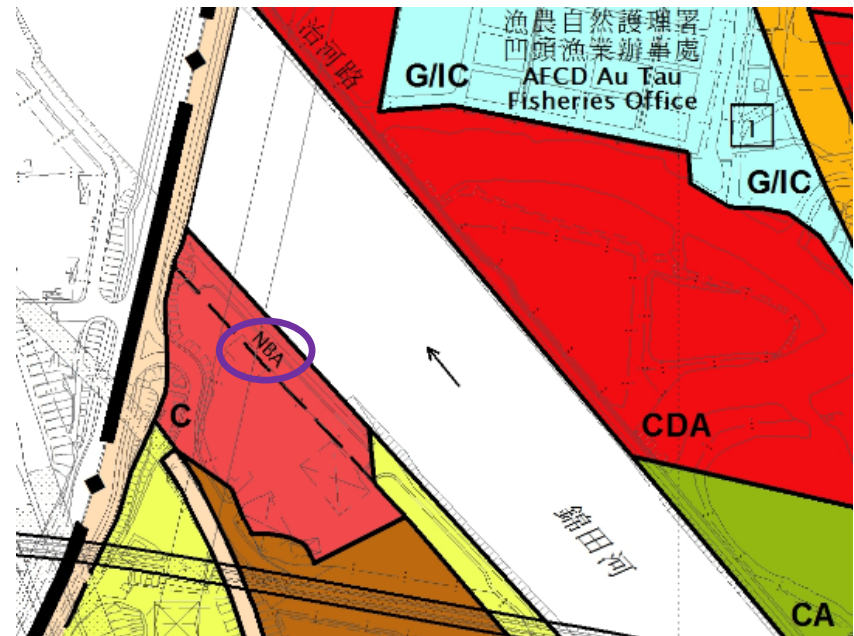
- On specific sites in some Outline Zoning Plans (OZPs) to serve statutory planning objectives
- Under leases to reflect the requirements of other B/Ds

# NBA – OZP Requirements

- May be stipulated for specific sites in some OZPs
- For the purposes of enhancement of:
  - a) air ventilation
  - b) visual permeability
  - c) streetscape and/or landscape quality
  - d) street widening



Air ventilation (S/H5/28)



Streetscape/landscape (S/YL-KTN/9)



# Role of Lands Department



Lands Department

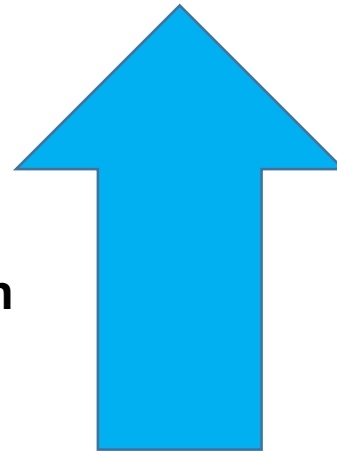


Reflecting B/Ds' requirements in leases



Lease

Impose  
NBA Restriction



For **air ventilation**, protection of **underground utilities**, **sightline** for traffic grounds, etc.



Drainage Services Department



Transport Department



Water Supplies Department



Planning Department

*Etc...*

# New arrangement on NBA restrictions

- Where an NBA is stipulated under OZP as a **statutory requirement**, no corresponding NBA clause will be reflected under lease
- On the other hand, where an NBA is **not** imposed under OZP as a statutory requirement, it would continue to be controlled through an NBA clause under lease
- List of structures generally allowed within NBAs set out in DEVB website

# Structures Generally Allowed within NBAs

Depending on the **objectives** of the NBA, specified structures may be **allowed**:

- structures as **specified in the NBA clause**
- boundary fence/wall or minor structure with high air porosity/visual permeability
- landscaping
- underground uses
- Footbridge/ covered walkway is allowed in NBA in some sites on OZPs

**Other than** those permitted under the NBA clause:

- **Consent** may be given under lease subject to **assessment of premium**



Lands Department

# **New Arrangement of DDH/DD Clause under Lease**

# New Arrangement of DDH/DD Clause under Lease

## Confine the scope of application

DDH NOT be imposed for sites:

i) per existing practice -

- Industrial/godown Development
- Commercial Development
- Residential/ Composite Development **of lot size < 400m<sup>2</sup>** in Density Zone 1 in urban areas

ii) new practice in addition to the existing -

- Residential/ Composite Development in Density Zone 1 in urban areas
- Residential (Group A) on OZP in the New Territories
- Master Layout Plan / Layout Plan (TPB's approval / Explanatory Statement of OZP)

# New Arrangement of DDH/DD Clause under Lease

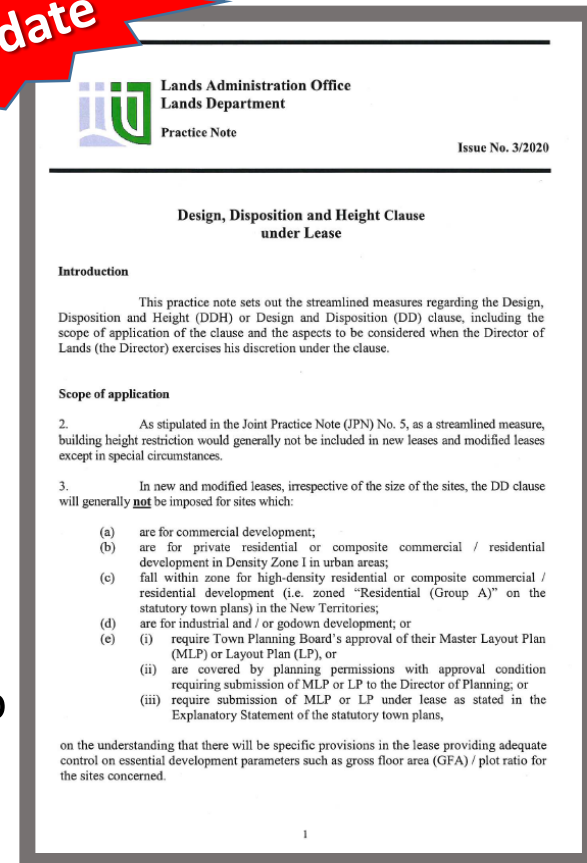
## LAO PN 3/2020

- **Approval of DDH or DD Clause**

- Through the **BD's Centralized Processing System** and **NO** separate application required
- Given at stage 1 in LAO PN 4/2018

- **Remove DDH or DD Clause**

- For sites falling within para. 3(a) to (e) of PN 3/2020, **lease modification** may be applied to remove DDH or DD clause upon redevelopment, subject to terms & conditions and **assessment of premium**



# Aspects under DDH/DD Clause –

## Other aspects to be considered:

Soil filling under house and gardens

Stilting

Site Coverage

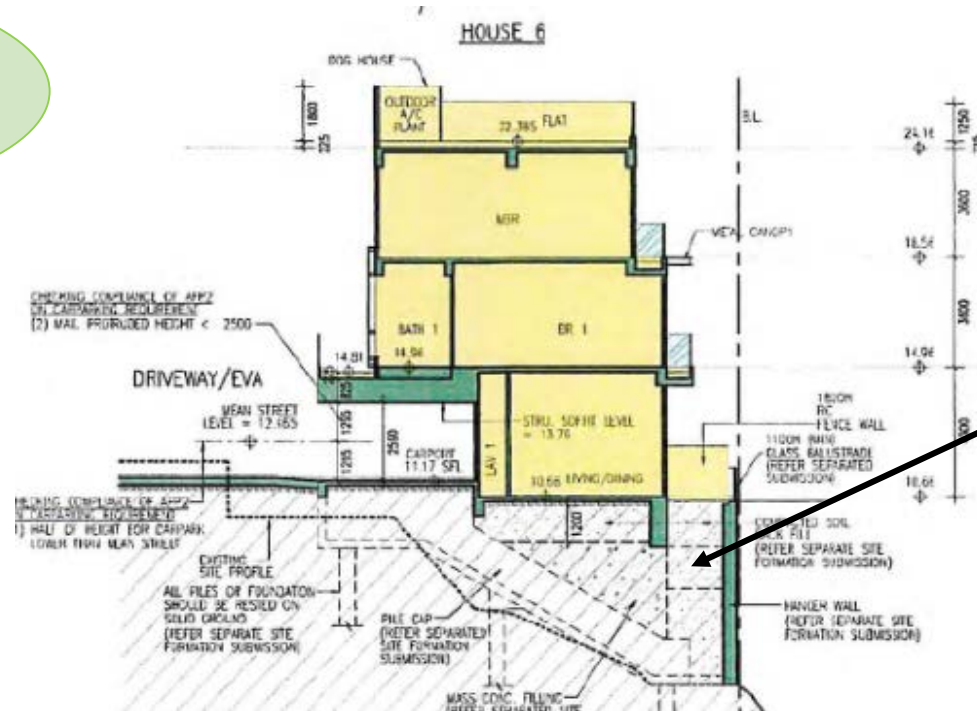
Transfer Plate

Carparking Provision

Building Height

Projections over Public Streets

Height of walls



Soil filling

# DDH/DD Clause under Lease

## Consistency in exercising DDH/DD clause

- **BC III's** agreement sought **prior to** the disapproval of **BP submission** by **DLO**



## Appeal and reconsideration of previous decisions

- **Appeal** against decision on the DDH/DD clause may be considered
- **Reasons in support** of the appeal required



**Thank you**