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**THE UNIVERSITY OF HONG KONG**

**CRITERIA OF INCORPORATING PLANNING  
CONIDTIONS INTO LEASES**

**A DISSERTATION SUBMITTED  
TO THE FACULTY OF ARCHITECTURE  
IN CANDIDACY FOR THE DEGREE OF  
BACHELOR OF SCIENCE IN SURVEYING**

**DEPARTMENT OF REAL ESTATE AND CONSTRUCTION**

**BY**

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**HONG KONG**

**APRIL 2008**

## DECLARATION

I declare that this dissertation represents my own words, except where due acknowledgement is made, and that it has not been previously included in a thesis, dissertation or report submitted to this University or other institution for a degree, diploma or other qualification.

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(Doctor Ping Yung)

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## LIST OF ABBREVIATIONS

CDA	Comprehensive Development Area
C/R	Commercial/Residential
DPA	Development Permission Area
IDPA	Interim Development Permission Area
MLP	Master Layout Plan
OF	Office
OZP	Outline Zoning Plan
RET	Retail
SA	Service Apartment
SDS	Sub-regional Development Strategy
TDS	Territorial Development Strategy
TPB	Town Planning Board
TPO	<i>Town Planning Ordinance</i>

## **ABSTRACT**

Imposition of planning conditions is one important measure to achieve planning intention in Hong Kong's planning system. However, there is no statutory audit or enforcement of planning conditions for most urban lands. Enforcement of planning conditions in these lands largely relies on government lease in case lease modification is required. Unfortunately, not all leases need to be modified and not all planning conditions would be incorporated into the lease in case of modification. The criteria of incorporating planning conditions into lease have largely been unknown despite of its importance. This dissertation seeks to bridge the gap by investigating all the 375 approved planning applications for residential use in Comprehensive Development Area zones decided from 1992 to 2007. These planning applications involve 92 projects, out of which 39 sites have now been completed and with lease modification. The 330 planning conditions for these sites are tested using the probit model. It is found that the decision of incorporation of planning conditions by the Lands Department is affected by change in political environment, site area, building height and combined use of residential developments. The incorporation of planning conditions also helps achieving planning intention

of CDA zones. Table 1 shows the summary of result and implications of hypotheses test. Table 2 shows the probit estimates results.

**Table 1: Summary of Hypotheses, Test Results and Implications**

<b>Hypotheses Testing the Incorporation of Planning Conditions into Lease</b>	<b>Test Result</b>	<b>Implication(s)</b>
I: Planning conditions regarding matters before or during construction have a lower probability of being incorporated into leases.	Hypothesis is refuted.	Planning conditions have to be complied with before completion of building are not related to the incorporation of planning conditions into leases by the Lands Department.
II: Probabilities of incorporating planning conditions related to transportation, environment, building utilities and public amenity facilities are higher than other types of planning conditions.	Hypothesis is not refuted.	Planning conditions related to the planning intention are more probable to be incorporated into the lease. Planning conditions related to occupants' safety are also more probable to be incorporated by the Lands Department.
III: It is more probable to observe incorporation of conditions after 1997 than before.	Hypothesis is not refuted.	Incorporation of planning conditions is more probable under the change of political environment after the return of China.
IV: The probabilities of incorporating planning conditions for larger sites are not the same as those for smaller sites.	Hypothesis is not refuted.	The larger the site area, the greater chance of planning conditions to be incorporated into lease by the Lands Department.

<p>V: The probability of incorporating planning conditions for pure residential development is the same as that for composite buildings.</p>	<p>Hypothesis is refuted.</p>	<p>Incorporation of planning conditions is more probable for composite developments than pure residential ones.</p>
<p>VI: The probability for sites located in different districts is the same (districts include Hong Kong Island (HK), Kowloon (KLN) and New Towns (NT))</p>	<p>Hypothesis is refuted.</p>	<p>There is no difference in incorporating planning conditions into lease for different districts by the Lands Department.</p>
<p>VII: The probability of incorporating planning conditions for development with more units or higher population density are higher than those with less units or lower density.</p>	<p>Hypothesis is refuted.</p>	<p>Planning conditions are more probable to be incorporated into lease when number of storeys of building increases and number of units decreases.</p>

**Table 2: Probit Estimates of Decision Function**

<b>Zone</b>	<b>N</b>	<b>LOCATION HK</b>	<b>LOCATION KLN</b>	<b>LOCATION NT</b>	<b>AFTER_1997</b>	<b>NO. OF STOREYS</b>	<b>NO. OF UNITS</b>	<b>SITE AREA</b>	<b>PURE_ RESIDENTIAL</b>
CDA	328	0.0631 (0.1727)	0.4448 (-1.222)	0.0631 (-0.1727)	0.8778* (3.5477)	0.0131** (2.3825)	-0.0005* (-4.3688)	2.09E-5* (3.3504)	-0.4069** (-2.0511)
<b>C</b>		<b>PC1 TRANSPORT</b>	<b>PC2 ENVIRONMENT</b>	<b>PC3 CONSTRUCTION</b>	<b>PC4 BLDG_ UTILITY</b>	<b>PC5 PUBLIC_ AMENITY</b>	<b>PC6 DESIGN</b>	<b>PC7 IMPACT_ ASSESSMENT</b>	<b>Log Likelihood</b>
	-1.9648* (-4.1003)	1.8271* (4.6904)	0.8847* (2.6859)	-7.2032 (-6.56E-6)	1.6391* (4.0976)	1.7020* (3.9993)	0.1082 (0.2388)	-0.3554 (-0.5872)	-156.0492

Notes: Figures in parentheses are z-statistics;

\* indicates statistical significance at the 1% level;

\*\* indicates statistical significance at the 5% level.

# CHAPTER 1

## INTRODUCTION

### *Background*

Due to the special geographic condition in Hong Kong, land is a scarce natural resource. The government relies on the interest from land as the main income. The interest from land is mainly the land premium, which is related by the development value of land. While development value always depends on the use of land which is controlled by the related government institutions and ordinances as well as the leases.

The planning system in Hong Kong could be regarded as a statutory planning system superimposed on a system of lease control (Lai, 1998, 1999). These will be discussed as follows:

A developer has to make planning applications pursuant to section 16 of the *Town Planning Ordinance*<sup>1</sup> (TPO), if his intended use falls under Column 2 of the statutory plans, or if he wants to relax some restrictions

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<sup>1</sup> Chapter 131, Laws of Hong Kong.

imposed by those plans. Planning conditions may be imposed if such planning applications are approved. Planning conditions are believed to be able to increase planning merits and reduce externalities. However, for most urban lands, the Planning Department has no direct enforcement right of planning conditions. These conditions may have to be incorporated into leases in order to be enforceable. The problem is that not all developments need modification of lease, and even if they need, planning conditions will not always be incorporated. This dissertation will study the criteria of incorporating planning conditions into the lease. 4 more introductions of the property development process in the following sections will help understand the topic.

### ***Property Development Process in Hong Kong***

Developers can obtain a piece of land through land auction, tender or private treaty grant in Hong Kong. Land auction is open to the public. Land tender is usually applicable when the sites are highly restricted for development and the government would like to receive the development proposal before tender. Private treaty grant is applicable when the land is used for institutional purposes, such as hospital, school and church etc.



(Yeh, 1992, 1994; Lai, 1997) For more residential or commercial lands, auction is the most common way of land allocation by the government (Yeh, 1992, 1994). Under the annual Land Sale Programme, the Lands Department publishes a list of sites available for sale upon application known as the “Application List”. The Application List contains information on lot number, location, use, site area, and the estimated earliest available date for sale for each of the sites<sup>2</sup>. A developer who wants to develop the land is required to submit the “minimum price” he/she prepares to bid and the deposit or bank guarantee of an amount equivalent to 5% of the minimum price, and subject to maximum of \$25 million payable to the HKSAR and drawn on a licensed bank. The developers will receive a reply if the government accepts the minimum price. If the price is not accepted, the deposit or the bank guarantee will be returned.

Once a piece of land is successfully applied (for sale) by an applicant, the land will be arranged for sale. In case of either auction or tender, if the applicant is successful in purchasing the site, then the deposit will form a part of the premium. If not, the amount will be returned. However, if

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<sup>2</sup> Lands Department, “Lands Sale by Application”, available on interest <http://www.landsd.gov.hk/en/landsale/exp2007.htm>, HKSAR

none of the bidders offer a price equal or higher than the minimum price, then the deposit will be forfeited. When a developer purchases a piece of land, he/she is actually purchasing the private property rights of the land within a period of time (Lai, 1998). The developer has to complete the land transaction by signing a contract with the government. The price paid by the developer is known as “land premium”.

Apart from the above land disposal methods, developers can also assemble lands in aged urban area. Developer can assemble site by himself or through Urban Renewal Authority (Lai, Ho and Leung, 2004). Lands obtained from auction or tender are usually suitable for immediate development (Yeh, 1992, 1994). However, lands assembled piece by piece from aged districts might be captured by development control measures which will be dismissed as follows.

Developers need to check whenever the proposed development complies with the statutory plans, notably the Outline Zoning Plans, prepared by the Town Planning Board under the *TPO*<sup>3</sup>. If the proposed land use requires planning permission, then developer has to apply for planning

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<sup>3</sup> Lai, Ho, and Leung (2005) gives detailed information on development process.

application to the TPB. Developer has to make an application to the TPB and wait for the decision. The TPB can approve, with conditions or not, or reject the application. If the developer disagrees with the decision, he can either withdraw the decision and perhaps submit a new application or apply for review of decision to the Town Planning Board. The review can again be approved, with conditions or not, or reject. If the developer is not satisfied with the review decision, then developer may apply for appeal to the Town Planning Appeal Board. Again, the appeal could not be allowed, with or without condition, or dismissed. If the developer is still not satisfied, he can apply for judicial review of procedural matters at the Court of First Instance and further appeals to the Court of Appeal and the Court of Final Appeal.

After the developer was granted with the planning permission, the developer needs to make sure the proposed development complies with the terms and conditions stated in the lease. Development details, such as building height, number of storeys and units, maximum floor area and plot ratio, and other particular terms and conditions related to the development are stated in the lease document. Developer has to check whether there is a need of lease modification. If it is necessary, then the

developer needs to apply for modification to the Lands Department. If the application is approved, then the parties will negotiate to agree on the premium payable.

After successful planning application and lease modification, if they are necessary, the final step for the development is the building application for the approval of building plans. It should be noted that the building plans submitted to the Buildings Authority must comply with statutory town plans. Otherwise, the Buildings Authority may reject the plans. There is an appeal mechanism under section 44 of the *Buildings Ordinance*<sup>4</sup> if the applicant is not satisfied with the decision of the Buildings Authority.

There are two stages in building approval. The first one is the approval of the building plans. The second one is the issue of consent to commence work. Construction works can only start after these two approvals.

During the construction stage, there are regular incorporations by staff of the Buildings Department to ensure everything complies with the

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<sup>4</sup> Chapter 123, Laws of Hong Kong.

relevant laws and regulations. An Occupation Permit will be issued by the Buildings Department upon satisfactory completion of all building works. In additions, the Lands Department will issue a Certificate of Compliance when all the conditions stated in the lease document have been complied with after investigation.

### *Contractual Planning Control by Lease*

The property development process described above has mentioned the role of lease in the planning process. This will be discussed in details with the following session.

The leasehold system was first adopted in Hong Kong in 1842, when Hong Kong became the colony of the Great Britain (Yeh, 1992, 1994; Lai, 1997, 1998, 2005). Under the leasehold system, all lands (Hong Kong Island and Kowloon Peninsula) are owned by the Crown. All lands are granted by the Crown to the lessee through leases. Later in 1898, the leasehold system was extended to the New Territories by taking lands from the villagers and leasing back to them (Lai, 1998). The leases of these lands expired on 30 June 1997.

Generally there were two main types of land leases, Block Crown Leases (known as Block Government Leases after 1997) and Crown Leases (known as Government Leases after 1997). Modern lease documents include various conditions such as Conditions of Sale, Conditions of Grant for Lots in New Territories, Conditions of Regrant, Conditions of Renewal and Conditions of Exchange<sup>5</sup>. Leases will be granted after all the positive conditions are fulfilled.

Block Crown (Government) Leases are the leases of private agricultural lots and private building lots in rural New Territories that were held by villagers under the laws of Imperial China. Block Crown (Government) Leases consists of Demarcation Districts (DD), which is a survey map recording the locations and boundaries of individual lots and a schedule of owners as well as the land uses and rent collected for each lot. All Block Crown (Government) Leases had an expiry date in 1997 but the date has been extended to 2047 under the *New Territories Leases (Extension) Ordinance*, Chapter 150 of Laws of Hong Kong.

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<sup>5</sup> Lai, Ho and Leung (2004) provide detailed information on different types of leases.

Land in urban areas of Hong Kong Island, Kowloon and New Kowloon are allocated by Crown (Government) Leases. These leases have different terms, ranging from 50 to 999 years, depends on different situations. All Crown (Government) Leases of lands in New Kowloon (i.e. lands at the north of Boundary Street) would have expired in 1997, but they were automatically extended to 2047 under the New Territories Leases (Extension) Ordinance.

The land lease binds the lessor (government) and the lessee (private individual) (Lai, 1998; Lai, Ho and Leung, 2004). Leases are enforceable in law. Any party failing to comply with the terms and conditions breaches the contract. The Lands Authority controls development by considering applications of permanent lease modifications leading to changes in combination of lots, changes in user restrictions, changes in building restrictions, and other types of development restrictions. The Authority also considers applications of temporary waivers of leases conditions and enforces breaches of lease.

There are generally three parts in modern lease documents, namely, general conditions, special conditions and plans. In some cases, if the

development involves some government accommodations, then there will be a technical schedule attached to the lease document at the end of the special conditions specifying the requirements. General conditions are general contract terms and conditions which are common in every lease, such as lease term, land premium, rental, repair, alienation, user restrictions and variation of government grants. Special conditions are terms and conditions specific to each piece of land. Some specific conditions are related to the development control matters, such as maximum building height, site area, maximum gross floor area, plot ratio, maximum number of storeys, number of car parking spaces, and maximum number of units etc.

Where the proposed development contradicts the lease conditions, the developer need to apply for modification of lease. The most common contradictions are the land use or the development scale. Lease modification involves a process of negotiations between the Lands Authority and the developer. Premiums are normally required for successful lease modification. This is because the government assumes that the after-value of a land is always greater than the before-value one and any increased value belongs to the government.



Although lease documents contain detailed development control provisions which are sufficient for planning purpose (Lai, 1998, 2005), superimposed on it is a system of statutory planning control to which we turn.

### *Statutory Planning Control*

Statutory planning control is also known as “Planning by edict” (Lai, 2005). It is the planning control by ordinances and regulations, such as the *Town Planning Ordinance* (TPO) (Chapter 131 of The Law of Hong Kong) and the *Buildings Ordinance* (Chapter 123 of The Laws of Hong Kong). The *Buildings Ordinance* deals with building applications and will be discussed later. The development control by the *TPO* will first be introduced as follows.

The *Town Planning Ordinance* was enacted in 1939 to empower Town Planning Board to produce statutory plans. The TPO was established with the aim 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 layout of areas of Hong Kong<sup>6</sup>. The first TPB was formed in 1947, with the first statutory plan produced in 1955. Since 1939, the *TPO* has been amended several times due to different reasons. The first major amendment was made in 1974 as a result of the *Singway Case*<sup>7</sup> (Bristow, 1984), in which the court made the decision that statutory plans were null and void due to uncertainties in the Notes (Lai, 2004). After the amendment, the planning application mechanism under section 16 of the *TPO* was introduced. The second major amendment of the *TPO* happened in 1991 after the government lost the *Melhado Case*<sup>8</sup>. There are two major changes in this amendment. The first one is the production of Interim Development Permission Area (IDPA) and the direct enforcement power of the Planning Department against unauthorized development in areas under IDPA plans. The second one is the establishment of the Town Planning Appeal Board and the appeal mechanism under section 17 of the *TPO* which allows applicants to appeal against decision by the TPB.

Town plans in Hong Kong are managed in four levels: territorial, regional, district and site levels, which is in descending order of

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<sup>6</sup> Long Title, TPO, Cap 131 of Laws of Hong Kong

<sup>7</sup> *Singway Co. Ltd. v The Attorney-General*, [1974] HKLR 275.

<sup>8</sup> *Attorney General v Melhado Investment Ltd.*, [1983] HKLR 327.

geographical and operational details<sup>9</sup>. Different strategies are used to produce plans of different levels. Territorial plans are prepared according to the Territorial Development Strategy (TDS), which plans for the future growth of urban and sub-urban areas, conservation areas and spatial pattern of infrastructure. Under the TDS, there are five Regional Development Strategies (RDS) for each region. At district level, there are four types of plans: Outline Zoning Plans (OZPs), Interim Development Permission Area plan (IDPA plans) and Development Permission Area plan (DPA plans), Outline Development Plans (ODPs) and Layout Plans (LPs). Only OZPs, IDPA Plans and DPA Plans are statutory, others are administrative. LPs are mainly prepared for engineering purposes on sites, including levels, road alignments, sewers and drainage reserves and their board land-use zoning etc.

A developer need to check whether his intended land uses require planning approval from the TPB and secondly, whether the uses comply with the lease conditions. In Hong Kong, most lands suitable for developments are covered by statutory plans which designate zonings to each piece of lands. There are two columns of uses for each type of

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<sup>9</sup> Lai (1999) provide details on hierarchy of town plans.

zonings. If the proposed use falls in Column 2, then planning application made to the Town Planning Board is required; while if it falls under Column 1, then no planning application is required. If the proposed use falls in neither Column 1 nor 2, then applicant may apply for rezoning of land. If the statutory plans impose some development restrictions and provide a clause permitting possible relaxation of such restrictions, then the developer could also make applications for relaxation to the Town Planning Board. The TPB may approve, with or without conditions, or reject the application. The Applicant may apply for planning review by the same TPB if he is not satisfied with the rejection or the conditions. The TPB may again approve, with or without conditions, or reject the application. The Applicant, if not satisfied with the decision, may still apply for appeal to the Town Planning Appeal Board (TPAB). The TPAB may approve, with or without conditions, or reject the application. Planning permission is only effective for 2 years for those planning permission granted from December 1989 to September 1997, three years for those granted from October 1997 to March 2002, and four years for those granted after April 2002 (Lai, *et. al.*, 2007). The conditions imposed in any step of planning applications are all known as “planning conditions”.

Planning intention is the reason usually used to determine whether a planning application will be approved or not, during the procedures of planning application, review and appeal (Lai, 1999). Lai (1999) suggested that there are two types of planning intentions, namely technical planning intention and categorical planning intention. Technical planning intention related to traffic, transport engineering, civil engineering, drainage, environmental impacts, fire fighting and emergency etc (Lai, 1999). Categorical planning intention is reason given in sequential order. Lai (1999) provides that a large proportion of unsuccessful planning appeal cases were due to the incompatibility between the proposal and the planning intention (21 out of 32 cases up to the end of 1995 are rejected due to this reason). The final decision of *Henderson Case*<sup>10</sup> in 1993 affirmed that interpretation of planning intention should not only be based on the OZP plan and Notes, but also including the Town Planning Board Guidelines and the Explanatory Statements, which are non-statutory. Planning conditions imposed after consideration by the TPB is therefore a tool to fulfill planning intention of the area.

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<sup>10</sup> *Henderson Real Estate Agency Limited v Lo Chai Wan (for and on behalf of the TPB)*, Privy Council Appeal No. 54 of 1996.

### *Enforcement of Planning Conditions*

While OZP covers lands in urban area, IDPA Plans & DPA Plans cover lands in non-urban area and have been prepared since the enactment of *Town Planning (Amendment) Ordinance* in 1991 (Lai, 1998, 1999; Lai, Ho and Leung, 2004). The purpose of IDPA Plans and DPA Plans is to provide interim planning control and development guidance for selected areas pending the preparation of OZPs. Any development which is not permitted by the IDPA or DPA Plans and which is not an “existing use” immediately before the gazette of these plans is an unauthorized development and is subject to enforcement and prosecution by the Planning Authority. This type of enforcement is known as “planning enforcement”. IDPA Plans and DPA plans are temporary in nature. IDPA Plans must be developed into DPA Plans in one year, while DPA Plans must be developed into OZPs in three years. It should be noted that planning enforcement could only happen in those areas once covered by IDPA or DPA Plans. That means for most urban lands which do not have a history of IDPA or DPA plans, no direct planning enforcement is possible. The enforcement is indirect in the sense that it relies on the

*Buildings Ordinance* through the process of building application and on the lease through the modification of lease. We shall discuss the former first.

Virtually all developments need building approvals by the Buildings Authority. The developers need to instruct an Authorized Person to submit building plans to the Buildings Authority. Section 16 of the *Buildings Ordinance* provides the grounds that the Buildings Authority could reject the building plans. Section 16 (1)(d) of the *Building Ordinance* provides that the Buildings Authority should reject those building plans in contravention with any approved or draft plans under the *TPO*,<sup>11</sup> Although the Buildings Authority has the discretion not to follow the provisions in statutory town plans (Lai, Ho and Leung, 2004). This is the way how statutory town plans are indirectly enforced in urban areas. The enforcement is only possible when there is a need to make building applications.

Planning conditions usually involves some actions or inactions after the construction. Hence, in the stage of building application, it is quite

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<sup>11</sup> Section 16(1)(d), *Building Ordinance*. Cap. 123. Laws of Hong Kong. Hong Kong.

difficult for the Buildings Authority to enforce these planning conditions. Therefore, planning conditions need to be incorporated into the lease in order to be enforceable. The nature of leases is considered as an enforceable civil contract in common law. The burden and benefit of all covenants relating to land are, other than the existence of a contrary intention intended to run with land.<sup>12</sup> Thus, as a matter of law, it is a breach of contract if covenants in leases are not complied with. Hence, lease documents serve as a means of indirect enforcement of planning conditions.

However, not all developments require lease modification as the development may not contradict with the lease documents. Even if there is lease modification, not all planning conditions will be incorporated into the lease as imposition of planning conditions will reduce the value of the land. The criteria of incorporating planning conditions into the lease are largely unknown to the public. It is against this background that this dissertation is motivated.

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<sup>12</sup> *Conveyancing and Property Ordinance*. Chapter 129. Laws of Hong Kong. Hong Kong.



## *Types and Purposes of Planning Conditions*

To study the criteria of incorporating planning conditions into the lease, it is important to understand the types and purpose of planning conditions.

Planning conditions govern the types and nature of use and building for which planning permission is required (Lai, Ho & Leung, 2005). Planning conditions in development control are measures to regulate physical manifestation and process of development to ensure the aims of town planning as balancing population build-up with environmental facilities and the minimization of externalities are achieved, while planning conditions in conveyancing means may affect the title of land as their compliance is implied in a covenant in the Government Lease (Lai, Ho and Leung, 2005). In property management, planning conditions, when forming part of lease or deed of mutual covenant, are essential matters for attention by property managers and clients.

In the guidelines by the TPB<sup>13</sup>, a general principle for planning conditions is that all conditions related to the development should be complied with as far as practicable before the use applied for actually

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<sup>13</sup> Hong Kong Government. 1999. Town Planning Board Guidelines on Compliance of Approval Conditions. Hong Kong: Town Planning Board, see Appendix III of this dissertation.

comes into place. This is due to the assumption by the TPB that all conditions must be fulfilled completely in granting planning permission. Under this assumption, some conditions will be imposed with a prescribed time limit, and they should be complied with before the expiry of time limit. Other than those conditions with a prescribed time limit, there are still two types of conditions. Some conditions shall be complied with before the Building Approval. These conditions which would affect detailed design of development and could be categorized in 3 types:

(1) Conditions governing the design, disposition or layout of the proposed development or the provision of certain facilities such as car parking spaces, footbridges and other community facilities within or forming part of the building development. The subject matters of these conditions can be shown on the building plans;

(2) Condition requiring the submission of a landscaping proposal. In the case of a development falling within a "Comprehensive Development Area" or area with special design significance, as the conceptual landscaping proposal may affect the building design, the condition needs to be complied with before approval of the building plans. However, it is

important to note that in order to satisfy this condition, the applicant is only required to submit a conceptual landscape proposal rather than a detailed landscape plan; and

(3) Conditions requiring the submission of further detailed impact assessments, e.g. traffic impact assessment, environmental assessment, drainage impact assessment, etc. Since the assessment results will affect the building design, they should be completed before approval of the building plans.

Another type of conditions required actions or inactions after the Building Plan Approval. It is predicted that non-compliance of these conditions will cause adverse impacts to both subject development and surrounding area. These conditions include the following types:

(1) Conditions requiring the provision of on-site facilities such as vehicular access, landscaping, drainage and sewage treatment and disposal facilities;

(2) Conditions requiring the implementation of any proposed mitigation measures for the treatment of environmental, drainage and sewage impacts; and

(3) Conditions requiring that the development should not be occupied before provision of off-site works/facilities such as road improvements, trunk sewers improvement, etc.

Some approval conditions are assumed to be complied with before Buildings Approval, while other after. It follows that not all planning conditions need to be incorporated into lease documents. Since those conditions to be complied with after Building Plan Approval are related more to the public than to the development itself, it is more secured to incorporate these conditions into leases so to guarantee adverse impacts to public by development can be reduced or controlled. However, incorporation of more conditions will reduce the value of the land and hence the amount of premium, there is a trade-off between strict enforcement and premium.

## *Comprehensive Development Area Zoning*

This dissertation will concentrate on planning conditions imposed on lands designated as Comprehensive Development Area (CDA) Zones in Hong Kong. Hence, a discussion on the nature of CDA zones is necessary.

Comprehensive Development Area (CDA) zoning, previously known as “Other Specified Uses” annotated “Composite Development/Redevelopment Area” zoning, was firstly introduced in Outline Zoning Plans (OZPs) in 1976. The main objective of the TPB to establish CDA zone is to facilitate urban restructuring and to phase out incompatible development and non-conforming uses<sup>14</sup>.

Most of the CDA zones are located in old urban area, where most of the properties in these areas are withheld in the form of individual piecemeal developments. The living environment in the area is poor and the government was urged to speed up redevelopment of the area. CDA zoning is only designated in an area when there is no better alternative

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<sup>14</sup> Hong Kong Government. 1999. *Town Planning Board Guidelines for Designation of “Comprehensive Development Area” (“CDA”) Zones and Monitoring the Progress of “CDA” Developments*, Hong Kong: Town Planning Board. see Appendix IV of this dissertation.

zoning mechanism to be assigned to achieve the desired planning objectives.

The frequent review system of CDA zones also acts as an approach to monitor the progress of CDA development. There will be the first review of a CDA zone at the end of the third year after the designation, and there will be subsequent reviews of the zone for each year.

The TPB used to show planning intentions in the Town Planning Board Guidelines<sup>15</sup>. The CDA zoning can stimulate the restructuring of obsolete areas, including old industrial areas and the phasing out of non-conforming uses. It also allows site amalgamation and restructuring of road patterns to start and ensure integration of various land-uses and infrastructure development to optimize the development potential of the site. It can also improve the co-ordination of traffic, environmental and infrastructure capacity constraints of area, and where problems of incompatible land uses exist. CDA zoning ensures the CDA areas to provide adequate and suitable open space, government institution or community (GIC), transport and public transport facilities in the district.

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<sup>15</sup> Hong Kong Government. 1999. *Town Planning Board Guidelines for Designation of "Comprehensive Development Area" ("CDA") Zones and Monitoring the Progress of "CDA" Developments*, Hong Kong: Town Planning Board. see Appendix IV of this dissertation.

Nevertheless, CDA zoning also allows appropriate control on the overall scale and design of development in areas of high landscape and amenity values and where there is of special design or historical significance.

There are two characteristics of CDA zones. First, there is no Column 1 use in the Notes to OZP for CDA zones. Hence, all uses in the Notes are under Column 2. Hence any development or redevelopment in these zones requires planning approval. Second, Section 4A(2) of the TPO states the mandatory requirement of the submission of MLP upon the application of permission of development on CDA zones for the approval of TPB. The MLP shall be submitted in addition to other information related to the development proposal.

### ***Research Objective and Organizations***

This dissertation will study the criteria of incorporating planning conditions imposed upon applications for residential uses in lands zoned as CDAs. Specifically, it will

1. investigate the criteria for incorporating planning conditions into lease,

2. predict the likelihood of incorporating certain types of planning conditions into the lease, and
3. try to explain rationales behind the criteria.

Imposition of planning conditions is an important measure to achieve planning intention in Hong Kong's planning system. Hong Kong has adopted a dual planning control planning system involving the statutory and contractual planning control for 70 years. The importance of contractual planning control is raised when the statutory planning control cannot function. under the current statutory control system, there is no direct planning enforcement in most urban lands, thus contractual enforcement becomes an important tool to achieve planning intention. The criteria of incorporating planning conditions into lease have largely been unknown despite of its importance. The investigation and prediction of incorporation of planning conditions would help understand and improve the current planning system.

This dissertation is divided into five chapters. **Chapter One** is the Introduction, which includes the background, research objectives and the organization. **Chapter Two** reviews the literature. **Chapter Three**



explains the methods used in this dissertation and hypotheses generated to be tested. **Chapter Four** presents and discusses the results of the model. **Chapter Five** concludes and makes recommendation as well as suggesting limitation and areas for further studies.

## **CHAPTER 2**

### **LITERATURE REVIEW**

#### *Attenuation of Property Rights in Statutory Planning*

The dual planning control system in Hong Kong has started since 1939, when the *Town Planning Ordinance* was introduced to superimpose on the leasehold system unilaterally by the government Lai (1998). Statutory planning control, also known as “planning by edict”, means planning through statutory ordinance, that is, the *Town Planning Ordinance* (Lai, 1998, 2005). Lai (1999) argued that the private property rights are attenuated when the statutory planning system is superimposed on the pre-existing leasehold system, as the rights over land is subtracted, reduced, restricted or nullified by the government unilaterally. This attenuation of private property rights depends on the types of town plans and the timing of the introduction of town plans related.

The hierarchy of town plans has been shown in Chapter 1 of this dissertation. Lai (1998, 1999) argued that the leasehold system itself is a planning system and interpreted this as “planning by contract”. The

system could deal with “forward planning” as well as “development control” while planning by edict merely deals with development control (Lai, 1998; Lai, Ho and Leung, 2005). The leasehold system can act as a tool of “forward planning” as there is a contractual requirement for the developer to develop a piece of land in the manners specified in the lease. There are two types of conditions in lease that serve for planning purpose. The first type is related to the actual building density, layout design and uses, such as DDH clauses (including design, disposition and height), parking standards, environmental standards, and other norms acceptable to government as the landlord. The second types relates to technical assessment procedures required to be carried out by the developer, such as the environmental impact assessment, drainage impact assessment and visual impact assessment. The lease also acts a useful tool in development control when there are no direct enforcement of the *TPO* and the *Buildings Ordinance*, notably for the areas outside the New Territories once covered by IDPA or DPA plans. When the developer is in breach of the lease, the government has the right to resort to various enforcement measures, including refusal to renew the lease or a waiver, injunction, imposition of fines and contractual repossession (Lai, 1998;

Lai, Ho and Leung, 2004). The enforcement power of the lease is wider than the statutory planning where there is no clause of repossession.

Lai (2005) showed that the contractual planning system is effective in maximizing the value of land. This idea was echoed by Ho (2006) who argued that the leasehold system is able to promote sustainable development, while the statutory control system has an adverse effect in achieving sustainability.

Leung (2006) described lease is a form of planning by covenant in which the lease contents run with land and the lease actually impose effects on the persons (including nearby residents) other than the parties to the contract.

The attenuation of private property rights lie also on the uncertainties created by the statutory system. These uncertainties arise when (1) the developer does not know whether a case could be appealed, (2) what planning conditions will be added in case of approval, and (3) what planning conditions will become lease conditions. While there have been abundant studies on uncertainties related to (1) (Bramley, *et. al.*, 1995;

Chau and Lai, 2004; Davies, *et. al.* 1986; Healey, *et. al.* 1988; Lai and Ho, 2000, 2001a, b, c, d, 2002a, b and 2003; Tang, *et. al.* 2000; Tang and Choy, 2000; Underwood, 1981, McAuslan, 1980 and Willis, 1995) and a few studies on uncertainties related to (2) (Lai, 1998; Lai, Ho and Leung, 2005; Lai, Yung, Li and Ho, 2007) The criteria of incorporating planning conditions into lease (uncertainties related to (3)) have been unknown. This dissertation seeks to make such a contribution. The following section will review these three uncertainties.

### ***Decision Criteria for Planning Application, Review and Appeal***

In 1995, the Planning Department claimed that decisions are granting of planning permission are made based on the following criteria:

- a. planning intention,
- b. government policies,
- c. social, economic and environmental impacts of the development on the wider area traffic,
- d. infrastructure implications, and
- e. compatibility of land uses.

It can be seen that there is a wide range of factors that could be considered. Hence, it is difficult for the applicants to catch the preference of the TPB. The decision making process has long been criticized because it is not open to the public and even the applicant. That is why the decision making process is often described as “black box operation”. There are no official documents stating the decision making criteria of planning application, review and appeal. In additions, some court decisions, such as the *Henderson Case*, have affirmed that the TPB guidelines, although non-statutory, is a material consideration in decision making process. This issue is further complicated by frequent unreasonable decisions. For instance, Lai (1999) showed examples of cases where reasons for dismissing planning appeals by Town Planning Appeal Board are not reasonable in a series of researches on the application statistics. The pattern of decision criteria in planning decision process has been revealed: small houses in Green Belt zones by Lai and Ho (2001d); school use in Commercial/Residential and GIC zones by Lai and Ho (2001c); the effects of larger sites and government policies by Lai and Ho (2001a, b and d). Other key factors are also identified, such as the marketability assessment by builders (Healey, *et. al.* 1988) and physical

and environmental amenity factors (McAuslan, 1980). The decision criteria of planning applications are now largely known.

### *Types of Planning Conditions*

Nevertheless, the types of planning conditions imposed by the TPB are seldom investigated. Notable exceptions are Lai and Ho (2005) and Lai (1998). They identified two types of planning conditions imposed. The first type is positive physical obligations related to building density, layout design and uses, including the minimum provision of open space, DDH clauses, parking standards, environmental protection standards, vehicular access etc. The second type is related to the carry out of assessments to the satisfaction of certain authorities other than the TPB before commencement of development, such as drainage impact assessment to the satisfaction of the Director of Drainage Service and land contamination assessment to the satisfaction of the Director of Environmental Protection etc. In a deeper sense, planning conditions imposed by the TPB can be sectoral to deal with transportation, drainage, environmental, sewage, safety, education and development time limits (Lai, *et. al.* 2007). Certain planning conditions will be incorporated into

the lease. However, the criteria of incorporation have not been investigated despite of its importance.

Sustainable land use planning is the implementation of sustainability and land use planning. Through setting of policies for land use, each piece of land is planned for various land uses and plans are established to improve spatial/physical conditions to achieve the goal of sustainability. Planning conditions are imposed to achieve planning intention of area. However, the current system does not allow direct enforcement of urban lands. Hence, the incorporation of planning conditions into lease should be an important factor affecting achievement of planning intention.

### *Compliance of planning conditions*

As discussed in Chapter 1, there are no direct enforcement provisions for planning conditions in urban lands. Hence, whether the developers actually comply with the conditions is an empirical question. Lai, *et. al.* (2007) found that most developers in Hong Kong are willing to comply with the planning conditions even when the conditions are not related to



building plan approval and not incorporated into leases. Nonetheless, the author did find a few cases of non-fulfillment of planning conditions.

The authors investigated those cases of non-fulfillment whether the planning conditions have been incorporated into the lease and found that some conditions were incorporated but not others. They did not, however, investigate the criteria of incorporating the conditions into the lease. The phenomenon of lack of compliance of physical planning conditions suggested that there is no way for planning authorities to enforce the problem and there is no definite time limit for compliance of conditions. The dissertation will contribute to the study of these criteria. A brief discussion of normal types of lease conditions in the following section will help understanding the topic.

### *Types of Lease Conditions*

There are two types of lease conditions in modern leases. They are General Conditions and Special Conditions (refer to Chapter 1, for details). Conditions related to planning intention are often found in a lease include car parking standards, environment standards, and the

clauses of design, disposition and height (DDH) etc. These types of conditions often have to be complied with before construction (Lai, 1998). Another type of conditions which also have to be complied before the lease is formally granted is the impact assessment conditions (Lai, 1998). These conditions are normally suggested by the TPB, originally as the planning conditions. The relationship between lease conditions and commercial interest of developer was recognized by Hui (2001) who found that development conditions in lease documents, such as minimum and maximum GFA, number of storeys and units have a significant effect on the supply of housing in Hong Kong.

### ***Fulfilling Planning Intention in CDA Zones***

The planning intention of CDA zone is to facilitate urban restructuring and to phase out incompatible developments and non-conforming uses. Lai (1996) has shown that there are less environmental complaints in the CDA zones than the residential zones as CDA zones are assumed to be more orderly allocated under the planning intention of CDA zones. The author also found that the property sales price in CDA zones is higher than those in areas outside CDA zones. However, planning intention of

CDA zones may not be fulfilled as a result of developer's failure to comply with the planning conditions. Incorporation of planning condition into leases is important to achieve the planning intention. Furthermore, incorporating planning conditions into leases ensures the development of lands follow the planning intention as non-compliance of lease conditions results in breach of contract and may trigger re-entry by the government. That's why a study of the criteria of incorporating planning conditions into lease is very important. Mr. Michael Suen, the then Secretary for Housing, Planning and Lands claimed that TPB will only impose planning conditions that are enforceable in 2005<sup>16</sup>. If this is true, it is reasonable to suppose that the Lands Department will act in the same way that it will only incorporate conditions that are enforceable in leases. However, no empirical studies have been directed to this topic.

To sum up, a study on the criteria of incorporating planning conditions into lease will help reduce the uncertainties created by the statutory planning system. This dissertation seeks to make such a contribution.

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<sup>16</sup> HKSAR (2005), LCQ 10: Enforcement of Conditions in the Land Lease and to the Planning Permission, <http://www.info.gov.hk/gia/general/200505/18/05180194.htm>, Hong Kong: Government of HKSAR

## CHAPTER 3

### HYPOTHESES AND METHODOLOGY

To analyze the criteria of incorporating planning conditions into lease, it is essential to categorize planning conditions. The categorization followed Lai, *et. al.*(2007) and Lai, Ho and Leung (2005).

There are 8 types of planning conditions in CDA zones for residential development. They are:

- i. **Transportation** – Planning conditions related to traffic arrangements and facilities for the development itself and the nearby area, such as car parks, loading and unloading area, footbridges, roads construction requirements and public transport lay-bys etc.
  
- ii. **Environment related measures** – Planning conditions related to the protection of environment of the development itself and the nearby area against adverse effects. This type of conditions are usually consists of mitigation measures such as the noise

mitigation measures, sewage mitigation measures, air quality mitigation measures and flood mitigation measures etc.

- iii. **Before/During construction measures** – Planning conditions related to the construction programme of the development, which are expected to be fulfilled before the completion of the development, such as construction traffic measures, development programme, and implementation programme of different aspects, e.g. transportation and building utilities implementation to the area.
- iv. **Building Utilities** – Planning conditions related to the building utilities of the development. These include aspects that may affect occupants' health, safety and convenience which connect to the nearby area, such as emergency vehicular access, fire services installations, sewage connections, drainage improvements and diversion and the water supply system improvements.
- v. **Public Amenity Facilities** – Planning conditions related to the amenity of public in the area near the development, which are often recognized as governmental facilities, such as kindergarten,

day nursery, hostel, public open place, cooked food centre and post office etc. Construction and design of these facilities need to follow a particular standard. There is usually a technical schedule attached at the end of the lease document.

- vi. **Design Matters** – Planning conditions related to the overall design of the development and the nearby area, in terms of different layout plans, including carpark layout plan, Master Layout Plan, landscaping proposal etc. This type of planning conditions is assumed to be complied with before construction starts.
  
- vii. **Impact Assessments** – Planning conditions related to the submission of impact assessment reports about the adverse impacts on the current environment caused by the new development. The types of impact assessment include noise, traffic, environmental, drainage and sewage etc. Impact assessments are assumed to be done before and during construction period.
  
- viii. **General** – Planning conditions do not have specific characteristics. Some are related to development conditions and culture

conservation, such as surrender of land, height restriction, landscaping area and maintenance and specific site development for culture conservation. It is expected that some of these planning conditions should be complied with before construction, and some can be fulfilled after construction. There is no absolute time frame for compiling them.

There would be other types of conditions in other zones or for other uses. It should be noted that these types of conditions are categorized based on our data set of residential developments in CDA zones.

### *Hypotheses*

#### Time Limit for fulfilling planning conditions

After categorization, it is quite clear that some types of planning conditions need not be incorporated into lease documents as they must be fulfilled before granting of lease. In general, all terms incorporated into leases should ideally be those that should or should not be done after granting of the lease. The land premium payable for lease modification will be reduced by the excessive addition of planning conditions. This is

because excessive conditions which run with the land will reduce the value of the land. Hence, we have the following hypothesis.

**Hypothesis I: Planning conditions regarding matters before or during construction have a lower probability of being incorporated into leases.**

#### Priority of incorporating conditions into lease document

As incorporating planning conditions into lease is an essential procedure to ensure achievement of planning intention, excessive incorporation of planning conditions will reduce the land value.

There should be a priority base to judge what conditions should be added in the lease. Conditions which have to be complied before formal granting of lease will not be added into lease as there is no value to retain fulfilled condition in the lease.

The remaining planning conditions to be fulfilled after formal granting of lease all have some effects on the long term sustainable development of the property itself or the nearby area, although the extents of the effects



may differ. Thus, ideally, conditions added into lease should be those that can enhance development value of land and are the most effective in achieving this aim. Planning conditions directly related to the occupants of the development and residents in the nearby area are arguably the most important and beneficial conditions that can affect living quality of residents. Planning conditions about the building utilities and infrastructures of the nearby area are also essential as these conditions have direct contact impacts on residents in the area, and also a major concern of both the public and the government. Inclusion of these conditions into leases can ensure the quality of living of the residents in the development and nearby.

The probabilities of incorporating planning conditions of the following categories are higher than those of other categories. They are transportation, environment related matters, building utilities and public amenity facilities. Hence, the following hypothesis is established.

**Hypothesis II: Probabilities of incorporating planning conditions related to transportation, environment, building utilities and public amenity facilities are higher than other types of planning conditions.**

## Political Climate

Lai and Ho (2001a, b, c, d and 2006) studied the effect of changes of political environment on approval of planning applications and found that political change after Hong Kong returned to China did affect the probability of granting planning permission in residential zones. The mentality that the more control, the better has led to the following hypothesis.

**Hypothesis III: It is more probable to observe incorporation of conditions after 1997 than before.**

## Site Area

Lai and Ho (2001a, b, c, and 2002a, b and 2003) and Tang and Choy (2000) have found that the TPB discriminates against larger developers in Residential (Group A), Green Belts, Unspecified Uses and Office zones. The size of the development is a measure of the financial ability of the developer. The following hypothesis is hence developed.

**Hypothesis IV: The probabilities of incorporating planning conditions for larger sites are not the same as those for smaller sites.**

Pure residential and Composite Buildings

To test whether there is any variation in pure residential developments and composite developments, which consists of residential and some retail uses in the lower floors, the following hypothesis is made:

**Hypothesis V: The probability of incorporating planning conditions for pure residential development is the same as that for composite buildings.**

In additions, to test the location variation, the following hypothesis is developed:

**Hypothesis VI: The probability for sites located in different districts is the same (districts include Hong Kong Island (HK), Kowloon (KLN) and New Towns (NT))**

## Population

If there are more residents in a development, achievement of planning conditions will benefit more people. Hence, the following hypothesis is made:

**Hypothesis VII: The probability of incorporating planning conditions for development with more units or higher population density are higher than those with less units or lower density.**

### *The Probit Model*

The seven hypotheses will be tested by the probit model. The probit model is used to analyse the determinants of the decision between two discrete alternatives, 1 or 0 (1 for incorporation of planning conditions into lease, and 0 otherwise. An univariate binary qualitative response model is defined by the equation (1).

$$p(y_i = 1) = F(\mathbf{x}_i\boldsymbol{\beta}_0) \quad i = 1, 2, \dots, n \quad (1)$$

where  $\{y\}$  is a sequence of binary random variables taking the value of 1 or 0;  $\mathbf{x}_i$  is a K-vector of known independent variables;  $\boldsymbol{\beta}_0$  is a K-vector of unknown n parameters; and F is a certain known function which is

recognized to affect the decision of incorporation of planning conditions into leases. Applying equation (1) into our research topic,  $n$  is the number of observations, that is, number of planning conditions imposed by TPB for residential uses in CDA zones. Probability for the incorporation of planning condition into lease (i.e.  $y_i = 1$ ) expressed as  $p(y_i = 1)$ , is a function of known independent variables and parameters. The linear regression model specifying the argument of  $F$  as  $(\mathbf{x}_i\boldsymbol{\beta}_0)$  is more general than it would seem because the elements of  $\mathbf{x}_i$  can be the transformation of the original independent variables (Amemiya, 1986). Amemiya (1986) also provided that a general non-linear function of the original independent variables can be approximated by  $(\mathbf{x}_i\boldsymbol{\beta}_0)$  and the choice of  $F$  is not critical as it is a distribution function. The functional forms of  $F$  can then be used in the linear probability model, the probit model and the logit model. The probit model of planning applications can be specified as equation (2) as follows:

$$\begin{aligned}
 p(\mathbf{x}_{\alpha 1}, \mathbf{x}_{\alpha 2}, \dots, \mathbf{x}_{\alpha j}) &= F(\boldsymbol{\beta}_0 + \boldsymbol{\beta}_1\mathbf{x}_{\alpha 1} + \boldsymbol{\beta}_2\mathbf{x}_{\alpha 2} + \dots + \boldsymbol{\beta}_j\mathbf{x}_{\alpha j}) \\
 &= \frac{1}{\sqrt{2\pi}} \int_{-\infty}^{\boldsymbol{\beta}_0 + \boldsymbol{\beta}_1\mathbf{x}_{\alpha 1} + \boldsymbol{\beta}_2\mathbf{x}_{\alpha 2} + \dots + \boldsymbol{\beta}_j\mathbf{x}_{\alpha j}} e^{-t^2/2} dt \quad (2)
 \end{aligned}$$

Or equivalently,

$$F^{-1}[p(\mathbf{x}_{\alpha 1}, \mathbf{x}_{\alpha 2}, \dots, \mathbf{x}_{\alpha j})] = \boldsymbol{\beta}_0 + \boldsymbol{\beta}_1\mathbf{x}_{\alpha 1} + \boldsymbol{\beta}_2\mathbf{x}_{\alpha 2} + \dots + \boldsymbol{\beta}_j\mathbf{x}_{\alpha j} \quad (3)$$

Probability of incorporation of a planning condition into lease is modeled as a function of  $j$  variables, including location, site area, number of units, number of storeys, government policy and the development types of either purely residential or commercial/residential use.  $(\mathbf{x}_{\alpha 1}, \mathbf{x}_{\alpha 2}, \dots, \mathbf{x}_{\alpha j})$  are the outcome values of the function of the  $j$  variables, for which  $(\mathbf{x}_{\alpha 1}, \mathbf{x}_{\alpha 2}, \dots, \mathbf{x}_{\alpha j})$  can only be either 1 or 0. Incorporation of each planning condition into lease is independent to each other, and the decision of whether incorporated or not is discrete in nature. Maximum Likelihood method is used to determine the parameters  $\beta_0, \beta_1, \beta_2, \dots, \beta_j$ , as their values are unknown to us. By applying the maximum likelihood method, observations are arranged in the way that the first  $n'$  planning conditions are incorporated into leases, and the remaining  $(n-n')$  planning conditions are not incorporated into leases. After the rearrangement of planning conditions according to the values of  $(\mathbf{x}_{\alpha 1}, \mathbf{x}_{\alpha 2}, \dots, \mathbf{x}_{\alpha j})$ , the logarithmic likelihood function can then be expressed as:

$$\sum_{\alpha=1}^{n'} \log p(\mathbf{x}_{\alpha 1}, \mathbf{x}_{\alpha 2}, \dots, \mathbf{x}_{\alpha j}) + \sum_{\alpha=n'+1}^n \log[1 - p(\mathbf{x}_{\alpha 1}, \mathbf{x}_{\alpha 2}, \dots, \mathbf{x}_{\alpha j})] \quad (4)$$

where each  $p(\mathbf{x}_{\alpha 1}, \mathbf{x}_{\alpha 2}, \dots, \mathbf{x}_{\alpha j})$  is in the form of equation (2) and is actually a function of  $\beta_0, \beta_1, \beta_2, \dots, \beta_j$ . By differentiating equation (4) with respect to the parameters  $\beta_0, \beta_1, \beta_2, \dots, \beta_j$ , and determining the value of derivatives

to zero, the non-linear equations can be obtained from which estimates can be derived numerically by the procedure of iteration. (Theil, 1971)

### *Data Collection*

Data are collected from the website of the Town Planning Board<sup>17</sup> and from the Land Registry. Information from the TPB includes details of development proposal, such as site GFA, resident GFA, number of units and storeys, date of decision from the TPB regarding planning application, location, and most importantly, the planning conditions imposed by the TPB for granting planning permission for each planning application. We have collected planning applications for residential uses in CDA zones decided from 1992 to 2007, a period of 16 years which is long enough to be representative.

It is found that from 1992 to 2007, there are 330 planning application cases that were approved with conditions. These involved altogether 92 sites as there are multi-applications on the same site. There are 44 projects out of 92 sites that have been completed and hence suitable for

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<sup>17</sup> Statutory Planning Portal WWT – <http://www.ozp.tpb.gov.hk/>

investigation. 39 out of the 44 projects needed lease modifications. Since each development project usually involves more than one planning application, and since we have no information on which proposal has been adopted, we use the last approved planning permission with conditions as the basis of our study. Hence, there are 329 planning conditions in these 39 projects. Long (1997) suggested that at least ten observations is needed for adding a parameter in using the maximum likelihood method. In this dissertation, there are only 8 parameters, but there are 330 observations. Hence, our results shall be robust.

Only completed projects are taken into account for investigation as lease modification normally occurs after grant of planning permission and before sale of units. It is quite difficult to find a lease document for a development not commenced yet. Lease documents could be purchased from the Land Registry.

Altogether there are 7 types of independent variables to be tested

- a) Types of planning conditions – 8 sub-groups of planning conditions dummies
- b) Location – 3 sub-groups of location dummies by districts



- c) Government policy change after 1997
- d) Number of storeys
- e) Number of units
- f) Site GFA
- g) Pure residential or combined residential development

The planning conditions were imposed by TPB upon grant of planning approval. Each planning condition imposed by TPB for a particular project is then compared with the lease document to check whether it is incorporated or not. If a condition is incorporated in the lease, the value of the dependent variable will be 1, if otherwise, the value will be 0.

## *Data Description*

Table 3 to Table 8 describe the data in various ways.

**Table 3: Number of planning conditions incorporated into lease in CDA zones for residential developments by location**

	Projects (no.)	No. of planning conditions	No. of planning conditions incorporated into lease	Percentage of incorporation (%)
HK	4	25	15	60.0
KLN	14	118	58	49.2
NT	22	186	89	47.8

Table 3 shows the percentage of incorporation of planning conditions into leases is the greatest for developments in the Hong Kong Island, while percentages for Kowloon and New Town are similar. This indicates there are more planning conditions incorporated into leases for developments in the Hong Kong Island.

**Table 4: Number of planning conditions incorporated into lease in CDA zones for residential developments by site area**

	Projects (no.)	No. of planning conditions	No. of planning conditions incorporated into lease	Percentage of incorporation (%)
Below 25,000 sqm	22	161	90	55.9
25,000- 50,000 sqm	11	100	48	48
Above 50,000 sqm	6	68	24	35.3

Table 4 shows that there is an increase in discrimination against larger sites observed when the size of development is increasing. The percentage of planning conditions incorporated into leases increases as site area increases, which affirms that more planning control is given to larger developments to reduce the adverse impacts brought to the public.

**Table 5: Number of planning conditions incorporated into lease in CDA zones for residential developments by number of units**

	Projects (no.)	No. of planning conditions	No. of planning conditions incorporated into lease	Percentage of incorporation (%)
Below 2,500 units	29	214	108	50.5
2,500- 5,000 units	8	94	46	48.9
Above 5,000 units	2	21	8	38.1

Table 5 shows that there is also an increasing percentage in planning conditions to be incorporated into lease as number of units of the whole development increases. This implies that population of development is an important factor in affecting number of planning conditions to be incorporated.

**Table 6: Number of planning conditions incorporated into lease in CDA zones for residential developments by number of storeys**

	Projects (no.)	No. of planning conditions	No. of planning conditions incorporated into lease	Percentage of incorporation (%)
Below 30	13	95	36	37.9
30-60	25	224	121	54.0
Above 60	1	10	5	50.0

Table 6 shows the preference of incorporating planning conditions for taller developments. There is a greater chance in incorporating more conditions for developments with more storeys. The data for the highest building group is unexpectedly low which may be due to the bias of data, since there is only one development with over 60 storeys.

**Table 7: Number of planning conditions incorporated into lease in CDA zones for residential developments by year of the TPB decision**

	Projects (no.)	No. of planning conditions	No. of planning conditions incorporated into lease	Percentage of incorporation (%)
1992	1	12	7	58.3
1993	1	10	5	50.0
1994	1	3	1	33.3
1995	0	0	0	0.0
1996	1	10	4	40.0
1997	2	22	8	36.4
1998	3	14	8	57.1
1999	3	17	8	47.1
2000	2	21	12	57.1
2001	3	20	10	50.0
2002	7	63	29	46.0
2003	6	58	31	53.4
2004	3	29	10	34.5
2005	5	40	26	65.0
2006	1	10	3	30.0

The time effect is tested by using the year of the TPB, from 1992 to 2006.

Table 7 shows there is no general trend in interpreting the number of planning conditions to be incorporated. The percentage of incorporation

of planning conditions for each year is found not related to each other. In 2005, most planning conditions imposed are incorporated at a rate of 65% while this rate was the minimum in 2006 for only 30% conditions will be incorporated.

**Table 8: Number of planning conditions incorporated into lease in CDA zones for residential developments before and after 1997**

	Projects (no.)	No. of planning conditions	No. of planning conditions incorporated into lease	Percentage of incorporation (%)
01/1992- 06/1997	6	56	25	44.6
07/1997- 12/2006	33	273	137	50.2

Table 8 shows the relationship between the number of planning conditions to be incorporated in leases and the change in political climate before and after the return of Hong Kong to China in 1997. It is found that more conditions are incorporated after 1997.

We use the following 8 types of dummy variables to represent the 8 types of planning conditions.

- 1 Transportation = 1 , if the planning condition is  
(PC1\_TRANSPORT) an issue of transportation. (71  
conditions)  
0 , if otherwise. (26 conditions)
- 2 Environment = 1 , if the planning condition is  
(PC2\_ENVIRONMENT) an issue of environment. (8  
conditions)  
0 , if otherwise. (18 conditions)
- 3 Before/During Construction = 1 , if the planning condition is  
(PC3\_CONSTRUCTION) an issue of before/during  
construction. (1 condition)  
0 , if otherwise. (26 conditions)
- 4 Building utility = 1 , if the planning condition is  
(PC4\_BLDG\_UTILITY) an issue of building utilities.  
(46 conditions)  
0 , if otherwise. (21 conditions)
- 5 Public facilities = 1 , if the planning condition is  
(PC5\_PUB\_FAC) an issue of public facilities.  
(23 conditions)  
0 , if otherwise. (14 conditions)
- 6 Design = 1 , if the planning condition is  
(PC6\_DESIGN) an issue of design. (7  
conditions)



		0	, if otherwise. (28 conditions)
7	Impact assessment (PC7_IMPACT_ASS)	= 1	, if the planning condition is an issue of impact assessment. (3 conditions)
		0	, if otherwise. (19 conditions)
8	General (those do not belong to the above types, and cannot be categorized) (PC8_GEN)	= 1	, if the planning condition is an issue cannot be categorized. (3 conditions)
		0	, if otherwise. (16 conditions)

### ***Data Testing***

Data will be tested with the program “Eview 3.0”. The variables not significant at 10% level in the probit model will be further tested with the Redundant Variable Tests. If the tests are not significant again, the variable will be dropped from the model.

## **CHAPTER 4**

### **EMPIRICAL RESULTS AND INTERPRETATION**

#### *Result*

By running the probit model using the programme EViews 3.0, it is found that some of the independent variables are not related to the behaviour of dependent variable.

Since we have three location dummies, we include two of them each time with all other variables. The results of the probit models show that none of these three location dummies are significant at 10% level (Table 9). We further perform redundant variable tests for these location dummies. Again, none is significant (Table 10).

**Table 9: The full model with locations dummies**

Dependent Variable: INCORPORATION OF CONDITION						
Sample: 1 328						
Included observations: 328						
Location Dummy	NT		KLN		HK	
Variable	Coefficient	Prob.	Coefficient	Prob.	Coefficient	Prob.
PC1_TRANSPORT	1.886	0.0000	1.885561	0.0000	1.885561	0.0000
PC2_ENVIRONMENT	0.6296	0.1699	0.629583	0.1699	0.629583	0.1699
PC3_CONSTRUCTION	-7.0338	1.0000	-7.03122	1.0000	-6.900553	1.0000
PC4_BLDG_UTILITY	1.6634	0.0000	1.663348	0.0000	1.663348	0.0000
PC5_PUBLIC_AMENITY	1.7004	0.0001	1.700379	0.0001	1.700379	0.0001
PC6_DESIGN	0.1343	0.768	0.134329	0.768	0.134329	0.768
PC7_IMPACT_ASSESSMENT	-0.4164	0.497	-0.41637	0.497	-0.416372	0.497
AFTER_1997	0.8778	0.0004	0.877795	0.0004	0.877795	0.0004
NO_OF_STOREYS	0.0128	0.0244	0.012793	0.0244	0.012793	0.0244
NO_OF_UNITS	-0.0004	0.0001	-0.00042	0.0001	-0.000418	0.0001
SITE_GFA	2.06E-05	0.0013	2.06E-05	0.0013	0.0000206	0.0013
PURE_RESIDENTIAL	-0.3734	0.0634	-0.37338	0.0634	-0.373382	0.0634
<b>LOCATION_HK</b>	<b>0.063122</b>	<b>0.8629</b>	<b>0.444775</b>	<b>0.2217</b>		
<b>LOCATION_KLN</b>	<b>-0.38165</b>	<b>0.0567</b>			<b>-0.444775</b>	<b>0.2217</b>
<b>LOCATION_NT</b>			<b>0.381654</b>	<b>0.0567</b>	<b>-0.063122</b>	<b>0.8629</b>
C	-2.0369	0	-2.41856	0	-1.973781	0.0015
McFadden R-						
Probability(LR stat)	0		squared		0.320263	
Obs with Dep=0	176		Total obs		328	
Obs with Dep=1	152					

**Table 10: Redundant Variable Test for Location Dummies**

<b>Variable</b>	<b>Coefficient</b>	<b>p-value</b>	<b>Action</b>
LOCATION_HK	0.0631	0.8629	eliminated
LOCATION_KLN	-0.4448	0.2217	eliminated
LOCATION_NT	-0.0631	0.8629	eliminated

We hence exclude all the location dummies and obtain the following model (Table 11).

**Table 11: Model without location dummies**

Dependent Variable: INCORPORATION OF CONDITIONS			
Sample: 1 328			
Included observations: 328			
Variable	Coefficient		Prob.
PC1_TRANSPORT	1.8271		0.0000
<b>PC2_ENVIRONMENT</b>	<b>0.6813</b>		<b>0.1326</b>
<b>PC3_CONSTRUCTION</b>	<b>-7.2032</b>		<b>1.0000</b>
PC4_BLDG_UTILITY	1.6391		0.0000
PC5_PUBLIC_AMENITY	1.7020		0.0001
<b>PC6_DESIGN</b>	<b>0.1082</b>		<b>0.8113</b>
<b>PC7_IMPACT_ASSESSMENT</b>	<b>-0.3554</b>		<b>0.5571</b>
AFTER_1997	0.7184		0.0011
NO_OF_STOREYS	0.0131		0.0172
NO_OF_UNITS	-0.0005		0.0000
SITE_GFA	2.09E-05		0.0008
PURE_RESIDENTIAL	-0.4069		0.0403
C	-1.9648		0.0000
Probability(LR stat)	0.000000	McFadden R-squared	0.3110
Obs with Dep=0	176	Total obs	328
Obs with Dep=1	152		

Four variables, namely planning condition dummy “PC2\_Environment”, “PC3\_Construction”, “PC6\_Design” and “PC7\_Impact assessments” are found not significant at 10% level (Table 11). We performed the Redundant Variable Tests to confirm that all of them are not significant (Table 12). The variable “PC2\_Environment” is found significant at 1% level.

**Table 12: Redundant Variable Test**

<b>Variable</b>	<b>Coefficient</b>	<b>p-value</b>	<b>Action</b>
PC2_ENVIRONMENT	0.8847	0.0072	retained
PC3_CONSTRUCTION	-7.2032	1.000	eliminated
PC6_DESIGN	0.1082	0.8113	eliminated
PC7_IMAPCT ASSESSMENT	-0.3554	0.5571	eliminated

An optimal model is then obtained by eliminating the rest three variables, and retaining the variable “PC2\_Environment” remained (Table 13).

**Table 13: Optimal Restricted Model**

Dependent Variable: INCORPORATION OF CONDITIONS			
Sample: 1 328			
Included observations: 328			
Variable	Coefficient		Prob.
PC1_TRANSPORT	2.0274		0.0000
PC2_ENVIRONMENT	0.8847		0.0072
PC4_BLDG_UTILITY	1.8414		0.0000
PC5_PUBLIC_AMENITY	1.9030		0.0000
AFTER_1997	0.7157		0.0010
NO_OF_STOREYS	0.0133		0.0147
NO_OF_UNITS	-0.0004		0.0000
SITE_GFA	2.06E-05		0.0008
PURE_RESIDENTIAL	-0.4087		0.0350
C	-2.1677		0.0000
Probability(LR stat)	0.000000	McFadden R-squared	0.2957
Obs with Dep=0	176	Total obs	328
Obs with Dep=1	152		

None of the three variables (PC3, PC6 and PC7) are significant at 10% level. This means the probabilities of incorporating PC3, PC6 and PC7 are the same as those unclassified planning conditions (PC8). The

variable PC2 is significant at 1% level, indicating there is a higher probability to incorporate planning conditions related to environment related measures. The variable “After\_1997” is significant at 1% level, indicating that there is a higher probability to incorporate planning conditions into lease after 1997. The variable “No. of units” is very significant, indicating that there is a higher probability to incorporate planning conditions into lease for developments with larger number of units of developments. The variable “No. of storeys” is significant at 5% level, indicating that there is a greater probability to incorporate planning conditions for developments with larger number of storeys. The variable “Site GFA” is significant at 1% level, indicating that there is a higher probability to incorporate planning conditions into lease based on the size of development. The variable “Pure Residential” is significant at 5% level, indicating there is higher probability to incorporate conditions for pure residential developments than for composite buildings.

All of the four variables, PC1, PC2, PC4 and PC5 are significant and have a positive coefficient, indicating that PC1, PC2, PC4 and PC5 have higher probabilities of being incorporated into lease than PC3, PC6, PC7 and unclassified conditions (PC8).



Hence, probability of incorporation in descending order is:

PC1, PC2, PC4 and PC5 > PC3, PC6, PC7 and PC8

However, we still do not know the relative probabilities of PC1, PC2, PC4 and PC5. Hence, we exclude PC4 and PC5 from the model each time but include PC8. The results are shown in Table 12 and Table 13 respectively. The results for variables “No. of units”, “Site GFA” and “Pure residential” are the same but with different magnitude in coefficient, since the relative probabilities of these variables compared with PC8, PC4 and PC5 are different.

**Table 14: Model without PC4**

Dependent Variable: INCORPORATION OF CONIDTIONS			
Sample: 1 328			
Included observations: 328			
Variable	Coefficient	Prob.	
PC1_TRANSPORT	0.1880	0.3897	
PC2_ENVIRONMENT	-0.9579	0.0029	
PC3_CONSTRUCTION	-8.9724	1.0000	
PC5_PUBLIC_AMENITY	0.0629	0.8212	
PC6_DESIGN	-1.5310	0.0000	
PC7_IMPACT_ASSESSMENT	-1.9946	0.0001	
PC8_GENERAL	-1.6391	0.0000	
AFTER_1997	0.7184	0.0011	
NO_OF_UNITS	0.0131	0.0172	
NO_OF_STOREYS	-0.0005	0.0000	
SITE_GFA	2.09E-05	0.0008	
PURE_RESIDENTIAL	-0.4069	0.0403	
C	-0.3258	0.3498	
Probability(LR stat)	0.000000	McFadden R-squared	0.3110
Obs with Dep=0	176	Total obs	328
Obs with Dep=1	152		

From Table 14, we can conclude that PC1 and PC5 have lower probabilities of being incorporated into lease than PC4, and PC2 has a higher probability of being incorporated than PC4. Hence, the sequence of relative probabilities of the four variables in descending order is as follows:

PC2 > PC4 > PC1 and PC5

**Table 15: Model without PC5**

Dependent Variable: INCORPORATION OF CONIDITIONS			
Sample: 1 328			
Included observations: 328			
Variable	Coefficient		Prob.
PC1_TRANSPORT	0.1251		0.6286
PC2_ENVIRONMENT	-1.0207		0.0033
PC3_CONSTRUCTION	-9.0377		1.0000
PC4_BLDG_UTILITY	-0.0629		0.8212
PC6_DESIGN	-1.5938		0.0000
PC7_IMPACT_ASSESSMENT	-2.0574		0.0001
PC8_GENERAL	-1.7020		0.0001
AFTER_1997	0.7184		0.0011
NO_OF_UNITS	0.0131		0.0172
NO_OF_STOREYS	-0.0005		0.0000
SITE_GFA	2.09E-05		0.0008
PURE_RESIDENTIAL	-0.4069		0.0403
C	-0.2628		0.4555
Probability(LR stat)	0.000000	McFadden R-squared	0.3110
Obs with Dep=0	176	Total obs	328
Obs with Dep=1	152		

From Table 15, we can conclude that PC1 and PC4 have lower probabilities of being incorporated into lease than PC5, and PC2 has a higher probability of being incorporated than PC5. Hence, the sequence

of relative probabilities of the four variables in descending order is as follows:

$$PC2 > PC5 > PC1 \text{ and } PC4$$

Combing the results from Table 14 and Table 15, the relative probabilities of the four variables is:

$$PC2 > PC4 \text{ and } PC5 > PC1$$

Hence, the likelihood of planning conditions to be incorporated into lease by types of conditions in descending order is:

$$\mathbf{PC2 > PC4 \text{ and } PC5 > PC1 > PC3, PC6, PC7 \text{ and } PC8}$$

### *Interpretation*

### **Hypotheses Analysis**

None of the variables “PC3\_CONSTRUCTION”, “PC6\_DESIGN” and “PC7\_IMPACT ASSESSMENT” are significant at 10% level (Table 11), indicating planning conditions related to construction matters is not related to the incorporation of planning conditions into lease. Hence, **Hypothesis I is refuted**. This result is consistent with the fact that conditions in lease are long term in nature, in order to maximize the land

value. These three types of planning conditions should have been all fulfilled before the lease takes effect. Hence, the probability of incorporation of planning conditions is not related to them.

The four variables, “Before/During Construction”, “Design Matters”, “Impact Assessments” and “Unclassified Planning Conditions” are all insignificant at 10% level, while the other four variables, “Transportation”, “Environment Related Measures”, “Building Utilities” and “Public Amenity Facilities” are all positive and significant at high level. This shows that planning conditions related to these four aspects are more probable to be incorporated into lease than those related to the previous four aspects. Hence, **Hypothesis II is not refuted**. The result indicates that planning conditions incorporated are those with some effects on the long term sustainable development of the property itself or the nearby area, although the extents of effects may be different.

The variable “After\_1997” is positive and significant at 1% level, indicating probability of incorporating planning conditions after the return of China is higher than before. Thus, **Hypothesis III is not refuted**. This result is consistent with the previous research result that the

change in political climate has positive impact on increasing success rate in planning application. The result implies that government policy is a significant factor in the decision of incorporating planning conditions into lease, and policies imposed beyond 1997 have positive impact on the decision of the Lands Department.

The variable “SITE\_GFA” is positive and significant at 1% level, indicating the probability of incorporating planning conditions increases with site area increases. Hence, **Hypothesis IV is not refuted**. This indicates incorporation of planning conditions is more probable for larger developers. Again, this result is similar to some previous research on success rate in planning application. The result is also consistent with the planning intention of CDA zones to restructure obsolete area and phase out of non-conforming uses. The impact of development increases with the size of development increases. The larger the size of development, the better the opportunity to incorporate public facilities into the development, restructuring of land uses and optimization of development potential.

The variable “PURE RESIDENTIAL” is negative and significant at 5% level, indicating the probability of incorporating planning conditions is lower with sites for pure residential use than combined residential use. Hence, **Hypothesis V is refuted**. The result shows government control over pure residential developments is looser than combined residential developments. Combined residential developments require greater demand of public transport facilities and infrastructure than pure residential developments. The development potential of combined residential developments is also greater. Hence, probability of incorporating planning conditions is higher in order to ensure the public facilities can meet the future needs of area.

None of the location dummies are significant at 10% level. The further performed redundant variable tests also show none of the location dummies are significant at 10% level, indicating the probability of incorporating planning conditions is not affected by districts. Therefore, **Hypothesis VI is refuted**.

The variable “NO\_OF\_STOREYS” is positive and significant at 5% level, indicating the probability of incorporating planning conditions into

lease increases with number of storeys increases. The variable “NO\_OF\_UNITS” is negative and significant at 1% level, indicating the probability of incorporating planning conditions into lease decreases with number of units increases. Hence, **Hypothesis VII is refuted**. Both number of storeys and number of units are criteria in determining population density. The result of number of storeys indicates that government imposes more control on taller buildings than shorter ones. Design of tall buildings is always questionable that it brings negative environmental impact to nearby residents in order to capture the benefit of better sea view or landscape. The planning authorities concern the visual and environmental impact of development, which may not be compatible with the old urban area. The result of number of units contradicts with the result of number of storeys, and the rationale of “the greater the population, the more control”. This implies that there are two different parameters in deciding planning conditions to be incorporated. The decision of incorporation of conditions in terms of population density depends on the combined effects of the two parameters.



## **Relative Probabilities of Incorporating Conditions by Types of Planning Conditions**

The descending order of relative probabilities of planning conditions to be incorporated is as follows:

1. Environment Related Measures
2. Building Utilities and Public Amenity Facilities
3. Transportation
4. Before/During Construction, Design Matters, Impact Assessments and  
General

The above order is consistent with the planning intention of CDA zones and the logic of lease conditions.

The planning intention of CDA zones aims to achieve co-ordinated development in areas subject to traffic, environmental and infrastructures capacity constraints and to ensure the provision of Government, Institution or community (GIC), transport and public transport facilities and open space for the development. Planning conditions related to transportation, public amenity facilities and environment related matters are having a higher priority of being incorporated than the others,

indicating the focus of incorporating planning conditions is on fulfillment of planning intention. In other words, zoning of a site affects the incorporation of planning conditions into lease for residential developments in CDA zones. This is consistent with the fact that statutory planning control takes effect on redevelopments of allocated land and new area.

Other than the fulfillment of planning intention, the order also shows the authority of lease is utilized to ensure the occupants' health and safety. Planning conditions related to building utilities are at the second highest priority of being incorporated into lease, indicating building utility is equally important as planning intention. The result is not surprising, since both the effects of building utilities and transport, public amenities and environment related measures are permanent to public.

The priorities of design matters, impact assessments and matters before/during construction are the same as the unclassified conditions. These three types of conditions have to be complied before and during construction, in order to ensure there is no adverse impact on the nearby area before the grant of building permit and lease modification by the

Buildings Authority and Land Authority respectively. The result further affirms that the lease is a forward planning tool.

## **CHAPTER 5**

### **CONCLUSION**

#### *Conclusion*

This dissertation seeks to investigate the criteria of incorporation of planning conditions into leases in CDA zones involving residential developments. 7 refutable hypotheses are developed and used to test the probabilities of incorporating conditions given from 1992 to 2006 into lease using the probit model. This study included altogether 39 sites involving 329 planning conditions, out of which 176 conditions were incorporated into lease.

8 types of conditions and 6 factors are included in this study. The 8 types of conditions are transportation, environment related matters, construction, building utilities, public amenity facilities, design, impact assessments and general. The 6 factors are location, political climate change after 1997, number of storeys, number of units, site area and types of residential uses.

The result shows that the incorporation of planning conditions into leases has no location variance. Probability of planning conditions to be incorporated is higher after 1997, subject to the change in political climate. Incorporation of planning conditions is more probable for larger site area, which also indicates incorporation of conditions is more probable for larger developers. Planning conditions are more probable to be incorporated for combined residential developments than pure residential developments. Incorporation of planning conditions is more probable for taller buildings, but less probable for population.

The order of relative probabilities of planning conditions of being incorporated is as follows:

1. Environment Related Measures
2. Building Utilities and Public Amenity Facilities
3. Transportation
4. Before/During Construction, Design Matters, Impact Assessments and General

The result shows that incorporation of planning conditions for residential developments in CDA zones is consistent with the planning intention,

which focuses on transportation, public amenity facilities and environment related measures. In other words, incorporation of planning conditions into leases is related to the zoning of sites. The high priority of planning conditions related to building utilities in incorporation suggested that building utility is equally probable and important as planning conditions related to planning intention. Planning conditions related to design matters, impact assessments and construction matters have the same priority. They are found less probable to be incorporated. This result affirms the lease is a forward planning tool that these “short term” conditions are complied before granting building permit and lease modification to ensure the development brings no adverse impact to nearby public.

### ***Limitation and Further Study***

This dissertation seeks to investigate the criteria of incorporating planning conditions into leases for residential developments in CDA zones. However, there are several limitations in this study.

We do not have information on which planning approval has been adopted in the actual development. There is no evidence that the last planning application approved by TPB must be adopted by the developer for actual development. However, this may not be a serious problem as planning conditions imposed on each planning approvals are roughly the same.

The sample size is rather small when compared with total number of residential developments in CDA zones in the same period. There are 92 residential developments in CDA zones approved with conditions in planning application. However, there are only 39 developments completed and with lease modifications. Only less than half of sites are available can be used in our study. Other sites are either no need to modify the lease or not yet modify the lease. It is better to include data before 1992, however, planning application details and planning conditions imposed are not available.

In terms of the empirical analysis, the grouping of planning conditions is based on limited previous researches and present planning conditions which imposed by the TPB. The grouping of planning conditions may

affect the result of the probit analysis. It remains area to research on different types of planning conditions for further studies.

This dissertation only covers residential uses in CDA zones. It is possible that the criteria for incorporation of planning conditions into the lease may be different for other uses in CDA zones, or for any uses in zones other than CDA zones. These remain a possible area for further research.



## APPENDIX I

### Summary of Completed Residential Developments in CDA Zones with Lease Modification from January 1992 – December 2006

PLANNING APPLICATION NO.	LOCATION / DISTRICT	HK / KLN/ NT	DEVELOPMENT NAME	USES APPLIED FOR	DATE OF TPB DECISION	SITE GFA (m <sup>2</sup> )	RESIDENT GFA (m <sup>2</sup> )	DOCUMENT NO.
A/TWW/064	SHAM TSENG	NT	Bellagio	C/R	25/07/2002	52,604	257,234	N7133
A/TW/340	TSUEN WAN	NT	Chelsa Court	SA	9/12/2003	10,416	103,404	TW7098
A/TW/369	TSUEN WAN	NT	Indi House	C/SA	13/05/2005	20,916	20,201	TW7178
A/K20/080	LAI CHI KOK	KLN	Banyan Garden	R/RET	23/07/2004	19,473	145,625	UB12540
A/K03/412	TAI KOK TSUI	KLN	Metro Harbour View	C/R	6/6/2003	21,237	159,277	UB12541
A/K18/147	KOWLOON TONG	KLN	One Beacon Hill	R	3/12/1999	41,578	72,480	UB12535
A/K09/113	HUNG HOM	KLN	Laguna Verde	C/R	14/03/2000	64,150	419,445	UB12345
A/K09/129	HUNG HOM	KLN	Royal Peninsula	R/SA	23/04/1999	15,073	137,361	UB12386
A/TW/288	TSUEN WAN	NT	Summit Terrace	R	22/06/2000	38,400	67,500	TW7075
A/TW/262	TSUEN WAN	NT	New Haven	R	16/10/1998	8,613	43,066	TW4474
A/H03/296	SHEUNG WAN	HK	Hollywood Terrace	R	8/12/1999	4,145	41,567	UB12131
A/YL/093	YUEN LONG	NT	The Pareville	R	15/03/2002	30,838	94,614	YL4504
A/YL/101	YUEN LONG	NT	Yoho Town	R	9/12/2002	21,933	109,665	YL4342
A/TY/047	TSING YI	NT	Villa Esplanda	C/R	16/5/2002	41,500	209,180	TW6897
A/TM-LTY/110	TIN SHUI WAI	NT	Sherwood Court	C/R	16/04/2003	37,870	74,946	TM3432
A/TM/310	TUEN MUN	NT	Beneville	R	25/09/2003	14,051	42,153	N13279
A/TM/317	TUEN MUN	NT	South Hillcrest	R	17/07/2004	6,320	18,960	TM3427
A/NE-TKL/93	FANLING	NT	Champagne House	R	20/07/2001	11,760	1,079	N13279

A/K20/084	TAI KOK TSUI	KLN	Harbour Green	C/R	29/01/2005	17,192	103,152	UB12349
A/K09/141	HUNG HOM	KLN	Whampoa Garden	C/R	15/04/2005	13,275	146,024	UB11766
A/K09/160	HUNG HOM	KLN	The Metropolis	R/SA/OF	28/08/2002	50,058	75,922	UB12444
A/K02/167	HOMANTIN	KLN	Parc Palais	R	24/03/2004	36,006	84,000	UB12575
A/I-TCTC/028	TUNG CHUNG	NT	Tung Chung Town centre (muti developments)	C/R	16/06/2006	67,900	10,500	IS7973
A/H03/324	SHEUNG WAN	HK	Queen's Terrace Tower	C/R	21/11/2001	6,764	66,233	UB12602
A/H01/072	KENNEDY TOWN	HK	Merton	R	23/10/2002	6,075	70,024	UB12616
A/K02/159	YAU MA TEI	KLN	8 Waterloo Road	R	2/8/2003	3,869	32,102	UB12621
A/FSS/156	SHEUNG SHUI	NT	Glof Parkview	R	25/07/2003	29,306	25,900	N13261
A/KC/268	MEI FOO	KLN	Nob Hill, Lai Yan Court	R	22/03/2002	42,744	262,380	UB7071
A/K20/087	TSIM SHA TSUI	KLN	Sorrento, The Waterfront, The Harborside	C/R	29/07/2005	135,400	608,206	UB12397
A/TM/277	TUEN MUN	NT	Aegean Coast	C/R	20/04/2001	42,453	119,837	TM3287
A/TWW/042	SHAM TSENG	NT	Ocean Pointe	R	24/01/1997	9,132	47,943	TW3886
A/TY/42	TSING YI	NT	Mount Haven	R	16/05/1997	28,900	62,910	TW7046
A/K5/393	CHEUNG SHA WAN	KLN	Villa Carlton	R	23/01/1998	5,883	17,649	UB8134
A/TW/167	TSUEN WAN	NT	Discovery Park	C/R	19/02/1993	50,000	210,560	TW5361
A/TW/156	TSUEN WAN	NT	Bayview Garden	C/R	15/10/1992	14,480	101,398	TW6687
A/TW/188	TSUEN WAN	NT	The Panaroma	C/R	28/01/1994	3,473	19,048	TW3882
A/TY/30	TSING YI	NT	Tierra Verde	C/R	02/09/1994, 26/07/1996	54,000	388,786	TW6993
A/K2/115	YAU MA TEI	KLN	King's Park Hill	R	25/09/1998	17,344	22,400	UB12344
A/H5/350	WAN CHAI	HK	J-Residence	C/R	30/04/2005	1,970	17,967	UB12663

## **APPENDIX II**

### **Detailed Information of Planning Applications and Planning Conditions**

#### **Imposed by the TPB in our Study**

## **Development Name: Bellagio**

Application No.:	A/TWW/64
Site:	Lot 269 in DD 390 and adjoining Government land, Sham Tseng, Tsuen Wan
Site Area:	52,604.5 sq m (about)
Plan:	Draft Tsuen Wan West Outline Zoning Plan No. S/TWW/12
Zoning:	“Comprehensive Development Area”(“CDA”)
Application:	Proposed Minor Amendments to Approved Development Scheme for Comprehensive Commercial and Residential Development

### **Broad Development Parameters**

(a) Total GFA:	Domestic : 257,234.1 sq m Non-domestic : 10,998 sq m
(b) No. of Blocks:	8
(c) No. of Storeys:	52
(d) No. of Units:	3,302
(e) No. of Car Parking Spaces:	2,773 277 (Motorcycle)
(f) No. of Loading/Unloading Bays:	11
(g) Transport Terminus Buses and Taxis Bays:	4

#### Detailed Information

The District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK) under the delegated authority of the Board, has considered the application. The application was approved on 25.7.2002 on the terms of the application as submitted to the Board and subject to the following conditions :

- (a) The implementation of the revised MLP to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) The implementation of decking the two adjacent nullahs to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) The provision of a properly formed and serviced primary school site to the satisfaction of the Director of Education or of the Town Planning Board;
- (d) The location of the proposed kindergarten to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (e) The submission of a revised Traffic Impact Assessment (TIA) and the implementation of the road improvements as necessitated by the proposed development and identified in the TIA, at the applicants cost, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) The design and provision of the vehicular access, pedestrian circulation, car-parking provision and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (g) The design and provision of the connection to the proposed footbridge to be constructed across Castle Peak Road at the eastern end of the site to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (h) The provision and maintenance of the transport terminus for public use to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (i) The provision of an emergency vehicular access, water supplies for fire-fighting and fire services installations for the proposed development to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (j) The provision and maintenance of the landscaped areas on the decked nullah areas as well as their linkages with the surrounding areas and the proposed waterfront promenade and to open the landscaped areas for public access and enjoyment to the satisfaction of the Director of Regional Services or of the Town Planning Board;
- (k) The provision and maintenance of the waterfront promenade and to open it for public access and enjoyment to the satisfaction of the Director of Regional Services or of the Town Planning Board;
- (l) The submission and implementation of a revised master landscape plan to include the landscaped areas on the decked nullah areas, the proposed waterfront promenade and street tree planting proposals and to ensure that all the open spaces and the waterfront promenade in the development would be continuously linked and linked with those in the adjoining residential developments, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (m) The design and ventilation of the car park and transport terminus to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (n) The design and provision of a day nursery and a children and youth centre cum study/reading room to the satisfaction of the Director of Social Welfare or of the Town Planning Board;
- (o) The provision and operation of proper on-site sewage treatment and disposal facilities for the proposed development prior to the availability of, and the connection to, the public sewerage system in Sham Tseng to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (p) The submission and implementation of a revised development programme indicating the timing and phasing of the comprehensive redevelopment to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (q) The permission shall cease to have effect on 25.7.2002 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: Chelsa Court**

Application No.:	A/TW/340
Site:	TWTL 373, 1-9 Fui Yiu Kok Street and 90-114 Yeung Uk Road, Tsuen Wan
Site Area:	10,416.2 sq m (about)
Plan:	Draft Tsuen Wan Outline Zoning Plan No. S/TW/18
Zoning:	“Comprehensive Development Area (1)” (“CDA(1)”)
Application:	Minor Amendments to an Approved Scheme – Proposed Service Apartment Development

### **Broad Development Parameters**

(a) Total GFA:	Domestic : N.A. Non-domestic : Not more than 103,404 sq m
(b) No. of Blocks:	2
(c) No. of Storeys:	Not exceeding 46 & 54 (above a 5-storey Podium, excluding Landscape Floor, Refuge Floor & Plant Room Floor)
(d) No. of Service Apartment Units:	Not more than 1,748
(e) No. of Car Parking Spaces:	298 (Car) 30 (Motorcycle)
(f) No. of Loading/Unloading Bays:	3 (Service Apartment) 1 (Ancillary Facilities)

## Detailed Information

MA(DPO) MEETING ON 9.12.2003

The District of Planning Officer/ Tuen Wan and West Kowloon (DPO/TWK) under the delegated authority of the Board, has considered the application. The application was approved on 9.12.2003 on the terms of the application as submitted to the Board and subject to the following conditions :

- (a) the submission and implementation of a revised MLP to take into account conditions (c) to (j) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission of a revised Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the design and provision of vehicular access, car-parking spaces, and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the setting back of the site boundaries abutting Yeung Uk Road, Wang Lung Street and Fui Yiu Kok Street to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the design and provision of the footbridge connection points and supports across Yeung Uk Road (FB No. 1), with the future adjacent development to the east of the application site (FB No. 2) and across Wang Lung Street (FB No. 3), to the satisfaction of the Director of Highways or of the Town Planning Board;
- (f) the design and provision of the footbridges connecting to the existing footbridge across Ma Tau Pa Road (FB No. 4) and to the future footbridge across the junction between Yeung Uk Road, Ma Tau Pa Road and Luen Yan Street (FB No. 5) when available, to the satisfaction of the Director of Highways or of the Town Planning Board;
- (g) the submission and implementation of a landscape master plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (h) the calculation of the additional gross floor (GFA) for the proposed area to be surrendered in accordance with the intention of the Building (Planning) Regulation 22(2)(b) and to the satisfaction of the Director of Buildings or of the Town Planning Board;
- (i) the provision of emergency vehicular access and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (j) the submission and implementation of a development programme indicating the timing and phasing of the comprehensive development to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (k) the permission should cease to have effect on 9.12.2007 unless prior to the said date either the development hereby permitted was commenced or this permission was renewed.

## **Development Name: Indi House**

Application No.: A/TW/369

Site: Tsuen Wan Town Lot 407, 116-122 Yeung Uk Road, Tsuen Wan

Site Area: 2,146.1 sq m (about)

Plan: Draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/20

Zoning: Comprehensive Development Area (1)” (“CDA(1)”)

Application: Proposed Comprehensive Commercial and Service Apartment Development (Amendments to an Approved Scheme)

### **Broad Development Parameters**

(a) Total GFA: Domestic : N.A.  
Non-domestic : 20,201 sq m (Service Apartment)  
715 sq m (Retail)

(b) No. of Blocks: 1

(c) No. of Storeys: 47 (including a 5-Storey Podium and 1 Refuge Floor)

(d) No. of Service Apartment Units: 440

(e) No. of Car Parking Spaces: 76 (Car)  
9 (Motorcycle)

(f) No. of Loading/Unloading Bays: 3

(g) No. of Lay-bys: 2



### Detailed Information

303rd MPC MEETING ON 13.5.2005

The Master Layout Plan (MLP) and the application, were approved under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the submission and implementation of a revised MLP to take into account conditions (b) to (h) below and to include the development programme of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the design and provision of appropriate vehicular accesses, car parking spaces and motorcycle parking spaces, and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the setting back of the site boundary abutting Fui Yiu Kok Street to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the provision and maintenance of the ground floor landscaping area integrating with the existing public lane and to open the area for public access to the satisfaction of the Director of Highways or of the Town Planning Board;
- (e) the design, implementation and maintenance of a footbridge connecting the two parts of the application site to the satisfaction of the Director of Highways or of the Town Planning Board;
- (f) the provision of the footbridge connections to the future adjacent developments to the west of the application site and across Yeung Uk Road to the satisfaction of the Director of Highways or of the Town Planning Board;
- (g) the calculation of the additional gross floor area for the proposed area to be surrendered in accordance with the intention of the Building (Planning) Regulation 22(2)b and to the satisfaction of the Director of Buildings or of the Town Planning Board;
- (h) the design and provision of emergency vehicular access to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (i) the permission should cease to have effect on 13.5.2009 unless prior to the said date either the development hereby permitted was commenced or this permission was renewed.

## **Development Name: Banyan Garden**

Application No.: A/K20/80

Site: 855-871 Lai Chi Kok Road, Cheung Sha Wan (NKIL 6320)  
(Site A)

Site Area: 19,473 sq m (about)

Plan: Draft South West Kowloon Outline Zoning Plan No.  
S/K20/15

Zoning: “Comprehensive Development Area” (“CDA”)

Application: Minor Amendments to an Approved Scheme for  
Comprehensive Residential and Retail Development

### **Broad Development Parameters**

(a) Total GFA: Domestic : 145,625 sq m (about)  
Non-domestic : 5,799 sq m (about)

(b) No. of Blocks: 7

(c) No. of Storeys: 34 - 49 (over a 4-storey Podium)

(d) No. of Units: 2,528

(e) No. of Car Parking Spaces: 632 (Residential)  
29 (Retail)  
2 (Community Hall)  
140 (Public Lorry)  
35 (Motorcycle)

(f) No. of Loading/Unloading Spaces: 7 (Residential)  
5 (Retail)  
1 (Community Hall)

(g) No. of Lay-bys: 1 (Community Hall)  
1 (Bus)  
3 (Public Light Bus)

## Detailed Information

MA(DPO) ON 23.7.2004

The District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), under the delegated authority of the Board, has considered the application. The application was approved on 23.7.2004 on the terms of the application as submitted to the Board subject to the following conditions which are the same as the previously approved Master Layout Plan (Application No. A/K20/37) (except that minor modifications have been made to approval conditions (g), (i), (k) and (o); and that approval conditions (h) under Application No. A/K20/37 has been deleted (with the approval conditions following (h) re-numbered)) and advisory clauses (d) and (e) have also been revised: -

(a) The submission and implementation of a revised Master Layout Plan to incorporate the approval conditions as stipulated in conditions (b), (c), (e) to (h) and (k) to (n) below and to include the development programme of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;

(b) The design and provision of the area designated for parking including 280 public lorry parking spaces; the provision of loading/unloading bays and lay-bys as well as the manoeuvring of vehicles to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(c) The design and provision of the vehicular access points of the proposed development to the satisfaction of the Commissioner for Transport or the Town Planning Board;

(d) The design, provision and implementation of the upgrading of the pedestrian crossings and road widening at the junction of Lai Chi Kok Road/Tung Chau Street/Tai Nan West Street, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(e) The design and provision of the pedestrian links from the northern and southern boundaries of the application site across Lai Chi Kok Road and Sham Shing Road respectively, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(f) The design and provision of 3 green mini-bus lay-bys to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(g) The design and provision of a bus bay with shelter along Lai Chi Kok Road to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(h) The design and provision of the footpaths along Lai Chi Kok Road and Sham Shing Road to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(i) The implementation of remedial measures as identified in the contamination assessment reports and remedial action plans to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

(j) The submission of a drainage impact assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

(k) The submission and implementation of a Master Landscape Plan including detailed landscaping proposals, open spaces and other amenities to the satisfaction of the Director of Planning or of the Town Planning Board;

(l) The set back of the site abutting Lai Chi Kok Road and Sham Shing Road for 3m to facilitate the provision of a tree planting strip along the kerbsides, with underground utility installation underneath to the satisfaction of the Director of Planning or of the Town Planning Board;

(m) The design and provision of a community hall (593 sq. m Net Operational Floor Area) to the satisfaction of the Director of Home Affairs or of the Town Planning Board;

(n) The design, provision and maintenance of the emergency vehicular access to the satisfaction of the Director of Fire Services or of the Town Planning Board; and

(o) The permission shall cease to have effect on 23.7.2008 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## Development Name: Metro Harbour View

Application No.: A/K3/412

Site: 8 Fuk Lee Street and 201 Tai Kok Tsui Road, Mong Kok, Kowloon

Site Area: 21,237 sq m (about)

Plan: Draft Mong Kok Outline Zoning Plan No. S/K3/19

Zoning: “Comprehensive Development Area” (“CDA”)

Application: Proposed Minor Amendments to Approved Development Scheme for Residential and Commercial Development with Kindergarten, Public Car and Light Goods Vehicle Parking Facilities and Public Open Space

### Broad Development Parameters

(a) Total GFA: Domestic : 159,277.494 sq m  
Non-domestic : 31,855.416 sq m

(b) No. of Blocks: 10

(c) No. of Storeys: 49-50 (including 1 refuge floor)

(d) No. of Units: 3,520

(e) No. of Car Parking Spaces: 704 (Residential)  
50 (Visitor)  
81 (Retail)  
70 (Motorcycle)  
100 (Public – Private Car)  
130 (Public - Light Goods Vehicle)

(f) No. of Loading/Unloading Bays: 10 (Residential)  
26 (Commercial)

## Detailed Information

MA(DPO) MEETING ON 6.6.2003

The District Planning Officer, under the delegated authority of the Town Planning Board (TPB), has considered the application. In the light of the reasons given in the application, the application was approved on 6.6.2003 subject to the following conditions :

- (a) The submission and implementation of a revised Master Layout Plan to incorporate the approval conditions as stipulated in conditions (b) to (l) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) The design and provision of the vehicular accesses to the application site and parking, loading/unloading and lay-by facilities and space for manoeuvring of vehicles to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) The provision, management and maintenance of the public car/ light goods vehicles parking facilities, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) The design and provision of the proposed Fuk Lee Street Extension, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) The setting back of the development at ground floor level abutting Fuk Lee Street, the proposed Fuk Lee Street Extension and Tai Kok Tsui Road for road/footpath widening and public light bus lay-by purposes to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) The provision and implementation of the junction improvement works necessitated by the proposed development as identified in the traffic impact assessment submission, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (g) The design, provision and maintenance of pedestrian links to the Tung Chau Street Park to the north of the site to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (h) The submission and implementation of a master landscape plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (i) The design and provision of a public open space (9,848 square metres) within the proposed development, as proposed by the applicant, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (j) The design and provision of a refuse collection point to the satisfaction of the Director of Food and Environmental Hygiene or of the Town Planning Board;
- (k) The design and provision of a kindergarten to the satisfaction of the Director of Education or of the Town Planning Board;
- (l) The design and provision of an emergency vehicular access for the proposed development to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (m) The provision of drainage and sewage disposal facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (n) The submission of a land contamination assessment and the implementation of the recommendations identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (o) The implementation of the development programme of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (p) The permission shall cease to have effect on 6.6.2007 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: One Beacon Hill**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: A/K18/147

Use Applied for: Private Residential Development(Master Layout Plan Submission)

#### Location:

Address: Beacon Hill Road, Kowloon Tong, Kowloon

Lot Number: NKIL 6277

Statutory Plan: S/K18/3 (Kowloon Tong OZP)

#### Detailed Information:

Site Area (sq.m): 41,578.00

Proposed Number of Unit: 604.00

Number of Storeys: 7 - 12

GFA Applied for (sq.m): 72480

Zoning: Comprehensive Development Area

### Detailed Information

The Town Planning Board (the Board) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application as submitted to the Board and subject to the following conditions :

(a) The submission and implementation of a revised Master Layout Plan (MLP) to incorporate the approval conditions as stipulated in conditions (b) to (e) and (h) below to the satisfaction of the Director of Planning or of the Town Planning Board;

(b) The design and implementation of the road improvement scheme at the junction of Cornwall Street/Kent Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Board;

(c) The design and implementation of the internal access roads on the application site to the satisfaction of the Director of Highways or of the Town Planning Board;

(d) The submission and implementation of landscaping proposals, including tree preservation, tree planting and transplanting schemes and the landscape measures for the traffic improvement scheme at the junction of Kent Road/ Cornwall Street, to the satisfaction of the Director of Planning or of the Town Planning Board;

(e) The design and provision of refuse collection points including the ingress/egress and run-in/run-out to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;

(f) The design and implementation of drainage diversion and modification scheme on the application site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

(g) The design and implementation of water supply system to the satisfaction of the Director of Water Supplies or of the Town Planning Board;

(h) The submission and implementation of the development programme of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board; and

(i) The permission shall cease to have effect on 28.1.2003 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: Laguna Verde**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/K9/113**

Use Applied for: Comprehensive residential development with commercial facilities, government, institution or community facilities and open space

#### Location:

Address: Comprehensive Development Area at KIL 11056, Tai Wan Road, Hung Hom

Lot Number: KIL 11056

Statutory Plan: S/K9/8 (Hung Hom OZP)

#### Detailed Information:

Site Area (sq.m): 64,150.00

Proposed Number of Unit: 4,735.00

Number of Storeys: 24 - 34

GFA Applied for (sq.m): 419445

Zoning: Comprehensive Development Area



### Detailed Information

The Town Planning Board (the Board) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application submitted to the Board and subject to the following conditions :

(a) The submission and implementation of a revised Master Layout Plan to incorporate the approval conditions as stipulated in conditions (c) to (f) and (i) below to the satisfaction of the Director of Planning or of the Town Planning Board;

(b) The full development of the proposal should take place only to the extent of the height permitted from time to time under the Hong Kong Airport (Control of Obstructions) Ordinance;

(c) The maximum building height of any part of the proposed development should not exceed 104.39mPD;

(d) The provision of open space to the satisfaction of the Director of Planning or of the Town Planning Board;

(e) The design and provision of car-parking, loading/unloading facilities and vehicular access to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(f) The submission and implementation of detailed layouts for all proposed road junction improvement measures, as identified in the submitted Traffic Impact Assessment, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(g) The design and provision of stormwater drainage and sewer alignment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

(h) The implementation of the noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

(i) The provision of emergency vehicular access and fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and

(j) The permission shall cease to have effect on 5.6.2001 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: Summit Terrace**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/TW/288**

Use Applied for: **Minor Amendments to the Approved Scheme of Comprehensive Res. Dev**

#### Location:

Address: **Area 3, Tsuen Wan**

Lot Number: **TWTL 382**

Statutory Plan: **S/TW/11 (Tsuen Wan OZP)**

#### Detailed Information:

Site Area (sq.m): **38,400.00**

Proposed Number of Unit: **1,264.00**

Number of Storeys: **46 - 47**

GFA Applied for (sq.m): **67500**

Zoning: **Open Space,Residential (Group A),Comprehensive Development Area**

### Detailed Information

As the application only involves minor amendments to a previous scheme (No. A/TW/267) approved with conditions by the Town Planning Board (the Board) on 11.6.1999, the District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK) under the delegated authority of the Board has approved the application on 22.6.2000 on the terms of the application as submitted to the Board subject to the following conditions :

- (a) The submission of a revised traffic impact assessment and provision of the necessary interim traffic arrangements prior to the completion of Route 5 Extension, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) The design and provision of the proposed vehicular access road, light bus terminus, traffic circulation arrangement, vehicle parking, and loading/ unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) The design and provision of the setting back of the site boundaries abutting the proposed Route 5 Extension to the satisfaction of the Director of Highways or of the Town Planning Board;
- (d) The diversion, design and provision of waterworks reserves and facilities to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (e) The provision of mitigation measures identified in the air quality and noise impact assessments, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) The diversion, design and provision of the drainage reserves and facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (g) The provision of fire fighting and emergency vehicular access to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (h) The design and provision of public open space within the proposed development to the satisfaction of the Director of Regional Services or of the Town Planning Board;
- (i) The submission and implementation of landscaping and tree preservation proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (j) The design and provision of the proposed footbridge between the platforms of Towers 1 and 2 to the satisfaction of the Director of Highways or of the Town Planning Board;
- (k) The submission of an implementation programme to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (l) The permission shall cease to have effect on 11.6.2002 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: New Haven**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/TW/262**

Use Applied for: Residential Development (Minor Amendments to Approved Scheme)

#### Location:

Address: 357-379 Sha Tsui Road, Junction Between Sha Tsui Road & Kwan Mun Hau Street, Tsuen Wan

Lot Number: TWTL 63 & DD 449 Lot 2117 s.A, s.B and s.B Ext.

Statutory Plan: S/TW/10 (Tsuen Wan OZP)

#### Detailed Information:

Site Area (sq.m): 8,613.00

Proposed Number of Unit: 648.00

Number of Storeys: 39

GFA Applied for (sq.m): 43066

Zoning: Comprehensive Development Area

### Detailed Information

The Town Planning Board (the Board) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application submitted to the Board and subject to the following conditions :

- (a) The submission and implementation of a revised Master Layout Plan (MLP) to incorporate the approval conditions (b) to (e) below and to include a development programme indicating the timing and phasing for the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) The submission of a traffic impact assessment, and the design and implementation of the proposed road and junction improvement measures to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) The design and layout of the vehicular run-in/run-out, the area designated for parking and lay-by, loading/unloading and manoeuvring of vehicles and the pedestrian footpath to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) The design and implementation of the footbridge connecting the application site and the proposed Government footbridge along Kwan Mun Hau Street and continuing to join Fortune Commercial Building (TWTL 355) to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) The design and submission of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (f) The permission shall cease to have effect on 16.10.2001 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## Development Name: Hollywood Terrace

### Detail information of Planning Application Case

#### General Information:

Case Number.: **A/H3/296**

Use Applied for: Comprehensive Residential Development

#### Location:

Address: A site bounded by Queens Road Central, Hiller Street, Hollywood Road and Shing Wong Street

Lot Number: IL 8732, 850SA

Statutory Plan: S/H3/12 (Sai Ying Pun & Sheung Wan OZP)

#### Detailed Information:

Site Area (sq.m): 4,145.00

Proposed Number of Unit: 550.00

Number of Storeys: 41

GFA Applied for (sq.m): 41567

Zoning: Government, Institution or Community, Comprehensive Development Area

### Detailed Information

As the application involves minor amendments to a previously approved scheme (Application No. A/H3/248) approved by the Town Planning Board (the Board) on 9.10.1996, the District Planning Officer/Hong Kong (DPO/HK) under the delegated authority of the Board has approved the application on 8.12.1999 on the terms of the application as submitted to the Board subject to the following conditions:

- (a) The provision of vehicular access at Hollywood Road, turn-around area and on-site loading/unloading bays to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (b) The design, construction, maintenance and management of the public open space at Shing Wong Street and Hollywood Road levels for public use by the developer at the applicants own cost as proposed by the applicant.
- (c) The permission shall cease to have effect on 8.12.2002 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: The Pareville**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/YL/93**

Use Applied for: Minor Amendments to a Comprehensive Residential Development. Previously Approved under Application No. A/YL/57

#### Location:

Address: Tak Yip Street, Area 16, Yuen Long New Town

Lot Number: YLTL 506

Statutory Plan: S/YL/11 (Yuen Long OZP)

#### Detailed Information:

Site Area (sq.m): 30,838.00

Proposed Number of Unit: 1,618.00

Number of Storeys: 14 - 16

GFA Applied for (sq.m): 94614

Zoning: Comprehensive Development Area



### Detailed Information

The Town Planning Board (the Board) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application as submitted to the Board and subject to the following conditions :

(a) the submission and implementation of a revised Master Layout Plan (MLP) to take into account condition (e) below to the satisfaction of the Director of Planning or of the Town Planning Board;

(b) the submission and implementation of a revised master landscape plan to the satisfaction of the Director of Planning or of the Town Planning Board;

(c) the design and implementation of improvement works to the junction between Yuen Long On Lok Road/Long Yip Street/Po Yip Street, as necessitated by the proposed development, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(d) the submission of a sewerage impact assessment and to implement suitable mitigation measures identified therein, as necessitated by the proposed development, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

(e) the provision of emergency vehicular access, water supplies for fire fighting, fire services installations and adequate turning facility for the manoeuvring of a 12m long fire appliance within the application site to the satisfaction of the Director of Fire Services or of the Town Planning Board;

(f) the design and implementation of the "Open Space" site to the north-west of the application site, as proposed by you, to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;

(g) the submission of an implementation programme, with phasing proposals to tie in with the completion of major infrastructure facilities serving the proposed development and the improvement works specified in condition (c) above, to the satisfaction of the Director of Planning or of the Town Planning Board; and

(h) the permission shall cease to have effect on 15.3.2005 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

Application No.: A/YL/101  
Site: YLTL 503RP & Extension, Area 12, Yuen Long New Town  
Site Area: 21,933sq m (about)  
Plan: Draft Yuen Long Outline Zoning Plan No. S/YL/11  
Zoning: “Comprehensive Development Area” (“CDA”)  
Application: Proposed Amendments to Approved Master Layout Plan for Comprehensive Residential Development

Broad Development Parameters

(a) Total GFA: Domestic : 109,665 sq m  
Non-domestic : 3,290 sq m  
(b) No. of Blocks: 8  
(c) No. of Storeys: Between 32 to 37 Domestic Storeys  
(d) No. of Units: 2,156 - 2,356  
(e) No. of Car Parking Spaces: 371 - 455 (Residents)  
40 (Visitors)  
(f) No. of Motorcycle Parking Spaces: 21 - 25  
(g) No. of Loading/Unloading Spaces: 8

### Detailed Information

The District Planning Officer/Tuen Mun and Yuen Long, under the delegated authority of the Town Planning Board, has considered the application. In the light of the reason(s)/ justification(s) given in the application, It is to inform the applicant that the application, together with the submitted Master Layout Plan (MLP) was approved under section 4A(2) of the Town Planning Ordinance on 9.12.2002 subject to the following conditions :

- (a) The submission and implementation of a revised Master Layout Plan (MLP) to take into account conditions (c) to (e) to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) The submission and implementation of a revised Master Landscape Plan including tree survey and tree felling proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) The design and provision of the proposed footbridge across Yuen Lung Street, as proposed by the applicant, to the satisfaction of the Director of Highways or of the Town Planning Board;
- (d) The design and provision of the car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) The design and provision of emergency vehicular access, water supplies for fire-fighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (f) The submission of a revised sewerage impact assessment and provision of temporary sewage treatment/discharge facilities to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (g) The permission shall cease to have effect on 9.12.2006 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: Villa Esplanda**

### **Detail information of Planning Application Case**

General Information:

Case Number.: **A/TY/47**

Use Applied for: Proposed amendments to the approved Master Layout Plan for Comprehensive Residential and Commercial Development.

Location:

Address: Nga Ying Chau, Tsing Yi Area 8, Tsing Yi

Lot Number: TYTL 129

Statutory Plan: S/TY/13 (Tsing Yi OZP)

Detailed Information:

Site Area (sq.m): 41,500.00

Proposed Number of Unit: 2,824.00

Number of Storeys: 35 - 40

GFA Applied for (sq.m): 209180

Zoning: Comprehensive Development Area

#### Detailed Information

The Town Planning Board (the Board) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application submitted to the Board and subject to the following conditions :

(a) The submission and implementation of a revised Master Layout Plan to incorporate conditions (b), (c), (d) and (g) below to the satisfaction of the Director of Planning or of the Town Planning Board;

(b) The design and provision of emergency vehicular access and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;

(c) The design and provision of vehicular access and internal roads of the development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(d) The design and provision of a public transport terminus, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(e) The design and construction of ventilation systems for the public transport terminus and the car and lorry parks, and implementation of the noise mitigation measures as proposed in the submitted environmental impact assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

(f) The diversion of the flow of stormwater to the existing open channel at the south-western corner of the site from areas within or outside the site, and the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

(g) The design and provision of a kindergarten of not less than 550m<sup>2</sup> of gross floor area to the satisfaction of the Director of Education or of the Town Planning Board;

(h) The implementation of the submitted development programme of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board; and

(i) The permission shall cease to have effect on 5.2.2002 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## Development Name: Sherwood Court

Application No.: A/TM-LTY Y/110

Site: Lot 2860 and Adjoining Government Land in DD 130, Lam Tei, Tuen Mun

Site Area: 37,870 sq m (about)

Plan: Approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY Y/3

Zoning: "Comprehensive Development Area" ("CDA")

Application: Minor Amendments to Approved Development Scheme for Comprehensive Residential/Commercial/Community Development

### Broad Development Parameters

(a) Total GFA: Domestic : 74,946.199 sq m  
Non-domestic : 3,840 sq m

(b) No. of Blocks: 12

(c) No. of Storeys: Block 1-6 17 Storeys  
Block 7-15 16 Storeys  
(over a 1-level clubhouse or carpark or retail podium)

(d) No. of Units: 1,576

(e) No. of Car Parking Spaces: 308 (Car)  
33 (Motorcycle)  
42 (Bicycle)  
11 (Lorry)

(f) No. of Loading/Unloading Bays: 12

### Detailed Information

MA(DPO) MEETING ON 16.4.2003

The District Planning Officer/ Tuen Mun and Yuen Long, under the delegated authority of the Town Planning Board, has considered the application. In the light of the justifications given in the application, the application was approved on 16.4.2003 subject to the following conditions, which are the same as those under the previously approved scheme (A/TM-LTTY/100):

- (a) The submission and implementation of a revised Master Layout Plan (MLP) to take into account conditions (b), (c), (e), (f), (g), (h), (i) and (j) to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) The submission and implementation of a revised Master Landscape Plan including a tree survey and a tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) The submission of a revised car parking layout to provide a more pedestrian friendly environment and better open space design to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) The submission of a revised drainage impact assessment and the provision of drainage facilities and flood mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) The provision of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) No air sensitive uses should be located within the area coloured grey as shown on Plan A-2a of the Town Planning Board Paper unless appropriate mitigation measures are implemented to ensure that the proposed development would not be subject to any adverse environmental impacts;
- (g) The provision of a free standing market site, with a site area not less than 1,000 sqm and with loading/unloading bays for goods, vehicles, refuse collection vehicles and pedestrian access, as proposed by you, to the satisfaction of the Director of Food and Environmental Hygiene or of the Town Planning Board;
- (h) The design and provision of a public open space of not less than 7,080 sqm, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (i) The provision of emergency vehicular access, water supplies for fire-fighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (j) The provision of traffic facilities within the site to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (k) The submission and implementation of a development and phasing programme for the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (l) The permission shall cease to have effect on 16.4.2007 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## Development Name: Beneville

Application No.: A/TM/310

Site: TMTL 399, Lots 461RP & 462RP(part) in DD 132 and Adjoining Government Land, Fu Tei, Area 52, Tuen Mun

Site Area: Site 2A: 11,500 sq m (about)  
Site 2B: 2,551 sq m (about)

Plan: Draft Tuen Mun Outline Zoning Plan No. S/TM/17

Zoning: Comprehensive Development Area” (“CDA”)

Application: Minor Amendments to an Approved Development Proposal for Comprehensive Residential Development

### Broad Development Parameters

(a) Total GFA: Domestic : 34,500 sq m Site 2A  
7,653 sq m Site 2B  
Non-domestic : N.A. Site 2A  
N.A. Site 2B

(b) No. of Blocks: 4 Site 2A  
1 Site 2B

(c) No. of Storeys: 16 - 27 Site 2A  
29 Site 2B

(d) No. of Units: 684 Site 2A  
116 Site 2B

(e) No. of Car Parking Spaces: Residential : 171 Site 2A  
29 Site 2B  
Visitors : 20 Site 2A  
5 Site 2B  
Motorcycle : 9 Site 2A  
2 Site 2B  
Bicycle : 36 Site 2A  
6 Site 2B

(f) No. of Loading/Unloading Bays: 4 Site 2A  
1 Site 2B



### Detailed Information

MA(DPO) ON 25.9.2003

The District Planning Officer/ Tuen Mun and Yuen Long, under the delegated authority of the Town Planning Board, has considered the application. In the light of the justifications given in the application, its approved on 25.9.2003 subject to the following conditions :

(a) the submission and implementation of a revised Master Layout Plan (MLP) to take into account conditions (b) to (c) below to the satisfaction of the Director of Planning or of the Town Planning Board;

(b) the submission and implementation of landscaping proposals, including a tree preservation plan, to the satisfaction of the Director of Planning or of the Town Planning Board;

(c) the provision of an emergency vehicular access with standard fire hydrants and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;

(d) the provision of a drainage reserve to facilitate Drainage Services Departments operation and maintenance of the box culvert underneath to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

(e) the diversion of the water mains to be affected by the proposed development to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and

(f) the permission shall cease to have effect on 25.9.2007 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: South Hillcrest**

Application No.: A/TM/317  
Site: Tuen Mun Town Lot 443, Area 52, Fu Tei, Tuen Mun  
Site Area: 6,320 sq m (about)  
Plan: Draft Tuen Mun Outline Zoning Plan No. S/TM/19  
Zoning: “Comprehensive Development Area” (“CDA”)  
Application: Proposed Comprehensive Residential Development (Minor Amendments to a Development Scheme Previously Approved under Application No. A/TM/298)

### **Broad Development Parameters**

(a) Total GFA: Domestic : Not more than 18,960 sq m  
Non-domestic : N.A.

(b) No. of Blocks: 1

(c) No. of Storeys: 32 Storeys (over a Lobby Floor)

(d) No. of Units: 310 - 320

(e) No. of Car Parking Spaces: 52 - 54 (Residents)  
5 (Visitors)  
6 (Motorcycle)  
20 (Bicycle)

(f) No. of Loading/Unloading Spaces: 1

### Detailed Information

285th RNTPC MEETING ON 17.7.2004

The Master Layout Plan (MLP) and the application, were approved under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the submission and implementation of a revised MLP to take into account conditions (b), (d) and (e) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of landscaping proposals, including a tree preservation plan, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission of a Drainage Impact Assessment Review and the implementation of flood mitigation measures and provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the provision of emergency vehicular access to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (e) the submission of an implementation programme to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (f) the permission should cease to have effect on 17.7.2008 unless prior to the said date either the development hereby permitted was commenced or this permission was renewed.

## **Development Name: Champagne House**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/NE-TKL/93**

Use Applied for: Private residential and ancillary chinese-style garden development (Master Layout Plan Submission) and minor relaxation of domestic gross floor area restriction.

Location:  
Address: Kwan Tei, Fanling

Lot Number: DD 83 LOTS 137A, 137B(P), 137RP(P), 2183 & GOVT LAND

Statutory Plan: S/NE-TKL/2 (Ping Che & Ta Kwu Ling OZP)

Detailed Information:

Site Area (sq.m): 11,760.00

Proposed Number of Unit: 1.00

Number of Storeys: 2

GFA Applied for (sq.m): 1079

Zoning: Comprehensive Development Area

### **Detailed Information**

The Town Planning Board (the Board) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application submitted to the Board and subject to the following conditions :

(a) The implementation of a master landscape plan to the satisfaction of the Director of Planning or of the Town Planning Board;

(b) The submission of a development programme showing the timing and phasing of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;

(c) The submission of drainage impact assessment and implementation of drainage improvement measures to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and

(d) The permission shall cease to have effect on 13.11.2001 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: Harbour Green**

Application No.: A/K20/84

Site: Comprehensive Development Area at Airport Railway Olympic Station, West Kowloon Reclamation

Site Area: 17,192 sq m (about)

Plan: Draft South West Kowloon Outline Zoning Plan No. S/K20/15

Zoning: “Comprehensive Development Area” (“CDA”)

Application: Minor Amendments to an Approved Scheme for Comprehensive Development (Site D only)

### **Broad Development Parameters**

(a) Total GFA: Domestic : Not more than 103,152 sq m  
Non-domestic : N.A.

(b) No. of Blocks: 5

(c) No. of Domestic Storeys: Not exceeding 41 (Tower 1 & 2)  
Not exceeding 46 (Tower 3)  
Not exceeding 48 (Tower 5 & 6))

(d) No. of Units: Not more than 1,526

(e) No. of Car Parking Spaces: 242 - 266 (Residential)  
25 (Visitors)  
2 (Kindergarten)

(f) No. of Motor Cycle Parking Spaces: 14

(g) No. of Lay-bys: 2 (Taxi for Kindergarten)  
2 (School bus for Kindergarten)  
2 (Shuttle bus)

(h) No. of Loading/Unloading Bays: 5

## Detailed Information

MA(DRR) ON 29.1.2005

The Director of Planning, under the delegated authority of the Town Planning Board (TPB), has considered the application. In the light of the reasons given in the application, the application was approved on 29.1.2005 subject to the following conditions:

- (a) The submission and implementation of a revised Master Layout Plan, incorporating the approval conditions (b) to (e) and (g) to (j) below, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) The submission of a revised visual impact assessment with variation of building heights to minimise the visual impacts of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) The design and provision of vehicular access arrangement including vehicular ingress/egress points and internal vehicular access roads, parking and loading/unloading facilities and lay-bys within the development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) The design and provision of a pedestrian circulation system, including footbridges and entrances to the Mass Transit Railway (MTR) Olympic Station, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) The design and provision of a continuous and elevated walkway system, on the podium level with 24-hour access and disabled lifts, linking Site D to the MTR station, the adjacent hinterland to the east and the proposed footbridge in the north to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) The design, provision and implementation of traffic management and improvement measures (including road widening, junction improvement works), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (g) The submission and implementation of a landscape master plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (h) The provision of kindergarten facilities within the proposed development to the satisfaction of the Director of Education or of the Town Planning Board;
- (j) The provision of emergency vehicular access, water supplies for firefighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (j) The design of the building to incorporate noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (k) The permission shall cease to have effect on 29.1.2009 unless prior to the said date either the developments hereby permitted is commenced or this permission is renewed.

## **Development Name: Whampoa Garden**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/K9/141**

Use Applied for: Hotel Extension in an Existing Comprehensive Hotel, Office and Open Space Development (Proposed Amendments to the Approved MLP)

#### Location:

Address: Hung Hom, Kowloon

Lot Number: HHML 6 and Extension

Statutory Plan: S/K9/11 (Hung Hom OZP)

#### Detailed Information:

Site Area (sq.m): 13,275.00

Proposed Number of Unit: N/A

Number of Storeys: 20 - 32

GFA Applied for (sq.m): 146024

Zoning: Comprehensive Development Area



### Detailed Information

The Town Planning Board (the Board) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application as submitted to the Board and subject to the following conditions :

- (a) The submission and implementation of a revised Master Layout Plan to incorporate the approval conditions stated in paragraphs (b) and (c) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) The design and provision of car-parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) The proposed footbridge connection on the 20/F between the existing lift lobby of the Hotel and Office Tower 2 should be revised to the satisfaction of the Director of Buildings or of the Town Planning Board;
- (d) The proposed calculation of gross floor area and non-accountable gross floor area as per the Practice Note for Authorized Persons No. 13 (June 1998 Revision) should be obtained to the satisfaction of the Director of Buildings or of the Town Planning Board;
- (e) The proposed hotel concession as per the Practice Note for Authorized Persons No. 111 (August 1996 Revision) should be obtained to the satisfaction of the Director of Buildings or of the Town Planning Board; and
- (f) The permission shall cease to have effect on 28.1.2003 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## Development Name: The Metropolis

Application No.: A/K9/169  
Site: Hung Hom Bay Reclamation, Kowloon  
Site Area: 5.0058 ha (about)  
Plan: Draft Hung Hom Outline Zoning Plan No. S/K9/16  
Zoning: “Comprehensive Development Area”(“CDA”)  
Application: Minor Amendments to the Approved MLP upon KCRC  
Freightyard Extension

### Broad Development Parameters

(a) Total GFA: Domestic : N.A.  
Non-domestic : 40,000 sq m (Hotel)  
33,718 sq m (Commercial/ Retail)  
23,466 sq m (Office)  
35,922 sq m (Service Apartment)

(b) No. of Blocks: 4

(c) No. of Storeys: 4-5 (Podium Deck)  
8 to 11 (Hotel)  
15 (Office)  
18 (Service Apartment)

(d) No. of Units: 690 (Hotel)  
662 (Service Apartment)

(e) No. of Car Parking Spaces: 394 (Office/ Retail/ Service Apartment)  
6 (Hotel)

(f) No. of Coach Parking Spaces: 38

(g) No. of Loading/ Unloading Bays: 45 (Office/ Retail/ Service Apartment)  
2 (Hotel)

(h) No. of Lay-bys: 2 (Office)  
4 (Taxi/ Car) (Hotel)  
2 (Tour Bus) (Hotel)

### Detailed Information

MA(DPO) MEETING ON 28.8.2002

The application involves minor amendments to the latest approved scheme (Application No. A/K9/136 with five subsequent minor amendment applications No. A/K9/143, A/K9/145, A/K9/153, A/K9/160, A/K9/164 processed under the delegated authority) for a comprehensive development with office, hotel, retail and service apartment uses above the Hung Hom KCRC Freightyard Extension. The currently proposed amendments are related to the revision of flat size and room-mix ratio of the service apartment units. The applicant have also confirm that there is no change in the Master Layout Plan (MLP) approved on 8.2.2002, which was deposited in the Land Registry pursuant to section 4A(3) of the Town Planning Ordinance on 18.7.2002

On 28.8.2002, the District Planning Officer/ Kowloon under the delegated authority of the Board has approved the application on the terms of the application as submitted to the Board subject to the following conditions:

- (a) The implementation of a master landscape plan to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (b) The permission shall cease to have effect on 28.8.2006 unless prior to the said date either the development hereby permitted is commenced or the permission is renewed.

## **Development Name: Parc Palais**

Application No.: A/K2/167

Site: Area at the Junction of Princess Margaret Road and Wylie Road, Yau Ma Tei, Kowloon (KIL 11118)

Site Area: 36,006 sq m (about)

Plan: Draft Yau Ma Tei Outline Zoning Plan No. S/K2/16

Zoning: “Comprehensive Development Area” (“CDA”)

Application: Minor Amendments to an Approved Development Scheme for Residential Development

### **Broad Development Parameters**

(a) Total GFA: Domestic : Not more than 84,000 sq m  
Non-domestic : N.A.

(b) No. of Blocks: 8

(c) No. of Storeys: 25 (above 4 Levels of Carports)

(d) No. of Flats: 700

(e) No. of Car Parking Spaces: 700 (Resident)  
40 (Visitor)  
37 (Motorcycle)

(f) No. of Loading/Unloading Spaces: 9

(g) No. of Green Mini-bus Lay-by: 1

## Detailed Information

MA(DRR) MEETING ON 24.3.2004

The District Planning Officer/ Tsuen Wan and West Kowloon, under the delegated authority of the Town Planning Board (TPB), had considered the application. In the light of the justifications given in the application, the application was approved on 3.10.2003 subject to the following conditions:

- (a) The submission and implementation of a revised Master Layout Plan incorporating the approval conditions (b) to (c), (e) to (h) and (k) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) The design and provision of the vehicular access, car parking and motorcycle parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) The design and provision of the mini bus lay-by within the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) The design and implementation of widening of Wylie Road and junction improvement schemes at the junctions of Wylie Road/Princess Margaret Road and Wylie Road/Kings Park Rise, as proposed by the applicant in the Traffic Impact Assessment, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) The set-back of the northern portion of the site abutting Wylie Road to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) The design and provision of emergency vehicular access to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (g) The submission and implementation of a master landscape plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (h) The design and provision of the podium of the proposed development including the provision of sensitive facade treatment to reduce its longitudinal effect, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (i) The design and provision of a refuse collection point to the satisfaction of the Director of Food and Environmental Hygiene or of the Town Planning Board;
- (j) The design and implementation of a water supply system to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (k) The submission and implementation of a development programme of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (l) The permission shall cease to have effect on 24.3.2008 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## Development Name: Tung Chung Town Centre

(a) Application no.	:	A/I-TCTC/28			
(b) Location/Address of application site	:	Tung Chung Town Centre Comprehensive Development Area (TCTL 5). Lantau Island			
(c) Site area	:	67,900 m <sup>2</sup>			
(d) Plan	:	S/I-TCTC/14 Approved Tung Chung Town Centre Area Outline Zoning Plan No. S/I-TCTC/14			
(e) Zoning	:	Comprehensive Development Area			
(f) Applied Use/Development	:	To seek approval of revision to the approved Master Layout Plan from the provision of 8 lowrise domestic blocks to 56 townhouses and other minor revisions of layout in TCTL 5			
(g) Total floor area and/or plot ratio	:			<u>m<sup>2</sup></u>	
		Domestic	:	Not to exceed 10,500 (for Townhouses only)	
		Non-domestic	:	-	
		- office	:	-	
		- hotel	:	-	
		- retail	:	-	
		- others (please specify)	:	-	
			-	Plot ratio	
			-	-	
			-	N.A.	
			-	N.A.	
(h) No. of block	:	Domestic	:	56 (for Townhouses only)	
		Non-domestic	:	-	
(i) No. of storeys/building height :	:	Domestic	:	4 storey(s)   Max.15 m	
					(for Townhouses only)
					- mPD
		Non-domestic	:	- storey(s)   - m	
					- mPD
(j) No. of units/hotel guestrooms	:	-			
(k) Open Space	:	Private	:	- m <sup>2</sup>	
		Public	:	- m <sup>2</sup>	
(l) No. of parking spaces and loading/unloading spaces :	:	car parking spaces		93	
					for Townhouses only)
		lorry parking spaces		:	-
		coach parking spaces		:	-
		motorcycle parking spaces		:	-
loading/unloading spaces		:	Not less than 1 (for Townhouses only)		

## Detailed Information

328th RNTPC MEETING ON 16.6.2006

1. After deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 16.6.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

(a) the submission and implementation of a revised MLP, taking into account conditions (b), (d), (e), (f) and (h) below and including a development programme, to the satisfaction of the Director of Planning or of the Town Planning Board;

(b) the design and provision of kindergartens and associated car parking and/or setting-down/picking-up areas to the satisfaction of the Permanent Secretary for Education and Manpower or of the Town Planning Board;

(c) the provision of noise mitigation and air quality control measures to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

(d) the design and provision of a day nursery to the satisfaction of the Director of Social Welfare or of the Town Planning Board;

(e) the design and provision of a primary school and associated car parking and/or setting down/picking-up areas to the satisfaction of the Permanent Secretary for Education and Manpower or of the Town Planning Board;

(f) the building heights of the proposed development in terms of the number of storeys and metres above the principal datum to the satisfaction of the Director-General of Civil Aviation or of the Town Planning Board;

(g) the design and implementation of the outdoor amenity and recreational facilities to minimize the adverse impacts of the "shadow effect" to the satisfaction of the Director of Planning or of the Town Planning Board; and

(h) the detailed design and provision of car, cycle and motorcycle parking spaces, and loading and unloading bays to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

## **Development Name: Queen's Terrace Tower**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/H3/324**

Use Applied for: Proposed Comprehensive Residential Development with Shops, Social Welfare Facilities, Cooked Food Centre with Ancillary Toilet and Open Space (Minor Amendments to the Approved MLP)

#### Location:

Address: Queen Street, Sheung Wan

Lot Number: IL 8897

Statutory Plan: S/H3/15 (Sai Ying Pun & Sheung Wan OZP)

#### Detailed Information:

Site Area (sq.m): 6,764.00

Proposed Number of Unit: 1,148.00

Number of Storeys: 40 - 49

GFA Applied for (sq.m): 66233

Zoning: Comprehensive Development Area



### Detailed Information

The application has been considered under the delegated authority of the Town Planning Board. The proposed amendments are found to be acceptable under the Town Planning Board Guidelines for Minor Amendments to Approved Development Proposals (TPB PG - No. 19A). The application is approved on 21.11.2001 subject to the following conditions :

- (a) The submission and implementation of a revised Master Layout Plan to incorporate the approval conditions stated in paragraphs (b), (c), (d), (f), (g), (h) and (k) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) The design and provision of a cooked food centre (at a net operational floor area of 485m<sup>2</sup> discounting the area for the water scrubber plant, dangerous goods stores and other related plant rooms) and its ancillary public toilet to the satisfaction of the Director of Food and Environmental Hygiene or of the Town Planning Board;
- (c) The design and provision of an open space with disabled access to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (d) The design and provision of the social welfare facilities to the satisfaction of the Director of Social Welfare or of the Town Planning Board;
- (e) The submission of a sewerage impact study for the development taking into account the interim sewerage improvement in Ko Shing Street, Queen Street and Queens Road West and implementation of necessary improvement works to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) The provision of parking spaces for motor-cycles to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (g) The design and provision of vehicular access to the subject site and a detailed road widening scheme at Queen Street, Ko Shing Street, the junction of these two streets and Queens Road West to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (h) The design and provision of the proposed bus-lay-by and taxi lay-by and footpath widening at Queen Street to the satisfaction of the Director of Highways or of the Town Planning Board;
- (i) The diversion of existing underground drainage facilities in Tsung Sau Lane East and Heung Hing Lane to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (j) The diversion of affected existing water mains to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (k) The submission and implementation of a master landscape plan, including landscape treatment of existing lanes and footpath adjoining the subject site, to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (l) The permission shall cease to have effect on 21.11.2004 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: Merton**

Application No.:	A/H1/72
Site:	Urban Renewal Authority Kennedy Town New Praya CDA
Site Area:	6,075 sq m (about)
Plan:	Approved Kennedy Town and Mount Davis Outline Zoning Plan No. S/H1/12
Zoning:	“Comprehensive Development Area” (“CDA”)
Application:	Minor Amendments to the Approved Master Layout Plan

### **Broad Development Parameters**

(a) Total GFA:	Domestic :	Site A: Not more than 44,928 sq m Site B: Not more than 25,096 sq m
	Non-domestic :	Not less than 2,300 sq m (including a public ancillary toilet of not less than 80 sq m GFA and 56 sq m NOFA)
(b) No. of Blocks:	Site A: 2 Site B: 1	
(c) No. of Storeys:	Not more than 59	
(d) No. of Units:	Site A: Not more than 800 Site B: Not more than 520	
(e) No. of Car Parking Spaces:	Site A: Not more than 139 Site B: Not more than 84	
(f) No. of Motorcycle Parking Spaces:	Site A: 7 Site B: 5	
(g) No. of Loading/Unloading Spaces:	Site A: 2 Site B: 1	
(h) No. of Refuse Collection Vehicle Spaces:	Site A: 1 Site B: 1	

### Detailed Information

The application has been considered under the delegated authority of the Town Planning Board. The proposed amendments are found to be acceptable under the Town Planning Board Guidelines for Minor Amendments to Approved Development Proposals. The application is approved subject to the following conditions :

(a) The submission and implementation of a revised Master Layout Plan (MLP) to incorporate conditions (b) to (f) below and the implementation of the revised MLP to the satisfaction of the Director of Planning or of the Town Planning Board;

(b) The design and provision of vehicular ingress/egress of the development and the provision of a technically feasible scheme on alternative tram track alignment to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(c) The design, funding, construction and management of the public open space to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;

(d) The submission and implementation of a master landscape plan to the satisfaction of the Director of Planning or of the Town Planning Board;

(e) The design and provision of a footbridge connection at Site A across Cadogan Street with a set of staircase/lift leading to the ground floor as proposed by the applicant to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(f) The submission and implementation of a development programme of the proposed development including the open spaces and landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board; and

(g) The permission shall cease to have effect on 23.10.2006 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## Development Name: 8 Waterloo Road

Application No.:	A/K2/159
Site:	LDC Comprehensive Development Scheme at Waterloo Road/ Yunnan Lane, Yau Ma Tei (Area bounded by Waterloo Road, Portland Street, Man Ming Lane, Shanghai Street and Yunnan Lane)
Site Area:	3,869 sq m (about)
Plan:	Approved LDC Waterloo Road/Yunnan Lane Development Scheme Plan No. S/K2/LDC1/4
Zoning:	“Comprehensive Development Area” (“CDA”)
Application:	Proposed Minor Amendments to an Approved Scheme for Residential Development with Public Open Space and Preservation of Historical Building

### Broad Development Parameters

(a) Total GFA:	Domestic : Not more than 32,012 sq m Non-domestic : N.A.
(b) No. of Blocks:	2
(c) No. of Storeys:	Not exceeding 41
(d) No. of Units:	480 to 576
(e) No. of Car Parking Spaces:	64 (Residential) 10 (Visitor) 8 (Motorcycle)
(f) No. of Loading/Unloading Bays:	2

### Detailed Information

MA(DPO) ON 2.8.2003

The application has been considered under the delegated authority of the Town Planning Board. The proposed amendments are found to be acceptable under the Town Planning Board Guidelines for Amendments to Approved Development Proposals. Its inform the applicant that the application is approved subject to the following conditions :

- (a) The submission and implementation of a revised Master Layout Plan to incorporate the approval conditions as stipulated in conditions (c) and (d) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) The retention of the red-brick building at 344 Shanghai Street and the safeguarding of the building during the construction period of the proposed development to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (c) The design and provision of vehicular entrance, car parking and motorcycle parking spaces and the area designated for parking, loading/unloading and manoeuvring of vehicles to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) The submission and implementation of a master landscape plan for the public open space and the ground level landscape area surrounding the red-brick building to the satisfaction of the Director of Planning or of the Town Planning Board;
- (e) The design and provision of the public open space and the ground level landscape area surrounding the red-brick building to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (f) The submission and implementation of a plan showing the treatment of the building facade of the podium floors of the proposed development facing the red-brick building to the satisfaction of the Director of Planning or of the Town Planning Board;
- (g) The diversion of the existing water mains within the application site to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (h) The submission and implementation of the development programme of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (i) The permission shall cease to have effect on 2.8.2007 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## Development Name: Glof Parview

Application No.: A/FSS/156  
Site: Sheung Shui Lot 2RP in DD 92, Sheung Shui  
Site Area: 29,306 sq m (about)  
Plan: Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/11  
Zoning: “Comprehensive Development Area” (“CDA”)  
Application: Proposed Residential Development (Minor Amendments to an Approved Master Layout Plan)

### Broad Development Parameters

(a) Total GFA: Domestic : 25,900 sq m  
Non-domestic : N.A.

(b) No. of Blocks: House : 7  
Duplex Block Type A : 28 (with 2 Duplexes/Block)  
Duplex Block Type B : 11 (with 2 Duplexes/Block)  
Duplex Block Type C : 5 (with 2 Duplexes/Block)

(c) No. of Storeys: House : 3 (over 1-storey Carport)  
Duplex Block : 4 (over 1-storey Carport)

(d) No. of Units: House : 7  
Duplex Block : 88

(e) No. of Car Parking Spaces: 190

### Detailed Information

271st RNTPC MEETING ON 5.12.2003

The application was approved on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

(a) the submission of a revised Master Layout Plan (MLP) by taking into account the conditions (b), (c) and (f) below to the satisfaction of the Director of Planning or of the Town Planning Board;

(b) the submission and implementation of landscaping and tree preservation proposals to the satisfaction of the Director of Planning or of the Town Planning Board;

(c) the design and provision of vehicular access road, parking spaces, loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(d) the implementation of the accepted mitigation measures on traffic noise impact and sewage disposal facilities to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

(e) the implementation of the accepted mitigation measures on drainage impact to the Director of Drainage Services or of the Town Planning Board;

(f) the submission of an implementation programme to the satisfaction of the Director of Planning or of the Town Planning Board;

(g) the surrender of land from the roundabout at the ingress/egress to the west of the application site to the Government, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and

(h) the permission should cease to have effect on 5.12.2007 unless prior to the said date either the development hereby permitted was commenced or this permission was renewed.

## **Development Name: Nob Hill, Lai Yan Court**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/KC/268**

Use Applied for: Minor Amendments to the Approved Development Scheme for Comprehensive Residential Development.

#### Location:

Address: South of Lai King Hill Road & Kau Wa Keng, Kwai Chung

Lot Number: KCTL 474 (SITE B) & GOVT LAND (SITE A)

Statutory Plan: S/KC/17 (Kwai Chung OZP)

#### Detailed Information:

Site Area (sq.m): 42,744.00

Proposed Number of Unit: 4,130.00

Number of Storeys: 35 - 41

GFA Applied for (sq.m): 262380

Zoning: Comprehensive Development Area



### Detailed Information

The District Planning Officer/ Tsuen Wan and West Kowloon (DPO/TWK), under delegated authority of the board, has considered the application, the application was approved on 22.03.2002 on the terms of the application as submitted to the board subject to the following conditions which are same as the previously approved Master Layout Plan (Application No. A/KC/242):

- (a) The submission and implementation of a revised Master Layout Plan to take into account the approval conditions (b) to (h) below and to include the development programme for the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) The design and provision of the road improvement proposals identified in the traffic impact assessment to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) The design and provision of vehicular access to the development, in particular the access for servicing vehicles to commercial podium, and the internal roads to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) The setting back of the lot boundary along Lai King Hill Road to allow for future widening to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) The provision of motor cycle parking spaces according to a rate of 5-10% of that of private cars to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) The provision of parking and loading/unloading facilities within the proposed development for the primary school to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (g) The design and provision of the public transport interchange consisting of the bus terminus, taxi stand and maxi-cab stand to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (h) The design and provision of an emergency vehicular access with adequate turning facility and fire hydrants to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (i) The diversion of drainage and sewerage facilities affected by the proposed development to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (j) The diversion of water mains affected by the proposed development to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (k) The submission and implementation of a Master Landscape Plan to include landscaping proposals for the podium deck of Site B and roadside of Ching Cheung Road to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (l) The permission shall cease to have effect on 22.03.2005 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: Manhattan Hill**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/K16/14**

Use Applied for: Proposed Comprehensive Commercial/Residential  
Redevelopment (Amendments to Approved Master Layout  
Plan)

#### Location:

Address: Lai Chi Kok Kowloon Motor Bus Depot, 1 Po Lun Street,  
Lai Chi Kok

Lot Number: NKML 3

Statutory Plan: S/K16/7 (Lai Chi Kok OZP)

#### Detailed Information:

Site Area (sq.m): 13,000.00

Proposed Number of Unit: 1,278.00

Number of Storeys: 45 - 48

GFA Applied for (sq.m): 117270

Zoning: Comprehensive Development Area

### Detailed Information

The Town Planning Board (the Board) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application as submitted to the Board and subject to the following conditions :

- (a) The submission and implementation of a revised Master Layout Plan to incorporate the approval conditions as stipulated in conditions (b), (c), (e), (f), (k) and (l) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) The design and provision of Yuet Lun Street widening, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) The design, provision and maintenance of Yuet Lun Street extension, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) The design and provision of the road widening works at the junction of Lai Chi Kok Road/Yuet Lun Street and Lai Chi Kok Road/Po Lun Street, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) The design and provision of footways along Po Lung Street and Broadway as well as a footpath along the southern boundary of the site, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) The design, provision and maintenance of the pedestrian footbridge across Lai Chi Kok Road and Kwai Chung Road connecting the site with Mei Foo bus terminus and Mei Foo Mass Transit Railway station, as well as the provision of a pedestrian footbridge connection point linking with the proposed Regional Stadium, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (g) The implementation of the traffic improvement schemes at the junctions of Yuet Lun Street (south)/Po Lun Street, Yuet Lun Street extension/Broadway, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (h) The construction of the proposed roadways (including the footbridge) and the associated works on public roads, as proposed by the applicant, to the satisfaction of the Director of Highways or of the Town Planning Board;
- (i) The design and provision of noise mitigation measures as proposed in the noise impact assessment submitted by the applicant to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (j) The design and provision of a 300mm sewer connecting the proposed development to the existing truck sewer at Lai Chi Kok Road to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (k) The provision of emergency vehicular access and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (l) The design, provision and maintenance of 4,141sq. m public open space to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (m) The submission and implementation of a landscaping proposal of the proposed development, including a planting strip along the site boundary, with a minimum width of 1.5m along the western and southern sides and 3m along the eastern side, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (n) The submission and implementation of the development programme of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (o) The permission shall cease to have effect on 25.8.2003 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## Development Name: Sorrento, The Waterfront and The Harborside

Application No.: A/K20/87  
Site: Comprehensive Development Area at Airport Railway  
Kowloon Station, West Kowloon Reclamation (KIL 11080)  
Site Area: 13.54 ha (about)  
Plan: Draft South West Kowloon Outline Zoning Plan No. S/K20/16  
Zoning: “Comprehensive Development Area” (“CDA”)  
Application: Proposed Comprehensive Development (Amendments to an  
Approved Master Layout Plan)

### Broad Development Parameters

(a) Total GFA: Domestic : Not more than 608,026 sq m  
Non-domestic : Not more than 482,000 sq m

(b) No. of Blocks: 1 (Commercial)  
2 (Commercial/Residential)  
16 (Residential)  
4 (Pavilion)  
1 (Kindergarten)

(c) No. of Storeys: 102 (about) (Commercial)  
64 (about) (Commercial/Residential)  
36-69 (about) (Residential)  
1-3 (about) (Pavilion)  
1 (about) (Kindergarten)

(d) No. of Units: Not more than 910 (Service Apartment)  
Not more than 1,780 (Hotel)  
5,666-5,866 (Residential)

(e) No. of Car Parking Spaces: 1,322-1,576 (Non-domestic)  
120 (Service Apartment)  
3,938 (Residential)

### Detailed Information

300th MPC MEETING ON 18.3.2005

The Master Layout Plan (MLP) and the application, were approved under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the design and provision of vehicular ingress/egress, parking (including coach parking) and loading/unloading facilities, and lay-bys to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the design and provision of a pedestrian circulation system including footbridges, subways and underpasses, connecting the proposed development with the surrounding areas, particularly the "Comprehensive Development Area" to the east and the West Kowloon Cultural District to the south, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the provision of refuse collection points to the satisfaction of the Director of Food and Environmental Hygiene or of the Town Planning Board;
- (d) the provision, design and construction of public open space to the satisfaction of the Director of Planning or of the Town Planning Board;
- (e) the provision of kindergarten facilities within the proposed development to the satisfaction of the Secretary for Education and Manpower or of the Town Planning Board;
- (f) the provision of emergency vehicular access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (g) the submission and implementation of a landscape master plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (h) the submission of sewerage impact assessment and the implementation of mitigation measures, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (i) the permission should cease to have effect on 18.3.2009 unless prior to the said date either the development hereby permitted was commenced or this permission was renewed.

## **Development Name: Aegean Coast**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/TM/277**

Use Applied for: **Proposed Comprehensive Commercial and Residential Development with Kindergarten Uses (Amendment to the Domestic and Non-domestic Site Coverage of and Approved Development Scheme)**

#### Location:

Address: **Area 55, So Kwan Wat, Tuen Mun**

Lot Number: **TMTL 374**

Statutory Plan: **S/TM/14 (Tuen Mun OZP)**

#### Detailed Information:

Site Area (sq.m): **42,453.00**

Proposed Number of Unit: **1,624.00**

Number of Storeys: **29**

GFA Applied for (sq.m): **119837**

Zoning: **Comprehensive Development Area**

### Detailed Information

The Town Planning Board (the Board) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application as submitted to the Board and subject to the following conditions :

(a) the submission and implementation of a revised Master Layout Plan (MLP) to take into account conditions (b) to (e) below to the satisfaction of the Director of Planning or of the Town Planning Board;

(b) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or the Town Planning Board;

(c) the submission and implementation of a development programme of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;

(d) the design and provision of the junction of the realigned So Kwun Wat Road and Castle Peak Road, and junction of the proposed Access Road B and Castle Peak Road, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(e) the provision of emergency vehicular access, water supplies for fire-fighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;

(f) the implementation of flood mitigation measures and the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and

(g) the permission shall cease to have effect on 30.4.2004 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: Ocean Pointe**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/TWW/42**

Use Applied for: **Comprehensive Development For Residential Use**

#### Location:

Address: **Sham Tseng**

Lot Number: **DD 390 LOT 190 & EXT**

Statutory Plan: **S/TWW/6 (Tsuen Wan West OZP)**

#### Detailed Information:

Site Area (sq.m): **9,132.00**

Proposed Number of Unit: **560.00**

Number of Storeys: **51 - 53**

GFA Applied for (sq.m): **47943**

Zoning: **Comprehensive Development Area**



### Detailed Information

(a) The submission and implementation of a revised master layout plan to take into account the conditions (c) to (i) below to the satisfaction of the Director of Planning or of the Town Planning Board;

(b) The submission of a land contamination assessment with the necessary mitigation measures and the implementation of the mitigation measures before the commencement of the redevelopment works to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

(c) The submission and implementation of temporary on-site sewage treatment and disposal facilities with possible connection to public sewerage system in Sham Tseng to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

(d) The provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;

(e) The design and layout of the vehicular run-in/run-out and the area designated for parking, loading/unloading, manoeuvring of vehicles and pedestrian circulation and the provision of the detailed road marking at the Castle Peak Road/Sham Tsz Street junction to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(f) The provision of the refuse storage rooms/refuse handling facilities, and the manoeuvring spaces for refuse collection vehicles to the satisfaction of the Director of Regional Services or of the Town Planning Board;

(g) The design and implementation of the waterfront promenade for public use to the satisfaction of the Director of Regional Services or of the Town Planning Board;

(h) The submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;

(i) The submission and implementation of a development programme indicating the timing and phasing of the comprehensive redevelopment to the satisfaction of the Director of Planning or of the Town Planning Board;

(j) No occupation of the development before the completion of the road improvement measures at the Castle Peak Road/Sham Tsz Street junction to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and

(k) The permission shall cease to have effect on 24.1.1999 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: Mount Haven**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/TY/42**

Use Applied for: Comprehensive Residential Development including a Public Carpark for the proposed Urban Fringe Park

#### Location:

Address: Liu To, Tsing Yi Area 25

Lot Number: TYTL 134

Statutory Plan: S/TY/12 (Tsing Yi OZP)

#### Detailed Information:

Site Area (sq.m): 28,900.00

Proposed Number of Unit: 816.00

Number of Storeys: 16 - 26

GFA Applied for (sq.m): 62910

Zoning: Comprehensive Development Area

### Detailed Information

- (a) The submission and implementation of a revised Master Layout Plan to take into account conditions (f) to (i) below and to include a development programme for the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) The submission of a detailed drainage impact assessment and the provision of the required drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) The submission of a traffic impact assessment, including an assessment on the capacity of the junction of the proposed access road and Liu To Road, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) The submission of a geotechnical assessment and the implementation of slope improvement measures to the satisfaction of the Director of Civil Engineering or of the Town Planning Board;
- (e) The implementation of the mitigation measures proposed in the environmental impact assessment submitted by the applicant to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) The design and the construction of the vehicular access road to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (g) The design and the provision of public coach parking spaces to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (h) The design and the provision of green mini-bus and taxi lay-bys to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (i) The design and the provision of an emergency vehicular access to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (j) The diversion of the existing fresh and salt water mains within the site to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (k) The submission and implementation of a Master Landscape Plan including tree preservation/felling proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (l) The implementation of the development programme to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (m) The permission shall cease to have effect on 16.5.1999 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: Villa Carlton**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/K5/393**

Use Applied for: Private Residential Development

#### Location:

Address: Ex-Carlton Hotel Site, Tai Po Road, Cheung Sha Wan

Lot Number: NKIL 4850RP

Statutory Plan: S/K5/12 (Cheung Sha Wan OZP)

#### Detailed Information:

Site Area (sq.m): 5,883.00

Proposed Number of Unit: 126.00

Number of Storeys: 11

GFA Applied for (sq.m): 17649

Zoning: Comprehensive Development Area

### Detailed Information

The Town Planning Board (the Board) decided on review to approve the application on the terms of the application submitted to the Board and subject to the following conditions :-

(a) The proposed development shall not be occupied until the traffic arrangements for ingress into and egress from the application site and the following traffic improvement works, as proposed by the applicant, have been completed to the satisfaction of the Commissioner for Transport or of the Board :

- i) The design and construction of any modification works on Tai Po Road as necessitated by the proposed development; and
- ii) The design and construction of a traffic improvement scheme at the junction of Caldecott Road and Tai Po Road;

(b) The submission of a development programme indicating the timing and phasing of the comprehensive development to the satisfaction of the Director of Planning or of the Board;

(c) The provision of improvement works to the fresh water supply to the application site to the satisfaction of the Director of Water Supplies or of the Board; and

(d) The permission shall cease to have effect on 23.1.2001 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: Discovery Park**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/TW/167**

Use Applied for: Comprehensive commercial/residential development with provision of open space and G/IC facilities.

#### Location:

Address: Tsuen King Road & Castle Peak Road

Lot Number: TWTL 230, DD 432 LOT 258, DD 453 LOT 1221RP

Statutory Plan: S/TW/5 (Tsuen Wan OZP)

#### Detailed Information:

Site Area (sq.m): 50,000.00

Proposed Number of Unit: N/A

Number of Storeys: 48

GFA Applied for (sq.m): 210560

Zoning: Open Space, Government, Institution or Community, Comprehensive Development Area

### Detailed Information

- (a) The detailed design and construction of the decking of Chung Hang Nullah, and the arrangement of access for inspection and maintenance of the said decking and nullah to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) The design, construction and implementation of the section of the proposed Route 5 extension within the application site to the satisfaction of the Director of Highways or of the Town Planning Board;
- (c) The provision of mitigation measures against noise pollution to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) The design, construction and implementation of the proposed road realignment, road and junction improvements, pedestrian footbridges, and transport terminus within and/or connecting to the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) The design, construction and implementation of the proposed public open space, the refuse collection point and the indoor recreation centre to the satisfaction of the Director of Regional Services or of the Town Planning Board;
- (f) The implementation programme of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (g) The permission shall cease to have effect on 19.2.1995 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: Bayview Garden**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/TW/156**

Use Applied for: Commercial/Residential

Location:  
Address: 9 1/2 Miles, Castle Peak Road

Lot Number: TWTL 329

Statutory Plan: S/TW/5 (Tsuen Wan OZP)

Detailed Information:  
Site Area (sq.m): 14,480.00

Proposed Number of Unit: N/A

Number of Storeys: 33

GFA Applied for (sq.m): 101398

Zoning: Comprehensive Development Area



### Detailed Information

As the application involves minor amendments to a previously approved proposal Application No. A/TW/77 approved by the Town Planning Board on 26.9.1986, the Director of Planning under the delegated authority of the Town Planning Board has approved the application on 15.10.1992 subject to the following conditions:

- (a) The local open space (non-building area) should be designed, developed and managed by the applicant as a public open space to the satisfaction of the Director of Regional Services and the Project Manager/Tsuen Wan. This area should not be included in the site for the calculations of plot ratio and site coverage and should be surrendered to the Government on demand;
- (b) The provision of noise-abatement measures should be to the satisfaction of the Director of Environmental Protection;
- (c) The proposed bus terminus including the canopy (deck-over area) should be designed and constructed to the satisfaction of the Commissioner for Transport, the Director of Environmental Protection and the Project Manager/Tsuen Wan. The bus terminus should be surrendered to the Government on completion;
- (d) The canopy over the bus terminus should be designed, constructed and managed for recreational use by the applicant and should be linked up with the commercial/residential development to the satisfaction of the Project Manager/Tsuen Wan;
- (e) The provision of a 5-classroom kindergarten with a GFA of 555 sq. m. should be to the satisfaction of the Director of Education;
- (f) The provision of a post office with 122 sq. m. net floor area on ground floor and the parking facility for the mail van should be to the satisfaction of the Postmaster General;
- (g) The provision of the refuse collection facilities should be to the satisfaction of the Director of Regional Services;
- (h) The provision of 7 loading/unloading spaces should be to the satisfaction of the Commissioner for Transport;
- (i) The provision of a pedestrian footbridge across Road 2/1 connecting the waterfront promenade should be to the satisfaction of the Project Manager/Tsuen Wan and the Commissioner for Transport;
- (j) The landscaping proposal for the redevelopment should be to the satisfaction of the Project Manager/Tsuen Wan;
- (k) The diversion of the existing drainage culvert should be to the satisfaction of the Project Manager/Tsuen Wan and the Chief Engineer/Mainland South of Drainage Services Department;
- (l) The implementation of the scheme should be to the satisfaction of the Director of Buildings and Lands; and
- (m) The permission shall cease to have effect on 14.10.1994 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: The Panaroma**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/TW/188**

Use Applied for: Composite Commercial/Residential Development

#### Location:

Address: 520-526 Castle Peak Road, Tsuen Wan

Lot Number: TWIL 16SA, DD 355 LOT 327

Statutory Plan: S/TW/6 (Tsuen Wan OZP)

#### Detailed Information:

Site Area (sq.m): 3,473.00

Proposed Number of Unit: 272.00

Number of Storeys: 39

GFA Applied for (sq.m): 19048

Zoning: Comprehensive Development Area

### **Detailed Information**

As the application involves minor amendments to a previously approved proposal (Application No. A/TW/161) approved by the Metro Planning Committee on 8.1.1993, the Director of Planning under the delegated authority of Town Planning Board has approved the application on 28.1.1994, subject to the following condition:

(a) The implementation of traffic arrangements for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(b) The provision of mitigation measures against air pollution to the satisfaction of Director of Environmental Protection or of the Town Planning Board;

(c) The provision of mitigation measures against noise pollution to the satisfaction of Director of Environmental Protection or of the Town Planning Board; and

(d) The permission shall cease to have effect on 28.1.1996 unless prior to the said date either the development permitted is commenced or the application renewed.

## **Development Name: Tierra Verde**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/TY/30**

Use Applied for: **Railway Station, Retail and Residential Development**

#### Location:

Address: **Airport Railway, Tsing King Road & Tsing Tsuen Road,  
Tsing Yi**

Lot Number: **GOVT LAND**

Statutory Plan: **S/TY/9 (Tsing Yi OZP)**

#### Detailed Information:

Site Area (sq.m): **54,000.00**

Proposed Number of Unit: **3,500.00**

Number of Storeys: **39 - 40**

GFA Applied for (sq.m): **388086**

Zoning: **Comprehensive Development Area**

### Detailed Information

(a) The submission and implementation of a master layout plan to take into account the conditions (b) - (j) below and to include a development programme indicating the timing and phasing, together with specific breakdown of gross floor area by each broad use, of the proposed comprehensive development, to the satisfaction of the Director of Planning or of the Town Planning Board;

(b) The submission of a revised traffic impact assessment to facilitate the design and arrangement of the vehicular ingress and egress along Tsing Tsuen Road and Tsing King Road of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(c) The design and provision of the loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(d) The design and construction of a slip road from the existing Tsing Tsuen Road to the proposed development, including the reprovisioning of the existing footpath and utilities, to the satisfaction of the Director of Highways or of the Town Planning Board;

(e) The widening of Tsing King Road abutting the application site to a minimum of a dual-2 lane carriageway, including footpath, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(f) The submission of an environmental impact assessment prior to the commencement of construction work and the implementation of necessary mitigation measures against environmental nuisances to the satisfaction of Director of Environmental Protection or of the Town Planning Board;

(g) The design and provision of a day nursery to the satisfaction of the Director of Social Welfare or of the Town Planning Board;

(h) The submission and implementation of a landscape master plan to the satisfaction of the Director of Planning or of the Town Planning Board;

(i) The submission and implementation of an urban design plan and report showing the design and disposition of the buildings in the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;

(j) The design and provision of a pedestrian circulation system including pedestrian footbridges and entrances to the mass transit railway station to the satisfaction of the Director of Planning or of the Town Planning Board;

(k) The permission shall cease to have effect on 2.9.1996 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **Development Name: King's Park Hill**

### **Detail information of Planning Application Case**

#### General Information:

Case Number.: **A/K2/115**

Use Applied for: Residential Development

#### Location:

Address: Kings Park Rise, Yau Ma Tei, Kowloon

Lot Number: KIL 11063 & GOVT LAND

Statutory Plan: S/K2/8 (Yau Ma Tei OZP)

#### Detailed Information:

Site Area (sq.m): 17,344.00

Proposed Number of Unit: 128.00

Number of Storeys: 3 - 8

GFA Applied for (sq.m): 22400

Zoning: Comprehensive Development Area

### Detailed Information

The Town Planning Board (the Board) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application submitted to the Board and subject to the following conditions :

- (a) The submission and implementation of a revised Master Layout Plan to take into account the conditions (c) and (d) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) The submission of detailed working drawings, method statements and monitoring system for the implementation of the revised tree preservation schemes as well as the implementation of replanting and landscaping schemes to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) The design and provision of internal traffic arrangements including the upgrading of the existing vehicular access, a separate space for the use of refuse collection vehicles and the headroom of the driveway at the car-park level to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) The design and provision of an emergency vehicular access within the proposed development to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (e) The design and provision of a pump and sump system to maintain adequate pressure for the water supply system within the proposed development to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (f) The permission shall cease to have effect on 25.9.2001 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

## **APPENDIX III**

### **Town Planning Board Guidelines on Compliance of Approval Conditions**



## TOWN PLANNING BOARD GUIDELINES ON COMPLIANCE OF APPROVAL CONDITIONS

(Important Note :

The Guidelines are intended for general reference only. Any enquiry on this set of guidelines should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17th floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong - Tel. No. 2231 5000.)

### General Principles

1. One of the fundamental principles regarding the compliance of approval conditions is that all conditions imposed by the Town Planning Board (the Board), in particular those related to the development itself, should be complied with as far as practicable before the use applied for actually comes into place. This is because in granting the permission, the Board has taken that the application would only be permissible subject to the complete fulfillment of all the imposed conditions.
2. Other than those conditions imposed with a prescribed time limit, the approval conditions could be broadly divided into two types, i.e. those required to be complied with before building plan approval and those required to be complied with after building plan approval, normally before occupation of the development.

### Conditions Imposed with Prescribed Time Limit

3. For those conditions imposed with a prescribed time limit, they should be complied with before the expiry of the time limit.

### Conditions To Be Complied with before Building Plan Approval

4. The following conditions which concern or would affect the detailed design of the development should be complied with before the approval of the building plans:
  - a. Conditions governing the design, disposition or layout of the proposed development or the provision of certain facilities such as car parking spaces, footbridges and other community facilities within or forming part of the building development. The subject matters of these conditions can be shown on the building plans;
  - b. Condition requiring the submission of a landscaping proposal. In the case of a development falling within a "Comprehensive Development Area" or area with special design significance, as the conceptual landscaping proposal may affect the building design, the condition needs to be complied with before approval of the building plans. However, it is important to note that in order to satisfy this condition, the applicant is only required to submit a conceptual landscape proposal rather than a detailed landscape plan; and
  - c. Conditions requiring the submission of further detailed impact assessments, e.g. traffic impact assessment, environmental assessment, drainage impact assessment, etc. Since the assessment results will affect the building design, they should be completed before approval of the building plans.
5. Since requirements for conditions in 4(b) and (c) above may not be reflected in general building plans, a separate submission to the relevant Government departments for consideration is necessary. However, some applicants may prefer to submit the landscape proposal and other required assessments together with the

general building plans. This will be a matter of choice for the applicant.

6. In the case of the condition requiring the submission of a revised Master Layout Plan (MLP), if the compliance of other approval conditions would not result in any major changes in the design, disposition or layout of the proposed development, submission of the revised MLP is not a pre-requisite for the approval of building plans.

#### Conditions To Be Complied with after Building Plan Approval

7. Some of the conditions may not need to be complied with at building plan approval stage, but are expected to be complied with before the occupation of the development. Non-compliance of these conditions prior to the occupation of the development may cause serious adverse impacts to both the development itself and the surrounding area. These include:
  - a. Conditions requiring the provision of on-site facilities such as vehicular access, landscaping, drainage and sewage treatment and disposal facilities;
  - b. Conditions requiring the implementation of any proposed mitigation measures for the treatment of environmental, drainage and sewage impacts; and
  - c. Conditions requiring that the development should not be occupied before provision of off-site works/facilities such as road improvements, trunk sewers improvement, etc.
8. Conditions regarding the provision of facilities which require funding from government such as public transport facilities, external footbridge links, government, institution, community (GIC) and other off-site facilities should tie in with the respective programmes of concerned government departments.
9. Since the above conditions have no direct impact on the detailed design of the development, they need not be complied with before building plan approval. The exact timing for the compliance of these conditions would depend on individual circumstances. Nevertheless, in order to ensure timely provision of such facilities, it is recommended that the design of these facilities should be submitted well in advance to the relevant Government departments for consideration.

TOWN PLANNING BOARD  
MAY 1999

## **APPENDIX IV**

### **Town Planning Board Guidelines for Designation of “Comprehensive Development Area” (“CDA”) Zones and Monitoring the Process of “CDA” Developments**

**TOWN PLANNING BOARD GUIDELINES FOR  
DESIGNATION OF "COMPREHENSIVE DEVELOPMENT AREA" ("CDA") ZONES AND  
MONITORING THE PROGRESS OF "CDA" DEVELOPMENTS**

( Important Note:

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17th Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong - Tel No. 2231 5000.

The Guidelines are subject to revision without prior notice.)

## 1. Introduction

- 1.1 The "Comprehensive Development Area" ("CDA") zoning (or the previous "Other Specified Uses" annotated "Comprehensive Development/Redevelopment Area" zoning) was first introduced in Outline Zoning Plans (OZPs) in 1976 with the key objective to facilitate urban restructuring and to phase out incompatible development and non-conforming uses. The Town Planning Board (the Board) is empowered to designate an area as "CDA" under section 4(1)(f) of the Town Planning Ordinance (the Ordinance).
- 1.2 In general, "CDAs" are designated in the interest of the wider public although individual property owner's right would be taken into consideration. They are designated after careful consideration of such factors as the planning intention for the area, land status, ownership and other development constraints, including the likely prospect for implementation. They will only be designated where there are no better alternative zoning mechanisms to achieve the desired planning objectives specified in Section 3.1 below.
- 1.3 To avoid planning blight caused by the withholding of piecemeal individual developments within a "CDA" zone, the Board recognizes that there is a need for close monitoring of the progress of "CDA" development. A proactive approach is taken to facilitate development and to keep track on the progress of implementation of "CDA" sites.

## 2. Scope and Application

This set of Guidelines is adopted as reference for the designation of "CDAs" on statutory plans, as initiated by the Government, quasi-Government bodies as well as private development agencies, and for the subsequent monitoring of the progress of "CDA" developments.

## 3. Planning Intention

- 3.1 "CDAs" are intended to achieve such objectives as to:
  - a. facilitate urban renewal and restructuring of land uses in the old urban areas;
  - b. provide incentives for the restructuring of obsolete areas, including old industrial areas, and the phasing out of non-conforming uses, such as open storage and container back-up uses in the rural areas;
  - c. provide opportunities for site amalgamation and restructuring of road patterns and ensure integration of various land-uses and infrastructure development, thereby optimizing the development potential of the site;

- d. provide a means for achieving co-ordinated development in areas subject to traffic, environmental and infrastructure capacity constraints, and in areas with interface problems of incompatible land-uses;
- e. ensure adequate as well as timely provision of Government, institution or community (GIC), transport and public transport facilities and open space for the development and where possible, to address the shortfall in the district; and
- f. ensure appropriate control on the overall scale and design of development in areas of high landscape and amenity values and in locations with special design or historical significance.

#### Land Status/Ownership/Tenure

- 3.2 Unallocated Government sites subject to modern land grant conditions, including those intended for public housing development to be implemented by the Housing Authority, would only be designated as "CDA" in special circumstances, where control on the design and layout of development is necessary because of special site constraints or the special character of the area.
- 3.3 Sites covered by a Land Development Corporation (LDC) Development Scheme or an urban improvement scheme of the Hong Kong Housing Society are normally designated "CDAs" to, inter alia, prevent piecemeal development/redevelopment which would pre-empt optimum comprehensive redevelopment and urban restructuring.
- 3.4 Since fragmented land ownership will affect the prospect of implementation of "CDAs", CDA sites involving private land, other than those of the LDC or the Housing Society, are normally expected to have a major portion of the private land under single ownership at the time of designation but each site will be considered on its individual merits. Since the designation may affect third party development/redevelopment right, the proponent would be required to indicate the land under his ownership and that he has plans to acquire the remaining portion for comprehensive development.
- 3.5 In the designation of "CDA" zoning land ownership should only be one of the considerations weighed against many other factors, such as, the need to facilitate urban renewal and restructuring of land uses in the old urban areas and to provide incentives for phasing out of incompatible and non-conforming uses. Particularly, in the case of the LDC development schemes and the urban improvement schemes of the Hong Kong Housing Society, where the mechanisms for land acquisition are available, land ownership will not be an overriding factor.

#### Prospect for Implementation

- 3.6 There should be an indication on the likely prospect for implementation before a site is designated as "CDA". Information on land status and provision of supporting infrastructure should be provided, and preliminary assessments should be carried out to demonstrate the technical feasibility of the proposed development. If the designation is proposed by a development agency, the likely development programme should be indicated in the proposal for consideration by the Board.

#### Size

- 3.7 Obviously, the larger the site, the better the opportunity for incorporating public facilities in the development, restructuring of land uses including changes to road patterns, and optimization of development potential. There is, however, no hard and fast rule to determine whether a site is sizable enough to warrant comprehensive development or redevelopment. Each site should be considered on its individual

merits taking into account the planning intention for the area and the special characteristics of the site.

#### 4. Development Parameters

- 4.1 In determining the boundary and development intensity of a "CDA" site, the existing land use pattern, the latest development requirements and the infrastructural capacity constraints in the area should be taken into account. Opportunities should be taken to incorporate, where appropriate, GIC facilities, open space, road widening, public transport and parking facilities and the provision of pedestrian linkages in the development.
- 4.2 Appropriate development mix and intensities would be specified in the Notes of the Outline Zoning Plan if the site is subject to various constraints, such as traffic and infrastructure capacities and environmental constraints. A Planning Brief would usually be prepared by the Planning Department to guide the development of the "CDA" site. Detailed planning requirements, including the provision of appropriate traffic and environmental mitigation measures, GIC, transport and public transport facilities and open space would be specified in the Planning Brief.

#### 5. Mechanism for Monitoring

- 5.1 Frequent reviews of "CDA" zones would be required in order to achieve a close monitoring of the progress of development. The first review of each "CDA" site would be conducted at the end of the third year after its designation and subsequent reviews would be made on an annual basis.

##### "CDA" with no Approved MLP/Implementation Agency

- 5.2 At the end of the third year after the designation, priority would be given to review those "CDA" sites with no approved Master Layout Plan (MLPs) or for which no implementation agency can be identified. The following possible actions would be considered by the Board after the review to respond to changing circumstances:
  - a. to rezone to other uses the "CDA" sites which have significant implementation difficulties and slim chances of successful implementation;
  - b. to revise the planning and development parameters of the "CDA" sites, where appropriate, to improve the incentives for redevelopment and hence the chance for implementation;
  - c. to revise the zoning boundary in line with updated information on land status or ownership, or to subdivide the "CDA" into smaller "CDA" sites for development in phases to facilitate early implementation, where justified; and
  - d. to revise and update the planning briefs for "CDA" sites to reflect the changing requirements and circumstances.

##### "CDA" with Approved MLP

- 5.3 In order to keep track on the progress of implementation, the following monitoring mechanism is adopted by the Board:
  - a. should there be disagreements with the developer/agent on issues related to compliance with approval conditions, the relevant Government departments will be requested to report the issues to the Board; and

- b. a proforma would be issued to and completed by the developer/agent on an annual basis to keep track on the progress of implementation

#### Allowance for Phased Development

- 5.4 For "CDA" sites which are not under single ownership, if the developer can demonstrate with evidence that due effort has been made to acquire the remaining portion of the site for development but no agreement can be reached with the landowner(s), allowance for phased development could be considered. In deriving the phasing of the development, it should be demonstrated that:
- a. the planning intention of the "CDA" zone will not be undermined;
  - b. the comprehensiveness of the proposed development will not be adversely affected as a result of the revised phasing;
  - c. the resultant development should be self-contained in terms of layout design and provision of open space and appropriate GIC, transport and other infrastructure facilities; and
  - d. the development potential of the unacquired lots within the "CDA" zone should not be absorbed in the early phases of the development, access to these lots should be retained, and the individual lot owners' landed interest should not be adversely affected.

#### 6. Re-designating "CDA" sites

- 6.1 In some cases, there may be merits to rezone "CDA" sites upon completion of development to other uses such as "Residential (Group A)", "Commercial", "Commercial/Residential", to provide flexibility in subsequent modification of uses within the development without the need for submission of a revised MLP. Through regular review of "CDA" sites, the Board would, taking the specific circumstances pertaining to each "CDA" site into account, give consideration to the case of re-designating completed "CDA" developments to other land use zoning.
- 6.2 In general, the consideration for re-designation would include the following aspects:
- a. the planning intention of maintaining comprehensive control on the overall development of the area should not be undermined. For instance, if a "CDA" site is subject to environmental constraints and the layout of the development has to allow for the provision of a buffer against the environmental nuisances, the removal of the buffer will not be desirable;
  - b. in the case of mixed developments especially for a variety of uses sharing a common podium, a re-designation of different parts of the "CDA" site to various discrete land-use zonings may only be possible provided that the planning intention of each zone could be clearly reflected; and
  - c. if part of the site is excluded from the development zone and rezoned to, say "Open Space" or "Government, Institution or Community", it should be ensured that the resultant development intensities of the site will not be higher than those permitted under the Notes of the OZP or in the Building (Planning) Regulations.
- 6.3 In considering the re-designation of "CDA" sites, local views should also be taken

into account in order to avoid, as far as possible, unnecessary misunderstanding of the planning intention. ◊

- 6.4 For "CDA" sites which cannot be re-designated, other measures are available to streamline the procedures for modification of uses within the completed development. For instance, some minor amendments to the approved MLP can be processed by the Director of Planning or the respective District Planning Officer under delegated authority of the Board on a fast-track basis. Reference should be made to the relevant Town Planning Board Guidelines.

Town Planning Board  
May 1999



## **APPENDIX V**

### **Schedule of Uses for Comprehensive Development Area Zones**

**COMPREHENSIVE DEVELOPMENT AREA**

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 <sup>§</sup>
	Commercial Bathhouse/Massage Establishment <sup>§</sup>
	Eating Place <sup>§</sup>
	Educational Institution <sup>§</sup>
	Exhibition or Convention Hall <sup>§</sup>
	Flat <sup>§</sup>
	Government Refuse Collection Point <sup>§</sup>
	Government Use (not elsewhere specified) <sup>§</sup>
	Hospital <sup>§</sup>
	Hotel <sup>§</sup>
	House <sup>§</sup> (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes +)
	Information Technology and Telecommunications Industries <sup>§</sup>
	Institutional Use (not elsewhere specified) <sup>§</sup>
	Library <sup>§</sup>
	Market <sup>§</sup>
	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances <sup>§</sup>
	Off-course Betting Centre <sup>§</sup>
	Office <sup>§</sup>
	Petrol Filling Station <sup>§</sup>
	Pier <sup>§</sup>
	Place of Entertainment <sup>§</sup>
	Place of Recreation, Sports or Culture <sup>§</sup>
	Private Club <sup>§</sup>
	Public Clinic <sup>§</sup>
	Public Convenience <sup>§</sup>
	Public Transport Terminus or Station <sup>§</sup>
	Public Utility Installation <sup>§</sup>
	Public Vehicle Park (excluding container vehicle) <sup>§</sup>
	Recyclable Collection Centre <sup>§</sup>
	Religious Institution <sup>§</sup>
	Residential Institution <sup>§</sup>
	Research, Design and Development Centre <sup>§</sup>
	School <sup>§</sup>
	Shop and Services <sup>§</sup>
	Social Welfare Facility <sup>§</sup>
	Training Centre <sup>§</sup>
	Utility Installation for Private Project <sup>§</sup>

*§ Uses within the "CDA" zone to be added or deleted according to the planning intention of individual sites. Uses added only where appropriate.*

**COMPREHENSIVE DEVELOPMENT AREA** (cont'd)

Planning Intention

*This zone is intended for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.*

Remarks

- (a) Pursuant to section 4A(2) of the Town Planning Ordinance, and except as otherwise expressly provided that it is not required by the Town Planning Board, an applicant for permission for development on land designated "Comprehensive Development Area" shall prepare a Master Layout Plan for the approval of the Town Planning Board and include therein the following information:
- (i) the area of the proposed land uses, the nature, position, dimensions, and heights of all buildings to be erected in the area;
  - (ii) the proposed total site area and gross floor area for various uses, total number of flats and flat size, where applicable;
  - (iii) the details and extent of Government, institution or community (GIC) and recreational facilities, public transport and parking facilities, and open space to be provided within the area;
  - (iv) the alignment, widths and levels of any roads proposed to be constructed within the area;
  - (v) the landscape and urban design proposals within the area;
  - (vi) programmes of development in detail;
  - (vii) an environmental assessment report to examine any possible environmental problems that may be caused to or by the proposed development during and after construction and the proposed mitigation measures to tackle them;
  - (viii) a drainage and sewerage impact assessment report to examine any possible drainage and sewerage problems that may be caused by the proposed development and the proposed mitigation measures to tackle them;

+ *The remarks in brackets to be added in rural OZPs only*

**COMPREHENSIVE DEVELOPMENT AREA** (cont'd)

Remarks (cont'd)

- (ix) a traffic impact assessment report to examine any possible traffic problems that may be caused by the proposed development and the proposed mitigation measures to tackle them; and
  - (x) such other information as may be required by the Town Planning Board.
- (b) The Master Layout Plan should be supported by an explanatory statement which contains an adequate explanation of the development proposal, including such information as land tenure, relevant lease conditions, existing conditions of the site, the character of the site in relation to the surrounding areas, principles of layout design, major development parameters, design population, types of GIC facilities, and recreational and open space facilities.

*Note: The assessment reports to be submitted should reflect the specific requirements of individual CDAs.*

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