

**Proposed Revisions to the Town Planning Board Guidelines No. 5
and Cancellation of Town Planning Board Guidelines No. 2B**

1. Purpose

This paper is to seek Members' agreement to:

- (i) the proposed revisions to the Town Planning Board Guidelines No. 5 for Application for Office Development in Residential (Group A) Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 5); and
- (ii) the proposed cancellation of the Town Planning Board Guidelines No. 2B for Interim Planning Control on Service Apartment (TPB PG-No. 2B).

2. Proposed Revisions to TPB PG-No. 5

- 2.1 The TPB PG-No. 5 was promulgated in December 1990 to set out the main planning criteria for consideration of planning applications for office use in "Residential (Group A)" ("R(A)") zone and has not been updated since then. The TPB PG-No. 5 has been prepared with an underlying assumption set out in its paragraph 1.1 stating that *'there has been an increasing demand for office units outside the central business district. The Board's intention is to meet part of the increasing demand through permitting the redevelopment of residential buildings within the "R(A)" zone for office use in districts where there is a demonstrated demand'*.
- 2.2 Over the past 30 years, the socio-economic circumstances of the society have been changed, and there has been an increasing housing demand that needs to be catered for. In considering two planning appeal cases (Nos. 2/2019 and 4/2019) in relation to the proposed office and shop and services/eating place developments in "R(A)" zone in recent years, the Town Planning Appeal Board (TPAB) was of the view that as there is an underlying factual assumption in the Guidelines (paragraph 2.1 above refers), it would be wrong for the Town Planning Board (the

Board/TPB) or the TPAB to depart from such factual assumption. However, if the factual assumption is no longer valid, the Guidelines should be revised.

- 2.3 The two planning appeal cases were dismissed by the TPAB mainly on the ground that the cases did not meet one of the planning criteria in the Guidelines requiring that *‘the proposed office building should be compatible with the existing and planned land uses of the locality and it should not be located in a predominantly residential area’*¹.
- 2.4 In view of the above background, it is proposed to revise the TPB PG-No. 5 by removing the aforesaid underlying assumption, highlighting the planning intention of the “R(A)” zone, allowing flexibility to accommodate office development subject to strong justifications, and fine-tuning the planning criteria.
- 2.5 Opportunity is also taken to make minor textual amendments. The proposed revisions to the TPB PG-No. 5, with additions in **bold** and *italic* and deletion in ~~‘cross-out’~~, are shown in **Annex 1**.

3. **Proposed Cancellation of TPB PG-No. 2B (Annex 2)**

The TPB PG-No. 2 was adopted by the Board in 1990 to deal with applications for ‘Service Apartment’ (SA) development. The Guidelines was revised in 1999 (TPB PG-No. 2A) to reflect the changes to the nature and characteristics of SA in terms of building design and operation. On 23.6.2000, the Board agreed to delete the term ‘Service Apartment’ from the Notes of all statutory plans to avoid abuses of the term for those residential flats constructed in the name of SA development in commercial and industrial areas or areas subject to environmental constraints. The Board also decided that pending amendments to the relevant plans to be exhibited in accordance with the provisions of the Town Planning Ordinance, the revised Guidelines (TPB PG-No. 2B) should provide interim guidance on the interpretation of SA by the Board for planning control purpose. Over the past years, the term SA has been deleted from the Notes of all Outline Zoning Plans. As such, the TPB PG-No. 2B serving as interim guidelines is no longer required and therefore proposed to be cancelled.

¹ Having regard to the character of the locality, TPAB considered that the appeal sites were situated in a predominantly residential area.

4. Consultation

Comments from the concerned government bureaux/departments on the proposed revisions to the TPB PG-No. 5 have been incorporated, where appropriate. As the proposed cancellation of TPB PG-No. 2B is related to a defunct land use term, departmental consultation on this Guidelines is considered not necessary.

5. Promulgation

Upon Members' agreement to the proposals in paragraphs 2 and 3 above, the draft TPB PG-No. 5A will be uploaded to the Board's website, which shall take effect upon promulgation, and the TPB PG-No. 2B will be removed from the Board's website on the same day.

6. Decision Sought

Members are invited to endorse the draft TPB PG-No. 5A in **Annex 1** and cancellation of TPB PG-No. 2B at **Annex 2**, as well as the proposed arrangement for promulgation of the concerned Guidelines mentioned in paragraph 5 above.

Annexes

- Annex 1** Draft TPB PG-No. 5A for Application for Office Development in Residential (Group A) Zone under Section 16 of the Town Planning Ordinance
- Annex 2** TPB PG-No. 2B for Interim Planning Control on Service Apartment

PLANNING DEPARTMENT
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