

TPB Paper No. 10509

**For Consideration by
The Town Planning Board on 28.12.2018**

**Proposed Amendments to the Definitions of Terms Used
in Statutory Plans, Board Use Terms and
Master Schedule of Notes to Statutory Plans**

**Proposed Amendments to the Definitions of Terms Used in Statutory Plans,
Broad Use Terms and Master Schedule of Notes to Statutory Plans**

1. Purpose

This paper is to seek Members' agreement to the proposed amendments to the Definitions of Terms used in Statutory Plans (DoT), Broad Use Terms (BUT) and Master Schedule of Notes to Statutory Plans (MSN).

2. Background

On 28.2.2003, the Town Planning Board (the Board) endorsed a set of revised DoT, BUT and MSN. Subsequently, the DoT, BUT and MSN have been refined many times and the last refinement was made in June 2017. For clarity and streamlining the planning application process, further amendments to the documents are considered necessary.

3. Proposed Amendments to DoT

(a) Art Studio

3.1 The Board on 16.6.2017 agreed to amend the MSN to incorporate 'Art Studio (excluding those involving direct provision of services or goods)' as Column 1 use in "Industrial" ("I") zone and Schedule II of the "Residential (Group E)" ("R(E)") and "Other Specified Uses" annotated "Business" ("OU(B)") zones to support art development and to optimize the use of industrial floor space without compromising building and fire safety.

3.2 Since then, there were calls for further relaxation regarding the types of uses / activities, particularly those relating to rehearsal venue for art performance, that could be permitted in 'Art Studio (excluding those involving direct provision of services or goods)'.

3.3 After further discussion among the relevant bureaux and departments, including Development Bureau, Home Affairs Bureau, Fire Services Department, Lands Department and Planning Department, it is proposed to define Art Studio (excluding those involving direct provision of services or goods) as any art studio that would not involve activities attracting visiting members of the general public by providing direct services or goods such as hobby classes, seminars and sales of goods for any party other than the operator, owner and tenant(s) of the premises.

3.4 In view of paragraphs 3.2 and 3.3 above, the DoT of ‘Art Studio’ is proposed to be revised as in **bold** and *italics* at **Annex A** to facilitate better understanding of the term.

(b) Telecommunications Radio Base Station

3.5 Under DoT, ‘Telecommunications Radio Base Station’ (RBS) means ‘any structure including an equipment cabinet not bigger than 5 metres x 4.5 metres x 3.5 metres (LxWxH) within or on the roof top of a building, and antenna(e) not bigger than 0.6 metre x 0.6 metre x 2.5 metres (LxWxH), excluding pole, for planar shape or 0.8 metre in diameter for circular shape, at the side or on the roof top of a building for the provision of public telecommunications services to serve the local district’ and is always permitted within the boundaries of statutory plans, except in some conservation zonings¹.

3.6 With a view to fostering the development of 5G mobile services and smart city in Hong Kong, the Government has a policy for opening up suitable government premises and venues to mobile network operators to install RBS. Due to improvement in technology and design, location of RBS has become more footloose. RBS, including antenna(e) and cabinet, could be installed within, attached to or on the roof top of a building or structure. To allow flexibility, it is proposed to relax the control of RBS and its component parts in the DoT of RBS. The proposed amendment to the DoT is highlighted in **bold** and *italics* in **Annex B**. It is considered that the proposed relaxation will not bring about adverse planning or

¹ These include the “Site of Special Scientific Interest”, “Conservation Area”, “Coastal Protection Area” and “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zones.

environmental impacts.

(c) **Market, Public Clinic and Shop and Services**

Market

- 3.7 With the launching of the Market Modernisation Programme by the Food and Environmental Hygiene Department (FEHD) in recent years, bigger stalls, wider passageways, cleaner environment and air-conditioning facilities, as those provided in modern markets such as the new Wan Chai Market managed by FEHD and the Lok Fu Market managed by Link REIT, are provided in markets rendering them akin to retail shops/stores. It is also not uncommon for retail stores, such as supermarkets and department stores, to have stalls for fresh provisions, foodstuffs and commodities, similar to those in wet markets. As modern market is akin to ‘Shop and Services’ which is more flexible in terms of provisions in various land use zones, it is proposed to subsume ‘Market’ under ‘Shop and Services’. The relevant revisions to the BUT of ‘Shop and Services’ and DoT of ‘Market’ and ‘Shop and Services’ are shown in tables (a) and (b) in **Annex C** (BUT and DoT of ‘Shop and Services’ have also been revised to incorporate the proposed revision to include health centre as detailed in paragraph 3.11 below).
- 3.8 As a result of the proposed revisions to the BUT and DoT of ‘Market’ and ‘Shop and Services’, amendments to the MSN are required (**Annex D**). In general, ‘Market’ is subsumed under ‘Shop and Services’. For the “Government, Institution or Community” (“G/IC”) zone and the schedule of uses other than those additional uses permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building of the “Residential (Group A)” (“R(A)”) zone, ‘Market’ will be kept as a Column 1 use and ‘Shop and Services’ in Column 2 will be revised to ‘Shop and Services (not elsewhere specified)’.
- 3.9 While revision to the Notes of the OZP to incorporate the revised MSN will be carried out when opportunity arises, in the interim, it is proposed that subsuming ‘Market’ under ‘Shop and Services’, except for the “G/IC” zone and the relevant part of the “R(A)” zone as detailed in paragraph 3.8

above where 'Market' will continue to be a Column 1 use and 'Shop and Services' in the Column 2 use will be revised to 'Shop and Services (not elsewhere specified)', will take immediate effect upon agreement by Members.

- 3.10 No significant statutory planning implication is expected arising from the proposed changes as both 'Market' and 'Shop and Services' are within the same category of use in most land use zones.

District Health Centre

- 3.11 The Government is committed to enhancing district-based primary healthcare services, and the Food and Health Bureau (FHB) will proactively take forward the setting up of District Health Centres (DHCs) in different districts. Operating through district-based medical-social collaboration and public-private partnership, DHC will provide services in health promotion, health assessment, chronic disease management and community rehabilitation, etc.. Under the current DoT, the nature of DHC is similar to a medical consulting room (including medical clinic, dental clinic, physiotherapy clinic and veterinarian clinic), which is included in 'Shop and Services'. For better clarity, it is proposed to add 'health centre' under the 'Remarks' of the BUT and DOT of 'Shops and Services'.
- 3.12 For DHC co-ordinated by the Government, it is similar in nature to general clinic/health centre operated by the Government, which is regarded as 'Public Clinic'. It is therefore proposed to revise the DOT of 'Public Clinic' in its remarks to include health centre co-ordinated by the Government. With the proposed revisions above, no planning permission is required for DHC operated or coordinated by the Government on land where either 'Shop and Services' or 'Public Clinic' is a Column 1 use. Subject to the Board's approval of the proposed revisions in paragraph 3.7 above, the proposed revisions to BUT and DoT of 'Shop and Services' and DoT of 'Public Clinic' are shown in tables (a) and (b) respectively in **Annex C**.

(d) **Public Utility Installation and Utility Installation for Private Project**

3.13 At present, electricity installations supporting developments in “Village Type Development” (“V”) zone are, subject to the nature of use, regarded as ‘Public Utility Installation’ or ‘Utility Installation for Private Project’, which are Column 2 uses under the “V” zone and require planning permission from the Board. In the past few years, the Board has considered a number of applications for package / transformer / standalone substation within the “V” zone, all of them were approved with condition(s).

3.14 Since appropriate electricity installation is essential for supporting Small House (SH) / New Territories Exempted House (NTEH) developments, to streamline the process and enhance flexibility, the DoT of ‘Public Utility Installation’ and ‘Utility Installation for Private Project’ are proposed to be revised to allow small scale electricity installation not bigger than 12m² (area) x 3m (height) within “V” zone as an always permitted use to support SH / NTEH developments. The proposed revisions to the DoTs are highlighted **bold** and *italics* in **Annex E**. Due to the small scale of the installation, no significant adverse impacts are anticipated.

(e) **Technical Amendments to DoT**

3.15 Opportunity is taken to rectify a typo in the Chinese translation of the remarks of the DoT of ‘Pier’ from ‘不包括渡輪碼頭廣場’ to ‘包括渡輪碼頭廣場’ to tally with the English version of the DoT (**Annex F**).

4. Consultation

Concerned government bureaux/departments have been consulted on the proposals and no objection or adverse comments have been received. Departmental comments have been incorporated in the proposals, where appropriate.

5. Decision Sought

5.1 Members are invited to consider and agree to:

- (a) the proposed revisions to DoTs or BUTs in **Annexes A, B, C, E and F**;
- (b) the proposed amendments to MSN as detailed in **Annex D**; and
- (c) the proposed arrangement as set out in paragraph 3.9 above.

5.2 Members are also invited to note that revision to the Notes of individual OZP to incorporate the amendments to the MSN as detailed in **Annex D** will be made when opportunity arises.

Annexes

Annex A Proposed revised Definition of Terms used in Statutory Plans in relation to ‘Art Studio’

Annex B Proposed revised Definition of Terms used in Statutory Plans in relation to ‘Telecommunication Radio Base Station’

Annex C Proposed revised Broad Use Terms and Definition of Terms used in Statutory Plans in relation to ‘Market’, ‘Public Clinic’ and ‘Shop and Services’

Annex D Zones requiring amendments to Master Schedule of Notes to Statutory Plans resulting from subsuming ‘Market’ under ‘Shop and Services’ with sample

Annex E Proposed revised Definition of Terms used in Statutory Plans in relation to ‘Public Utility Installation’ and ‘Utility Installation for Private Project’

Annex F Proposed revised Definition of Terms used in Statutory Plans in relation to the Chinese translation of ‘Pier’

**PLANNING DEPARTMENT
DECEMBER 2018**

Proposed revised Definition of Terms used in Statutory Plans in relation to
'Art Studio'

	Definition	Remarks
Art Studio	Means any premises purely used as a working place for the creation of paintings, sculptures, pottery and other pictures or objects which are the subject of art and as a venue for rehearsal for art performance.	<p>It excludes any premises to be used for teaching art subjects which will be regarded as a type of school use, or for domestic purposes.</p> <p><i>For Art Studio (excluding those involving direct provision of services or goods), it means any art studio that would not involve activities attracting visiting members of the general public by providing direct services or goods such as hobby classes, seminars and sales of goods for any party other than the operator, owner and tenant(s) of the premises.</i></p> <p><i>[Subsumed under 'Place of Recreation, Sports or Culture' unless otherwise specified]</i></p>

Proposed revised Definition of Terms used in Statutory Plans in relation to
‘Telecommunications Radio Base Station’

<p>Telecommunications Radio Base Station</p>	<p>Means any structureinstallation including an equipment cabinet not bigger than 5 metres x 4.5 metres x 3.5 metres (LxWxH) within or on the roof top of a building, and antenna(e) not bigger than 0.6 metre x 0.6 metre x 2.5 metres (LxWxH), excluding pole, for planar shape or 0.8 metre in diameter for circular shape within, at the side attached to or on the roof top of a building or structure for the provision of public telecommunications services to serve the local district.</p>	<p><i>[Subsumed under 'Public Utility Installation' except where separately permitted under the covering Notes]</i></p>
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**Proposed revised Broad Use Terms and Definition of Terms used in Statutory Plans in relation to
'Market', 'Public Clinic' and 'Shop and Services'**

(a) Proposed Revision to Broad Use Terms

Broad Use Term	Subsumed Use Term(s)	Remarks
Market	Hawker Centre; Hawker Bazaar	Also includes flea market
Public Clinic	Clinic/Polyclinic	Also includes Family Planning Association Clinic, SPCA (Society for the Prevention of Cruelty to Animals) Clinic, but excludes private medical consulting room which is regarded as a type of 'Shop and Services'
Shop and Services	Bank (including Automated Teller Machine); Barber Shop; Beauty Parlour; Clinical Laboratory; Fast Food Shop; Market ; Money Exchange; Pawn Shop; Photographic Studio; Retail Shop; Service Trades; Showroom (including Motor-vehicle Showroom)	Also includes supermarket, department store, convenience store, courier service counter, health centre , medical consulting room (including medical clinic, dental clinic, physiotherapy clinic and veterinarian clinic), money lending office, securities brokerage, tourist information office, real estate agency, employment agency, travel/ticket agency

(b) Proposed Revision to DoT

Use	Definition	Remarks
Market	Means any public or private market in which foodstuffs and commodities are sold and services are provided, generally by small traders. It also includes any site or area set aside as hawker centre/hawker bazaar.	<i>Adapted from the Public Health and Municipal Services Ordinance (Cap. 132).</i> It includes flea market. <i>['Hawker Centre' and 'Hawker Bazaar' subsumed under this term]</i> <i>[Subsumed under 'Shop and Services' unless otherwise specified]</i>
Public Clinic	Means any premises used or intended to be used for the medical diagnosis or treatment of persons or animals suffering from, or believed to be suffering from any disease, injury or disability of mind or body.	It includes Family Planning Association Clinic, SPCA (Society for the Prevention of Cruelty to Animals) Clinic, polyclinic, specialist clinic and general clinic/health centre operated or coordinated by the Government. <i>Adapted from the Medical Clinics Ordinance (Cap-343).</i> It excludes private medical consulting room used by registered medical practitioner, Chinese medicine practitioner, veterinary surgeon, dentist and physiotherapist which is regarded as a type of 'Shop and Services'. <i>['Clinic/Polyclinic' subsumed under this term]</i>

Use	Definition	Remarks
Shop and Services	Means any premises where goods are sold or where services are provided to visiting members of the public.	<p>It includes bank, barber shop, beauty parlour, convenient store, supermarket, department store, fast food shop, courier service counter, clinical laboratory, market, health centre, medical consulting room (including medical clinic, dental clinic, physiotherapy clinic and veterinarian clinic), money exchange, money lending office, pawn shop, photographic studio, small-scale printing and xerox service, real estate agency, retail shop, securities brokerage, service trades, showroom, tourist information office, employment agency and travel/ticket agency.</p> <p><i>[‘Bank’, ‘Barber Shop’, ‘Beauty Parlour’, ‘Clinical Laboratory’, ‘Market’, ‘Money Exchange’, ‘Fast Food Shop’, ‘Pawn Shop’, ‘Photographic Studio’, ‘Retail Shop’, ‘Service Trades’, ‘Showroom’, ‘Motor-vehicle Showroom’ subsumed under this term unless otherwise specified]</i></p> <p><i>[‘Printing, Publishing and Allied Industries’, ‘Catering Services’ and ‘Services Trades’ subsumed under this term or under ‘Industrial Use’ depending on the scale of operation]</i></p>

**List of Zones in the Master Schedule of Notes to Statutory Plans Requiring Amendments
Resulting from Subsuming ‘Market’ under ‘Shop and Services’**

Proposed Amendment	Zones Involved
Deletion of ‘Market’ from Column 1 use	“Commercial”*
	Schedules I and III of “Other Specified Uses” (“OU”) annotated “Mixed Use”
Deletion of ‘Market’ from Column 2 use	“Comprehensive Development Area”
	“Residential (Group B)”
	“Residential (Group D)”
	Schedule I of “Residential (Group E)”
	“Village Type Development” *
	“OU” annotated “Rural Use”
Revising ‘Shop and Services’ to ‘Shop and Services (not elsewhere specified)’	“Government, Institution or Community”*
	Schedule of uses other than those additional uses permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building of the “Residential (Group A)” zone*

* with sample

**Samples of Proposed Revised Master Schedule of Notes to Statutory Plans in relation to
subsuming 'Market' under 'Shop and Services'**

(1) Deletion of 'Market' from Column 1 use

COMMERCIAL

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

* Add where appropriate

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

(2) Deletion of 'Market' from Column 2 use

VILLAGE TYPE DEVELOPMENT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use	Burial Ground*
Government Use (Police Reporting Centre, Post Office only)	Eating Place
House (New Territories Exempted House only)	Flat*
On-Farm Domestic Structure	Government Refuse Collection Point
Religious Institution	Government Use (not elsewhere specified)#
(Ancestral Hall only)	Hotel (Holiday House only)*
Rural Committee/Village Office	House (not elsewhere specified)
	Institutional Use (not elsewhere specified)#
	Market*
	Petrol Filling Station*
	Place of Recreation, Sports or Culture
	Private Club*
	Public Clinic
	Public Convenience
	Public Transport Terminus or Station
	Public Utility Installation #
	Public Vehicle Park
	(excluding container vehicle)
	Religious Institution (not elsewhere specified)#
	Residential Institution #
	School #
	Shop and Services
	Social Welfare Facility #
	Utility Installation for Private Project

In addition, the following uses are always permitted on the ground floor of a New Territories Exempted House:

Eating Place
Library
School
Shop and Services

(3) Revising 'Shop and Services' to 'Shop and Services (not elsewhere specified)'

GOVERNMENT, INSTITUTION OR COMMUNITY

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	Animal Boarding Establishment
Animal Quarantine Centre (in Government building only)	Animal Quarantine Centre (not elsewhere specified)
Broadcasting, Television and/or Film Studio	Columbarium
Cable Car Route and Terminal Building*	Correctional Institution
Eating Place (Canteen, Cooked Food Centre only)	Crematorium
Educational Institution	Driving School
Exhibition or Convention Hall	Eating Place (not elsewhere specified)
Field Study/Education/Visitor Centre	Firing Range*
Government Refuse Collection Point	Flat*
Government Use (not elsewhere specified)	Funeral Facility
Hospital	Helicopter Landing Pad*
Institutional Use (not elsewhere specified)	Helicopter Fuelling Station*
Library	Holiday Camp
Market	Hotel*
Pier*	House* (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes +)
Place of Recreation, Sports or Culture	Marine Fuelling Station*
Public Clinic	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances*
Public Convenience	Off-course Betting Centre
Public Transport Terminus or Station	Office
Public Utility Installation	Petrol Filling Station
Public Vehicle Park (excluding container vehicle)	Place of Entertainment
Recyclable Collection Centre	Private Club
Religious Institution	Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation
Research, Design and Development Centre	Refuse Disposal Installation (Refuse Transfer Station only)*
Rural Committee/Village Office*	Residential Institution
School	Sewage Treatment/Screening Plant
Service Reservoir	Shop and Services (not elsewhere specified)
Social Welfare Facility	Utility Installation for Private Project
Training Centre	Zoo
Wholesale Trade	

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

RESIDENTIAL (GROUP A)

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

* Add where appropriate

+ The remarks in brackets to be added only if corresponding Column 1 use is added

RESIDENTIAL (GROUP A) (cont'd)

In addition, the following uses are always permitted (a) on the lowest three floors of a building, taken to include basements; or (b) in the purpose-designed non-residential portion of an existing building, both excluding floors containing wholly or mainly car parking, loading/unloading bays and/or plant room:

Eating Place

Educational Institution

Institutional Use (not elsewhere specified)

Off-course Betting Centre

Office

Place of Entertainment

Private Club

Public Convenience

Recyclable Collection Centre

School

Shop and Services

Training Centre

**Proposed Revised Definition of Terms Used in Statutory Plans in relation to
‘Public Utility Installation’ and ‘Utility Installation for Private Project’**

<u>Use</u>	<u>Definition</u>	<u>Remarks</u>
Public Utility Installation	Means any tank, structure or premises built on, over, or under ground level for the provision of water, sewerage, gas, electricity, broadcasting, television and telecommunications services to serve the local district.	<p>It includes, unless otherwise specified, telecommunications radio base station, public utility pipeline, pump house, pylons (including overhead electric cables), electricity substation, telephone exchange, water pumping station, flood control pumping station, sewage pumping station and sewage treatment/screening plant with a treatment capacity of less than 5,000m³ per day.</p> <p>It excludes such small-scale facilities as electricity mast, lamp pole and telephone booth, which are always permitted in the covering Notes, <i>and small scale electricity installation not bigger than 12m² (area) x 3m (height) within “Village Type Development” zone which is always permitted to support Small House/New Territories Exempted House developments.</i></p> <p>It also excludes such major installations as water treatment plant, sewage treatment plant (unless otherwise specified), electric power station, gas works, radar, telecommunications electronic microwave repeater, television and/or radio transmitter installation to serve a wide geographical area.</p> <p>It also excludes building wholly or principally used as an administrative or business premises of an utility company.</p> <p><i>[‘Sewage Pumping Station’, ‘Flood Control Pumping Station’, ‘Telecommunications Radio Base Station’ and ‘Public Utility Pipeline’ subsumed under this term unless otherwise specified or separately permitted under the covering Notes]</i></p>

<u>Use</u>	<u>Definition</u>	<u>Remarks</u>
Utility Installation for Private Project	Means any tank, structure or premises built on, over, or under ground level for the provision of water, sewerage, gas electricity, broadcasting, television and telecommunications services to serve a particular private development.	Utility installations provided within and serving a particular private development are regarded as ancillary uses. <i>It excludes small-scale electricity installation not bigger than 12m² (area) x 3m (height) within “Village Type Development” zone which is always permitted to support Small House/New Territories Exempted House developments.</i>

Proposed Revised Definition of Terms used in Statutory Plans
in relation to the Chinese Translation of ‘Pier’

用途	定義	備註
碼頭 (Pier)	指建築在水上，由柱墩或橋樑支撐，用作渡輪、船艇、船舶和其他船隻的靠岸處的構築物。	不 包括渡輪碼頭廣場。