Appendix II

(DRAFT REVISED VERSION)

TPB PG-No. 43A

TOWN PLANNING BOARD GUIDELINES FOR APPLICATION FOR TRANSFER OF PLOT RATIO <u>UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE</u>

(Important Note:

The guidelines are intended for general reference only. The decision to approve or reject an application rests entirely with the Town Planning Board and will be based on individual merits and other specific considerations of each case.

Any enquiry on this pamphlet should be directed to the Planning Enquiry Counters of the Planning Department, 17th Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14th Floor, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories (Hotline: 2231 5000).

These guidelines are liable to revision without prior notice. The Town Planning Board will only make reference to the guidelines current at the date on which it considers an application.)

1. Introduction

1.1 The purpose of this set of Guidelines is to set out the requirements and considerations adopted by the Town Planning Board (the Board) for applications involving the "Transfer of Plot Ratio" (TPR) between sites made under section 16 of the Town Planning Ordinance (the Ordinance).

1.2 In recognition of the problems associated with a rapidly ageing residential building stock and the need for new measures to expedite the pace of urban restructuring and renewal, the TPR scheme was first implemented in July 2023 as a pilot in the two districts of Mong Kok and Yau Ma Tei to take forward the recommendation of the District Study for Yau Ma Tei and Mong Kok (the YM Study) commissioned by the Urban Renewal Authority (URA). To further incentivise the market to use the TPR tool, refinements have been made to the TPR scheme and set out in this set of Guidelines.

1.3 The TPR scheme is introduced for the following objectives:

(a) channelling development potential from small and isolated sites occupied by ageing dilapidated residential buildings with low redevelopment potential to more sizeable sites that are more suitable for higher development intensity, thereby incentivising the demolition/redevelopment of ageing dilapidated residential buildings; and

(b) facilitating a better restructuring and replanning in the old urban area and bringing planning gains (e.g. improvements to the public realm, additional public spaces and community facilities, and preserving buildings with conservation value, etc.) to the community.

1.4 Under this set of Guidelines, the TPR means the transfer of gross floor area (GFA) from "Sending Site(s)" (SS) to "Receiving Site(s)" (RS) by increasing the maximum permissible plot ratio (PR)/GFA of each RS by up to a maximum of 30% (the 30% cap) so as to accommodate the GFA transferred from the SS[1]. Each section 16 application may involve more than one SS according to the circumstances, and more than one RS to accommodate all the transferrable GFA. Minor exceedance of the 30% cap at each RS may be allowed to provide greater flexibility for pairing RS and SS subject to the applicant's justifications for the Board's consideration. The basis for determining the transferrable GFA from the SS and the 30% cap at the RS is provided in paragraphs 4.1 to 4.5 below.

1.5 To participate in the TPR scheme, a single section 16 application must be made covering both the SS(s) and RS(s)[2]. Depending on the specific development control under the concerned OZP, the proposed development under a TPR scheme may involve one or more of the following:

(a) relaxation/minor relaxation of the PR/GFA restriction of each RS to absorb the transferred GFA;

(b) relaxation/minor relaxation of other restrictions of each RS, such as building height and/or site coverage restriction, etc., to absorb the transferred GFA; and/or

(c) Column 2 use(s) that forms an integral part of the proposed development at each RS, for instance, the residential component of a mixed-use development in a commercial-based zoning.

As with all planning applications, the Board will consider each TPR application on a case-by-case basis based on the individual merits of the proposal.

1.6 Where the OZP does not specify the PR/GFA control for a RS, the permissible

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1 As a general principle, land not intended for building development purposes and carrying no development right under the lease, such as areas designated as non-building areas or reserved for garden purposes, shall not be counted towards the site area for the purpose of calculating the maximum transferrable GFA of the SS or the 30% cap for the RS.

2 Where a TPR scheme involves sites falling under different Outline Zoning Plans (OZPs), the section 16 application shall be made in accordance with the provisions of the respective OZP.

domestic PR under the First Schedule of Building (Planning) Regulations (B(P)R) of the Buildings Ordinance (BO) will be the basis for determining the 30% cap, the details of which are further elaborated in paragraph 4.5 below. For such cases, the applicant may need to seek planning permission under paragraphs 1.5 (b) and/or (c) above.

1.7 Same as other planning applications, the applicant needs to demonstrate satisfactorily that the TPR proposal is technically feasible without overstraining the infrastructural capacity, nor causing unacceptable impacts on relevant aspects including environmental, visual and air ventilation, etc. Moreover, any permission granted by the Board may be subject to such conditions as the Board thinks fit, which may cover the RS and/or SS.

1.8 A set of site criteria and planning considerations is set out below to facilitate the market to identify suitable RSs and SSs and draw up proposals thereon. A checklist to aid applicants is provided at **Appendix A**.

2. Site Criteria for SS

2.1 To be eligible for the TPR scheme, a SS must meet the following criteria:

(a) falls within the planning scheme area of the Sai Ying Pun and Sheung Wan, Wan Chai, Ma Tau Kok, Mong Kok, Yau Ma Tei, Cheung Sha Wan or Tsuen Wan OZP[3]; and

(b) irrespective of zoning, occupied by the following building(s) at the time of submitting the application:

(i) building(s) with residential element and aged 50 or above[4]; or

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3 Corresponds to the seven designated areas as defined in the Schedule to the Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice (Cap. 545A), which are areas with more pressing need for urban renewal.

4 "Building with residential element" means a building wholly or partly constructed for or intended to be used for domestic purpose as approved by the Building Authority, including composite buildings, but excluding (i) hotels and guesthouses; (ii) residential facilities managed or operated by an organisation for providing residential accommodation to persons who meet certain eligibility criteria (e.g. boarding houses, dormitories, residential institutions, staff quarters, student hostels and residential care homes for the elderly/persons with disabilities, and any other similar accommodations); and (iii) New Territories Exempted Houses. Such buildings are not eligible to participate in the TPR scheme as they are generally under proper management/maintenance and/or granted for such specific purpose rather than for general residential use. In determining the use and age of the building, the Occupation Permit (OP) issued by the Building Authority shall be the main reference. In case where approved building plan(s) and/or OP for

(ii) building(s) worthy of conservation[5] irrespective of age and use[6]. However, sites with heritage buildings that have already benefited from development-cum-conservation support by the Government with the development already materialised[7] or sites zoned purely for heritage preservation purpose with no additional new development envisaged[8] will not be accepted as SS.

2.2 Favourable consideration will be given to accept a SS under paragraph 2.1(b)(i) above if:

(a) redevelopment on its own will result in pencil-type development not conducive to efficient layout, compliance with modern building code, and provision of car park and amenities;

(b) the site would unlikely be amalgamated into an integrated redevelopment as it is sandwiched between new buildings aged 30 years or less or buildings having no/low redevelopment potential;

(c) the site is occupied by existing building with excessive development intensity

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the concerned building is not available, the applicant should engage an Authorized Person (AP) to demonstrate the use and/or age of the building.

[5] These refer to historic buildings with actual grading (i.e. not nil grading) confirmed by the Antiquities Advisory Board (AAB). For other buildings without grading from AAB, they may be considered as eligible if their heritage conservation values are supported by district-based study (i.e. not individual site-based study) and agreed by relevant authorities. Examples include the YM Study and similar district-based studies conducted by the URA.

[6] As some buildings with conservation value might not meet the minimum age requirement (i.e. aged 50 years or more) and/or the user requirement (i.e. residential element), hence such requirements will be disapplied for such buildings. Nonetheless, one of the objectives of TPR is to incentivise the conservation of privately owned residential, commercial or mixed-use historic buildings, which are often subject to development pressure for urban redevelopment. Private historic buildings used for specialised purposes, such as schools, religious institutions, hospitals, private clubs, and public utility installations, etc., are generally not eligible to participate in the TPR scheme as they are generally under proper management/maintenance and/or granted for such specific purpose rather than for general residential use. Notwithstanding, the Board may consider the merits of individual proposals on a case-by-case basis.

[7] For example, 8 Waterloo Road zoned "Other Specified Uses" ("OU") annotated "Residential Development with Historical Building Preserved" on the Yau Ma Tei OZP, to which a development-cum-conservation proposal has been materialised. This is to avoid the site from double benefiting from development-related incentives rendered by the Government.

[8] For example, 618 Shanghai Street zoned "OU" annotated "Historic Buildings Preserved for Commercial and/or Cultural Uses" on the Mong Kok OZP, which is intended purely for the preservation and adaptive re-use of the existing buildings.

(e.g. building approved under the "Volume Regulation" of the then B(P)R), rendering in-situ redevelopment up to the existing bulk infeasible; and/or

(d) there are other justifiable reasons for demonstrating redevelopment of the site on its own is not viable.

3. Site Criteria for RS

3.1 RS can be located within the planning scheme area of any OZP within the territory, except for the circumstances set out in paragraphs 3.2 and 3.3 below. To be eligible for the TPR scheme, a RS must meet the following criteria:

(a) has a site area comprising private land of not less than 700 square metres (m^2)[9]; and

(b) falls within development zones primarily intended for general residential, commercial, business, industrial or industry-related uses[10].

3.2 Where the RS is not subject to PR/GFA control under the OZP and/or the PR/GFA control is equivalent to the maximum permissible PR under the B(P)R[11], the intensification of the site by way of TPR will lead to excessive development intensity and cause additional strain on the overall community facilities and infrastructure capacity in the district. For such cases, the RS must fall within the same district

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9 A minimum site area requirement is imposed to echo the considerations in paragraph 2.2(a) above, whereby the RS should be of a sizeable scale that is conducive to efficient layout, compliance with modern building code, and provision of car park and amenities. Notwithstanding, a slightly smaller site area may be considered on its individual merit and subject to strong justifications. Any Government land involved will not be counted towards the 700m^2 site area requirement nor form the basis for calculating the 30% cap of the RS unless with justifications to be assessed on a case-by-case basis.

10 It excludes development zones with other primary planning intention (e.g. "Village Type Development" and "Government, Institution or Community" ("G/IC"), etc.) and non-development zones (e.g. "Agriculture", "Green Belt" and "Conservation Area", etc.), except where there are strong justifications to include residual portions of such zones for rationalising the boundary and provided that there is provision for the proposed use with or without application within such zones under the concerned OZP. For the avoidance of doubt, the area within such zones shall not form the basis for calculating the 30% cap of the RS, except where minor discrepancies between the zoning boundary and the development lot are involved (in which case, the area of the development lot would be adopted). In most cases, the existing building(s) within the RS shall be demolished and redeveloped as part of the TPR scheme, except for buildings with conservation value (as defined under footnote 5 above), which can be retained at the RS.

11 For example, "Residential (Group A)" ("R(A)"), "Commercial" ("C") and "OU" annotated "Mixed Use" zones on Hong Kong Island, and the "C" zones along Nathan Road in Mong Kok and Yau Ma Tei. It also includes sites with PR/GFA control under the OZP, but the control is equivalent to the maximum permissible PR under the B(P)R, such as the "C" zone in Quarry Bay and "R(A)" zone in Shau Kei Wan.

(i.e. within the coverage of the same district council) as the SS.

3.3 Notwithstanding paragraph 3.1 above, there is a general presumption against accepting sites within well-recognised low-density areas with distinct built environment characters to be RSs so as not to subject such areas to further intensification in development intensity. While the determination of such areas will be based on the specific site context and hence cannot be exhaustive, Kowloon Tong, Kadoorie Hill, the Peak, Shouson Hill, Shek O, South Lantau Island and sparsely populated outlying islands are some examples that qualify for the general presumption.

4. Basis for determination of GFA

Transferrable GFA of the SS

4.1 In most cases, the maximum transferrable GFA of the SS will be specified in the Notes of the OZP, either as the maximum PR/GFA restriction of the zoning[12], or the PR/GFA of the existing building, whichever is the greater (**Appendices B and C**). As with other section 16 applications, for a claim of existing PR/GFA of an existing building, the applicant should engage an AP in confirming the calculation prior to the submission of section 16 application[13].

4.2 Only where the OZP does not specify the PR/GFA control for the SS, will the maximum transferrable GFA of the SS be proposed by the applicant by way of demonstrating the SS's potentially achievable development intensity. The applicant shall propose for the consideration of the Board the applicable permissible domestic PR under the B(P)R for the SS subject to any other development restrictions specified under the OZP (e.g. building height and site coverage restriction, etc.)[14] (**Appendix D**), or the GFA of the existing building if this is the

[12] Where the SS is subject to a maximum PR control under the OZP by way of a composite formula (for example, the "R(A)" zone on the Tsuen Wan OZP), the maximum domestic PR should be adopted in determining the maximum transferrable GFA of the SS, as the planning intention for such zones is primarily for residential use.

[13] In gist, no unauthorised structures would be taken into account, and any existing facilities/features/floor area exempted from PR/GFA calculation under the BO/B(P)R shall be disregarded. However, for those existing buildings approved under the "Volume Regulation" of the then B(P)R, the facilities/features/floor space that could be exempted under the prevailing BO/B(P)R shall be disregarded. Furthermore, a claim for PR/GFA of the existing building will generally be allowed if the Notes of the OZP allows for the concerned site to be redeveloped to its existing development intensity.

[14] This principle applies to SS within development zones primarily intended for general residential/ commercial/business/industrial/industry-related use. For SS within non-development zones and zones

greater. For the former, the applicant should engage an AP in formulating a hypothetical scheme and confirm the maximum transferrable GFA taking into account all relevant statutory control(s) under B(P)R and the OZP prior to the submission of section 16 application. For the latter, the last sentence in paragraph 4.1 and footnote 13 above shall apply.

4.3 In most cases (see paragraph 5.2 below for the main exception), the maximum transferrable GFA of the SS, as determined in paragraphs 4.1 or 4.2 above, will be transferred in full to the RS. However, additional planning incentives are provided as follows, allowing certain GFA to be retained/built within the SS as land premium-free bonus GFA, forming part and parcel of the TPR proposal:

(a) if the SS is developed into public spaces for public enjoyment and where members of the public can gain reasonable access to such public space, bonus commercial GFA equivalent to PR 0.4 of the SS or $200m^2$, whichever is the less, may be provided in the form of supporting uses, such as retail, eating place, or other commercial uses (excluding any form of residential use). This is to fund the long-term management and maintenance of the public space by the applicant and to add vibrancy to the space (**Appendix B**);

(b) if a graded historic building is conserved at the SS and members of the public can gain reasonable access to part/whole of the building, after the GFA of the existing graded historic building is transferred to the RS, GFA equivalent to that of the existing graded historic building may be provided as bonus GFA at the SS with the support of the Commissioner for Heritage. This is to provide greater incentive for the applicant to conserve and revitalise the graded historic building at the SS[15] (**Appendix E**); and

(c) where government, institution or community (GIC) facilities or socially beneficial facilities of the applicant's choice[16] are to be provided at SS with the

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not intended for general residential/commercial/business/industrial/industry-related use (e.g. "G/IC" and "Open Space"), the applicant shall propose the maximum transferrable GFA for the Board's consideration on a case-by-case basis, while taking cognisance of this principle.

[15] Similar bonus treatment also applies to the RS for the conservation of graded historic building at the RS. For the avoidance of doubt, for buildings that have not yet been graded by AAB but demonstrated to have heritage conservation value worthy of conservation by district-based study (as defined under footnote 5 above), the building can be retained at the SS but will be accountable for GFA calculation (i.e. the transferrable GFA from the SS will be less due to deduction of the existing building).

[16] Community living room, makerspace and senior citizens' learning centre are examples of socially beneficial facilities.

support of relevant government bureaux/departments, the GFA of the facilities concerned may be treated as bonus. This is to encourage the provision of GIC facilities or socially beneficial facilities to serve the community[17] (**Appendix D**).

30% increase in GFA (the 30% cap) at the RS

4.4 In most cases, the 30% cap for the RS is a 30% increase from the highest PR/GFA restriction for the RS as specified in the Notes of the OZP[18] (**Appendix B**). If the GFA of the existing building at the RS exceeds the highest PR/GFA restriction as specified in the Notes of the OZP, such exceedance (or grandfathered GFA) may be accommodated at the same RS and need not be counted towards the 30% cap (**Appendix E**). For a claim of existing PR/GFA of an existing building, the last sentence in paragraph 4.1 and footnote 13 above shall apply.

4.5 Only where the OZP does not specify the PR/GFA control for the RS, will the applicable permissible domestic PR under the First Schedule of B(P)R subject to any other development restrictions under the OZP (e.g. building height and site coverage restriction, etc.) be the basis for calculating the 30% cap, regardless of what type of (re)development is proposed at the RS. In other words, even if the (re)development at the RS is for a purely non-domestic building, the applicable permissible domestic PR under the First Schedule of B(P)R will be the basis for calculating the 30% cap part of the calculation, notwithstanding that the calculation for the as-of-right part of the proposed non-domestic building will continue to follow the applicable permissible non-domestic PR under the First Schedule of B(P)R. Two such scenarios are illustrated in **Appendix F** to demonstrate the principle. Similar to paragraph 4.2 above, the applicant shall propose and demonstrate this for the consideration of the Board. The applicant shall also take note of the same district requirement under paragraph 3.2 above.

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[17] This is largely to cater for cases where the Notes of the OZP does not contain a general remark requiring the provision of specific GIC facilities and also allowing for the GFA of such facilities as required by the Government to be disregarded from GFA calculation. For the avoidance of doubt, if the Notes of the OZP expressly requires the provision of specific GIC facilities but without a remark allowing for the GFA of such GIC facilities to be disregarded from GFA calculation, then the bonus provision herein shall not apply.

[18] For example, for RS subject to more than one PR/GFA control, such as with maximum domestic PR/GFA, maximum non-domestic PR/GFA and/or total PR/GFA control, the total PR/GFA control (i.e. the highest PR/GFA control for the site) shall be used as the basis for calculating the 30% cap, regardless of the applied use for the RS. The only exception is where the RS is subject to a maximum PR control under the OZP by way of a composite formula (for example, the “R(A)” zone on the Kwai Chung OZP), in which case the maximum domestic PR shall be adopted in calculating the 30% cap regardless of the applied use for the RS, as the planning intention of such zones is primarily for residential use. This echoes the considerations in determining the transferrable GFA from SS under the composite formula in footnote 12 above.

4.6 Besides the TPR mechanism, the Government has promulgated measures to incentivise the market to participate in urban renewal/redevelopment by way of development intensification[19]. Subject to relevant criteria being met, a SS and RS may be eligible for both the aforementioned measure(s) and TPR. To avoid excessive development intensity at the RS, any additional GFA arising from the aforementioned measure(s) may be added to the RS provided that the overall development, accommodating both the GFA transferred from the SS (under TPR) plus the additional GFA from the aforementioned measure(s), does not exceed the 30% cap (**Appendix G**). For the avoidance of doubt, other bonus or concessionary GFA under the prevailing buildings regime (such as bonus PR under regulation 22 of the B(P)R and GFA concession for compliance with the Sustainable Building Design Guidelines (SBDG), etc.) will not be counted towards the 30% cap.

5. Requirements for Pairing up RS and SS

5.1 RS and SS are not necessarily under the same land use zoning, and can be in different OZPs. There is no restriction on the number of RS and SS in each application provided that it is under a single section 16 application and implemented together as one project. When more than one RS and/or more than one SS are involved, the applicant shall specify clearly in the planning application how the transfer of GFA works among sites, the apportionment of transferred GFA from the SSs and among the RSs as well as the management and maintenance responsibility of the proposed public space/public facilities, if any, among all the sites. This is to facilitate the subsequent processing of the general building plans and lease modification/land exchange applications for RS and SS.

5.2 As no unexpended GFA can be retained for inclusion in a future planning application[20], the applicant may propose redevelopment at SS to facilitate full utilisation of GFA. For example, in the case where the SS is occupied by an existing building with excessive development intensity as set out in paragraph 2.2(c) above or the transfer of GFA of SS in full would considerably exceed the 30% cap of the RS, transfer of GFA to RS(s) in part and redevelopment of SS into new building(s) (with the remaining GFA) compliant with the permissible PR/GFA of the

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[19] Such measures include the relaxation of the maximum permitted non-domestic PR by up to 20% under the Revitalisation Scheme for Industrial Buildings and provision of bonus PR by up to 20% under the Bonus Plot Ratio Pilot Scheme (Joint Practice Note No. 9) for in-situ redevelopment meeting certain criteria.

[20] A RS or SS may be subject to more than one approved TPR application. An applicant may decide which approved TPR application it intends to pursue as long as lease modification or land exchange for the SS and RS has not yet been executed.

OZP[21] may be accepted.

5.3 Interchangeability of domestic and non-domestic GFA upon transfer may be allowed, e.g. transfer of permissible non-domestic GFA from SS to RS for residential development, or vice versa (**Appendix H**). It is for the applicant to justify in the planning application the compatibility of the proposed (re)development with the planning intention and the surrounding land uses, and the technical feasibility.

6. Planning Considerations for TPR Proposals

6.1 The section 16 application for a TPR proposal will be assessed in a holistic manner. The objectives mentioned in paragraph 1.3 above, particularly expediting urban renewal through redevelopment of ageing dilapidated residential buildings with low redevelopment potential and preservation of buildings with conservation value, will generally be considered as a planning gain for TPR application, provided that the proposals on RS(s) and SS(s) as a whole would have no unacceptable adverse impacts.

6.2 In addition to the above, favourable consideration will be given if the proposals on RS and SS as a whole could demonstrate the following additional planning merits:

(a) the proposal is complementary with the master renewal plan promulgated by the URA to guide urban restructuring[22];

(b) provide socially beneficial facilities of the applicant's choice;

(c) provide community facilities or public open space which are in shortfall in the area and with the support of the relevant government departments which will monitor and check compliance;

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[21] Redevelopment at the SS can be built up to or lower than the maximum PR/GFA specified in the Notes of the OZP. Redevelopment up to the PR of the existing building (even if allowed for under the OZP) is not allowed under the circumstances, as it is not the intention for the new building at the SS to exceed the prevailing OZP restrictions. Notwithstanding, to allow flexibility, redevelopment at the SS together with bonus PR arising from the measure(s) as stated in footnote 19 above may be allowed even if the resultant PR of the overall development exceeds the prevailing OZP restriction. Such cases will be considered by the Board on a case-by-case basis.

[22] The Master Renewal Concept Plan Framework for Yau Ma Tei and Mong Kok is shown in Diagram 3.2 of the YM Study's Information Booklet, which is available from the Study's webpage at https://www.ura.org.hk/en/major-studies-and-concepts/yau-tsim-mong-district-study. URA is preparing similar plans for the Sham Shui Po and Tsuen Wan districts.

(d) provide linkage or extension to existing/planned open space network;

(e) improve accessibility to or synergise with points of interest and/or major pedestrian destination;

(f) help provide opportunity for vehicular and pedestrian traffic improvement;

(g) provide better streetscape/good quality street level public space (e.g. provision of setback and canopy);

(h) help improve air ventilation (e.g. breezeway/wind corridor to inner areas);

(i) help provide opportunity to unblock important vista;

(j) incorporate urban design measures advocated in the Urban Design Guidelines of the Hong Kong Planning Standards and Guidelines;

(k) adopt greening and design measures advocated in the SBDG; and/or

(l) provide any other justifiable planning gains.

7. Land Ownership

7.1 Government land may be included in the TPR application, for example, inclusion of residual Government land incapable of separate alienation to optimise use of land resources. Subject to footnote 9 above and the completion of lease modification or land exchange, such land within SS or RS may also be regarded as site area subject to land premium and integrating the Government land to form a holistic development proposal. Whether Government land can be included in SS or RS is subject to the scheme approved by the Board and final decision of the Land Authority.

7.2 Full ownership of the SS and RS by the project proponent(s) is not a pre-requisite for making planning application or granting of planning permission. However, when submitting the application, the applicant should obtain owners' consent or give notification to the owners of the SS and RS in accordance with the Ordinance to ensure that all owners involved are at least informed of the TPR proposal.

7.3 Land ownership is essential in taking forward the TPR proposal and building plans submission. Even if the planning application for a TPR proposal is agreed by the Board, land not under the ownership of the project proponent(s) is not entitled to effecting the TPR. For the avoidance of doubt, joint ownership, including lots held in separate ownership of joint venture (JV) partners, is allowed for the purpose of TPR[23].

8. Submission Requirements

8.1 An applicant for a TPR proposal shall prepare layout plan(s) for the RS and SS setting out the proposed land uses, development parameters of all buildings, proposed community/recreational/socially beneficial facilities, transport facilities and public spaces, and the landscaping and urban design proposals, as well as existing conditions of the sites, the character of the sites in relation to the surrounding areas, and design population, etc. There should be land ownership records from Land Registry and the submission of an implementation programme covering both the SS and RS across the duration of the development. Relevant assessments should be submitted to demonstrate that the proposals on both RS and SS are technically feasible and would not result in unacceptable adverse impact on transport and other infrastructural capacities; surrounding environment; and visual, air ventilation and other technical aspects. To expedite the development process, particularly in determining the transferrable GFA of the SS and the permissible domestic PR under B(P)R for the RS for cases where there is no PR/GFA control under the OZP, the applicant should engage an AP to prepare the necessary information for consideration by the Board. If the proposal involves additional GFA from other Government measure(s) (paragraph 4.6 above refers), the applicant should clearly set out the proposed bonus GFA/PR under the relevant schemes.

8.2 For proposals involving building(s) preservation, preservation and conservation management proposals[24] should be provided in the submission. For proposals involving public facilities such as public space for public enjoyment or public open space in private developments at the SS and/or RS, the long-term management and maintenance arrangements should be clearly stated.

8.3 In general, the applicant should be responsible for the implementation and the long-term management and maintenance of the buildings/facilities/services at the SS

[23] If the TPR proposal comprises lots held in separate ownership of JV partners, the application for lease modification should be submitted by all lot owners.

[24] The proposals should cover relevant heritage aspects of the building(s) to be preserved such as the historical/cultural background, heritage/cultural significance, heritage fabrics/character defining elements, mitigation measures (e.g. in-situ preservation and taking photographic/3D scanning records), adaptive re-use/public appreciation arrangement proposals, and future management and maintenance arrangements, etc.

and/or fulfill the responsibility to allow public access to such buildings/facilities per paragraph 4.3 above, unless relevant government departments agree to take over the buildings/facilities/services upon completion of the lease modification of the SS. If GIC facilities and public spaces intended to be handed over to the Government are proposed by the applicant, the applicant should consult relevant government departments in formulating the management and maintenance arrangements prior to submitting the TPR application. Details of such arrangements should be set out in the submission. For example, relevant government departments to monitor and check compliance for the construction and to take over the management and maintenance upon completion of the proposed public facilities should be identified. If it is the applicant's intention to support the operation, management and maintenance of the buildings/facilities/services by the commercial element in RS and/or SS, such arrangement should also be spelt out.

8.4 Prior to the submission of an application, advice could be sought from the respective District Planning Office of the Planning Department. If it is considered necessary, pre-submission meeting with the participation of other relevant government departments could be arranged.

9. Planning Approval Condition(s) and Implementation

9.1 In granting the planning permission for TPR proposal, a longer validity period could be considered on a case-by-case basis depending on the complexity of the submitted TPR scheme. Appropriate approval condition(s) will be imposed by the Board to the effect of ensuring timely realisation of the planning gains specified in the approved scheme, in particular if socially beneficial facilities of the applicant's choice, public facilities or building preservation works at the SS have been proposed. Relevant planning approval condition(s) may be imposed, including requiring execution of lease modification and/or land exchange of the SS and RS for the proposed development before approval of general building plans for the proposed development on the RS under the BO.

9.2 To implement the approved TPR application, application for lease modification or land exchange of the SS and RS, and for necessary approval of building plans[25]/

[25] Where the proposed development at RS exceeds the permissible PR under the B(P)R, the applicant should seek the Building Authority's modification under section 42 of the BO. The Building Authority will favourably consider such modification in light of the Board's acceptance of the TPR proposal. In general building plans submission, the calculation of RS parameters should expressly indicate the amount of GFA deriving from transfer from SS and the location of SS.

building works for both sites is required. Land Authority has the discretion to process the application by means of lease modification or land exchange or such other land documents as appropriate on individual case merits. The Administration will tie the granting of pre-sale consent or issuance of certificate of compliance or consent to assign as appropriate in respect of the new development at the RS with completion of the public facilities and/or building preservation works at the SS and RS if applicable. If the situation warrants it and subject to implementation details as appropriate, safeguards may be incorporated into the lease tying the on-going management and maintenance obligations with the commercial portion of RS to avoid such obligations being transferred to individual flat owners.

9.3 To provide added incentive, the Government will allow the land premium assessment for the SS(s) and RS(s) to be combined even when they are covered by separate land transactions. In other words, the premium of the land transactions would be assessed collectively and is equivalent to the difference between the total value of the SS(s) and the RS(s) under the original lease conditions and the total value of the RS(s) (including the transferred GFA) and SS(s) (excluding the bonus GFA, if any) under the modified lease conditions. This would enable the values of both the SS(s) and the RS(s) before and after the transfer of GFA under TPR to be jointly assessed and offset against each other, even if the SS(s) and RS(s) are to be governed by separate land instruments executed at the same time[26].

9.4 As a facilitating measure, the Planning Department will offer pre-submission enquiry service and meetings for applicants, with involvement of other government departments as necessary, at the early stage of the planning process. However, any advice provided by the Planning Department and other government departments under the above pre-submission enquiry service and meetings shall under no circumstances be interpreted nor considered as advice provided by the Board.

10. Appendices

Appendix A	Checklist for TPR Proposal
Appendices B to D	Illustration of Transferrable GFA from SS and 30% Cap at RS
Appendix E	Illustration of Bonus GFA at SS (Preservation of Graded Historic Building) and Excessive GFA at RS
Appendix F	Adoption of Maximum B(P)R Permissible Domestic PR for Calculation of the 30% Cap of RS

[26] For the avoidance of doubt, the land premium-free bonus GFA under paragraph 4.3 above will not be taken into account in the land premium valuation for the SS.

Appendix G	Illustration of Concurrent Development Intensification Initiatives at RS
Appendix H	Illustration of GFA Interchangeability

TOWN PLANNING BOARD
AUGUST 2026

Appendix A

Checklist for "Transfer of Plot Ratio" (TPR) Proposal

(The checklist is intended to facilitate understanding of the site selection criteria, planning considerations and submission requirements and is not intended to be exhaustive. The applicant should follow the main text of the Guidelines for details.)

Remarks

✓ - prerequisite of the TPR scheme
✓✓ - favourably considered for selection in the TPR scheme
✗ - general presumption against such selection under the TPR scheme

(A) Site Selection

(Corresponds to paragraphs 2 and 3 of the main text of the Guidelines)

Criteria		**Compliance**
Sending Site (SS)		
✓	1. The SS falls within the planning scheme area of the Sai Ying Pun and Sheung Wan, Wan Chai, Ma Tau Kok, Mong Kok, Yau Ma Tei, Cheung Sha Wan or Tsuen Wan Outline Zoning Plan (OZP)	( )
✓	2. Irrespective of zoning, the SS is occupied by: (a) building(s) with residential element and aged 50 or above; or (b) building(s) worthy of conservation irrespective of age and use (except for those private historic buildings used for specialised purposes as set out in footnote 6 of the Guidelines, which are generally not eligible), provided that it is not a materialised development-cum-conservation scheme or sites zoned purely for heritage preservation purpose	( )
✓✓	3. For SS under 2(a), it can meet one or more of the following: (a) redevelopment on its own will result in pencil-type development not conducive to efficient layout; (b) the SS would unlikely be amalgamated into an integrated redevelopment as it is sandwiched between new buildings aged 30 years or younger or buildings having no/low redevelopment potential; (c) the SS is occupied by existing building with excessive development intensity, rendering in-situ redevelopment up to the existing bulk infeasible; and/or	( )

Criteria		Compliance
	(d) other considerations rendering redevelopment of the SS on its own to be unviable	
Receiving Site (RS)		
✓	1. The RS falls within the planning scheme area of an OZP	( )
✓	2. The RS has a site area comprising private land of not less than $700m^2$	( )
✓	3. The RS falls within development zones primarily intended for general residential, commercial, business, industrial or industry-related uses	( )
✓	4. If the RS is not subject to PR/GFA control under the OZP and/or the PR/GFA control is equivalent to the maximum permissible PR under the Building (Planning) Regulations (B(P)R): - the RS shall be located within the same coverage of the same district council of the SS	( )
✗	5. The RS is located in a well-recognised low-density area with distinct built environment character that should be safeguarded from further intensification in development intensity	( )

(B) Planning Considerations for TPR Proposals

(Corresponds to paragraphs 1 and 6 of the main text of the Guidelines)

Criteria		Compliance
✓	1. The TPR proposal achieves one or more of the following: (a) expediting urban renewal through demolition/ redevelopment of ageing dilapidated residential buildings with low redevelopment potential; and/or (b) preservation of buildings with conservation value	( )
✓	2. The TPR proposal is technically feasible without overstraining the infrastructural capacity, nor causing unacceptable adverse impacts	( )
✓✓	3. The TPR proposal demonstrates one or more of the planning merits as set out in paragraph 6.2 of the Guidelines	( )

(C) Key Submission Requirements

(Corresponds to paragraphs 1, 4, 5, 7 and 8 of the main text of the Guidelines)

Criteria		Compliance
✓	1. The SS(s) and the RS(s) is covered by one single section 16 application and to be implemented together as one project	( )
✓	2. Layout plan(s) for the RS and SS	( )
✓	3. Implementation programme for the RS and SS	( )
✓	4. Relevant technical assessments for the RS and SS	( )
✓	5. Details on how the transfer of GFA works among sites (including the apportionment of transferred GFA from the SSs among the RSs), as well as the management and maintenance responsibility of proposed public space/public facilities, if any, among all the sites	( )
✓	6. If either the SS and/or RS is not subject to PR/GFA control under the OZP and/or the PR/GFA control is equivalent to the maximum permissible PR under the B(P)R: - a hypothetical scheme shall be prepared to demonstrate the maximum achieveable PR under the B(P)R at the SS and/or RS, taking into account all relevant statutory control(s) under B(P)R and the OZP	( )
✓	7. If there is a claim of existing PR/GFA of existing building on either the SS and/or RS: - confirmation from an Authorized Person on the claimed PR/GFA of the existing building	( )
✓	8. Obtained owners' consent or gave notification to the owners of the SS and RS	( )

Illustration of Transferrable GFA from Sending Site and 30% Cap at Receiving Site (on OZP with PR/GFA Control)

Appendix B

Before TPR

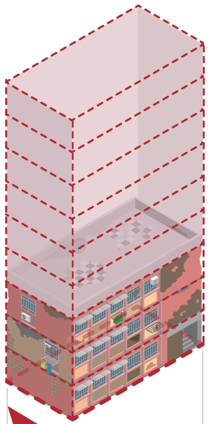
Sending Site (SS)

Zoning: "R(A)"
(Max. Dom./Total PR restriction of 8.5/**9**)

Site Area
200m²

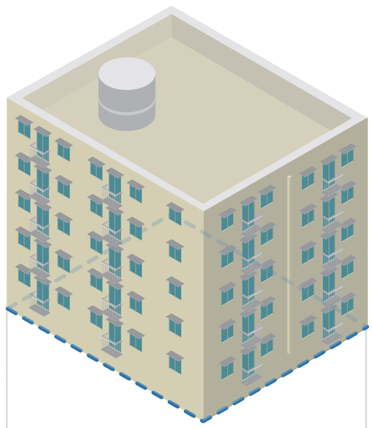
Max. Transferrable GFA
1,800m² (**9** x 200m²)
x 9

Building Status
Building with residential element and aged 50 or above



Receiving Site (RS)

Zoning: "R(A)"
(Max. Dom./Total PR restriction of 8.5/**9**)



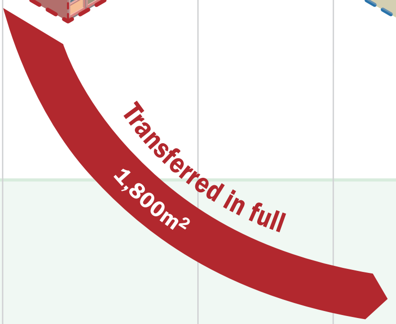
Site Area
750m²

Max. OZP Permissible GFA
6,750m² (**9** x 750m²)
x 9

Calculating the 30% cap of the RS

30%

30% Cap for TPR
2,025m²
(6,750m² x 30%)
x 9 x 30%



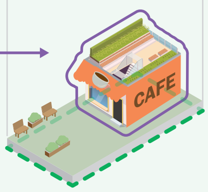
After TPR

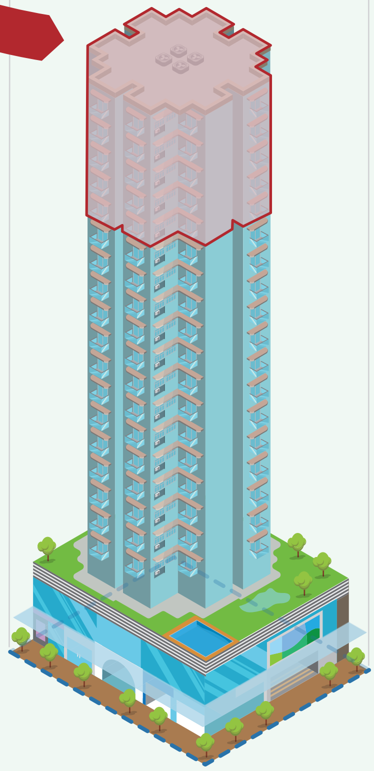
Zoning: "R(A)", to be rezoned to "O" when opportunity arises

Site Area
200m²

Remaining GFA
0m²

Bonus GFA
80m² (PR of **0.4**)
x 0.4





Zoning: "R(A)"

Site Area
750m²

Total GFA
(incl. Dom. and Non-dom. GFA in this given example)

8,550m² (PR of 11.4)

= 6,750m² + 1,800m²

(Max. OZP Permissible GFA) + (Transferred GFA from SS, within 30% Cap of 2,025m²)

(x 9) + (x 9)

Planning Gains at SS :

- Demolition of ageing dilapidated building
- New public space for public enjoyment

Planning Gains at RS :

- Building Setback
- Building Canopy
- Greenery / Landscaping
- Others

Illustration of Transferrable GFA from Sending Site with Existing Building with Excessive PR/GFA to Receiving Site (on OZP with PR/GFA Control)

Appendix C

Before TPR

Sending Site (SS)

Zoning: "R(A)"
(Max. Dom./Total PR restriction of 8.5/**9**)

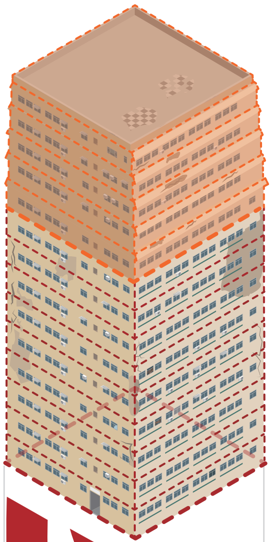
Site Area
400m²

Building Status
Existing building with excessive PR/GFA (i.e. total PR of 14), with residential element and aged 50 or above

Max. Transferrable GFA
5,600m² (**14** x 400m²)
x 14

Excessive GFA
(PR 14-9 = **5**)
2,000m²
x 5

Max. OZP Permissible GFA (PR 9)
3,600m²
x 9



Receiving Site (RS)

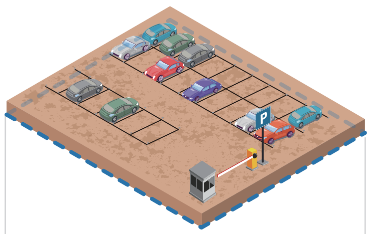
Zoning: "R(A)"
(Max. Dom./Total PR restriction of 8.5/**9**)

Site Area
750m²

Max. OZP Permissible GFA
6,750m² (**9** x 750m²)
x 9

Calculating the 30% cap of the RS

30% Cap for TPR
2,025m²
(6,750m² x 30%)
x 9 x 30%



Redeveloped in part at SS
3,600m²

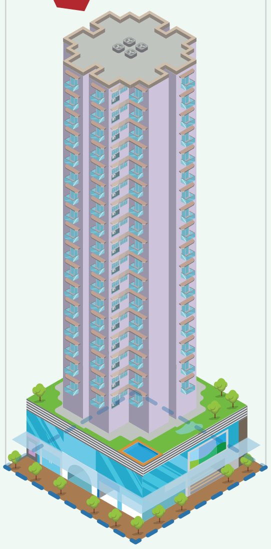
Transferred in part to RS
2,000m²

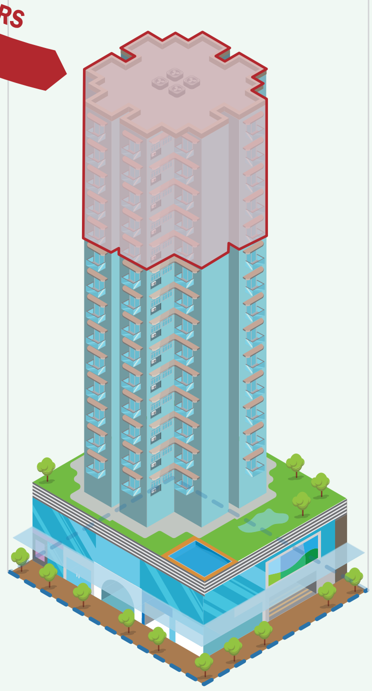
After TPR

Zoning: "R(A)"

Site Area
400m²

Remaining GFA
Redeveloped into a new building compliant with the permissible PR of the OZP
3,600m²
x 9





Zoning: "R(A)"

Site Area
750m²

Total GFA
(incl. Dom. and Non-dom. GFA in this given example)
8,750m² (PR of 11.7)

= 6,750m² + 2,000m²

(Max. OZP Permissible GFA) + (Transferred GFA from SS, within 30% Cap of 2,025m²)

(x 9) + (x 5)

Planning Gains at SS :

- Demolition and redevelopment of ageing dilapidated building

Planning Gains at RS :

- Building Setback
- Building Canopy
- Greenery / Landscaping
- Others

Illustration of Transferrable GFA from Sending Site (SS) (where SS is on OZP without PR/GFA Control)

Appendix D

Before TPR

Sending Site (SS)

Zoning: "C"
(No PR/GFA restriction, only BH restriction of 140mPD)

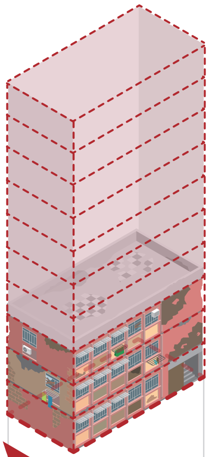
Site Classification under B(P)R
Class C

Max. B(P)R Permissible Domestic PR#
10

Site Area
200m²

Max. Transferrable GFA
2,000m² (**10** x 200m²)
x 10

Building Status
Building with residential element and aged 50 or above



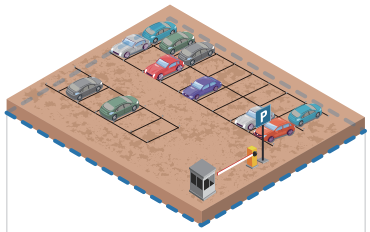
demonstrated by a feasible hypothetical scheme proposed by the applicant taking into account all relevant statutory control(s), such as BH restriction

Receiving Site (RS)

Zoning: "R(A)"
(Max. Dom./Total PR restriction of 8.5/**9**)

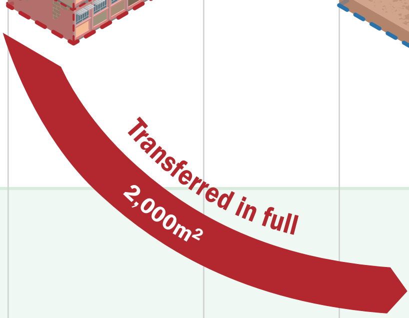
Site Area
750m²

Max. OZP Permissible GFA
6,750m² (**9** x 750m²)
x 9



Calculating the 30% cap of the RS

30% Cap for TPR
2,025m²
(6,750m² x 30%)
x 9 x 30%



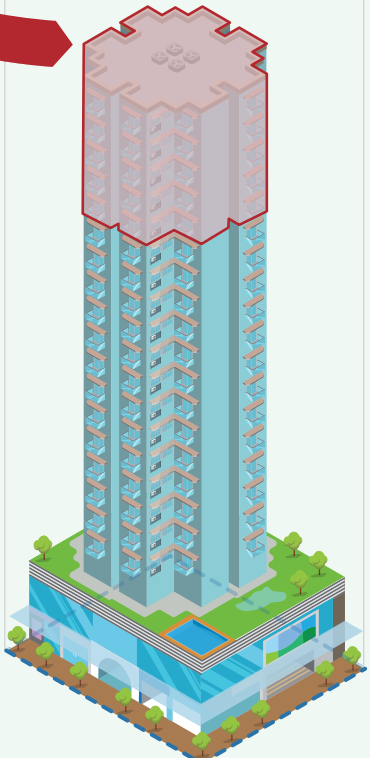
After TPR

Zoning: "C", to be rezoned to "G/IC" or appropriate zoning when opportunity arises

Site Area
200m²

Remaining GFA
0m²

Bonus GFA
The community facility in whole



Zoning: "R(A)"

Site Area
750m²

Total GFA
(incl. Dom. and Non-dom. GFA in this given example)
8,750m² (PR of 11.67)

= 6,750m² + 2,000m²

(Max. OZP Permissible GFA) + (Transferred GFA from SS, within 30% Cap of 2,025m²)

(x 9) + (x 10)

Planning Gains at SS :

- Demolition of ageing dilapidated building
- New GIC facilities or socially beneficial facilities of the applicant's choice

Planning Gains at RS :

- Building Setback
- Building Canopy
- Greenery / Landscaping
- Others

Illustration of Bonus GFA at Sending Site (Preservation of Graded Historic Building) and Excessive GFA at Receiving Site

Appendix E

Before TPR

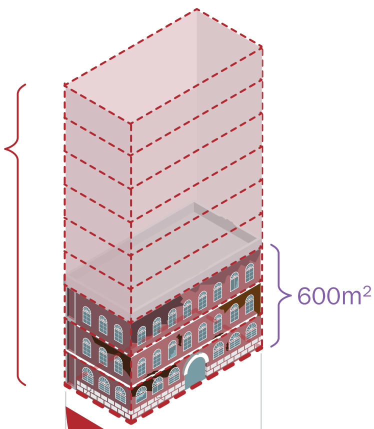
Sending Site (SS)

Zoning: "R(A)"
(Max. Dom./Total PR restriction of 8.5/**9**)

Site Area
200m²

Max. Transferrable GFA
1,800m² (**9** x 200m²)
x 9

Building Status
Graded Historic Building (Existing PR of **3**, i.e. GFA of 600m²)
x 3



Receiving Site (RS)

Zoning: "R(A)"
(Max. Dom./Total PR restriction of 8.5/**9**)

Building Status
Existing building with excessive PR/GFA (i.e. total PR of 10)
x 10

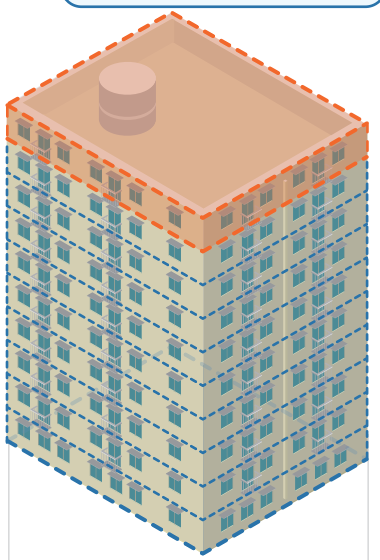
Site Area
750m²

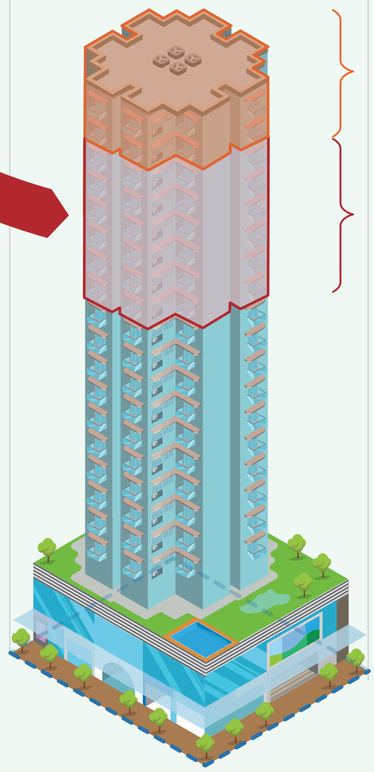
Max. OZP Permissible GFA
6,750m² (**9** x 750m²)
x 9

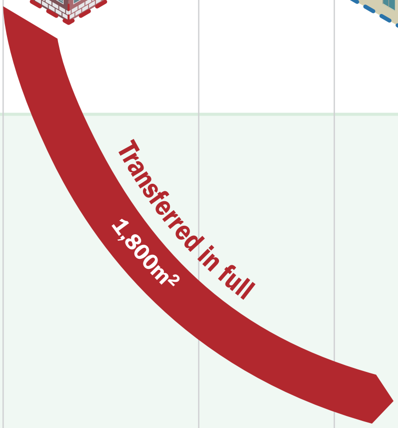
Calculating the 30% cap of the RS

30% Cap for TPR
2,025m²
(6,750m² x 30%)
x 9 x 30%

Excessive GFA
(PR 10-9 = **1**)
750m²
x 1







After TPR

Sending Site (SS)

Zoning: "R(A)", to be rezoned to conservation zoning when opportunity arises

Site Area
200m²

Remaining GFA
0m²

Bonus GFA
600m² (PR of **3**)
x 3

Receiving Site (RS)

Zoning: "R(A)"

Grandfathered GFA
750m² (PR **1**)
x 1

Transferred GFA
1,800m² (within 30% cap of 2,025m²)

Site Area
750m²

Total GFA
(incl. Dom. and Non-dom. GFA in this given example)

9,300m² (PR of 12.4)

= 6,750m² + 1,800m² + 750m²

(Max. OZP Permissible GFA) + (Transferred GFA from SS, within 30% Cap of 2,025m²) + (Grand-fathered GFA)

(x 9) + (x 9) + (x 1)

Planning Gains at SS :

Preservation of Graded Historic Building with reasonable public access

Planning Gains at RS :

- Building Setback
- Building Canopy
- Greenery / Landscaping
- Others

Adoption of Maximum B(P)R Permissible Domestic PR for Calculation of the 30% Cap of Receiving Site (on OZP without PR/GFA Control)

Appendix F

1 Calculating the base of the RS

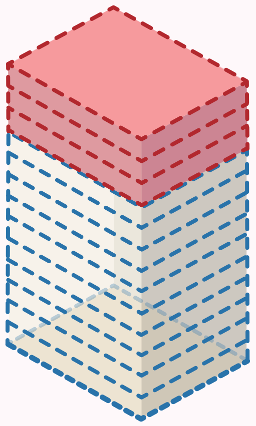
Zoning: "OU(MU)" (No PR/GFA restriction, only BH restriction of 140mPD)

Site Classification under B(P)R
Class C

Max. B(P)R Permissible Domestic PR#
10

Site Area
700m²

140mPD



Max. B(P)R Permissible Domestic GFA (PR 10): 7,000m²

x **10**

demonstrated by a feasible hypothetical scheme proposed by the applicant taking into account all relevant statutory control(s), such as BH restriction

2 Calculating the 30% cap of the RS

30% Cap for TPR

10 (Max. B(P)R Permissible Dom. PR) x 30% = 3 (2,100m²)

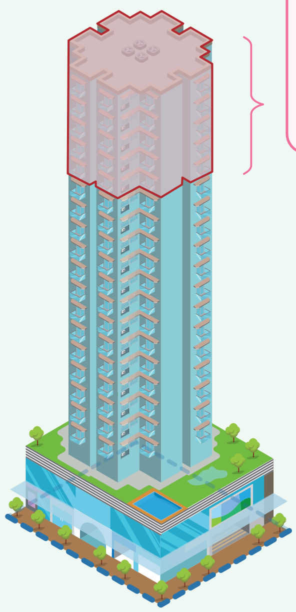
x **10** x **30%**

Key Principle

Regardless of the type of existing and proposed (re)development at the RS, the adoption of ***max. B(P)R permissible domestic PR*** applies when calculating the 30% cap for TPR

3 After TPR

Redevelop for mixed uses (or purely domestic use)



As-of-right Part:
Follow the composite formula under the First Schedule and Section 21(2) of B(P)R (or the permissible domestic PR under the First Schedule of B(P)R if the redevelopment is purely domestic)

30% Cap for TPR

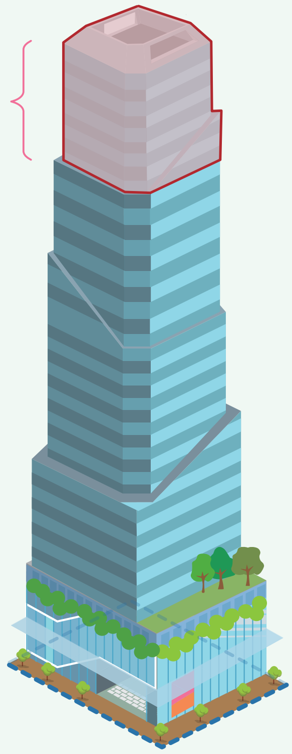
10 (Max. B(P)R Permissible Dom. PR) x 30% = 3 (2,100m²)

x **10** x **30%**

Total GFA
(incl. Dom. and Non-dom. GFA in this given example)

= (Max. B(P)R Permissible GFA derived from composite formula) + (30% Cap (derived from Max. B(P)R Permissible Dom. PR))

Redevelop for purely non-domestic use



As-of-right Part:
Follow the permissible non-domestic PR under the First Schedule of B(P)R

Total GFA

= (Max. B(P)R Permissible Non-dom. GFA) + (30% Cap (derived from Max. B(P)R Permissible Dom. PR))

Illustration of Concurrent Development Intensification Initiatives at Receiving Site

Before TPR

Receiving Site (RS)

Zoning: "R(A)"
(Max. Dom./Total PR restriction of **8.5**/**9**)

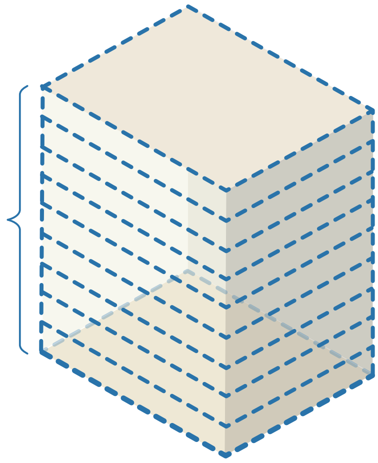
Site Area
700m²

Building Status
Building with residential element and aged 50 or above

In line with the Bonus Plot Ratio Pilot Scheme

Max. OZP Permissible GFA (PR 9) : 6,300m²

x 9



After TPR

Pure TPR Scheme

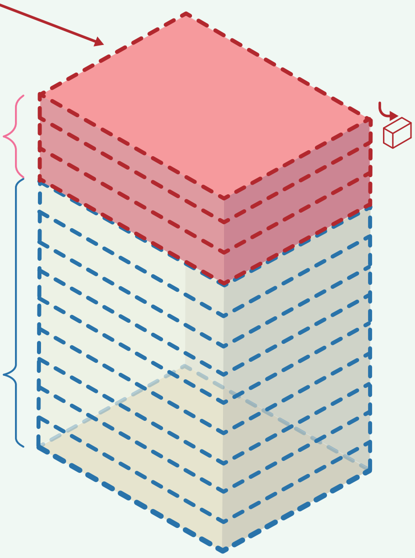
GFA transferred from SS(s)
1,890m² (PR 2.7)

Calculating the 30% cap of the RS

30% Cap for TPR
Max. OZP Permissible GFA x 30% :
= 700m² x **9** x 30%
= 1,890m²
x 9 x 30%

Max. OZP Permissible GFA (PR 9) : 6,300m²

x 9



Total GFA
8,190m² (PR of 11.7)

= 6,300m² + 1,890m²

(Max. OZP Permissible GFA) + (Transferred GFA from SS(s), within 30% Cap of 1,890m²)

(x 9) + (x 9 x 30%)

OR

TPR Scheme (in part) + Bonus Plot Ratio Pilot Scheme (in full)

Calculating the 30% cap of the RS

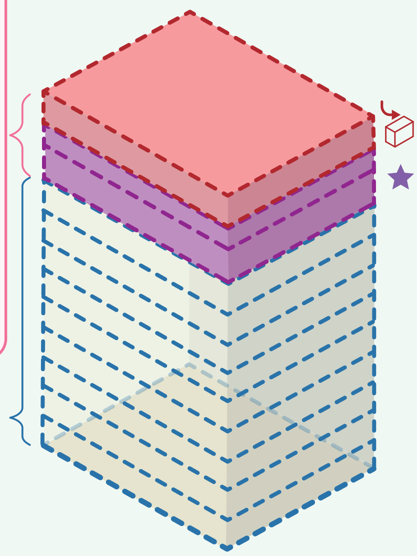
30% Cap for TPR
Max. OZP Permissible GFA x 30% :
= 700m² x **9** x 30%
= 1,890m²
x 9 x 30%

GFA transferred from SS(s)
700m² (PR 1)

Realise 20% Bonus GFA from Bonus Plot Ratio Pilot Scheme (based on domestic PR)
1,190m² (PR of **1.7**)
x 8.5 x 20%

Max. OZP Permissible GFA (PR 9) : 6,300m²

x 9



Total GFA
8,190m² (PR of 11.7)

Within the 30% Cap of 1,890m²

= 6,300m² + 700m² + 1,190m²

(Max. OZP Permissible GFA) + (Transferred GFA from SS(s)) + (Bonus GFA from Bonus Plot Ratio Pilot Scheme)

(x 9) + (x 1) + (x 8.5 x 20%)

Illustration of GFA Interchangeability

Before TPR

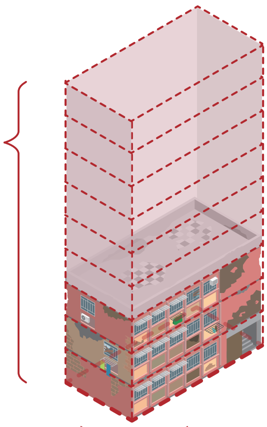
Sending Site (SS)

Zoning: "R(A)"
(Max. Dom./Total PR restriction of 8.5/**9**)

Site Area
200m²

Building Status
Building with residential element and aged 50 or above

Max. Transferrable GFA
1,800m² (**9** x 200m²)
x 9



Transferred in full 1,800m²

Transferred in full 1,800m²

After TPR

Receiving Site (RS)

Zoning: "R(A)"
(Max. Dom./Total PR restriction of 8.5/**9**)

Site Area
700m²

Transferred GFA remain as **Domestic GFA**

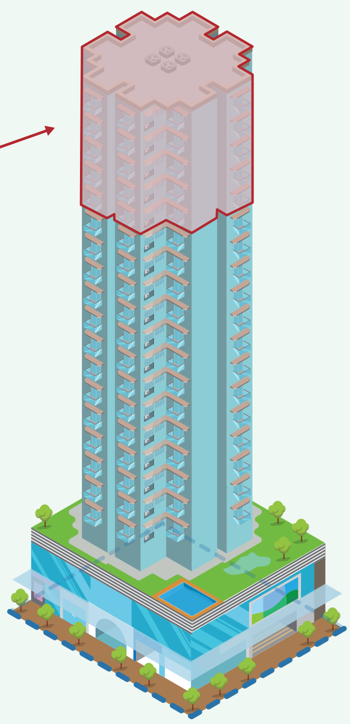
Total GFA
(incl. Dom. and Non-dom. GFA in this given example)

8,100m² (PR of 11.57)

= 6,300m² + 1,800m²

(Max. OZP Permissible GFA) + (Transferred GFA from SS, within 30% Cap of 1,890m²)

(x 9) + (x 9)



OR

Receiving Site (RS)

Zoning: "C"
(Max. PR of **12**)

Site Area
700m²

Transferred GFA interchanged to **Non-domestic GFA**

Total GFA
10,200m² (PR of 14.57)

= 8,400m² + 1,800m²

(Max. OZP Permissible Non-dom. GFA) + (Transferred GFA from SS, within 30% Cap of 2,520m²)

(x 12) + (x 9)