

TPB PG-No. 43

**TOWN PLANNING BOARD GUIDELINES FOR
APPLICATION FOR TRANSFER OF PLOT RATIO
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

(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. Scope and Application

- 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) from one site to another on the same Outline Zoning Plan (OZP) through minor relaxation of plot ratio (PR) or gross floor area (GFA) restriction under section 16 of the Town Planning Ordinance (the Ordinance). This set of Guidelines is currently applicable to such applications within the Yau Ma Tei OZP and Mong Kok OZP only¹.
- 1.2 In recognition of the rapid ageing of buildings and the need for new measures to expedite the pace of urban restructuring and renewal, the Urban Renewal Authority (URA) in its District Study for the Yau Ma Tei and Mong Kok (the YM Study) completed in 2021 proposes an array of new planning tools. Among which, the TPR scheme is proposed to, inter alia, unleash and transfer development potential from sites of low redevelopment potential to more sizable sites at more strategic and accessible locations suitable for higher development intensity while providing improvements to the living environment and planning gains to the local community.
- 1.3 Under this set of Guidelines, the TPR means the transfer of GFA² from “Sending

¹ For the avoidance of doubt, the requirements in this set of guidelines, including allowing transfer of PR/GFA up to 30% if considered justified by the Board, are only applicable to planning applications submitted under section 16 of the Ordinance according to this set of guidelines.

² The maximum GFA of the SS, which can be transferred, means (i) the maximum PR/GFA specified in the Notes of the OZP; or (ii) the PR/GFA of the existing building if provided for in the Notes of the OZP,

Site” (SS) to “Receiving Site” (RS) on the same OZP by relaxing the maximum permissible PR/GFA of the RS as specified in the OZP by up to a maximum 30%³ so as to accommodate the GFA transferred from the SS. Some illustrations of transferable GFA from SS and maximum GFA at RS under TPR are at **Appendix A** and **Appendix B** respectively. There may be circumstances that minor relaxation of building height restriction for the RS has to be sought in tandem to accommodate the transferred GFA and/or due to other planning and urban design reasons as justified by the applicant. The development proposal on the SS and RS will be assessed in a holistic manner with particular emphasis on whether the proposal would provide planning gains for the public at large to justify a higher PR and building height for the RS⁴.

1.4 TPR could bring the following benefits :

- (a) providing incentives for redevelopment of dilapidated buildings with low redevelopment potential and for preservation of buildings with conservation value;
- (b) maximising development potential of more sizable sites at the more strategic and accessible locations suitable for higher development intensity by transferring GFA from small and isolated sites; and

whichever is the greater. For (ii), in determining the GFA of the existing building, the applicant should engage Authorized Person in the calculation prior to the submission of TPR application. In gist, no unauthorised structures would be taken into account, and any existing facilities/features/floor area exempted from PR/GFA calculation under the Buildings Ordinance (BO)/Building (Planning) Regulations (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. For the avoidance of doubt, sites falling within zones without PR/GFA control under the OZP cannot be SS.

³ The maximum 30% relaxation for the RS is calculated based on the maximum PR/GFA of the RS specified in the Notes of the relevant OZP. For the avoidance of doubt, sites falling within zones without PR/GFA control under the OZP cannot be RS. Where the RS is subject to both (i) maximum PR for a mixed use development and (ii) maximum PR for domestic or non-domestic use under the Notes, the 30% relaxation is calculated based on (i) regardless of the applied use for the RS. Any GFA of the existing building(s) at the RS exceeding the permissible parameters under the OZP can be accommodated on the RS but shall not be counted in the maximum 30% relaxation. As illustrated in Example 2 of **Appendix B**, the PR of the existing building at RS is 10 while the maximum permissible PR under the Notes is 9. The permissible maximum GFA upon TPR at the RS = $PR_9 \times \text{site area} \times 130\% + (\text{GFA of existing building} - PR_9 \times \text{site area})$. In determining the GFA of the existing building, footnote 2 is applicable.

⁴ For the avoidance of doubt, the planning application for TPR shall include seeking permission for proposed uses at the SS and RS if they are Column 2 uses under the Notes of the respective zones on OZP.

(c) facilitating a better restructuring and replanning in the old urban area and bringing planning gains (e.g. additional open space, Government, Institution and Community (GIC) facilities) to the community.

1.5 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, air ventilation, etc.

1.6 The YM Study provides a Master Urban Renewal Concept Plan (MRCP)⁵ Framework, which identifies development nodes, major public open space and major green corridors among others in the Yau Ma Tei and Mong Kok areas, and provides a reference for piloting the TPR scheme and identification of suitable SS(s) and RS(s). The Administration generally welcomes the directions recommended in the YM Study and supports the introduction of the TPR scheme in the Yau Ma Tei and Mong Kok areas as a pilot to incentivise the private sector to participate in urban renewal with a suitable development scheme through the processing of section 16 planning application under the Ordinance. The TPR scheme could be extended to other districts upon the Administration's endorsement of recommendations of urban restructuring studies for such districts.

2. Requirements for RS and SS

2.1 A set of site and planning requirements is set out below to facilitate the market to identify suitable RSs and SSs and draw up proposals thereon.

Site Requirements for RS

2.2 RSs shall be developed mainly for residential, commercial, or mixed residential/commercial developments. In general, RSs should be strategically located and accessible, and/or adjacent to or complementary with major development nodes of the MRCP Framework. Favourable consideration will be given to a RS (i) with a site area of not less than 1,000m² to provide better room to accommodate the transferred GFA with better layout/building design and adequate

⁵ The MRCP Framework is shown in Diagram 3.2 of the *District Study for Yau Ma Tei and Mong Kok - Information Booklet* which can be found from the Study's webpage at <https://www.ura.org.hk/en/major-studies-and-concepts/yau-tsim-mong-district-study>.

amenities or (ii) occupying an entire street block zoned for residential and/or commercial developments (i.e. an area surrounded by streets but zones such as “Open Space” and “Government, Institution or Community” (“G/IC”), if any, within the area are excluded) but may be less than 1,000m² in some cases.

Site Requirements for SS

- 2.3 SSs are generally in development zones and cover (i) sites suitable for conversion into public open spaces and/or GIC uses with the support of the relevant government departments; (ii) sites with buildings worthy of conservation⁶; and/or (iii) sites with excessive development intensity, i.e. existing building(s) with GFA higher than that permissible under the OZP and hence of low redevelopment potential. Sites in non-development zones (e.g. area zoned for open space or shown as road), “G/IC” zone and zones intended purely for heritage preservation without additional new development⁷ would not be accepted as SSs.
- 2.4 Specifically, with a view to addressing the dilapidation of buildings with low redevelopment potential, favourable consideration will be given to accept a SS if :
- (a) redevelopment on its own will result in pencil-type development not conducive to efficient layout while meeting modern building code, and provision of car park and amenities;
 - (b) the site could unlikely be amalgamated for an integrated redevelopment as it is sandwiched between new buildings aged younger than 30 years or buildings having no/low redevelopment potential;
 - (c) the existing building(s) on the site is dilapidated and with age at or greater than 50 years; and/or
 - (d) there are other justifiable reasons for demonstrating redevelopment of the site on its own is not viable.

⁶ These refer to historic buildings graded by the Antiquities Advisory Board and other buildings the applicants consider worthy of preservation with justification set out in the application with assessment in footnote 12.

⁷ For example, areas within the “Other Specified Uses” annotated “Historic Buildings Preserved for Commercial and/or Cultural Uses” zone on the Mong Kok OZP which is intended for the preservation and adaptive re-use of the existing building(s) only cannot be SS.

Planning Requirements for Development Proposals on RS and SS

2.5 In addition to fulfilling the afore-mentioned site requirements, more favourable consideration for the planning application will be given if the proposals on RS(s) and SS(s) as a whole would have no unacceptable adverse impacts and could demonstrate the following planning gains :

- (a) provide community facilities or public open spaces which are in shortfall in the area and with the support of the relevant government departments which will monitor and check compliance;
- (b) provide linkage or extension to existing/planned open space network;
- (c) improve accessibility to or synergise with points of interest and/or major pedestrian destination;
- (d) help provide opportunity for vehicular and pedestrian traffic improvement;
- (e) provide better streetscape/good quality street level public space;
- (f) help improve air ventilation, e.g. air corridor to inner areas;
- (g) help provide opportunity to unblock important vista;
- (h) adopt greening and design measures advocated in the Sustainable Building Design Guidelines;
- (i) help preserve building(s) with conservation value on the SS and/or RS or complement its setting; and/or
- (j) provide any other justifiable planning gains.

3. Requirements for Pairing up RS and SS

3.1 RS and SS are not necessarily adjoining/close to each other or under the same land use zoning, but should be on the same OZP in order to broadly maintain the overall development quantum of the planning area. In order to provide further incentives, the TPR mechanism will allow additional flexibility as set out in footnote 3 above

as well as paragraphs 3.2 to 3.5 below.

- 3.2 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. It is for the applicant to justify in the planning application the intended uses, the GFA mix and the technical feasibility.
- 3.3 Under the same planning application, there can be at most two RSs, but no limit on the number of SS. This is to increase planning and design flexibility for cases such as where the “transferrable GFA” from SS(s) is more than the 30% limit of one single RS, hence requiring another RS to receive the residual “transferrable GFA” in order to maximise redevelopment potential. RS(s) and its/their SS(s) should be included in a single section 16 planning application and implemented together as one project. Where two RSs are involved, the applicant shall specify clearly in the planning application the amount of GFA to be transferred to each RS, and from which SS the GFA is transferred if more than one SS is involved. This is to facilitate the subsequent processing of the general building plans for each RS and SS.
- 3.4 Generally the GFA of a SS should be fully transferred out to RS(s) under a single section 16 planning application. Nevertheless, transfer of GFA in part may also be considered in the following circumstances provided that sufficient planning gains from the TPR proposal as a whole could be demonstrated :
- (a) in the case of preservation of building(s)⁸ on SS, the GFA that can be transferred is the difference between the maximum transferrable GFA⁹ and the GFA of the preserved building(s) (with any addition, alteration or modification) on SS (please refer to Example 1 of **Appendix A**);
 - (b) in the case of developing SS as an open space with supporting commercial uses, the transferable GFA is the difference between the maximum transferrable GFA and the GFA of supporting commercial uses to be developed on SS (please refer to Example 3 of **Appendix A**);
 - (c) in the case of redevelopment of SS with excessive development intensity as set

⁸ For the avoidance of doubt, only buildings under footnote 6 can be retained. Other buildings must be demolished.

⁹ The maximum transferrable GFA is defined in footnote 2.

out in paragraph 2.3 above or the transfer of GFA of SS in full would exceed the maximum 30% of the permissible PR/GFA of the RS(s) as specified in the OZP, 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 OZP¹⁰; or

(d) there are other planning justifications/merits to retain certain GFA at the SS.

3.5 Where the planning gains offered by the applicant is the provision of GIC facilities at a SS and/or its RS(s) with the support of relevant government departments (can be in new buildings or buildings with conservation value), the GFA of the GIC facilities (where demonstrated to be technically feasible) can be allowed on top of the combined maximum permissible GFA of the SS and its RS(s) upon TPR so as to encourage the provision of GIC facilities in the scheme¹¹. Nonetheless, any redevelopment (including GIC facilities) on the SS shall be in compliance with the permissible PR/GFA of the OZP (please refer to Example 2 of **Appendix A**).

3.6 The GFA of a SS could only be transferred once and to at most two RSs only under a single planning application. Further transfer of the residual GFA of the SS (if any) in another TPR project would not be allowed.

4. Land Ownership

4.1 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. Such land within a SS (but only such land within development zone can derive transferrable GFA) or a RS can also be regarded as site area subject to premium and integrating the Government land to form a holistic development proposal. Whether Government land can be included in SS(s) or RS(s) is subject to the scheme approved by the Board and final decision of the Land Authority.

¹⁰ 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 buildings (even if allowed for under the Notes) is not applicable under the circumstances.

¹¹ This is to cater for cases where the Notes of the OZP do not contain a general remark allowing exemption of GIC facilities from GFA calculation. However, if the Notes already expressly require provision of specific GIC facilities without remark for exemption of such GIC facilities from GFA calculation, paragraph 3.5 is not applicable.

- 4.2 At the planning application stage, full ownership of the SS(s) and RS(s) 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(s) and RS(s) in accordance with the Ordinance to ensure that all owners involved are at least informed of the TPR proposal.
- 4.3 Land ownership is essential in taking forward the TPR proposal and subsequent implementation covering lease modification or land exchange application and building plans submission. Even if the planning application of 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 avoidance of doubt, joint ownership is allowed for the purpose of TPR.

5. Submission Requirements

- 5.1 An applicant for permission for development proposal involving TPR shall prepare layout plan(s) for the RS(s) and SS(s) setting out the proposed land uses, dimensions and heights of all buildings, GFA for various uses, proposed GIC and recreational facilities, transport facilities and open 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. Relevant assessments should be submitted to demonstrate that the proposals on both RS(s) and SS(s) 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.
- 5.2 For proposals involving building(s) preservation, preservation and conservation management proposals¹² should be provided in the submission.
- 5.3 Prior to the submission of TPR application, the applicant should consult relevant

¹² 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 reuse/public appreciation arrangement proposals, and future management and maintenance arrangements, etc.

government departments in formulating the management and maintenance arrangements for proposed building(s) to be preserved, and proposed public open spaces and other facilities open to the public. 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 public facilities/building(s) with conservation value by the commercial element in RS(s) and/or SS(s), such arrangement shall also be spelt out.

- 5.4 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.

6. Planning Approval Condition(s) and Implementation

- 6.1 In granting the planning permission for development proposal involving TPR, 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 the completion of the proposed public use or building preservation works at the SS. Relevant planning approval condition(s) to be imposed include bundling the application for approval of general building plans for the proposed development on the RS with execution of lease modification and/or land exchange of both the SS(s) and RS(s) for the proposed development¹³.
- 6.2 To implement the approved TPR application, application for lease modification or land exchange of both the SS(s) and RS(s), and for necessary approval of building plans¹⁴/ 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

¹³ The application for lease modification and/or land exchange to implement the TPR scheme should be submitted by all lot owners or with the consent of all lot owners of the SS(s)/RS(s) to the Lands Department for consideration.

¹⁴ Where the RS development exceeds the permissible PR under the B(P)R, the applicant should seek the Building Authority's modification under section 42 of the BO. In general building plans submission, the calculation of RS parameters should expressly indicate the amount of GFA comes from transfer from SS and the location of SS.

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(s) with completion of the public facilities and/or building preservation works at the SS(s) and RS(s) if applicable. Requirements for management and maintenance, and preservation where applicable, of the public facilities and/or buildings with conservation value would be imposed in the lease as appropriate. Moreover, restriction on alienation of the commercial portion of the approved planning scheme except as a whole may be imposed under the lease as appropriate to ensure that the maintenance and management of the public facilities and/or building with conservation value could be taken up by the owner of the commercial portion or as appropriate until it is handed over to the Government upon request.

- 6.3 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.

7. Appendices

Appendix A – Illustration of Transferrable GFA from Sending Sites

Appendix B – Illustration of Maximum GFA at Receiving Sites under Transfer of Plot Ratio

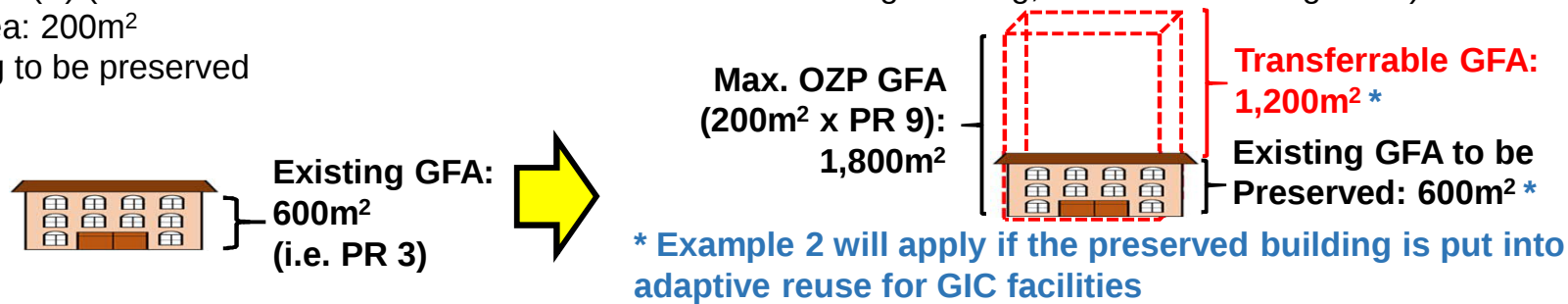
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Illustration of transferrable GFA from SS

Appendix A

Example 1 – Building Worthy of Preservation

- Zoning: R(A) (Restricted to a Max. PR of 9 or the PR of the Existing Building, whichever is the greater)
- Site Area: 200m²
- Building to be preserved



Example 2 – Existing Building > OZP PR 9 Restriction and Situated on a Site suitable for GIC Facilities

- Zoning: R(A) (Restricted to a Max. PR of 9 or the PR of the Existing Building, whichever is the greater)
- Site Area: 200m²
- Existing dilapidated building to be demolished for redevelopment into new GIC facilities



Example 3 – Existing Building < OZP PR 9 and Situated on Site suitable for Open Space with Supporting Commercial Uses

- Zoning: OU(Mixed Use) (Restricted to a Max. PR of 9 or the PR of the Existing Building, whichever is the greater)
- Site Area: 200m²
- Existing dilapidated building to be demolished for redevelopment into an open space with supporting commercial uses

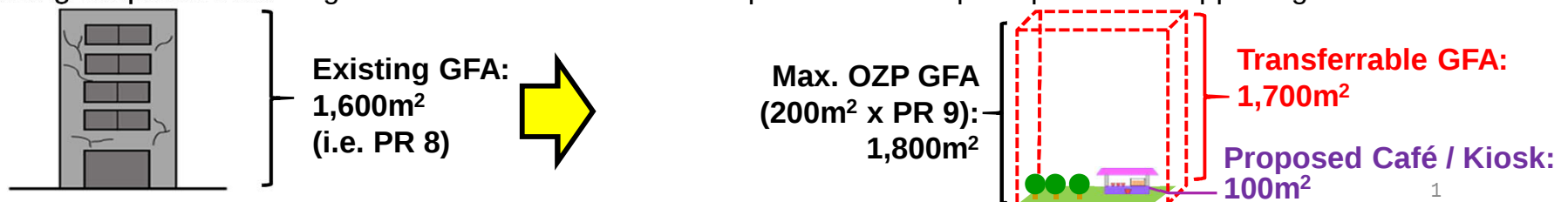
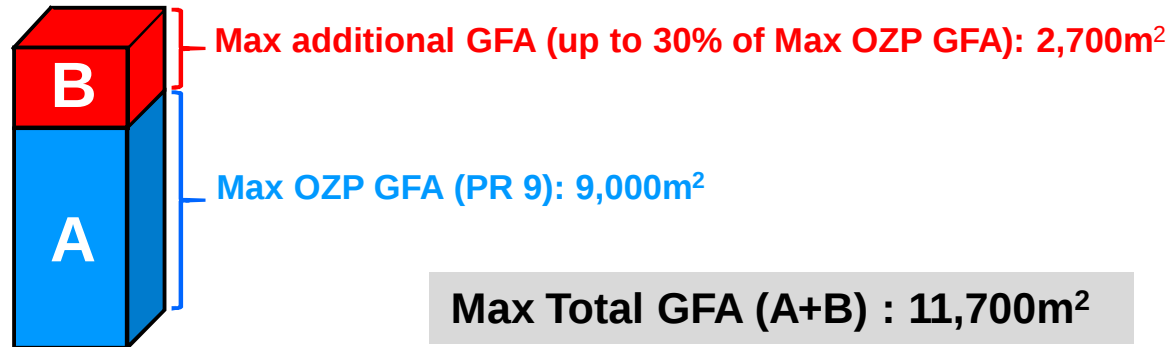


Illustration of Maximum GFA at RS under TPR Appendix B

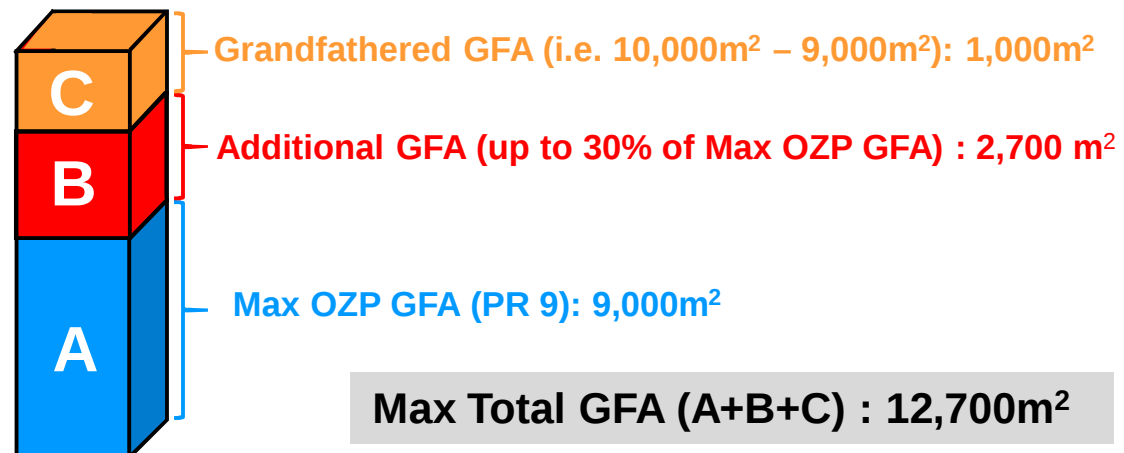
Example 1 - RS is Vacant Or Existing Building at RS (to be demolished) < OZP PR 9

- Zoning: R(A) (Restricted to a Max PR of 9 or the PR of the Existing Building, whichever is the greater)
- Site Area: 1,000m²



Example 2 - Existing building on RS > OZP PR 9

- Zoning: OU(MU) (Restricted to a Max PR of 9 or the PR of the Existing Building, whichever is the greater)
- Site Area: 1,000m²
- Existing dilapidated building to be demolished: 10,000m² GFA (i.e. PR 10)



* The actual GFA to be increased is based on the amount of GFA to be transferred from SS, subject to the max total illustrated above.