

## LCQ21: Amendment of plans and modification of land leases

Following is a question by the Hon Chan Hak-kan and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (May 5):

Question:

On the applications made under section 12A of the Town Planning Ordinance (Cap. 131) for amendment of plans, and the applications made to the Lands Department (LandsD) for modification of land leases, will the Government inform this Council:

(1) of the number of applications received in each of the past five financial years by the Town Planning Board (TPB) which were made under section 12A of Cap. 131 for rezoning certain land(s) on the original approved plans from non-residential use to residential use, and set out in a table the following information on those cases which were accepted in whole or in part by TPB:

(i) the lot number(s) involved;  
(ii) the area of the land(s) within the lot(s);  
(iii) the number of residential flats proposed to be built;  
(iv) the date on which the application was first submitted;  
(v) the date on which the TPB published the amendments to the approved plan;  
(vi) the date on which the TPB exhibited the draft plan for the public to make representations;  
(vii) the date on which the proposed amendments were incorporated by the TPB as part of the draft plan; and  
(viii) the date on which the draft plan was approved by the Chief Executive in Council.

(2) whether an application for land lease modification, submitted to the LandsD by an owner of the land(s) within the lot(s) concerned during the period between the dates mentioned in (1)(vii) and (viii), will be accepted; if not, of the reasons for that; and

(3) given that the LandsD will seek the views of the relevant government departments on an application for land lease modification and submit it to a District Lands Conference for discussion before proposing the provisional terms (including the land premium) to the applicant, whether the LandsD has reviewed the target time for completing the various procedures; if so, of the details; if not, the reasons for that?

Reply:

President,

With the relevant departments consulted, my reply to various parts of

the question is as follows:

(1) In the past five financial years, the Town Planning Board (TPB) received a total of 45 applications for amendment of approved Outline Zoning Plan (OZP)/draft OZP under section 12A of the Town Planning Ordinance (TPO) (Cap. 131) involving rezoning from non-residential zones (Note 1) to residential and related zones (Note 2).

Of these 45 applications, 26 were considered by the TPB. The TPB decided to agree/partially agree to 11 applications, details of which are as follows:

Application Site	Site Area (m <sup>2</sup> ) (Note 3) (about)	Proposed No. of Flat/ House (Note 3)	Application Received Date [TPB Decision Date for the Application]	Date of Publication of Draft OZP by the TPB Inviting Representation (Note 4)	Date of Approval of Draft OZP by the Chief Executive in Council
2016-17					
Junction of Shek Pai Wan Road and Tin Wan Hill Road, Aberdeen	7 725	600 flats	April 5, 2016 [October 28, 2016]	September 15, 2017	August 21, 2018
Various Lots in D.D. 51 and adjoining government land, Fanling	3 617	300 flats	August 4, 2016 [June 23, 2017]	March 29, 2019	January 7, 2020
2017-18					
Sai Pin Wai, Sai Kai Road, Yuen Long	106	1 small house	May 15, 2017 [August 11, 2017]	January 29, 2021 (Under representation consideration process)	—
Hilltop Road, Tsuen Wan	40 024	458 flats	January 30, 2018 [September 1, 2020]	February 26, 2021 (Under representation consideration process)	—
2018-19					
Ship Street, Schooner Street and adjoining government land, Wan Chai	2 428	221 flats	April 13, 2018 [December 13, 2019]	Not yet incorporated in the draft plan	—

Stanley Village Road, Stanley	7 646	8 flats	July 11, 2018 [January 4, 2019]	June 5, 2020 (Under representation consideration process)	–
Hang Hau Road, Sai Kung	4 195	8 houses	October 19, 2018 [September 18, 2020]	Not yet incorporated in the draft plan	–
2019-20					
Various Lots in D.D. 390 and adjoining government land, Sham Tseng, Tsuen Wan West	1 068	56 flats	January 8, 2020 [March 12, 2021]	Not yet incorporated in the draft plan	–
2020-21					
Carpenter Road, Kowloon City	5 921	850 flats	May 6, 2020 [August 21, 2020]	Not yet incorporated in the draft plan	–
Various Lots in D.D. 92 and adjoining government land, Kam Hang Road, Kwu Tung South	31 050	1 427 flats	June 11, 2020 [December 18, 2020]	March 5, 2021 (Under representation consideration process)	–
On Chun Street, Ma On Shan	8 000	758 flats or 637 flats and 194 hotel rooms	September 21, 2020 [February 26, 2021]	Not yet incorporated in the draft plan	–

(2) Generally speaking, when processing lease modification applications, the Lands Department (LandsD) formulates development restrictions of lots according to the land use and development parameters permitted by the prevailing statutory OZPs. For application relating to the change of land use zoning submitted under section 12A of the TPO (Cap. 131) that have been approved by the TPB for inclusion into the relevant draft OZP, but the draft OZP has yet to be approved by the Chief Executive in Council, the LandsD in general would not commence the processing of such lease modification application submitted by the relevant lot owner. That said, for lease modification applications involving housing supply, the LandsD would consider commencing the preliminary processing in advance on a case-by-case basis in order to expedite the approval process.

The Steering Group on Streamlining Development Control (Steering Group) convened by the Development Bureau is reviewing the above situation. For applications relating to the change of land use zoning submitted and approved

under section 12A of the TPO, we hope to set out procedural guidelines for the LandsD to commence the processing of such lease modifications before the completion of the draft OZP amendments, so as to save time and expedite housing supply.

(3) For lease modification (including land exchange) applications in general, the LandsD has a performance target to reply to the applicant within 22 weeks upon receiving the submission of documents (including necessary information to support the application), which may be in the form of a provisional offer with basic terms, an in-principle agreement, or a rejection. In order to expedite the processing of large-scale lease modification applications and those relating to residential development, the LandsD has set up a dedicated Land Supply Section in April 2019 to handle these cases. The Land Supply Section maintains close communication with lease modification applicants and arranges inter-departmental meetings to swiftly handle relevant matters.

As regards premium assessment, since September 2018, the LandsD has centralised all premium assessment exercises from its district lands offices to its headquarters valuation team with a view to streamlining the procedures and expediting the handling of applications.

Given that the issuance of provisional basic terms offer as well as premium offer are two key milestones in a lease modification application, the Steering Group will also follow up with the LandsD on shortening the time required for these two procedures.

Note 1: Involving mainly "Agriculture", "Green Belt", "Conservation Area", "Government, Institution or Community", "Recreation", "Open Space", "Other Specified Uses" zones and area shown as 'Road'.

Note 2: Involving mainly "Residential", "Comprehensive Development Area", "Village Type Development" and "Other Specified Uses" zones.

Note 3: The proposed site area and number of flat/house are for reference only and may be subject to change depending on the restrictions of respective land use zoning of the draft plan and the detailed development proposal.

Note 4: When the TPB exhibits the relevant draft plan, it means the TPB preliminarily agrees to incorporate the proposed amendment in the draft plan.