

**L.N. 110 of 2005****BUILDING (PLANNING) (AMENDMENT)  
REGULATION 2005**

(Made under section 38 of the Buildings Ordinance (Cap. 123))

**1. Commencement**

This Regulation shall come into operation on 31 December 2005.

**2. Interpretation**

(1) Regulation 2(1) of the Building (Planning) Regulations (Cap. 123 sub. leg. F) is amended by repealing the definitions of “class A site”, “class B site” and “class C site”.

(2) Regulation 2(2) is repealed.

**3. Regulation added**

The following is added—

**“18A. Site classification**

(1) In this Part and the First and Second Schedules—

“class A site” (甲類地盤) means a site, not being a class B site or class C site, that abuts on one specified street not less than 4.5 m wide or on more than one such street;

“class B site” (乙類地盤) means, subject to paragraph (2), a corner site that abuts on 2 specified streets neither of which is less than 4.5 m wide;

“class C site” (丙類地盤) means, subject to paragraph (2), a corner site that abuts on 3 specified streets none of which is less than 4.5 m wide.

(2) For the purposes of paragraph (1)—

(a) a corner site shall not be regarded as abutting on 2 specified streets unless at least 40 per cent of the boundary of the site abuts on the streets; and

(b) a corner site shall not be regarded as abutting on 3 specified streets unless at least 60 per cent of the boundary of the site abuts on the streets.

(3) A street is to be regarded as a specified street—

(a) if there exists, with respect to the street, any of the following circumstances—

- (i) the street is vested in the Government and is maintained by the Highways Department;
  - (ii) the street is a private street on land held under the same Government lease as the site and under the terms of the lease the lessee has to surrender (when required to do so) the land on which the street is situated to the Government;
  - (iii) the street is a street required to be constructed on unleased Government land by the lessee of the Government lease under which the site is held pursuant to the terms of that lease;
  - (iv) the street is on land over which the owner of the site is expressly granted, by or by virtue of an instrument, a right of way exercisable at all times;
  - (v) the street is on land held under a Government lease by the owner of the site; or
- (b) if—
- (i) one or more of the circumstances mentioned in subparagraph (a)(i), (ii), (iii), (iv) and (v) exist with respect to different parts of the street; and
  - (ii) those parts together constitute the street.”.

#### **4. Regulation substituted**

Regulation 19 is repealed and the following substituted—

##### **“19. General provisions concerning site coverage and plot ratio**

(1) The maximum site coverage permitted in respect of a building or buildings on a class A site, class B site or class C site shall be determined in accordance with regulation 20.

(2) The maximum plot ratio permitted in respect of a building or buildings on a class A site, class B site or class C site shall be determined in accordance with regulation 21.

(3) The height of a building or buildings on a site that is not a class A site, class B site or class C site, and the maximum site coverage and maximum plot ratio permitted in respect of such a building or buildings, shall be determined by the Building Authority.”.

**5. Provisions supplementary to regulations 19, 20, 21 and 22**

Regulation 23(1) is amended—

- (a) by repealing “street or streets not” and substituting “specified street or specified streets not”;
- (b) by repealing “on streets not” and substituting “on specified streets not”.

**6. Percentage site coverages and plot ratios**

The First Schedule is amended, within the square brackets, by adding “18A,” before “20”.

**7. Open space about domestic buildings**

The Second Schedule is amended by repealing “[reg. 25]” and substituting “[regs. 18A & 25]”.

Michael M. Y. SUEN  
Secretary for Housing,  
Planning and Lands

21 June 2005

**Explanatory Note**

The main purpose of this Regulation is to amend the Building (Planning) Regulations (Cap. 123 sub. leg. F) to state clearly the criteria for site classification.

2. The definitions of “class A site”, “class B site” and “class C site” in regulation 2(1) are slightly modified and the modified definitions, together with regulation 2(2), are moved to a new regulation in Part III (Heights, site coverage, plot ratio, open spaces and lanes) (new regulation 18A(1) and (2)). The new regulation 18A further sets out clearly the circumstances that must be present with respect to a street if a site is to be regarded as abutting on that street for the purposes of site classification (new regulation 18A(3)).

3. The Regulation also amends regulation 19 to clarify that the maximum site coverage and maximum plot ratio permitted in respect of a building or buildings on a “class A site”, “class B site” or “class C site” are to be

determined in accordance with regulations 20 and 21 respectively, and that the height of a building or buildings and the maximum site coverage and maximum plot ratio permitted in respect of a building or buildings on any other site are to be determined by the Building Authority. (Note: The term “Building Authority” is defined in section 2(1) of the Buildings Ordinance (Cap. 123) to mean the Director of Buildings.)

4. The Regulation introduces consequential amendments to regulation 23(1) as well.