

Streets in relation to Site Area
Building (Planning) Regulation 23(2)(a)

When developing large areas of land it is often necessary to provide new streets, and in some circumstances it is realized that this can have an inhibiting effect upon planning considerations. This particularly applies when the new streets will enclose or otherwise isolate areas of land so that the original site is divided into several separate sites.

2. In most such cases each new site is usually developed separately to its maximum potential, and if any open space amenity areas or parks are provided these tend to be fragmented throughout the whole development project. If a developer did wish to provide one large open park, on an island site, the plot ratio potential would thereby be 'lost', and this important factor can sometimes be a deterrent to what might be better planning.

3. There are, in the Buildings Ordinance, at present no explicit provisions which permit a 'transfer' of plot ratio potential, such as in the park situation referred to above, and if such an arrangement was permitted there could often be inherent problems related to the inability under the Buildings Ordinance to prevent the park being subsequently developed with buildings, causing an excess of building mass in the neighbourhood and an overloading of the infrastructure.

4. In some cases, however, sites may be subject to effective planning controls in addition to the Buildings Ordinance, particularly in relation to enforceable lease control drawings, Master Layout Plans, and conditional permissions under Town Planning Ordinance section 16. Where these controls do exist, and a park is proposed on one site, consideration may be given to the special circumstances of generally improved planning in respect of any application submitted on Form 29 and possibly a higher plot ratio allowed on another site within a large development project, and consequential adjustments of other regulations, provided this does not significantly impair specific planning requirements.

5. Where such a higher plot ratio is allowed, with or without consequential adjustments, any subsequent change in the control drawings, Master Layout Plans, or Town Planning permission would naturally be opposed if this would negate the benefits of any permission granted on Form 30.

(A.G. Eason)
Building Authority

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