

**TOWN PLANNING BOARD GUIDELINES FOR DESIGNATION OF  
“OTHER SPECIFIED USES” ANNOTATED “MIXED USE” (“OU(MU)”) ZONE AND  
APPLICATION FOR DEVELOPMENT WITHIN “OU(MU)”) ZONE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

(Important Note:

These Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17<sup>th</sup> Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong – Tel. No. 2231 5000.

These Guidelines are subject to revision without prior notice.)

**1. Introduction**

Hong Kong is a compact city and it is common to find a mixture of uses juxtaposing with one another in developments, which is permitted under a number of existing land use zonings such as “Commercial/Residential” (“C/R”), “Residential (Group A)” (“R(A)”) and “Comprehensive Development Area” (“CDA”). The Town Planning Board (the Board) recognizes that there are merits in functionally and physically integrating different types of compatible uses within a building or over a spatial area, in particular when it helps create vitality and diversity in an area. While the existing zoning mechanism could provide flexibility for mixed use development to meet changing market need, in some circumstances, mixed use developments may cause nuisance to the sensitive uses, e.g. nuisance of restaurant use to residential use in the same building. Appropriate planning control should be provided to guide mixed use development to avoid the possible nuisance and interface problem. In order to achieve both objectives of providing flexibility and maintaining planning control, the Board had introduced the “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”) zone to facilitate integrated and well planned mixed-use development.

**2. Scope and Application**

- 2.1 This set of Guidelines explains the planning intention of the “OU(MU)” zone and sets out the main planning criteria for the designation of this zone. It also provides guidance for use and development within this zone as well as the main consideration in assessing planning applications.
- 2.2 Mixed-use development on industrial sites is separately catered for by the “Other Specified Uses” annotated “Business” zoning which allows a mix of commercial, office and clean industrial uses.

**3. Planning Intention**

- 3.1 The “OU(MU)” zone is intended primarily for mixed non-industrial land uses.

Flexibility for the development/redevelopment/conversion of residential or other uses, or a combination of various types of compatible uses including commercial, residential, educational, cultural, recreational and entertainment uses, either vertically within a building or horizontally over a spatial area, is allowed to meet changing market needs. Physical segregation has to be provided between the non-residential and residential portions within a new/converted building to prevent non-residential uses from causing nuisance to the residents. The design requirements for physical segregation are set out in para. 7.2 to 7.7 below. Some commercial uses are always permitted in an existing mixed use building before its redevelopment/conversion.

- 3.2 To enable appropriate planning control on different types of buildings and yet give owners/developers the flexibility in developing their land for different types of uses in different mix, three separate User Schedules are applicable to this zone (**Appendix I**). Schedules I and II will apply to all development proposals (submission of building plans or lease modification applications) involving new development/redevelopment/wholesale conversion of a building on the site which were received after it is rezoned to “OU(MU)” on the OZP. Upon completion of the development/redevelopment/wholesale conversion, any further partial conversion/change of use within the building would need to follow Schedules I and II. Schedule III will apply to cases where the development has not undergone any redevelopment/wholesale conversion after the concerned site is rezoned to “OU(MU)”.
- 3.3 For a non-residential building or the non-residential portion of a composite building upon development/redevelopment/conversion (Schedule I), a wide range of uses similar to those always permitted in the “Commercial” zone will be permitted as of right. For a residential building or the residential portion of a composite building upon development/redevelopment/conversion (Schedule II), residential use, certain Government uses and small-scale utility installations are always permitted. If it is intended to develop a composite building, the non-residential and residential portions should be physically segregated through appropriate building design to prevent non-residential uses from causing disturbance and nuisance to the residents.
- 3.4 For an existing building within the “OU(MU)” zone before its redevelopment/conversion (Schedule III), the mixed-use environment as a result of the previous zoning, especially those under “C/R” zoning, will be tolerated as far as possible. However, the list of uses always permitted will be more stringent than that provided under the “C/R” zone, and some uses such as ‘Place of Entertainment’ and ‘Eating Place’ which may generate more significant interface problems are put under Column 2 so as to allow scrutiny by the Board through the planning permission system. Similar to the provisions under the “R(A)” zone, some commercial and non-residential uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of a building.

#### **4. Definition of Terms**

##### **Residential Building**

- 4.1 A residential building means a building that is constructed or intended for habitation. It may include certain elements of non-domestic accommodation for such purposes as car park, club house and plant rooms which are ancillary to the main use.

### Non-residential Building

- 4.2 A non-residential building means a building that is constructed or intended for uses other than for habitation. It may include certain elements of domestic accommodation for such purposes as caretaker's quarters which are ancillary to the non-residential uses. Hotel and hotel-like service apartment, though for habitation purpose, are regarded as non-residential buildings in planning terms.

### Composite Building

- 4.3 A composite building means a building that is constructed or intended for use partly for residential purposes and partly for non-residential purposes such as commercial, educational, cultural and entertainment, but excluding industrial uses. The residential portion of a composite building includes those areas for habitation and such areas as podium/sky/roof gardens, private recreational areas and plant rooms which are ancillary and directly related to the residential portion. The non-residential portion of a composite building refers to areas other than the residential portion. It may include the commercial podium or commercial floors within a composite building, public recreational facilities (as opposed to private clubhouse serving the residents) and areas dedicated for cultural, educational or community uses. Ancillary accommodation for these uses also forms part of the non-residential portion.

### Existing Building

- 4.4 An "existing building" means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.

### Conversion of a Building

- 4.5 "Conversion" of a building as referred to in the User Schedules and this Guideline means wholesale conversion of an existing building, which would be equivalent to a new development and Schedules I and II would apply.

## **5. Main Planning Criteria for Designation of "OU(MU)" Zone**

- 5.1 In general, the main planning criteria as set out in paragraphs 5.2 to 5.7 below will be used in assessing the suitability of a site for designation as "OU(MU)" zone.

### *Land Use Compatibility and Existing Site Conditions*

- 5.2 Due consideration will be given to the local character of a site to ensure that mixed-use development will be compatible with the existing and planned land uses in the area. The "OU(MU)" zoning will be more suitable for areas where a mixture of commercial, office, residential and other uses already exists. The existing uses of the site, the surrounding area and the ownership pattern will be taken into consideration. Rezoning should preferably be on a street-block basis, and street blocks with greater possibility for site amalgamation should have greater potential for transforming into mixed-use developments.
- 5.3 Certain greenfield sites planned for or near major activity nodes such as major railway

interchanges may also be suitable for zoning to “OU(MU)” to bring vitality and vibrancy to the areas.

- 5.4 Rezoning of the core central business district (CBD) to “OU(MU)” is generally not appropriate because land in the CBD should be planned primarily for office/commercial use to support Hong Kong as an international financial and business centre. However, areas at the fringe of the CBD may be suitable for mixed-use developments.

#### *Accessibility and Transport Capacity*

- 5.5 The site should have good accessibility. It should be along major transportation routes and preferably be served by mass transit railway. The local and district transport networks should have sufficient capacity to cater for the traffic generated by mixed-use developments.

#### *Provision of Other Infrastructures*

- 5.6 The site should preferably be located in an area where there are no major constraints with respect to the provision of fresh water supply, drainage, sewerage, public utilities, etc. or where the infrastructure can be upgraded. In assessing the adequacy of infrastructure provision, planning assumptions will be made with respect to the pace of development/redevelopment and the types of mixed-use development envisaged based on a worst case scenario under normal circumstances.

#### *Provision of Community Facilities*

- 5.7 Under the “OU(MU)” zoning, residential development is permitted as of right for a residential building or in the residential portion of a building. It is necessary to ensure that the “OU(MU)” zone is designated in an area with adequate existing and planned provision of community facilities to cater for the needs of the residents. The development pattern in the zone should be closely monitored to provide feedback to the programme for provision of community facilities.

#### *Land Use Reviews*

- 5.8 The above planning criteria are to serve as general reference only. Land use reviews on suitably selected areas, including the existing “C/R” zones, will be carried out to ascertain the suitability of specific sites for designating as “OU(MU)”. The long-term planning intention is to phase out the “C/R” zoning due to inherent problems of the zoning including unclear planning intention and proliferation of undesirable commercial elements in a residential building. Sites under such zoning will be rezoned to other appropriate zonings including “OU(MU)”, “Commercial” and “Residential”, depending on their location and site characteristics.

## **6. Permitted Developments in the Zone**

- 6.1 Under the “OU(MU)” zoning, owners or developers have the flexibility in developing their land for different types of uses in different mix, and in different forms of buildings/developments.
- 6.2 For a new development/redevelopment/conversion of an existing building, the

following types of buildings/developments are always permitted in the zone:

(a) Non-residential Building (Schedule I)

Non-residential buildings, which may incorporate a wide range of uses including commercial, educational, recreational, cultural and entertainment uses, are always permitted under Schedule I of the Notes. The various types of uses in different combinations may be provided on any floor/location within the building, provided that the statutory and non-statutory requirements of other relevant Government departments are met.

(b) Residential Building (Schedule II)

Residential buildings with certain Government uses and small-scale utility installations are always permitted under Schedule II of the Notes.

(c) Mixed-use development

For a horizontally mixed-use development involving both residential and non-residential buildings, but not composite buildings, User Schedules I and II can simply be applied to the respective types of buildings. If any composite building is proposed within a vertically mixed-use development, User Schedules I and II should apply to the non-residential and residential portions of the building respectively and the specific design requirements set out in paragraphs 7.2 to 7.7 below will need to be satisfied. Some illustrative drawings of 'vertical' and 'horizontal' mixed-use developments are at Appendix II and Appendix III respectively.

6.3 Schedules I and II will apply to all development proposals (submission of building plans or lease modification applications) involving new development/redevelopment/wholesale conversion of a building on the site which were received after it is rezoned to "OU(MU)" on the OZP. Upon completion of the development/redevelopment/wholesale conversion, any further partial conversion/change of use within the building would need to follow Schedules I and II. Schedule III will apply to cases where the development has not undergone any redevelopment/wholesale conversion after the concerned site is rezoned to "OU(MU)". Under Schedule III, uses that may cause more significant interface problems between residential and non-residential uses are put under Column 2 so as to ensure proper planning control through the planning permission system. Some commercial, educational, cultural, recreational and entertainment uses are always permitted on the lowest three floors of a building, taken to include basements or in the purpose-designed non-residential portion of a building, both excluding floors containing wholly or mainly car parking, loading/unloading bays and/or plant room.

6.4 Upon the development/redevelopment/conversion of an existing building in the "OU(MU)" zone, any development proposal should ensure that there would not be any interface problem between the residential and non-residential uses, in order to avoid causing nuisance to the residents. No intermixing of residential and non-residential uses on the same floor will be allowed, unless otherwise permitted by way of the planning permission system.

## **7. Development Restrictions and Design Requirements**

### *Development Restrictions*

- 7.1 Reference should be made to the relevant Outline Zoning Plan (OZP) to find out whether there are any development restrictions, such as plot ratio and building height restrictions, applicable to each individual “OU(MU)” zone.

### *Design Requirements*

- 7.2 Upon development/redevelopment/conversion of a building to a mixed-use development, the residential and non-residential portions within a building shall be physically segregated through appropriate building design. These building designs include the provision of separate entrances/lift lobbies/staircases and other appropriate means. The provision of residential and non-residential uses on the same floor will not be permitted. Under exceptional circumstances, relaxation of the requirement for physical segregation and no inter-mixing on the same floor may be considered by the Board on application under section 16 of the Town Planning Ordinance.
- 7.3 To prevent environmental nuisance caused by some uses in the non-residential portion of the buildings affecting environmentally sensitive uses, appropriate mitigation measures should be provided through stringent building design requirements and with reference to environmental legislation. The intention is to minimize any possible nuisance and disturbance caused by the non-residential uses to the residents in the same building.
- 7.4 When designing a composite building, particular attention should be paid to fire safety requirements and building safety considerations and other special building requirements for the relevant uses as appropriate, e.g. social welfare facilities involving residential care<sup>1</sup>. For instance, schools should not be located at a height exceeding 24 metres above ground; residential care home for the elderly and child care centres (CCC) for children aged 2 to 3 years should not be located at a height more than 12 metres above ground; domestic accommodation should not be provided within or immediately adjoining a place of public entertainment; and schools should not be located over shops.
- 7.5 Adequate parking and loading/unloading spaces should be provided in accordance with the relevant standards in the Hong Kong Planning Standards and Guidelines (HKPSG) for the various uses proposed within the development. In order to cater for possible change of use after completion of a mixed-use development, flexibility in the provision of carparking and loading/unloading spaces should be taken into account in the design of the development. Should the provision deviate from the requirement under the HKPSG, advice from the Transport Department should be sought at the project planning stage regarding the appropriate level of provision.
- 7.6 In proposing the uses in a mixed-use development, due regard should also be given to the projected demand for open space and Government, institution and community facilities arising from the development and the existing and planned levels of provision of such facilities in the area or wider district. Advice from the Planning Department on this aspect may be sought. Local open space within the development itself should

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<sup>1</sup> It includes boys'/girls' homes, residential care home for the elderly, residential home for people with disabilities, drug treatment and rehabilitation centre, half way houses, long stay care home, etc.

be provided in accordance with the HKPSG.

- 7.7 In proposing the different combination of uses within the “OU(MU)” zone, consideration should be given to environmental factors with a view to minimizing any possible nuisances arising from different uses.

## **8. Considerations for Assessing Planning Applications**

- 8.1 An application for development within “OU(MU)” zone should demonstrate that the proposed development is in line with the planning intention of the zone. The applicant should demonstrate that the proposed development is not incompatible with the surrounding land uses/other uses within the same building, would not adversely affect the character and environment of the neighbourhood, and would not overstrain the capacity of existing and planned infrastructure in the area including transport, drainage, sewerage and water supply. The applicant should also demonstrate through proper assessment that no environmental pollution or nuisance would be created by the proposed mixed-use development.
- 8.2 Notwithstanding para. 8.1 above, any proposed development that will bring variety of uses and enhance the character, vitality and vibrancy to the area will be given favourable consideration.
- 8.3 For any application involving a new development/redevelopment/conversion of an existing building, the applicant should demonstrate that physical segregation has been provided to separate residential uses from non-residential uses within the same building to ensure that the proposed use in either the residential portion or non-residential portion of the building would not create interface problems with uses within the other portion of the building. The building designs for physical segregation include the provision of separate access/entrance/lift lobbies/staircases and any other appropriate means.
- 8.4 For applications within an existing mixed-use building before its redevelopment/conversion, the applicant will need to come up with practical and implementable measures/proposals to minimize the nuisance or interface problems caused to other uses within the building. The Board will consider each planning application on its individual merits, taking into account comments from relevant Government departments.
- 8.5 As regards the provision of carparking and loading/unloading spaces, please refer to para. 7.5 above.
- 8.6 All other statutory and non-statutory requirements of relevant Government departments including fire safety and building safety requirements must also be met.

**OTHER SPECIFIED USES**

For "Mixed Use" Only

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Column 1	Column 2
Uses always permitted	Uses that may be permitted with or without conditions on application to the Town Planning Board

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**Schedule I: for non-residential building or non-residential portion of a building upon development/redevelopment/conversion**

Ambulance Depot	Broadcasting, Television and/or Film Studio
Commercial Bathhouse/ Massage Establishment (in non-residential building only)*	Commercial Bathhouse/ Massage Establishment (not elsewhere specified+)
Eating Place	Flat
Educational Institution	Government Refuse Collection Point
Exhibition or Convention Hall	Hospital
Government Use (not elsewhere specified)	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances*
Hotel	Petrol Filling Station
Information Technology and Telecommunications Industries	Residential Institution
Institutional Use (not elsewhere specified)	Social Welfare Facility (not elsewhere specified)
Library	
Market*	
Off-course Betting Centre	
Office	
Place of Entertainment	
Place of Recreation, Sports or Culture	
Private Club	
Public Clinic	
Public Convenience	
Public Transport Terminus or Station	
Public Utility Installation	
Public Vehicle Park (excluding container vehicle)	
Recyclable Collection Centre	
Religious Institution	
School	
Shop and Services	
Social Welfare Facility (excluding those involving residential care)	
Training Centre	
Utility Installation for Private Project	
Wholesale Trade	

\* Add where appropriate

+ The remarks in brackets to be added only if corresponding Column 1 use is added

**OTHER SPECIFIED USES**

For “Mixed Use” Only (cont’d)

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Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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**Schedule II: for residential building or residential portion of a building upon  
development/redevelopment/conversion**

Flat	Eating Place
Government Use (Police Reporting Centre, Post Office only)	Educational Institution
House	Government Refuse Collection Point
Residential Institution	Government Use (not elsewhere specified)
Social Welfare Facility	Hotel
(residential care facility only)	Institutional Use (not elsewhere specified)
Utility Installation for Private Project	Library
	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances*
	Office
	Place of Entertainment
	Place of Recreation, Sports or Culture
	Private Club
	Public Clinic
	Public Transport Terminus or Station
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle)
	Religious Institution
	School
	Shop and Services
	Social Welfare Facility (not elsewhere specified)
	Training Centre

\* Add where appropriate

**OTHER SPECIFIED USES**

For "Mixed Use" Only (cont'd)

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Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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**Schedule III: for an existing building before redevelopment/conversion**

Ambulance Depot	Broadcasting, Television and/or Film Studio
Exhibition or Convention Hall	Commercial Bathhouse/ Massage Establishment
Flat	Eating Place
Government Use (not elsewhere specified)	Educational Institution
Hotel	Government Refuse Collection Point
House	Hospital
Library	Information Technology and Telecommunications Industries
Market	Institutional Use (not elsewhere specified)
Office	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances*
Private Club	Petrol Filling Station
Public Clinic	Place of Entertainment
Public Utility Installation	Place of Recreation, Sports or Culture
Public Vehicle Park (excluding container vehicle)	Public Convenience
Residential Institution	Public Transport Terminus or Station
School (in a free-standing purpose-designed building only)	Recyclable Collection Centre
Shop and Services (not elsewhere specified)	Religious Institution
Social Welfare Facility	School (not elsewhere specified)
Utility Installation for Private Project	Shop and Services (Motor-vehicle Showroom and Printing, Publishing and Allied Industries only)
	Training Centre

\* Add where appropriate

**OTHER SPECIFIED USES** (cont'd)

For "Mixed Use" only (cont'd)

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In addition, the following uses are always permitted (a) on the lowest three floors of a building, taken to include basements; or (b) in the purpose-designed non-residential portion of a building, both excluding floors containing wholly or mainly car parking, loading/unloading bays and/or plant room:

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Eating Place  
Educational Institution  
Institutional Use (not elsewhere specified)  
Off-course Betting Centre  
Place of Entertainment  
Place of Recreation, Sports or Culture  
Public Convenience  
Recyclable Collection Centre  
Religious Institution  
School  
Training Centre

Planning Intention

*This zone is intended primarily for mixed non-industrial land uses. Flexibility for the development/redevelopment/conversion of residential or other uses, or a combination of various types of compatible uses including commercial, residential, educational, cultural, recreational and entertainment uses, either vertically within a building or horizontally over a spatial area, is allowed to meet changing market needs. Physical segregation has to be provided between the non-residential and residential portions within a new/converted building to prevent non-residential uses from causing nuisance to the residents. Some commercial uses are always permitted in an existing mixed-use building before its redevelopment/conversion.*

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum domestic plot ratio/gross floor area of [ xxxxx ] and a total plot ratio/gross floor area of [ xxxxx ], and a maximum building height of [ xxxxx ], or the plot ratio/gross floor area and height of the existing building, whichever is the greater\*.
- (b) For a building that is partly domestic and partly non-domestic, the plot ratio for the domestic part of the building shall not exceed the product of the difference between the maximum permitted non-domestic plot ratio for the building and the actual non-domestic plot ratio proposed for the building and the maximum permitted domestic plot ratio for the building divided by the maximum permitted non-domestic plot ratio for the building.+
- (c) Based on the individual merits of a development or redevelopment proposal, minor

relaxation of the *plot ratio/gross floor area*\* and building height restriction(s) stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.\*

- (d) Upon development/redevelopment/conversion of a building to a mixed use development, the residential and non-residential portions within a building shall be physically segregated through appropriate building design. The provision of residential and non-residential uses on the same floor will not be permitted. Under exceptional circumstances, relaxation of the requirement for physical segregation and no inter-mixing on the same floor may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

*\*Remarks (a) and (c), and remarks in italics to be added where appropriate.*

*+Remarks (b) to be added only when plot ratio restrictions are imposed.*

縱向混合用途發展  
Vertical Mixed-use Development



