

TPB PG-NO. 29

**TOWN PLANNING BOARD GUIDELINES ON
SUBMISSION AND PUBLICATION OF REPRESENTATIONS,
COMMENTS ON REPRESENTATIONS AND FURTHER REPRESENTATIONS
UNDER THE TOWN PLANNING ORDINANCE**

[Important Note:

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Secretariat of the Town Planning Board (15th Floor, North Point Government Offices (NPGO), 333 Java Road, North Point, Hong Kong – Tel. No. 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) (17th Floor, NPGO and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.]

1. Scope and Application

The purpose of this set of Guidelines is to set out the requirements and practices adopted by the Town Planning Board (the Board) regarding the submission and publication of representations, comments on representations and further representations in relation to the plan-making procedures under the Town Planning Ordinance (the Ordinance). The entire plan-making procedures are summarized in the flowchart attached at **Annex 1**.

2. An Overview of the Relevant Statutory Provisions

2.1 The new plan-making process is set out in sections 5 to 7 of the Ordinance. Under the new process, any new draft plan or amendment to draft/approved plan will be exhibited for public inspection for a period of 2 months. During the exhibition period, any person may make representation (whether in support or opposition to the plan) to the Board in respect of the new draft plan or amendment to draft/approved plan (hereinafter referred to as “the draft plan”). Such representation will be made available for public inspection as soon as reasonably practicable after the expiry of the above 2-month period until the Chief Executive in Council (CE in C) has decided on the draft plan.

2.2 During the first 3 weeks of the public inspection period of the representations, any person may make comment on the representations to the Board. Such comment will be made available for public inspection as soon as reasonably practicable after the expiry of the above 3-week period until the CE in C has

decided on the draft plan.

- 2.3 The Board or its Representation Hearing Committee (RHC) will then hold a meeting (hereinafter referred to as “hearing”) to hear and consider the representations and comments received in respect of the draft plan. The person making a representation (hereinafter referred as ‘representer’) and the person making comment on the representation (hereinafter referred as ‘commenter’), including their authorized representatives, will be invited to attend the hearing.
- 2.4 After hearing the representations and comments, the Board/RHC will decide whether to propose amendments to the draft plan in the manner proposed in the representations or in other manner that the Board/RHC considers appropriate in meeting the representations.
- 2.5 If the Board/RHC decides to propose amendment to the draft plan, it will be made available for public inspection as soon as reasonably practicable until the CE in C has decided on the draft plan. During the first 3 weeks of the public inspection period of the proposed amendments, any person (other than the representers and commenters relating to the proposed amendments) may make further representation (whether in support or opposition to the proposed amendments) to the Board in respect of the proposed amendments. Such further representation will be made available for public inspection as soon as reasonably practicable after the expiry of the above 3-week period until the CE in C has decided on the draft plan.
- 2.6 If there is no further representation received in respect of the proposed amendments in question, the Board/RHC shall, as soon as reasonably practicable, amend the draft plan by incorporating the proposed amendments. In the event that there are further representations but they are not opposing to the proposed amendment, the Board/RHC shall hold a meeting to consider the further representations and to amend the draft plan by the proposed amendments. However, the relevant representers/commenters/further representers will not be invited to the meeting and be heard by the Board/RHC.
- 2.7 If there are opposing further representations, the Board/RHC will hold a meeting (hereinafter referred to as “further hearing”) to hear and consider the further representations. The relevant representers/commenters/further representers (including their authorized representatives) will be invited to attend the further

hearing.

- 2.8 Upon consideration of the further representation, the Board/RHC will decide whether to amend the draft plan, either by the proposed amendments or in other manner that the Board/RHC considers appropriate. The draft plan shall be read as including the amendments so decided by the Board/RHC, and such amendments will be made available for public inspection as soon as reasonably practicable.
- 2.9 The draft plan, together with a schedule of the representations/comments/further representations (if any) made in respect of the plan as well as any amendments made by the Board/RHC, will be submitted to the CE in C for approval within 9 months after the expiry of the plan exhibition period.

3. Submission Requirements

- 3.1 All representations/comments/further representations should be forwarded to the “Secretary, Town Planning Board, 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong” by hand, post, fax (2877 0245 or 2522 8426) or e-mail (tpbpd@pland.gov.hk). To facilitate processing of the submission, representers/commenters/further representers should provide the necessary information by filling in a submission form (Forms No. S6, S6A and S6D respectively). The form is available at the Secretariat of the Board or the Planning Enquiry Counters of the Planning Department and can be downloaded from the Board’s website (<http://www.info.gov.hk/tpb/>).
- 3.2 Any representation/comment/further representation must be made within the statutory time limit for submission. Representations/comments/further representations which are made after the expiration of their respective statutory time limits set out in paragraph 3.3 below shall be treated as not having been made. It is the duty of the representer/commenter/further representer to provide sufficient information when making the submission to the Board. Since a clear sequence of procedural requirements has to be followed within the statutory time frame, there is no provision under the Ordinance for submission of further information to supplement a representation/comment/further representation after their respective statutory time limits.

3.3 The statutory time limits for lodging a representation/comment/further representation are as follows :

- (a) Representation – 2 months from publication of new draft plan or amendment to draft/approved plan;
- (b) Comment – 3 weeks from publication of representation; and
- (c) Further representation – 3 weeks from publication of proposed amendments to the draft plan.

These time limits will be stated in the relevant notices. Within the stipulated time limit, the representer/commenter/further representer may make a submission to the Board. The date of submission is taken as follows:

- (a) the receipt date for a submission sent by hand;
- (b) the date of postal chop for a submission sent by post; or
- (c) the receipt date of transmission for a submission sent by fax/e-mail.

3.4 In order to facilitate communication with the Secretary of the Board and relevant Government departments for the purpose of processing the representation/ comment/further representation, representers/commenters/further representers are advised to provide their particulars (including name, correspondence address, and telephone number/fax number/e-mail address) in the submission. If the submission is made by an agent, particulars of the agent (including name, correspondence address, and telephone number/fax number/e-mail address), and the authorization letter signed by the representers/commenters/further representers should also be given.

3.5 The following information is considered essential for the Board to consider a representation/comment/further representation, hence should be included in the submission. Otherwise, the Board may refuse to process the representation/comment/further representation and treat it as invalid:

Representation:

- (a) the particular matter in the draft plan to which the representation relates;
- (b) the nature of the representation (i.e. whether it is in support of, or in opposition to, the draft plan);
- (c) the reasons for the representation; and
- (d) the amendment proposed to the draft plan (if any).

Comment:

- (a) the representation to which the comment relates; and
- (b) details of the comment.

Further Representation:

- (a) the proposed amendment to which the further representation relates;
- (b) the nature of the further representation (i.e. whether it is in support of, or in opposition to, the proposed amendment); and
- (c) the reasons for the further representation.

- 3.6 If supporting information (e.g. colour and/or large size plans, planning studies and technical assessments) is included in the representations/comments/further representations, 90 copies of which should be provided to the Board for circulation and public inspection purposes. They should preferably be written in both English and Chinese, or at least a summary in English for Chinese submission or vice versa should be provided. If necessary, additional copies of the supporting information may be required by the Board. All supporting information should preferably use environmentally friendly materials for printing and binding, and printing should be made on both sides of the paper.

4. Publication Arrangement

- 4.1 All representations/comments/further representations and the amendments proposed/made by the Board/RHC in respect of the draft plan will be made available for public inspection as soon as reasonably practicable at the Planning Enquiry Counters of the Planning Department during normal office hours until the CE in C has decided on the draft plan. All information (including name, but excluding correspondence address, and telephone number/fax number/e-mail address) included in the representations/comments/further representations will be made available for public inspection.
- 4.2 During the 2 months when a draft plan is exhibited for public inspection, the Board will publish a notice once a week in two daily Chinese and one daily English local newspapers and notify in each issue of the Gazette. The notice will specify the place and hours at which such plan may be inspected, and invite the public to make representation within the 2-month period.
- 4.3 During the first 3 weeks when representations available for public inspection, the Board will publish a notice once a week in two daily Chinese and one daily English local newspapers. The notice will set out a schedule of the representations as well as the place and hours at which the representations are available for public inspection, and invite the public to make comment to the Board within a specified period (i.e. the first 3 weeks of the public inspection period). Similar publication arrangements will be made with respect to the amendments proposed by the Board/RHC to meet the representations to inform the public that the proposed amendments are available for public inspection and further representation may be made to the Board.
- 4.4 Apart from publication in newspapers, notices will also be posted at the Secretariat of the Board, the Planning Enquiry Counters of the Planning Department, the relevant District Planning Office, local community centre, District Office, Rural Committee office (where appropriate) and the Board's website to inform the public the place and hours for inspecting draft plans/representations/proposed amendments.

5. Arrangement of Hearings/Further Hearings

- 5.1 After receiving a representation/comment/further representation, the Secretary of the Board will inform the representer/commenter/further representer the tentative date of hearing/further hearing to be held by the Board/RHC. Seven days before the hearing/further hearing, the relevant representer/commenter/further representer will be notified of the time as well as the arrangements of the hearing/further hearing and provided with a copy of the relevant Board/RHC paper.
- 5.2 If the representer/commenter/further representer fails to attend the hearing/further hearing without any prior justification, the Board/RHC may proceed with the hearing/further hearing in their absence or, if considered appropriate, adjourn the hearing/further hearing to another date.
- 5.3 The hearing/further hearing will be held either collectively or individually, as considered appropriate by the Board/RHC.

6. Considerations of Representation, Comments and Further Representations

Representation/comment/further representation should be related to the planning context being published for public inspection and submitted in accordance with the relevant provisions of the Ordinance. These submissions will be assessed by the Board on a case-by-case basis and only planning-related considerations will be taken into account. As a general guideline, the Board will primarily consider the following planning issues in considering the representation, comment and further representation:-

- (a) the nature (e.g. views in support, against or expressing general concern) of the representation, comment and further representation;
- (b) the planning intention, land-use compatibility and impacts (e.g. effects on environment, ecology, traffic, infrastructure, landscape, visual and the local community etc.); and
- (c) other considerations that the Board considers appropriate.

7. Notification of the Board's/RHC's Decision

- 7.1 After the hearing/further hearing, the Secretary of the Board will notify the representers/commenters/further representers of the Board/RHC's decision in writing. The notification will be made after confirmation of the minutes (normally 2 weeks after the meeting).
- 7.2 After the hearing/further hearing, a representer/commenter/further representer may seek verbal advice on the Board/RHC's decision from the Secretary of the Board. A Gist of Decision will also be uploaded on the Board's website shortly after the meeting on the same day.
- 7.3 Pending formal notification, request for an interim reply on the Board/RHC's decision could be made to the Secretary of the Board in writing. The interim reply should not be treated as a formal notification of the decision of the Board/RHC, which will only be issued after confirmation of minutes.

8. Important Points to Note

- 8.1 This set of Guidelines only provides general guidance on the submission and publication of representations, comments on representations and further representations under the Ordinance. It is not meant in any way to restrict the contents of each representation/comment/further representation, nor to restrict the right of the Board to require further information.
- 8.2 The information submitted to the Board and the Board's decision on the representations/comments/further representations would be disclosed to the public. The public may make photocopies of the representations/comments/further representations which are made available for public inspection upon payment of a fee as the Board determines.

9. Statement of Collection of Personal Data

- 9.1 The personal data submitted to the Board will be used by the Secretary of the Board and Government departments for the following purposes:

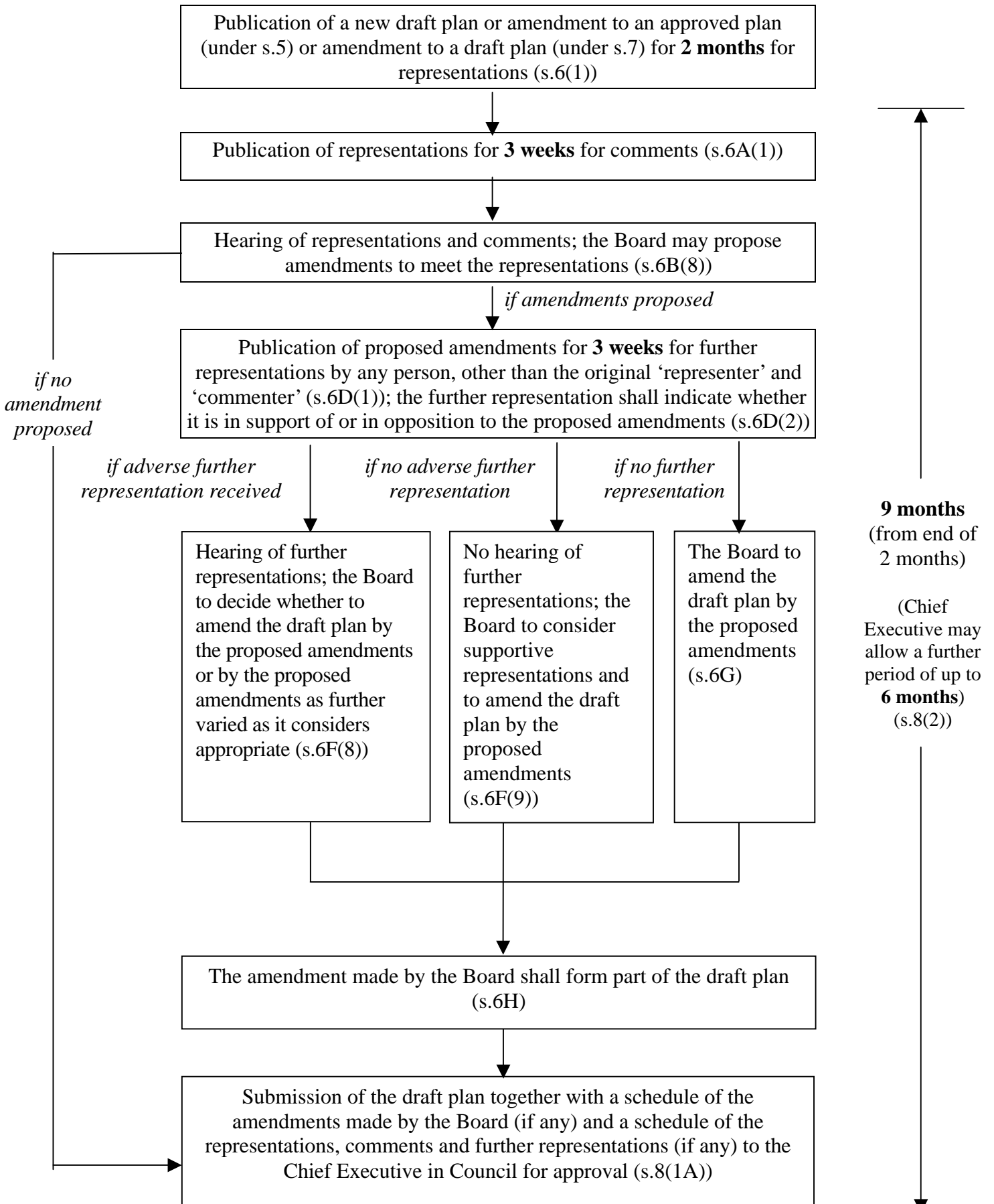
- (a) the processing of the relevant representation, comment and further representation which includes making available the name of the representer/commenter/further representer for public inspection when making available the relevant representation, comment and further representation for public inspection; and
- (b) facilitating communication between the representer/commenter/further representer and the Secretary of the Board/Government Departments

in accordance with the provisions of the Ordinance and the relevant Town Planning Board Guidelines.

- 9.2 The personal data provided by the representer/commenter/further representer may also be disclosed to other persons for the purposes mentioned in paragraph 9.1 above.
- 9.3 A representer/commenter/further representer has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board.

TOWN PLANNING BOARD
APRIL 2005

The New Plan-making Process



**TOWN PLANNING BOARD GUIDELINES ON
PUBLICATION OF APPLICATIONS FOR AMENDMENT OF PLAN,
PLANNING PERMISSION AND REVIEW AND
SUBMISSION OF COMMENTS ON VARIOUS APPLICATIONS
UNDER THE TOWN PLANNING ORDINANCE**

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The Guidelines are subject to revision without prior notice.]

1. Scope and Application

The purpose of this set of Guidelines is to set out the general practices adopted by the Town Planning Board (the Board) regarding the publication of applications for amendment of plan, planning permission and review and submission of comments on various applications under the Town Planning Ordinance (the Ordinance).

2. Publication of Various Applications

2.1 The Ordinance provides statutory mechanism for submitting the following applications to the Board:

- (a) application for amendment of plan made under section 12A of the Ordinance;
- (b) application for planning permission made under section 16 of the Ordinance; and
- (c) application for review of the Board's decision on a section 16 application made under section 17 of the Ordinance.

2.2 An application for amendment of plan under section 12A and planning

application under section 16 of the Ordinance shall be made by filling in an application form (Forms No. S12A or S16 respectively). The application form is available at the Secretariat of the Board or Planning Enquiry Counters of Planning Department and can be downloaded from the Board's website (<http://www.info.gov.hk/tpb/>).

- 2.3 All information (including name, but excluding correspondence address, and telephone number/fax number/e-mail address) included in the applications will be made available for public inspection as soon as reasonably practicable after the applications are made until the Board or its Committee has made a decision on them.
- 2.4 The Board will publish a notice once a week in two daily Chinese and one daily English local newspapers (newspaper notice) during the first 3 weeks of the public inspection period or cause a notice (site notice) to be posted in a prominent position on or near the application site at the beginning of the public inspection period.
- 2.5 The newspaper notice will specify:
 - (a) the place and hours at which the application is available for public inspection (i.e. during normal office hours at the Planning Enquiry Counters of the Planning Department);
 - (b) that any person may make comment to the Board in respect of the application and the time limit for submitting the comment (i.e. within the first 3 weeks of the public inspection period); and
 - (c) the place and hours at which such comment will be available for public inspection (i.e. as soon as reasonably practicable after the expiration of the first 3 weeks of public inspection period).
- 2.6 Generally speaking, as a matter of practice, a newspaper notice will always be published. In so far as the local circumstances permit, a site notice will be posted unless the application involves a large area or many buildings, the application site is remote and inaccessible by the public, the application is not site-specific, or the posting of notice is refused by the owner or management office of the application site.

2.7 Depending on the circumstances of individual applications, the following practice will be adopted in posting site notices:

- (a) for applications involving a change of use of the application premises (e.g. showroom or “shop and services” in an industrial building or kindergarten in an existing building), a site notice of about A2 size (i.e. 16 inches x 23 inches or 420mm x 594mm) will be posted at or near the application premises, preferably on the notice board at the entrance/lobby of the building concerned;
- (b) for applications for development on open land (e.g. open storage or comprehensive development on a vacant site or proposed rezoning of a piece of agricultural land), a site notice of about A1 size (i.e. 23 inches x 32 inches or 594mm x 841mm) will be posted at or near the application site;
- (c) for applications of territorial or major local significance, a notice (about 33 inches x 60 inches or 867mm x 1577mm) may also be mounted to a roadside railing in the locality of the application site; and
- (d) other measures as considered appropriate by the Board.

2.8 In addition, as an administrative measure, a notice informing the public about the availability of the application for public inspection will also be:

- (a) uploaded to the Board’s website until the Board or its Committee has decided on the application in question;
- (b) posted at the Secretariat of the Board, the Planning Enquiry Counters of the Planning Department, the relevant District Planning Office, local community centre, District Office (DO) and Rural Committee office (where appropriate) during the first 3 weeks of the public inspection period; and
- (c) sent to the Owners’ Corporation(s) or other committee(s) of the buildings within 100 feet (around 30m) from the boundary of the application site at the beginning of the public inspection period.

3. Further Information on Applications

Further information to supplement an application may be submitted to the Board before the application is considered by the Board or its Committee. If the further information does not result in a material change in the nature of the application and is accepted by the Board or its Secretary, it will be made available for public inspection until the Board or its Committee has decided on the application. The availability of the further information for public inspection will also be notified in a like manner as the application. If the further information does not affect the substance of the application, the Board or its Secretary may exempt it from the requirement of publication for public comments. For details on the determination of acceptance of further information and exemption of it from the requirement of publication for public comments, reference shall be made to the Town Planning Board Guidelines on Submission of Further Information in relation to Applications for Amendment of Plan, Planning Permission and Review of Application made under the Ordinance.

4. Submission of Comments on Various Applications

- 4.1 Any comment shall be made in writing (preferably in both English and Chinese, or at least a summary in English for Chinese submission or vice versa should be provided). It shall be forwarded to the “Secretary, Town Planning Board, 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong” by hand, post, fax (2877 0245 or 2522 8426) or e-mail (tpbpd@pland.gov.hk).
- 4.2 The statutory time limits for making comment on various applications (i.e., application for amendment of plan under section 12A, application for permission under section 16 and application for review under section 17) are the same, namely, within the first three weeks when the application is available for public inspection. The time limit will be stated in the relevant notice.
- 4.3 Any comment must be made within the statutory time limit for submission. Comments which are made after the expiration of the statutory time limits shall be treated as not having been made. The date of submission stated in the notice is taken as follows:
 - (a) the receipt date for a submission sent by hand;

- (b) the date of postal chop for a submission sent by post; or
- (c) the receipt date of transmission for a submission sent by fax/e-mail.

4.4 In order to facilitate communication with the Secretary of the Board (Secy/Board) and relevant Government departments for the purpose of processing the applications, commenters are advised to provide their particulars (including name, correspondence address, and telephone number/fax number/e-mail address) in the submission.

4.5 The following information is considered essential for the Board to consider a comment, hence should be included in the submission. Otherwise, the Board may refuse to process the comment and treat it as invalid:

- (a) the particular matter in the application to which the comment relates; and
- (b) details of the comment.

4.6 After receiving a comment, the Secy/Board will inform the commenter the tentative date of meeting at which the comment, together with the application in question, will be considered by the Board or its Committee. The comment (including name, but excluding correspondence address, and telephone number/fax number/e-mail address) will be made available for public inspection during normal office hours at the Planning Enquiry Counters of the Planning Department until the Board or its Committee has decided on the application. A notice informing the public of the availability of the comments for public inspection will be uploaded to the Board's website.

4.7 Public comments should be related to the planning context of the application and submitted in accordance with the relevant provisions of the Ordinance. These public comments will be assessed by the Board on a case-by-case basis and only planning-related considerations will be taken into account. As a general guideline, the Board will primarily consider the following planning issues in considering the public comments on the application: -

- (a) the nature (e.g. views in support, against or expressing general concern) of the public comment;

- (b) the planning intention, land-use compatibility and impacts (e.g. effects on environment, ecology, traffic, infrastructure, landscape, visual and the local community etc.);
- (c) comments specific to the proposed scheme ; and
- (d) other considerations that the Board considers appropriate.

5. Notification of the Board's Decision

- 5.1 After the Board or its Committee has decided on the application, the Secy/Board will notify the applicant and the commenter of the decision in writing after confirmation of the minutes (normally 2 weeks after the meeting).
- 5.2 After the meeting, the applicant and the commenter may seek verbal advice on the decision on the application or make reference to the Gist of Decision which is available on the Board's website shortly after the meeting on the same day.
- 5.3 Pending formal notification, request from the applicant for an interim reply on the decision on the application could be made to the Secy/Board in writing. The interim reply should not be treated as a formal notification of the decision of the Board or its Committee, which will only be issued after confirmation of minutes. The date of decision of the Board or its Committee on an application is the date of its meeting, but the time limit for lodging a review and appeal under section 17 and 17B respectively starts from the date of notification of the Committee or the Board's decision.

6. Important Points to Note

- 6.1 This set of Guidelines only provides general guidance on the publication of applications for amendment of plan, planning permission and review and submission of comments on the various applications under the Ordinance. It is not meant in any way to restrict the contents of any application or comment made, nor to restrict the right of the Board to require further information.
- 6.2 The information submitted to the Board and the decision of the Board or its Committee on the applications would be disclosed to the public. The public

may make photocopies of the planning applications and the comments which are made available for public inspection upon payment of a fee as the Board determines.

7. Statement of Collection of Personal Data

7.1 The personal data submitted to the Board in the application or comment will be used by the Secy/Board and Government departments for the following purposes:

- (a) the processing of the relevant application and comment which includes making available the name of the applicant/commenter for public inspection when making available the relevant application and comment for public inspection; and
- (b) facilitating communication between the applicant/commenter and the Secy/Board/Government Departments

in accordance with the provisions of the Ordinance and the relevant Town Planning Board Guidelines.

7.2 The personal data provided by the applicant/commenter may also be disclosed to other persons for the purposes mentioned in paragraph 7.1 above.

7.3 The applicant/commenter has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secy/Board.

TOWN PLANNING BOARD

APRIL 2005

**TOWN PLANNING BOARD GUIDELINES ON SATISFYING
THE ‘OWNER’S CONSENT/NOTIFICATION’ REQUIREMENTS
UNDER SECTIONS 12A AND 16 OF THE TOWN PLANNING ORDINANCE**

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1. Introduction

- 1.1 In submitting an application for amendment of a draft or approved plan under section 12A or planning permission under section 16 of the Town Planning Ordinance (the Ordinance), the applicant must :
 - (a) obtain the consent of or notify each and every ‘current land owner’ of the application site in writing if he is not the ‘current land owner’ or the sole ‘current land owner’ (hereinafter referred to as the ‘owner’s consent’ and ‘owner’s notification’ requirements respectively); or
 - (b) demonstrate that reasonable steps have been taken to obtain/give the necessary owner’s consent/notification (hereinafter referred to as the ‘reasonable steps’ requirements).
- 1.2 The Town Planning Board (the Board) may refuse to process the concerned application if the applicant fails to satisfy the ‘owner’s consent’, ‘owner’s notification’ and/or ‘reasonable steps’ requirements (hereinafter collectively referred to as the ‘owner’s consent/notification’ requirements).
- 1.3 These Guidelines provide guidance on the interpretation of ‘current land owner’ as set out in the relevant provisions of the Ordinance; the documents required to be submitted together with the application to demonstrate the ownership of the application site; and the manner in which the applicant would be considered by the Board to have satisfied the ‘owner’s consent’, ‘owner’s notification’ and/or ‘reasonable steps’

requirements.

2. Interpretation of ‘Current Land Owner’

2.1 ‘Current land owner’ means any person whose name is registered in the Land Registry as that of an owner of the land to which the application relates, as at the commencement of such period before the application is made as is specified by the Board by notice published in the Gazette*. According to the Gazette Notice published on 15 April 2005, ‘such period’ is taken as ‘6 weeks’ before the application is made. In satisfying this requirement, more updated record of owner registered in the Land Registry will also be accepted.

2.2 It should be noted that ‘land’ includes any premises constructed thereon. Where the boundary of the application site transverses part of any lot/premises, the ‘current land owner’ in respect to such lot/premises should also be included. Also, where any related lot/premises is/are owned by more than one person according to the records at the Land Registry (LR records), each and every such person should be regarded as ‘current land owner’.

3. Documentary Proof of Ownership Status

3.1 It is the responsibility of the applicant to comply with the ‘owner’s consent/notification’ requirements. The applicant is required to sign a declaration in the application form that he has satisfied the ‘owner’s consent/notification’ requirements. The Secretariat of the Board will carry out random check on the submission to ensure that the applicant has fully complied with the requirements. In case of doubt, the Board may require the applicant to verify any information included in the application. In such circumstances, the applicant may be required to provide proof of ownership by supplying a copy of the LR records or by any other means such as statutory declarations.

3.2 If the applicant is not the sole ‘current land owner’ of the application site, he is also required to complete the relevant part of the application form on

* The definition of ‘current land owner’ does not include the HKSAR Government even though Government land may be included in the application site.

satisfying the ‘owner’s consent/notification’ requirement for section 12A or section 16 application and provide all the required documents.

4. The ‘Owner’s Consent’ Requirements

If the applicant has obtained the consent of any ‘current land owner’ to make a particular application, such information including the number of ‘owner’s consent’ obtained should be included in the relevant part of the application form. He is also required to provide copies of the completed statement of consent signed by the concerned ‘current land owner’. If the ‘current land owner’ is an individual, the statement of consent should state the Hong Kong Identity Card/Passport Number of that person. If it is a corporate entity, the statement of consent should bear the company seal and should be accompanied by a resolution of the board of directors. A sample format of statement of consent for reference by the applicant is shown in **Annex 1**.

5. The ‘Owner’s Notification’ Requirements

5.1 If the applicant has notified any ‘current land owner’ of the application, such information including the number of ‘owner’s notification’ given should be included in the relevant part of the application form.

5.2 An ‘owner’s notification’ should be in the form of a written notification of the application. Such notification may be sent by registered mail or local recorded delivery mail (e.g. courier service) to the name of individual ‘current land owner’ as appeared in the LR records. The mail may be sent to the address of the ‘current land owner’ registered on the LR records (or the company’s office address registered in the Company Registry if the ‘current land owner’ is a corporate entity), or to the relevant address of the land/premises under application. A sample format of the notice for reference by the applicant is shown in **Annex 2**. A full set of the record of ‘owner’s notification’ given (e.g. records of registered mail or local recorded delivery mail) should be submitted together with the application.

6. The ‘Reasonable Steps’ Requirement

6.1 Apart from obtaining owner’s consent or making notification, an applicant

may demonstrate that reasonable steps have been taken to such effect before the application is made to the Board. To facilitate easy checking, the applicant is required to complete the relevant part of the application form. A full set of the relevant documents showing the steps taken should be submitted together with the application.

6.2 Subject to paragraph 6.3 below, the applicant is required to take the following steps to obtain owner's consent or give notification to the 'current land owner' :

(a) sending a request for consent to each and every 'current land owner'. Relevant evidence (e.g. records of registered mail or local recorded delivery mail) should be submitted together with the application; or

(b) (i) publishing a notice of the application once in two Chinese and one English local newspapers. The newspaper notice should be in the size of not smaller than 30 square centimetres (five square inches). A sample format of the newspaper notice is shown in **Annex 3**. The newspaper notice should be published in the local newspapers specified by the Board. Details can be obtained from the Secretariat of the Board or viewed at the Board's website; and

(ii) either posting a notice of the application in a prominent position on or near the application site. The notice should be at least A4 size and legible from a public place (a sample format is shown in **Annex 4**); or

sending a notice to the Owners' Corporation(s), Owners' Committee(s), Mutual Aid Committee(s) or management office(s), where applicable, of the building(s) erected on the application site or, where appropriate, to the relevant Rural Committee. Relevant evidence (e.g. records of registered mail or local recorded delivery mail) should be submitted together with the application. A sample format of the notice is shown in **Annex 4**.

6.3 Other than the steps set out in paragraph 6.2 above, the applicant may demonstrate to the satisfaction of the Board that he/she has fulfilled the

‘reasonable steps’ requirement. The Board will take into account the particulars provided in the application and determine whether such other steps taken by the applicant are acceptable on a case-by-case basis.

6.4 In satisfying the requirements in paragraph 6.2 above, the applicants of the following three types of applications are exempted from the requirement of publishing newspaper notice, but they are required to undertake both steps set out in paragraph 6.2(b)(ii) above in order to fulfill the ‘reasonable steps’ requirements:

- (a) change of use of premises within existing buildings;
- (b) temporary uses with an application site area less than 1 hectare; and
- (c) New Territories Exempted House/Small House developments.

6.5 Generally speaking, the applicant may consider resorting to fulfill the ‘reasonable steps’ requirements under the following circumstances :

- (a) where the applicant is unable to contact the ‘current land owner’ due to the absence/inadequacy of the relevant information in the LR records, or
- (b) where the number of ‘current land owners’ involved in the application is large (i.e. above 50), and obtaining individual owner’s consent and/or notifying each and every owner becomes too onerous.

7. Validity Period of Owner’s Consent/Notification

The Ordinance stipulates that the applicant shall comply with the ‘owner’s consent/notification’ requirements within a reasonable period before the application is made. What constitutes ‘reasonable period’ will depend on individual circumstances of each case taking into account the justification to be provided by the applicant. In general, one year before the application will be taken as the reasonable validity period of the owner’s consent/notification, provided that such owner remains the ‘current land owner’. Beyond the reasonable period, the applicant may be required to obtain the consent of or notify the ‘current land owner’ or satisfy the ‘reasonable steps’ requirement

afresh.

8. Important Points to Note

8.1 The above guidelines are for general reference only. In deciding whether the applicant has satisfied the 'owner's consent', 'owner's notification' and/or 'reasonable steps' requirements, the Board will take into account individual circumstances of each case.

8.2 The Secretariat of the Board will carry out random check on the submission to ensure the applicant has fully complied with the 'owner's consent/notification' requirements. The Board may also require the applicant to verify any matter or particulars set out or included in the application, whether by statutory declaration or otherwise. In accordance with section 40(2)(c) of the Interpretation and General Clauses Ordinance (Cap. 1), the Board may withdraw its decision on an application if the applicant is found to have made any false declaration or statement on the application. Any person who knowingly or wilfully makes a false declaration or statement would be liable to prosecution under the Crimes Ordinance (Cap. 200), the Oaths and Declarations Ordinance (Cap. 11) and/or other relevant Ordinances.

9. Guidance Notes

Before making the application, the applicant is also encouraged to make reference to the Guidance Notes for Application for Permission under Section 16 of the Town Planning Ordinance (Cap. 131) or Guidance Notes for Application for Amendment of Plan under Section 12A of the Town Planning Ordinance (Cap. 131), where applicable.

SAMPLE FOR REFERENCE ONLY

Sample statement of consent of “Current Land Owner”

**Application for Amendment of Plan under Section 12A/
Permission under Section 16* of the Town Planning Ordinance (Chapter 131)**

Consent of Land Owner

Full address/Location of the application site	
Nature of proposal under application	<i>(the subject of amendment should be indicated for a section 12A application, while the proposed use/development and major development parameters such as site area and the proposed plot ratio/gross floor area/site coverage/building height etc should be indicated for a section 16 application)</i>

I hereby declare that:

(i) according to the record of the Land Registry, I am the registered owner of –

Lot(s) No.
 in Demarcation District
 the premises located at

(ii) I have given consent to the applicant, *(name of the applicant)*..... to make the above application which involves the lot(s)/premises owned by me as specified in para. (i) above.

Signature Registered Owner[#]

Name in Block Letter

Identity Document/Certificate of Incorporation No.*

Date

If the registered owner is a “limited company”, the signature should include the company seal and authorized signature. A resolution of the board of directors should also be included. tick as appropriate

* delete where appropriate

SAMPLE FOR REFERENCE ONLY

Sample notice to be sent to the 'Current Land Owner' of the application site

**NOTICE OF APPLICATION FOR
AMENDMENT OF PLAN/PLANNING APPLICATION***

Notice is hereby given to *(name of the 'Current Land Owner')* of *(address of the 'Current Land Owner'/address of the relevant lot/premises*)* that I/we* intend(s)* to apply for amendment of plan/planning permission* under section 12A/16* of the Town Planning Ordinance to *(nature of the proposal – the subject of amendment should be indicated for a section 12A application, while the proposed use/development and major development parameters such as site area and the proposed plot ratio/gross floor area/site coverage/building height etc should be indicated for a section 16 application)* at *(address of the application site)* owned by you. Please forward this notice to the relevant owner if you are not the owner of the aforementioned application site.

(Name of the applicant)

(Date of notification)

** delete where appropriate*

This sample notice can be downloaded from the TPB's website (<http://www.info.gov.hk/tpb/>).

SAMPLE FOR REFERENCE ONLY

Sample notice for publishing on newspaper or posting on application site.

**NOTICE OF APPLICATION FOR
AMENDMENT OF PLAN/PLANNING APPLICATION***

Notice is hereby given to the owner(s) of (*location of the application site i.e. address of the relevant lot/premises*) that I/we* intend(s)* to apply for amendment of plan/planning permission* under section 12A/16* of the Town Planning Ordinance to (*nature of the proposal – the subject of amendment should be indicated for a section 12A application, while the proposed use/development and major development parameters such as site area and the proposed plot ratio/gross floor area/site coverage/building height etc should be indicated for a section 16 application*).

(*Name of the applicant*)

(*Date of notification*)

* *delete where appropriate*

This sample notice can be downloaded from the TPB's website (<http://www.info.gov.hk/tpb/>).

SAMPLE FOR REFERENCE ONLY

Sample notice for posting on site or sending to Owners' Corporation(s)/Owners' Committee(s)/Mutual Aid Committee(s)/management office(s)/Rural Committee(s).

**NOTICE OF APPLICATION FOR
AMENDMENT OF PLAN/PLANNING APPLICATION***

Notice is hereby given to the owner(s) of (*location of the application site i.e. address of the relevant lot/premises*) that I/we* intend(s)* to apply for amendment of plan/planning permission* under section 12A/16* of the Town Planning Ordinance to (*nature of the proposal – the subject of amendment should be indicated for a section 12A application, while the proposed use/development and major development parameters such as site area and the proposed plot ratio/gross floor area/site coverage/building height etc should be indicated for a section 16 application*).

Please post this notice on the notice board of your building/office*, or other conspicuous place as you think fit, to inform the owners about this application.#

(*Date of notification*)

(*Name of the applicant*)

* *delete where appropriate*

not applicable for notice to be posted on site by the applicant

This sample notice can be downloaded from the TPB's website (<http://www.info.gov.hk/tpb/>).

**TOWN PLANNING BOARD GUIDELINES ON
SUBMISSION OF FURTHER INFORMATION
IN RELATION TO APPLICATIONS FOR AMENDMENT OF PLAN,
PLANNING PERMISSION AND REVIEW
MADE UNDER THE TOWN PLANNING ORDINANCE**

(Important Note :-

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Secretariat of the Town Planning Board (15th Floor, North Point Government Offices (NPGO), 333 Java Road, North Point, Hong Kong – Tel. No. 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) (17th Floor, NPGO and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.)

1. Purpose

These Guidelines set out the general practices adopted by the Town Planning Board (the Board) in dealing with further information submitted by an applicant to supplement an:

- (a) application for amendment of plan made under s.12A of the Town Planning Ordinance (Ordinance) (s.12A application);
- (b) application for planning permission made under s.16 of the Ordinance (s.16 application); or
- (c) application for review of the Board's decision on a s.16 application made under s.17 of the Ordinance (s.17 review).

2. Delegation of the powers of the Board

Pursuant to s.2(5)(c) of the Ordinance, the Board has delegated to the Secretary of the Board (Secy/Board) its powers to determine acceptance of further information, to exempt it from the requirements in respect of publication for public comments and recounting of the statutory time limit for consideration of the application from the

receipt of the further information (i.e. the publication and recounting requirements).

3. Processing of further information

3.1 It is the duty of the applicant to provide sufficient information when making an application to the Board. This would facilitate the Board's consideration and avoid delay in processing the application. However, an applicant may submit further information to the Secy/Board to supplement his application before the application is considered by the Board. Such submission shall preferably be made at least **one week** before the scheduled meeting of the Board. The Secy/Board will determine whether the information could be accepted and, if accepted, whether the information would be exempted from the publication and recounting requirements. In submitting any further information, the applicant should clearly indicate whether he would proceed with the original application (i.e. without the further information) in case the Secy/Board decides that the further information is not accepted, or such information is accepted but not exempted from the publication and recounting requirements.

Whether the information could be accepted

3.2 If the further information does not result in a "material change" of the nature of the application, it will be accepted by the Secy/Board for inclusion into the application and be processed as part of the application in accordance with the relevant provisions of the Ordinance. If the further information is accepted as not resulting in a material change of the nature of the application, then the effect of submitting further information is that the statutory time limit for consideration of the application, i.e. 2 months for a s.16 application and 3 months for a s.12A application and s.17 review, will be automatically restarted, unless an exemption under sections 16(2L), 12A(15) and 17(2J) respectively is granted.

3.3 Further information resulting in a material change of the nature of the application will not be accepted by the Secy/Board. Under such circumstances, the submitted further information will not be processed. If the applicant wants to proceed with the further information that resulting in a material change of the nature of application, a fresh application will need to be submitted. If the applicant chooses to proceed with the original application, then he must do so

without the further information. In that case, the statutory time limit will run from the original application date and the further information will be ignored. The choice of proceeding without the further information will not prejudice the applicant's submission of another application in future.

- 3.4 All accepted further information will be published for public comment, unless an exemption as mentioned below has been granted by the Secy/Board.

Whether the accepted information could be exempted

- 3.5 If the Secy/Board accepts the further information, he will simultaneously consider whether the accepted information can be exempted from the publication and recounting requirements. If the further information need not be published for public comments, the application, together with the further information, will be submitted to the Board for consideration as originally scheduled. On the other hand, if the further information could not be exempted, the statutory time limit for consideration of the application will be automatically restarted, unless the applicant has indicated at the outset that the original application should be proceeded with.
- 3.6 All accepted further information will be deposited at the Planning Enquiry Counters of the Planning Department at 17/F, North Point Government Offices, 333 Java Road, Hong Kong, and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin for public inspection until the application has been considered by the Board.

4. Types of information that constitute “a material change”

What constitutes a material change of the nature of the application is a matter of fact and degree and should be assessed on the individual merits of each case. In general, a material change is involved if the further information will lead to, for a s.12A application, a major change in site area/boundary in question, the proposed zoning, uses and development restrictions and, for a s.16 application and s.17 review, a major change in the area and configuration of the application site (e.g. enlargement of site to include additional lot), proposed use (e.g. from office to hotel), design and layout of the proposed scheme (e.g. substantial change in built-form and disposition of building blocks) and nature of approval sought (e.g. from temporary to permanent). For these

types of applications, a change in the proposed plot ratio, gross floor area, site coverage or building height under application exceeding 10% would generally be considered as “material”.

5. Types of information that could be exempted

Whether an exemption is to be granted should be assessed on the circumstances of each case. In general, an exemption may be granted to the following types of information:

(a) minor change in the proposed scheme under application without changing the major development parameters of the proposed scheme such as site area, plot ratio, gross floor area, site coverage, building height. Minor change in the following aspects may be exempted:

- internal layout/disposition of premises;
- the location of open space (on the same level only) and ancillary major utility installation;
- the form of the building blocks;
- increase in the provision of open space;
- reduction in car parking spaces with no change in the car parking ratio;
- location and size of non-building area;
- Landscape Master Plan regarding preservation and/or planting of more trees;
- the provision of private indoor recreational facilities; and
- phasing and implementation.

In considering whether the changes are minor or not, the Secy/Board may make reference to the relevant categories of amendments as set out in the “Schedule of Class A Amendments” published by the Board.

(b) clarification of the background information of the application, e.g. applicant’s identity, site area/boundary, lot number, existing conditions of the site/premises, owner’s consent, notification means, operational aspects of the applicant’s business, lease conditions, application history, compliance with other relevant legislation and Government requirements, surrounding land uses and implementation schedule;

(c) technical clarification/responses to comments of relevant Government departments without changing the scheme or involving the submission of a new or revised

technical assessment;

- (d) rectification of editorial and transcription errors and miscellaneous minor information; and
- (e) other information which, in the opinion of the Secy/Board, could be exempted.

6. Notification of Secy/Board's decision

The applicant will be informed of the Secy/Board's decision on whether the further information could be accepted and exempted, as soon as practicable. Unless the applicant has clearly indicated his intention whether to proceed with the original application at the time of submitting the further information, the statutory time limit for processing the application will be recounted and the applicant will be informed of the rescheduled date for consideration of the application, if the further information is accepted but not exempted from the publication and recounting requirements. For further information that is not accepted, the original application (i.e. without the further information) will continue to be processed, unless the applicant has indicated otherwise at the time of submission.

7. Further Information for Representation, Comment, Further Representation

Representation to a draft plan, comment on representation and further representation to amendments proposed by the Board shall be made to the Board within the relevant statutory time limits stipulated in the Ordinance. Representation, comment and further representation made to the Board after the expiration of the relevant time limits shall be treated as not having been made. Under the Ordinance, there is no provision for the Board to accept further information for representation, comment and further representation submitted to the Board after the expiry of the relevant statutory time limits for making submission.

**TOWN PLANNING BOARD GUIDELINES
ON DEFERMENT OF DECISION ON REPRESENTATIONS,
COMMENTS, FURTHER REPRESENTATIONS AND APPLICATIONS
MADE UNDER THE TOWN PLANNING ORDINANCE**

(Important Note :-

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Secretariat of the Town Planning Board (15th Floor, North Point Government Offices (NPGO), 333 Java Road, North Point, Hong Kong – Tel. No. 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) (17th Floor, NPGO and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.)

1. Purpose

These Guidelines set out the general procedures and practices adopted by the Town Planning Board (the Board) in considering requests for deferment of a decision on:

- (a) representations to a draft plan (representations) and any comment on them;
- (b) further representations to amendments proposed by the Board to meet a representation (further representations);
- (c) an application for amendment of plan made under s.12A of the Town Planning Ordinance (the Ordinance) (s.12A application) and any comment on it;
- (d) an application for planning permission made under s.16 of the Ordinance (s.16 application) and any comment on it;
- (e) an application for amendments to planning permission made under s.16A of the Ordinance (s.16A application); and
- (f) an application for review of the Board's decision on a s.16 or s.16A application made under s.17 of the Ordinance (s.17 review).

2. General principles in processing request for deferment

- 2.1 Upon receipt of representations, comments, further representations, applications and reviews lodged in accordance with the Ordinance (hereafter collectively referred as “the submissions”), the Secretary of the Board (Secy/Board) will notify the representers/further representers/commenters/applicants of the date of the Board’s meeting to consider the submissions. The Board may, under various circumstances and/or upon request of the representers, further representers, commenters, applicants or the Planning Department, defer making a decision on the submissions and reschedule the relevant meeting to another date.
- 2.2. Any request for deferment should be addressed in writing to the Secy/Board. As a prerequisite, reasonable grounds must be provided to support the request and the proposed deferment period should not be indefinite. In considering a request for deferment, the Board will take into account all relevant factors and whether the right or interest of other concerned parties will be affected and may specify the maximum period for deferment as it deems appropriate. Normally, the applicant or relevant parties will be given two months for preparation of submission of further information (if required). The case will then be re-submitted to the Board within two months in case of a s.16 application or within three months in case of a s.12A application/s.17 review upon receipt of the further information. The rescheduled date for consideration of the relevant submissions should be adhered to and no further deferment should be granted except under very special circumstances.

3. Request for deferment in respect of applications and reviews

Reasons for deferment

- 3.1 Each request for deferment will be considered by the Board based on its merits. The Board may, upon consideration of such request or of its own volition, decide to defer a decision on the applications for the following reasons:

(a) Need to Consult Other Relevant Government Departments

Further consultation with relevant Government departments is required to resolve major technical issues directly associated with the case in question.

(b) Provision of Important Supplementary Information

Information which is essential for the consideration of the submissions by the Board is not available but is required to be provided by the relevant parties or Government departments, e.g. assessment to address certain technical issues like Traffic Impact Assessment, Environmental Impact Assessment and Drainage Impact Assessment and refinement to the application to address public comments.

(c) Awaiting Recommendations of Major Government Planning-Related Study or Infrastructure Proposal

A major Government planning-related study due to be completed shortly or a decision on a major infrastructure proposal due to be released soon which might have significant planning implications on the subject site and would affect the decision of the Board.

3.2 Non-planning related reasons (such as the need to assess/re-assess the financial or economic viability of the proposal, or awaiting a better “economic climate”) should normally not be accepted.

3.3. Notwithstanding the above, a decision on the relevant submissions may be deferred under other circumstances. These include:

(a) where the Board accepts any further information to supplement a s.12A application, s.16 application or s.17 review, the meeting arranged to consider the application may need to be rescheduled to allow time for further processing of the information. The Secy/Board will inform the relevant parties of the arrangement accordingly. The general practices are set out in the “Town Planning Board Guidelines on Submission of Further Information in Relation to Applications for Amendment of Plan, Planning Permission and Review Made under the Town Planning Ordinance”;

(b) a decision on a s.16 application or s.17 review would be deferred if the zoning of the subject site is still subject to outstanding adverse representation yet to be submitted to Chief Executive in Council (CE in C) for consideration and the substance of the representation is relevant to the subject application/review; and

- (c) any other reasonable grounds as the Board thinks fit.

Procedures for handling request for deferment

- 3.4 If deferment of decision on the application would not affect the right or interest of the concerned parties, deferment requested by the applicant would normally be granted if reasonable grounds are given. Under such circumstances, the applicant will normally be given two months for preparation of submission of further information. The case will then be re-submitted to the Board within two months in case of a s.16 application or within three months in case of a s.12A application/s.17 review. No further deferment would be granted unless very strong justifications are given by the applicant and the right and interest of the concerned parties are not affected.
- 3.5 For request with reasonable grounds (i.e. those set out in paragraph 3.1 above), if it is received by the Secy/Board before the issue of agenda of the meeting and the relevant paper on the application (normally one week before the scheduled meeting date), a simple paper will be prepared by the Planning Department to seek the Board's agreement to the request. Should the request be received after the issue of the agenda, the Planning Department will report the case at the scheduled meeting. The applicant and/or his/her representative(s) will not be required to attend the meeting in case of a s.12A application/s.17 review. If the Board agrees to the deferment, the applicant will be notified of the two-month period for submission of further information and the rescheduled meeting date. However, if the Board decides not to accede to the request, it may proceed to make a decision on the application at the scheduled meeting if it is a s.16 application, or adjourn the meeting for consideration of the application to the following meeting if it is a s.12A application/s.17 review. The applicant will be informed of the Board's decision on the application or will be invited to attend the rescheduled meeting as the case may be.
- 3.6 However, for request without reasonable grounds, it will be submitted together with the relevant paper on the application to the Board for consideration, regardless of whether the request is received before or after the issue of agenda. In case of s.12A application and s.17 review, the applicant and/or his/her representative(s) will be required to be present before the Board to explain the reasons for the proposed deferment. Should the Board consider that a

deferment is not warranted, it may proceed to make a decision on the application/review. If the applicant and/or his/her representative(s) fails to attend the scheduled meeting, the Board may proceed with the meeting in their absence.

S.16A applications

3.7 Pursuant to s.2(5)(b) of the Ordinance, the Board has delegated to the Director of Planning (D of Plan) the power to consider s.16A applications. Any request for deferment of decision on such applications shall be submitted to the Secy/Board as early as possible before D of Plan has made a decision on the application. D of Plan will decide on the request in accordance with these Guidelines.

4. Request for deferment in respect of representations, comments and further representations

4.1 According to the Ordinance, the Board shall submit a draft plan to the CE in C within a statutory time limit of nine months (or with an extension of up to six months granted by the CE) from the expiration of the exhibition period of the draft plan. Deferment of consideration of representations, comments and/or further representations may affect the submission of the plan to CE in C and other parties involved in the hearing. Hence, such request would not be entertained unless with the consent of other concerned parties and there are very strong reasons to do so. If it is absolutely unavoidable, the Board may only adjourn the meeting for a period up to a maximum of 4 weeks (counting from the original hearing date) taking into account all relevant considerations and circumstances of each case.

4.2 To meet the statutory time limit on submission of a draft plan to the CE in C, any request for deferment should be submitted to the Secy/Board as soon as possible but in any case not later than two weeks before the scheduled meeting date. Upon receipt of a request for deferment, the Planning Department will circulate a simple paper to seek the views of the Board on the request and inform the relevant parties of the decision of the Board on the request accordingly. If the request is not acceptable to the Board, the hearing of the representation/further representation will proceed as scheduled.

- 4.3 If the request is received after the two-week deadline, it will be submitted to the Board for consideration together with the relevant paper on the representations/further representations at the scheduled meeting. The relevant parties and/or their representative(s) will be required to be present before the Board to explain the reasons for the proposed deferment. Should the Board consider that a deferment is not warranted, the hearing of the representation/further representation will proceed as scheduled. If the relevant parties and/or their representative(s) fail to attend the meeting, the Board may proceed with the meeting in their absence.

5. Notification of request for deferment

It is a statutory requirement that the Board's meetings to consider the relevant submissions, except the part on deliberation of the submissions, shall be open to public. To facilitate the public in tracking the progress of the case, the receipt of a request for deferment will be notified on the Board's website.

**TOWN PLANNING BOARD
APRIL 2005**

**TOWN PLANNING BOARD GUIDELINES ON
RENEWAL OF PLANNING APPROVAL AND
EXTENSION OF TIME FOR COMPLIANCE WITH PLANNING CONDITIONS
FOR TEMPORARY USE OR DEVELOPMENT**

(Important Note :-

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Secretariat of the Town Planning Board (15th Floor, North Point Government Offices (NPGO), 333 Java Road, North Point, Hong Kong – Tel. No. 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) (17th Floor, NPGO and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.)

1. Introduction

These Guidelines set out the application procedures and assessment criteria for applications for renewal of planning approvals and extension of time for compliance with planning conditions for temporary use or development by the Town Planning Board (the Board).

2. Renewal of Approvals for Temporary Use/Development

Planning approvals for temporary uses and developments are subject to a specific approval period. The planning approval will lapse upon expiry of the approval period. The applicant may apply to the Board for a renewal of the temporary approval if the temporary use and development is to be continued. However, should there be new planning circumstances governing the application, the Board is under no obligation to renew the temporary approval.

3. Application Procedures

3.1 An application for renewal of planning approval for temporary use or development is in nature an application for planning permission and will be processed in accordance with the provision of the extant statutory plan under

s.16 of the Town Planning Ordinance (Ordinance). The application should be submitted and processed in accordance with the procedures set out in the relevant Guidance Notes and Town Planning Board Guidelines applicable to s.16 applications.

3.2 An applicant who wishes to seek a renewal of the approval is required to submit an application to the Board by completing Application Form No. S16-4 for proposal involving renewal of permission for temporary use/development, and satisfying the relevant submission requirements including the ‘owner’s consent/notification’ requirements. Since these applications involve only the renewal of approval previously granted by the Board, a streamlined approach in respect of the submission requirements could be adopted, i.e. there is no need to undertake new technical assessments to support the s.16 application, so long as there is no major change in planning circumstances¹ (such as a change in the planning policy/land-use zoning for the area). Updated assessments may however need to be submitted if necessary. In general, the applicant is only required to provide:

- (a) reasons for the application;
- (b) time period for which a renewal is sought but the period requested cannot exceed the maximum period of temporary use/development allowed in the Notes of the concerned statutory plan; and
- (c) an account of whether the planning conditions on submission of technical assessments and provision of facilities under the previous approval have been complied with to the satisfaction of the concerned Government departments.

3.3 Such applications should be submitted to the Board no less than 2 months before the expiry of the temporary approval so as to allow sufficient time for processing in accordance with the Ordinance, e.g. publication for public inspection and comments. Applications submitted less than 2 months before the expiry of the temporary approval may not be processed for consideration of the Board. A fresh s.16 planning application for the development in accordance

¹ Please consult the relevant District Planning Offices of the Planning Department or the concerned Government departments if there is any doubt on the need for submission of technical assessments.

with the provision of the extant statutory plan will be required.

4. Assessment Criteria

4.1 The criteria for assessing applications for renewal of planning approval include:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

4.2 Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

5. Extension of Time for Compliance with Planning Conditions for Temporary Use/Development

5.1 Planning permissions for temporary use or development are generally granted by the Board subject to conditions with time limits specified for compliance. If

an applicant cannot comply with any of such conditions within the specified time limit, he may apply for an extension of time to comply with the conditions.

- 5.2 The time-limited condition attached to planning permission imposed by the Board is to ensure that the planning conditions would be implemented within a reasonable period. The Board could only grant an extension of time for compliance with planning conditions with good justifications.
- 5.3 An extension of time for compliance with the time-limited planning conditions falls within Class B amendments published by the Board. For such an extension, an application shall be made to the Board in accordance with s.16A of the Ordinance. The application procedures set out in the relevant Guidance Notes and Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals should be followed.
- 5.4 The applicant shall submit the application to the Board no less than 6 weeks before the expiry of the specified time limit so as to allow sufficient time for processing and consultation with concerned Government departments. Applications submitted less than 6 weeks before the expiry of the specified time limit may not be processed for consideration of the Board. If the planning conditions are not complied with by the specified time limit, the planning permission will lapse. Under such circumstances, a fresh s.16 planning application for the development in accordance with the provision of the extant statutory plan will be required.
- 5.5 In support of an application for extension of time for compliance with planning conditions, the applicant is required to provide:
 - (a) reasons for the application;
 - (b) time period for which an extension of time is sought; and
 - (c) an account of all activities taken to implement the planning conditions since the granting of planning permission, including evidence and documentation on the submitted proposals and any works undertaken/completed to fulfil the conditions.

6. Assessment Criteria

- 6.1 The criteria for assessing applications for extension of time for compliance with planning conditions include:
- (a) whether the applicant has given full justifications on why the planning condition(s) could not be complied with within the prescribed time-limit;
 - (b) whether the applicant has demonstrated that reasonable action(s) have been taken to comply with all or the outstanding planning conditions;
 - (c) whether there are any adverse planning implications arising from the extension of time for compliance with planning conditions;
 - (d) whether the extension sought is reasonable; and
 - (e) any other relevant considerations.
- 6.2 Under no circumstances should the extension of time for compliance with planning conditions exceed the original validity period of the temporary approval.

**TOWN PLANNING BOARD
APRIL 2005**

**TOWN PLANNING BOARD GUIDELINES ON
EXTENSION OF TIME FOR COMMENCEMENT OF DEVELOPMENT**

(Important Note :-

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Secretariat of the Town Planning Board (15th Floor, North Point Government Offices (NPGO), 333 Java Road, North Point, Hong Kong – Tel. No. 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) (17th Floor, NPGO and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.)

1. Introduction

- 1.1 All s.16 planning permissions granted by the Town Planning Board (the Board), except those for regularization of existing uses on the application sites and those granted on a temporary basis, are subject to a time-limited condition that the permission shall cease to have effect on a specified date unless prior to that date, the permitted development has commenced or an extension of time for commencement of development is granted. Where an approved development has not commenced within the specified time limit, the grantee may apply for an extension of the time for commencement of the development.

- 1.2 The time-limited condition attached to planning permission imposed by the Board is to ensure that the approved development proposals would be implemented within a reasonable period. With good justifications, the Board may grant an extension of time for commencement of development under s.16A of the Town Planning Ordinance (Ordinance). However, should there be new planning circumstances governing the application, the Board is under no obligation to approve the application.

2. Commencement of Approved Development

The determination on whether an approved development has commenced should be considered on the basis of the facts and circumstances of each case. In general, the approval of building plans would constitute a commencement of development.

However, where land grant (including small house grant) or modification of a lease is required to implement an approved development, the Board may consider that an approved development has commenced as at the date of execution of the land grant/lease modification¹. In the event that building plan submission or execution of the land grant/lease modification is not applicable, for instance, the conversion of chicken sheds for storage or the development of Government projects, the Board may also consider the issuance of short-term waiver (STW) of lease conditions by relevant authorities or the completion of Government land allocation (GLA) as a commencement of development.

3. Application Procedures

3.1 Any extension(s) of time for commencement of development shall not result in an aggregate extension period longer than the original duration for commencement of the approved development proposal. An application for such extension(s) falls within Class B amendments published by the Board and shall be made to the Board in accordance with s.16A of the Ordinance. The application procedures set out in the Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals should be followed.

3.2 The applicant shall submit the application to the Board no less than 6 weeks before the expiry of the specified time limit so as to allow sufficient time for processing and consultation with concerned Government departments. Applications submitted less than 6 weeks before the expiry of the specified time limit may not be processed for consideration of the Board. If the approved development is not commenced by the specified time limit, the planning permission will lapse. Under such circumstances, a fresh s.16 planning application for the development in accordance with the provision of the extant statutory plan will be required.

3.3 In support of an application for extension of time for commencement of development, the applicant is required to provide:

- (a) reasons for the application;

¹ Where the permitted development comprises more than one structure/premises, involving more than one approval of building plans, land grants, modification of lease or STW/GLA, the facts and circumstances in each case will be taken into consideration to decide whether the permitted development has “commenced”.

- (b) time period for which an extension of time is sought; and
- (c) an account of all actions taken to implement the development since the granting of planning permission, including evidence and documentation on the submitted proposals and any works undertaken/completed to fulfil any approval conditions.

4. Assessment Criteria

The criteria for assessing applications for extension of time for commencement of development include:

- (a) whether there has been any material change in planning circumstances since the original permission was granted (such as a change in the planning policy/land-use zoning for the area);
- (b) whether there are any adverse planning implications arising from the extension of time;
- (c) whether the commencement of development is delayed due to some technical/practical problems which are beyond the control of the applicant, e.g. delays in land administration procedures, technical issues in respect of vehicular access and drainage works or difficulties in land assembly;
- (d) whether the applicant has demonstrated that reasonable action(s), e.g. submission of building plans for approval or application for Small House/land exchange, have been taken for the implementation of the approved development;
- (e) whether the applicant has demonstrated that reasonable action(s), e.g. submission and implementation of proposals, have been taken to the satisfaction of relevant Government departments in complying with any approval conditions;
- (f) whether the applicant has demonstrated that there is a good prospect to commence the proposed development within the extended time limit;

- (g) whether the extension period applied for is reasonable; and
- (h) any other relevant considerations.

TOWN PLANNING BOARD
APRIL 2005

**TOWN PLANNING BOARD GUIDELINES FOR
CLASS A AND CLASS B AMENDMENTS TO
APPROVED DEVELOPMENT PROPOSALS**

[Important Note:

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Secretariat of the Town Planning Board (15th Floor, North Point Government Offices (NPGO), 333 Java Road, North Point, Hong Kong – Tel. No. 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) (17th Floor, NPGO and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.]

1. Introduction

Where a planning permission is granted by the Town Planning Board (the Board) under section 16 of the Town Planning Ordinance (the Ordinance), amendments to the approved development proposals are provided for under section 16A. These Guidelines set out the types of amendments and the application procedures and assessment criteria.

2. Class A and Class B Amendments

- 2.1 Amendments are classified as Class A or Class B amendments (see gazette notice at **Annex 1**). There are a total of 20 categories covering aspects such as gross floor area (GFA), site area, building height, site coverage, mix of use, and provision of open space, recreational facilities, car parking and extension of time, etc..
- 2.2 Changes falling within Class A amendments do not require further application to the Board. Class B amendments are, however, subject to the approval of the Board upon application made under section 16A(2) of the Ordinance.
- 2.3 By virtue of section 16A(7), if more than one application for Class B amendments were accepted by the Board, the planning approval is taken to be the original approved planning application as amended by one accepted application for Class B amendments. The applicant could choose to implement the original planning permission or such

permission with any one accepted application for Class B amendments under section 16A. In view of the above, the applicant should endeavour to apply for acceptance of all Class B amendments under one application for consideration by the Board.

3. Delegation of Authority

The Board has delegated, under section 2(5)(b) of the Ordinance, its authority to the Director of Planning (D of Plan) to consider planning applications submitted under section 16A(2) of the Ordinance for Class B amendments to development proposals previously approved under section 16, 17 or 17B of the Ordinance. However, application for Class B amendments which is considered unacceptable by the concerned Government departments, or involving deletion of the previously proposed Government, Institution or Community (GIC) facilities, initiated by the relevant Government departments, from the approved development proposal, will still be submitted to the Board for consideration.

4. Application Procedures

- 4.1 An application for Class A amendments to an approved development proposal is not required.
- 4.2 An application for Class B amendments to an approved development proposal is required and can only be submitted by the person to whom the permission is granted, as required under section 16A(2).
- 4.3 An application for Class B amendments shall be made by filling in an application form (Form No. S16A). The applicant shall clearly set out the amendments sought, in comparison with the development proposal previously approved under section 16, 17 or 17B, and highlight amendments in the relevant plans, where appropriate. The requirements on obtaining owners' consent, notifying the owners, or taking reasonable steps to obtain owner's consent or give notification to the owners as well as on publishing the application for public inspection do not apply to an application for Class B amendments under section 16A(2) of the Ordinance.

- 4.4 The applicant will normally be informed of the decision on an application for Class B amendments to an approved development proposal processed by D of Plan within 6 weeks. An application which is considered unacceptable by the concerned Government departments will be submitted to the Board for consideration within two months from the date of receipt of the application.
- 4.5 If the applicant is not satisfied with the decision of the D of Plan or the Board, he may within 21 days of being notified of the decision, apply in writing to the Secretary of the Board (Secy/Board) for a review under section 17 of the Ordinance. Such review will not be published for public inspection.
- 4.6 If the applicant is still not satisfied with the decision made by the Board upon review, the applicant may, within 60 days of being notified of the decision of the Board, lodge an appeal to the Secretary of the Town Planning Appeal Board under section 17B(1) of the Ordinance.

5. Assessment Criteria

Each application for Class B amendments to an approved development proposal will be assessed on its own merits. In determining an application for Class B amendments, reference will only be made to the development proposal previously approved under section 16, 17 or 17B of the Ordinance. No reference will be made to any Class A amendments allowed or Class B amendments approved under section 16A, or any minor amendments previously approved by a public officer under the delegated authority of the Board prior to the commencement of the Town Planning (Amendment) Ordinance 2004. This is to ensure that aggregate amendments exceeding the scope of Class B amendments shall be considered as a section 16 application.

6. Time Limit for Commencement of Development and Compliance with Planning Conditions

In approving an application for Class B amendments, the time limit for commencement of development or compliance with planning conditions attached to the development proposal previously approved under section 16, 17 or 17B of the Ordinance will remain unchanged, unless extension of time is also the subject of amendment submitted under section 16A. The applicant should refer to Town Planning Board Guidelines on Extension of Time for Commencement of Development, and on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development for details.

7. Early Submission

7.1 In order to facilitate the early processing of the application for Class B amendments to a previously approved development scheme, the applicant is encouraged to submit an application as early as possible and preferably before the submission of building plans. If Class B amendments are only proposed at the stage of building plan submission, the applicant could submit the application form together with extracts of the relevant parts of the building plans (with the proposed amendments highlighted on the building plans or other relevant parts, if any) directly to the Secy/Board at the same time when the building plans are submitted to the Building Authority. The applicant should also highlight any Class A amendments on the building plans to facilitate checking by the Planning Department (PlanD).

7.2 In case the applicant is not sure about whether the proposed amendments fall within Class A or Class B amendments, the respective District Planning Officer of the PlanD should be contacted for advice.

8. Compliance of Approval Conditions

Under section 16(5) of the Ordinance, the Board may grant planning permission subject to

such conditions as the Board thinks fit. In general, the applicant is required to fulfill an approval condition to the satisfaction of the Government department concerned or of the Board. No separate planning application under section 16A(2) will be required for amendments made to the approved development proposal as a result of fulfilling the approval conditions of the planning permission specified by the Board. Should there be disagreement over the fulfillment of the approval conditions between the applicant and the Government departments concerned, or if the proposed amendments involve deletion of the previously proposed GIC facilities, as initiated by the relevant Government departments, from the approved development proposal, the matter will be submitted to the Board for consideration. Deletion of such GIC facilities, if not initiated by the relevant Government departments, should be submitted in the form of a section 16 application in accordance with the provision of the Ordinance (including publication for public comment). Besides, in complying with the approval conditions, there should not be major changes to the original approved development proposal. A fresh planning application under section 16 will be required if major changes to the approved development proposal are involved.

TOWN PLANNING BOARD

APRIL 2005

**TOWN PLANNING (AMENDMENT) ORDINANCE 2004
(25 OF 2004) SPECIFICATION OF
CLASS A AMENDMENTS AND CLASS B AMENDMENTS**

Pursuant to section 32 of the Interpretation and General Clauses Ordinance (Chapter 1) and section 16A(10) of the Town Planning Ordinance as added by the Town Planning (Amendment) Ordinance 2004, the “Class A amendments” and “Class B amendments” specified by the Town Planning Board with effect from 10 June 2005 are published in the Schedule to this Notice for information.

(Mrs. Rita LAU)
Chairman
Town Planning Board

15 April 2005

SCHEDULE

CLASS A AMENDMENTS AND CLASS B AMENDMENTS

Category 1 Total gross floor area and plot ratio

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>(a) Reduction in gross floor area/plot ratio; or</p> <p>(b) Increase in gross floor area/plot ratio, provided that the total gross floor area/plot ratio is not specified as an approval condition of the planning permission and subject to:</p> <p>(i) not exceeding maximum gross floor area or plot ratio permissible under the statutory plan; or</p> <p>(ii) increase in gross floor area not exceeding 2,000m² or 5% of the approved total gross floor area, or its equivalent plot ratio, whichever is the less, provided that there are no gross floor area or plot ratio restrictions on the statutory plan.</p>	<p>Other than those specified under Class A amendments of this category and increase in gross floor area not exceeding 4,000m² or 10 % of the approved total gross floor area, or its equivalent plot ratio, whichever is the less, provided that there are no plot ratio or gross floor area restrictions on the statutory plan, and in the approval condition of the planning permission, if any.</p>	<p>(a) Both Class A and Class B amendments of this category are not applicable to Government, institution or community facilities.</p> <p>(b) Increase in gross floor area/plot ratio under both Class A and Class B amendments of this category shall be due to increase in site area arising from Item (a) of Class A amendments under Category 2 below, and/or additional plot ratio permitted by the Building Authority under Regulation 22(1) or (2) of the Building (Planning) Regulations at the detailed design stage.</p>

Category 2 Site area and site boundary

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>(a) Changes in site area/site boundary due to the setting out of site boundary at the processing of land grant, inclusion/exclusion of private lane and/or land for public purposes in site area</p>	<p>Other than those specified under Class A amendments of this category and changes not exceeding 10% of the gross site area.</p>	<p>Provided that the changes under both Class A and Class B amendments of this category do not involve additional areas of a different zoning which</p>

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>calculation; or</p> <p>(b) Reduction not exceeding 5% of the gross site area with corresponding reduction in gross floor area.</p>		<p>requires planning permission from the Town Planning Board, a reduction in the provision of Government, institution or community facilities or public open space, or making a material change to the original approved development proposal.</p>

Category 3 Number of units

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>(a) Reduction in number of units, provided that it is not less than the minimum number of units specified in the planning brief, if any; or</p> <p>(b) Increase in number of units not exceeding 100 units or 5% of the approved provision, whichever is the less, provided that the maximum number of units is not specified as an approval condition of the planning permission and is not specified in the planning brief, if any.</p>	<p>Other than those specified under Class A amendments of this category and increase in number of units not exceeding 200 units or 10% of the approved provision, whichever is the less.</p>	

Category 4 Unit size

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>Change in unit size not exceeding 5% of the approved provision, provided that the maximum or minimum unit size is not specified in the planning brief, if any.</p>	<p>Other than those specified under Class A amendments of this category.</p>	

Category 5 Building blocks

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>(a) Changes in form of building(s), provided that the concerned block(s) is(are) not the subject of</p>	<p>(a) Changes in form of building(s) where the concerned block(s) is(are) the subject of</p>	<p>The concerned block(s) may be an environmental buffer or subject to environmental nuisance.</p>

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
environmental mitigation measures; or (b) Reduction in number of building blocks, provided that there are no changes in the disposition of other building blocks and the concerned block(s) is(are) not the subject of environmental mitigation measures.	environmental mitigation measures; or (b) Reduction in number of building blocks other than those specified under Class A amendments of this category; or (c) Minor changes in disposition of building blocks; or (d) Increase in number of building blocks.	

**Category 6 Building height
(including absolute building height and number of storeys)**

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
(a) Reduction in building height; or (b) Increase in building height, provided that the maximum building height is not specified as an approval condition of the planning permission and subject to: (i) not exceeding the building height restrictions on the statutory plan, in the planning brief, and in the relevant Town Planning Board Guidelines for Building Height Control, if applicable; or (ii) not exceeding 10% of the approved levels [excluding refuge floor(s), if any], provided that there are no building height restrictions on the statutory plan, in the planning brief, and in	Other than those specified under Class A amendments of this category and increase in building height not exceeding 20% of the approved levels [excluding refuge floor(s), if any], provided that there are no building height restrictions on the statutory plan, in the planning brief, and in the relevant Town Planning Board Guidelines for Building Height Control, if applicable.	

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>the relevant Town Planning Board Guidelines for Building Height Control, if applicable; or</p> <p>(iii) incorporation of the green features covered by the Joint Practice Notes promulgated by the Buildings Department, Lands Department and Planning Department, provided that there are no building height restrictions on the statutory plan, in the planning brief, and in the relevant Town Planning Board Guidelines for Building Height Control, if applicable, or the proposed change does not result in development exceeding the building height restrictions on the statutory plan, in the planning brief, and in the relevant Town Planning Board Guidelines for Building Height Control, if applicable.</p>		

Category 7 Site coverage

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>(a) Reduction in site coverage; or</p> <p>(b) Increase in site coverage subject to:</p> <p>(i) not exceeding the site coverage restrictions on the statutory plan, and in the planning brief, if</p>	<p>Other than those specified under Class A amendments of this category and increase in site coverage not exceeding 10% of the approved site coverage provided that there are no site coverage restrictions on the statutory plan, and in the planning brief, if applicable.</p>	

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>applicable; or</p> <p>(ii) not exceeding 5% of the approved site coverage, provided that there are no site coverage restrictions on the statutory plan, and in the planning brief, if applicable; or</p> <p>(iii) incorporation of the green features covered by the Joint Practice Notes promulgated by the Buildings Department, Lands Department and Planning Department, provided that there are no site coverage restrictions on the statutory plan, and in the planning brief, if applicable, or the proposed change does not result in development exceeding the site coverage restrictions on the statutory plan, and in the planning brief, if applicable.</p>		

Category 8 Type and mix of uses

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>(a) Changes in type/mix of uses within the same category as set out in Item (b) of the Remarks; or</p> <p>(b) Changes in gross floor area for non-domestic uses from one category to another as set out in Item (b) of the Remarks, provided that the changes do not exceed 2,000m² or 5% of the approved non-domestic gross</p>	<p>Changes in gross floor area distribution from domestic to non-domestic, or vice versa, provided that the changes do not exceed 5% of the approved domestic or non-domestic gross floor area.</p>	<p>(a) The changes under both Class A and Class B amendments of this category shall not contravene the gross floor area/plot ratio restrictions, if any, on the statutory plan.</p> <p>(b) Other than public utilities,</p>

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>floor area, whichever is the less, of each of the affected categories; or</p> <p>(c) Changes in location of non-domestic uses within non-domestic podium/building.</p>		<p>Government, institution or community facilities and recreational facilities, uses to be shown within a development scheme/Master Layout Plan could be broadly divided into the following four categories:</p> <p>(i) residential flat; (ii) hotel; (iii) office; and (iv) other commercial uses, including but not limited to kindergarten, child care centre and public car park.</p>

Category 9 Internal layout and disposition of premises

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
Changes in internal layout/disposition of premises, provided that the changes are not subject of environmental mitigation measures.	Other changes in internal layout/disposition of premises which do not fall within Class A amendments of this category.	

Category 10 Provision of Government, institution or community facilities

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
Not Applicable	<p>(a) Changes in the types, locations, and/or floor area(s) of the facilities; or</p> <p>(b) Deletion of facilities initiated by the relevant Government departments.</p>	<p>Fresh application under section 16 of the Town Planning Ordinance is required for deletion of Government, institution or community facilities not initiated by the relevant Government departments.</p>

Category 11 Provision of public open space

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>(a) Increase in total area; or</p> <p>(b) Changes in location of the public open space, provided that the location of the public open space remains on the same street/podium level(s), and is not the subject of environmental mitigation measures and is not specified as an approval condition of the planning permission, if any; or</p> <p>(c) Changes in active or passive public open space not exceeding 10% of the approved area for active or passive public open space.</p>	<p>(a) Reduction in total area, provided that it is not less than the minimum level of provision stipulated on the statutory plan, and in the planning brief, if any; or</p> <p>(b) Changes in the location of the public open space on the same street/podium level(s) where the location of the public open space is the subject of environmental mitigation measures and is specified as an approval condition of the planning permission, if any; or</p> <p>(c) Changes in active or passive public open space exceeding 10% but not exceeding 20% of the approved area for active or passive public open space.</p>	<p>The open space may be an environmental buffer or subject to environmental nuisance.</p>

Category 12 Provision of private open space

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>(a) Increase in total area; or</p> <p>(b) Reduction in total area not exceeding 5% of the approved total area for private open space purpose, provided that the resulting total area of private open space is not less than the minimum standard stated in the Hong Kong Planning Standards and Guidelines, and that specified in the planning brief, if any; or</p> <p>(c) Changes in location of the private open space provided that the location of the private open space remains</p>	<p>(a) Reduction in total area exceeding 5% but not exceeding 10% of the approved total area for private open space purpose provided that the resulting total area of private open space is not less than the minimum standard stated in the Hong Kong Planning Standards and Guidelines, and that specified in the planning brief, if any; or</p> <p>(b) Changes in the location of the private open space other than those specified under Class A amendments of this</p>	<p>The open space may be an environmental buffer or subject to environmental nuisance.</p>

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>on the same street/podium level(s), and is not the subject of environmental mitigation measures; or</p> <p>(d) Changes in the ratio of active or passive private open space.</p>	category.	

Category 13 Provision of carparking, loading/unloading, and other facilities

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<p>(a) Reduction in the total number of parking spaces due to reduction in number of units, provided that the car parking ratio remains unchanged; or</p> <p>(b) Changes in the number of parking spaces for motor vehicles not exceeding 5% of the approved provision for the purposes of demand flexibility; and</p> <p>(c) On top of Item (b) above, an additional change in the number of each type of parking and loading/unloading spaces not exceeding 50 spaces or 5% of the approved provision, whichever is the less, for the purpose of design flexibility.</p>	<p>(a) Other than those specified under Class A amendments of this category, other changes in the number of each type of parking and loading/unloading spaces; or</p> <p>(b) Changes in the locations of ingress/egress point(s), footbridges, public transport terminus and lay-bys, and the layout of internal roads, emergency vehicular access and car park.</p>	<p>The definitions of “demand flexibility” under Item (b) of Class A amendments and “design flexibility” under Item (c) of Class A amendments follow the interpretation of the Transport Department and Lands Department.</p>

Category 14 Location and size of non-building area

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
Changes in the location and/or size of the non-building area as required by Government.	Changes in the location and/or size of the non-building area not required by Government.	

Category 15 Tree preservation and Landscape Master Plan

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
Preservation and/or planting of more trees.	<p>(a) Changes in soft/hard landscape design or changes in implementation programming; or</p> <p>(b) Changes in trees identified for preservation; or</p> <p>(c) Increase in the number of trees to be felled not exceeding 10% of the approved level, provided that no “Champion Trees” and/or “Old and Valuable Trees” are affected; or</p> <p>(d) Decrease in the number of preserved trees not exceeding 10% of the approved level, provided that no “Champion Trees” and/or “Old and Valuable Trees” are affected.</p>	<p>(a) “Champion Trees” under Items (c) and (d) of Class B amendments refer to those trees identified in the book ‘Champion Trees in Urban Hong Kong’ published by the then Urban Council in 1994.</p> <p>(b) “Old and Valuable Trees” under Items (c) and (d) of Class B amendments refer to those trees included in the list of the “Register of Old and Valuable Trees” kept by the Leisure and Cultural Services Department.</p> <p>(c) Preservation of trees under both Class A and Items (b) and (d) of Class B amendments does not include transplanting within site boundary.</p>

Category 16 Provision of indoor recreational facilities

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
Changes in provision of private indoor recreational facilities.	Changes in provision of public indoor recreational facilities, including but not limited to changes in location, layout, type and floor area.	

Category 17 Location of ancillary major utility installation

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
Changes in location within buildings and not involving any changes in site coverage.	Changes in location within buildings and involving changes in site coverage.	Examples include refuse collection point, sewage treatment facilities, electricity substation, and liquefied petroleum gas compound.

Category 18 Phasing and implementation schedule

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
Changes in phasing and implementation schedule with no Government, institution or community facilities or public open space involved.	Other than those specified under Class A amendments of this category, minor changes in phasing and implementation schedule, affecting the provision of Government, institution or community facilities and public open space.	

Category 19 Extension of time for commencement of development

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
Not Applicable	The period of extension, or the aggregate of all the periods of extensions, not exceeding the original duration for commencement of development of the approved development proposal.	

Category 20 Extension of time for compliance with approval conditions

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
Not Applicable	Extension of time for compliance with approval conditions.	