

根據《城市規劃條例》(第 131 章) 第 16 條的規定
提出規劃許可申請

Application for Permission under Section 16 of
the Town Planning Ordinance (Cap. 131)

申請須知
GUIDANCE NOTES

城市規劃委員會
TOWN PLANNING BOARD

GUIDANCE NOTES

INTRODUCTION

- 1** The following notes give information and guidance on how to apply for permission under section 16 of the Town Planning Ordinance (the Ordinance). Please read them carefully.
- 2** If further information or assistance is required, please contact the **Planning Information and Technical Administration Unit (PITA Unit) of the Planning Department, at 17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 5000)**.

WHEN AN APPLICATION IS REQUIRED?

- 3** Prior to commencement of development, please check the land use zone of the site/premises on the relevant statutory town plan (the Plan), i.e. Outline Zoning Plan or Development Permission Area Plan to which the proposed use or development relates and the terms of the Plan.
- 4** The Plan is available for public inspection at the PITA Unit of the Planning Department or Map Publications Centres. The electronic version of the Plan is also viewable from the Town Planning Board's Homepage (address: <http://www.info.gov.hk/tpb/>). The Plan includes the following :
 - (a)** the covering notes which set out the terms and general provision of the Plan;
 - (b)** a set of Notes which sets out for each land use zone the uses that are always permitted (called the "Column One" uses) and those requiring permission from the Town Planning Board (the Board) (called the "Column Two" uses); and

- (c) additional controls, if any, on developments within a particular land use zone which are specified under the “Remarks” in the Notes for that land use zone.
- 5 Attached to the Plan is an Explanatory Statement which provides description on the general planning intention of each land use zone. A set of “Definition of Terms in Statutory Plans” is available for public inspection at the PITA Unit of the Planning Department.
- 6 The following uses are always permitted and no separate planning permission is required :
 - (a) uses which are always permitted as specified in the covering Notes of the Plan;
 - (b) “Column One” uses of the relevant land use zones; and
 - (c) uses directly related and ancillary to the permitted developments/uses.
- 7 Planning permission from the Board is required for any proposed use or development under “Column Two” or as required under the terms of the Notes.
- 8 No action is required to make the existing use of any land or building conform to the Plan. The scope of existing use is defined in the covering Notes of the OZPs. For interpretation of existing use in the urban and new town areas, reference can also be made to the Town Planning Board Guidelines (TPB PG-No. 24). Any change of use and any other development/redevelopment must be permitted in terms of the Plan or, if permission is required, is in accordance with the permission granted by the Board. It is not for the Planning Department or the Board to provide evidence to prove whether a use is an existing use. Any person who intends to claim an “existing use right” will need to provide sufficient evidence to support his claim.

- 9 If the proposed use is neither a use always permitted nor a “Column Two” use under the terms of the Notes, there is no provision for such use under the Plan. Nevertheless, an applicant may lodge to the Board a request for amendment to the Plan or its Notes to allow the proposed use. Such request is not to be processed under the planning permission system but as part of the administrative plan-making function of the Board. Please contact the PITA Unit of the Planning Department for the procedures and details.

PROVISION FOR TEMPORARY USE

- 10 In the Notes of the Outline Zoning Plans (OZPs) covering the urban areas and new towns, there is a provision that temporary uses (expected to be 5 years or less) of any land or buildings are permitted in all zones as long as they comply with other Government requirements. Temporary uses expected to be over 5 years must conform to the zoned use or the terms of the Notes.
- 11 For the interpretation of the above, all uses in permanent buildings should be considered as permanent uses unless the temporary nature of the use can be established to the satisfaction of the Board.
Uses accommodated in temporary structures on land awaiting permanent developments are considered as temporary uses provided that the allocation is for a period of less than 5 years.
- 12 In the Notes of the OZPs covering the rural areas, there is a provision that except in those zones as specified in the Notes, temporary uses or development of any land or buildings not exceeding a period of two months are always permitted and no planning permission is required provided that no site formation (filling or excavation) is carried out and that the use and development is a use or development specified as structures for carnivals, fairs, film shooting on locations, festival celebrations, religious functions or sports events.

13 In areas covered by the rural OZPs, applications for temporary uses or developments (usually up to a maximum period of 3 years depending on the Notes of specific OZP) of any land or development, notwithstanding that they are not provided for in terms of the Plan, could be made to the Board. The Board may grant, with or without conditions, or refuse to grant permission.

PRE-SUBMISSION DISCUSSION

14 With a view to identifying and resolving key issues prior to the submission of application, advice could be sought from the respective District Planning Office (DPO) and the Urban Renewal Division of the Planning Department. If it is considered necessary, pre-submission meeting with the participation of other relevant Government departments would be arranged.

Hong Kong DPO	14/F, North Point Government Offices, 333 Java Road, North Point, HK	(Tel: 2231 4957) (Fax: 2894 9502)
Kowloon DPO	14/F, North Point Government Offices, 333 Java Road, North Point, HK	(Tel: 2231 4979) (Fax: 2895 3957)
Tsuen Wan & West Kowloon DPO	10 & 27/F, Tsuen Wan Government Offices, 38 Sai Lau Kok Road, Tsuen Wan, NT	(Tel: 2417 6261) (Fax: 2412 5435)
Sha Tin, Tai Po & North DPO	13/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, NT	(Tel: 2158 6274) (Fax: 2691 2806)
Tuen Mun & Yuen Long DPO	14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, NT	(Tel: 2158 6301) (Fax: 2489 9711)
Sai Kung DPO	14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, NT	(Tel: 2158 6177) (Fax: 2367 2976)
Lantau & Islands DPO	15/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, NT	(Tel: 2158 6205) (Fax: 2890 5194)
Urban Renewal Division (for applications related to urban renewal projects)	15/F, North Point Government Offices, 333 Java Road, North Point, HK	(Tel: 2231 4878) (Fax: 2577 3075)

WHERE TO OBTAIN THE APPLICATION FORM?

15 Application form can be obtained at the office of **Secretary, Town Planning Board, 15/F, North Point Government Offices**,

333 Java Road, North Point, Hong Kong (TEL: 2231 4810 or 2231 4835). The application form can also be downloaded from **Town Planning Board's Homepage** (address: <http://www.info.gov.hk/tpb/>).

WHO CAN APPLY?

- 16** There is no restriction on who can submit a planning application under the Ordinance. The applicant could be the owner/prospective owner/tenant of the application premises/site or the operator/user of the applied use. Though not a statutory requirement, it would be preferable for the applicant to notify/inform the owner of the application premises/site of the application, and if possible, obtain the owner's consent prior to the submission of an application.
- 17** The applicant could also appoint an agent to submit an application on his/her behalf. There is no obligation on the applicant to engage qualified professionals to prepare detailed submission.

HOW TO COMPLETE THE APPLICATION FORM?

- 18** The form should be typed or completed in block letters. If space provided on the form is insufficient, please give the details on a separate sheet of paper and make a reference to this on the form. A sample of a completed application form is available for reference on the Board's Homepage.
- 19** Please also refer to the information leaflet on "**Supplementary Information to be Provided for a Section 16 Application**" when applying for the following uses: bank, school, office within an industrial building/workshop, offensive trades, small house, warehouse and storage, rural industrial/workshop, petrol/liquefied petroleum gas filling station, large scale residential development and use in areas zoned "Comprehensive Development Area" or "Other Specified Uses" annotated "Comprehensive Redevelopment Area".

- 20 The leaflet specifies the additional information which the applicant is required to submit for these uses as well as the general requirements of the technical assessments for an application such as environmental, drainage, geotechnical, transport, landscape and visual assessments. The leaflet can be obtained at the office of Secretary, Town Planning Board or on the Board's Homepage.
- 21 A number of guidelines for planning applications have been promulgated by the Board. These guidelines set out the factors which the Board normally takes into account when considering particular applications, and may therefore be of assistance to applicants in preparing their applications. The updated list and the latest guidelines can be obtained at the office of Secretary, Town Planning Board, the PITA Unit of the Planning Department or the Board's Homepage.
- 22 With reference to paragraph 4 of the application form, total floor area is to be taken to mean the total floor area contained within and including the external walls of the building measured at each floor level, including any floor below the level of the ground, together with the area of each balcony.

WHAT DOCUMENTS ARE REQUIRED FOR THE SUBMISSION?

- 23 A total of 20 copies of the completed application form (including the original one which should be signed by the applicant) together with 20 copies of clear and accurate location plans, site plans and other relevant drawings with sufficient information must be submitted in support of the application.
- 24 For application with supplementary information such as planning studies and reports, traffic impact assessment and environmental assessment, 65 copies each should be submitted. If considered necessary, additional copies of these plans and reports may be required for consideration by the Board.

25 All supplementary reports and/or documents should preferably use environmental friendly printing and binding materials such as re-cycled paper and printing should be on two sides.

WHERE TO SUBMIT THE APPLICATION?

26 Submission should be made either by hand or by registered post to the Secretary, Town Planning Board, 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.

27 If an applicant fails to provide the necessary information and documents, the processing of his/her application may be refused or delayed. The date of receipt of an application would be the date when all necessary information and documents are received.

28 After receiving an application, the Secretary, Town Planning Board will acknowledge receipt and inform the applicant about the date of receipt and the tentative scheduled date of meeting of which the application would be considered by the Board.

WITHDRAWAL OF AN APPLICATION OR REQUEST FOR DEFERMENT OF CONSIDERATION OF AN APPLICATION

29 An applicant could withdraw the submitted application by writing to the Secretary, Town Planning Board at any time before the meeting date of which the application is scheduled for consideration.

30 An applicant can also request for deferment of consideration of his/her application preferably before the issue of agenda (normally 7 days before the scheduled date of the meeting) by writing with justifications to the Secretary, Town Planning Board. Should the Board consider that the justifications submitted by the applicant do not warrant a deferment, the Board will proceed with the consideration of the application as scheduled.

HOW TO OBTAIN THE RESULT OF AN APPLICATION?

- 31** In accordance with the Ordinance, all applications will be considered by the Board within two months of their receipt. The applicant will be notified in writing of the Board's decision on his/her application after confirmation of the minutes of the meeting in which the decision was made.
- 32** Pending written notification of the Board's decision, an applicant can seek verbal enquiry on the result of his/her application from the Secretary, Town Planning Board (Tel. No. 2231 4810 or 2231 4835) immediately after the meeting, or make reference to the Gist of Decision on Planning Applications which is available on the Board's Homepage (address: <http://www.info.gov.hk/tpb/>) shortly after the meeting on the same day.
- 33** An applicant may also request for an interim written reply on the Board's decision. Such request should be made in writing and addressed to the Secretary, Town Planning Board.

RIGHT OF REVIEW AND APPEAL

- 34** An application may be approved with or without conditions, rejected or deferred consideration by the Board. In any case, the applicant will be notified in writing of the Board's decision including the approval conditions, if any, or the reasons for rejecting the application. If the applicant is not satisfied with the decision made by the Board regarding his/her planning application, he/she may, within 21 days of being notified of the decision of the Board, apply in writing to the Secretary, Town Planning Board for a review under section 17 of the Ordinance of the Board's decision.
- 35** If the applicant is still not satisfied with the decision made by the Board upon review of his/her application, the applicant may, within 60 days of being notified of the decision of the Board, lodge an appeal by completing the form for Notice of Appeal Under Section 17B which may be obtained from the Secretary,

Town Planning Appeal Board, at 10/F, Murray Building, Garden Road, Hong Kong (Tel: 2848 2022). The completed form should be submitted to the Secretary, Town Planning Appeal Board, and copied to the Secretary, Town Planning Board.

COMPLIANCE OF APPROVAL CONDITIONS

- 36** The approval conditions, if any, attached to a planning permission should be complied with by the applicant. The detailed requirements are set out in the Town Planning Board Guidelines on Compliance of Approval Conditions.
- 37** In an event that a time limit is imposed for commencement of the approved development or compliance with planning conditions, the applicant can apply for renewal of planning permission or extension of time for compliance with planning conditions. Application form can be obtained at the office of Secretary, Town Planning Board or downloaded from Town Planning Board's Homepage. Such application should be submitted to the Secretary, Town Planning Board no less than 4 weeks before the expiry of the specified time limit. The detailed requirements and assessment criteria for such application are set out in the Town Planning Board Guidelines for Renewal of Planning Permission and Extension of Time for Compliance with Planning Conditions.

IMPORTANT POINTS TO NOTE

- 38** These Guidance Notes serve only as general guidelines for the preparation of an application. The guidelines are not meant in any way to restrict the content of each development proposal, nor to restrict the right of the Board to require further information. Each application will be considered on individual merits.
- 39** Applicants are advised that offering an advantage to Civil Servant in connection with the application is an offence under the Prevention of Bribery Ordinance.

40 The information submitted to the Board (excluding personal data and confidential information) and the result of the application may be disclosed to the public after a decision on the application is made by the Board. On sufficient justifications provided by the applicant, the Board may direct that any application or any part of it shall not be disclosed to the public.

NOTES ABOUT PERSONAL DATA

41 The personal data provided by means of the application form will be used by Secretary, Town Planning Board for the following purposes:

- (a) activities relating to the processing of the application in the form; and
- (b) facilitating communication between Secretary, Town Planning Board, Planning Department and the applicant.

42 The personal data provided by means of the application form will not be disclosed other than to the Government bureaux and departments for the purposes mentioned in (41) above.

43 An applicant has the right of access and correction with respect to personal data in the application form as provided under the Personal Data (Privacy) Ordinance (Cap.486). Request for personal data access and correction should be addressed to the Secretary, Town Planning Board.

Secretary, Town Planning Board 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (TEL: 2231 4810 or 2231 4835).

Town Planning Board's Homepage
(address: <http://www.info.gov.hk/tpb/>).

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