

PART VII- APPLICATIONS FOR PERMISSION AND AMENDMENT TO PERMISSION

Consideration of Application for Permission under Section 16

7.1 All s.16 applications are normally considered by the respective PC and shall be considered within two months from the date of receipt of the application. In considering a section 16 application, the Board/PC will make reference to Government departments' views, and have regard to public comments received during the first three weeks of the public inspection period of the application.

7.2 On receipt of a section 16 application, the Secy/Board will acknowledge receipt of the application and inform the applicant of the tentative date of the meeting for consideration of the application, as well as making the application available for public inspection.

Submission of Further Information to supplement a Section 16 Application

7.3 Further information may be submitted by the applicant within the specified periods published in the Gazette, i.e. within two months after the day of the receipt of the application and within two months after the day on which the Board makes a decision to defer its decision on the application in order for the applicant to give further information. The Secy/Board will decide if such further information can be accepted for inclusion into the application. Further information which will result in a material change of the nature of the application will not be accepted. Further information accepted for inclusion into the application by the Secy/Board will be made available for public inspection. Unless exempted by the Secy/Board, such further information will be published for three weeks for public comments. Subject to paragraph 7.4 below, the Secy/Board will re-schedule the meeting for consideration of the application which shall be within two months of the date of receipt of the further information. If the further information submitted is exempted from the publication requirement, then the original date of the Board/PC meeting will be adhered to. To comply with the Ordinance and avoid unreasonable delay in processing the application, the Board must refuse to accept further information submitted not falling within the specified periods. Details on the submission of further information are contained in the TPB Guidelines on Submission of Further Information in relation to Applications for Amendment of Plan, Planning Permission, and Review made under the Town Planning Ordinance.

Request for Deferment of Decision on a Section 16 Application

7.4 On some occasions, an applicant may request for a deferment of decision on the application. According to the TPB Guidelines for Deferment of Decision on Representations, Further Representations and Applications made under the Town Planning Ordinance, each request for deferment will be considered on its merits. 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 a maximum deferment period as it deems appropriate. If there are reasonable grounds for deferment of decision on the application for the applicant to submit further information, the applicant will be given two months to do so. The case will then be re-submitted to the Board/PC for consideration on a date after the specified period for submission of further information but before the expiry of the statutory time limit. The

Secy/Board has the discretion to schedule the meeting date for consideration of the application as soon as practicable before the expiry of the statutory time limit, with a view to expediting the processing of applications.

7.5 If the applicant has reasonable grounds to support his request and informs the Secy/Board in advance before the issue of agenda and the relevant Paper, a Paper will be prepared by the Planning Department to seek the Board's/PC's agreement to the request. However, if the request is received after the issue of the agenda and relevant Paper, the representative of the Planning Department will report the case at the scheduled meeting. For request for deferment without reasonable ground, it will be submitted together with the relevant Paper on the application to the Board/PC for consideration, regardless whether the request is received before or after the issue of agenda. Should the Board/PC consider that a deferment is not warranted, it may proceed to make a decision on the application.

Consideration of Application for Amendment to Permission under Section 16A

7.6 The applicant to whom a section 16 permission has been granted for a development proposal may apply for amendments to the approved development proposal under section 16A of the Ordinance. The Board has published, in the form of a Gazette Notice, a list of Class A and Class B amendments. Permission from the Board is not required for changes falling within Class A amendments. Class B amendments are however subject to the approval of the Board upon application made under section 16A(2). Details on the amendments to approved development proposals are contained in TPB Guidelines on Class A and Class B Amendments to Approved Development Proposals.

7.7 An application for Class B amendments may be considered by the Director of Planning or Deputy Director of Planning and Assistant Directors of Planning in the District Planning Branch of the Planning Department under the delegated authority of the Board. However, if an application is considered unacceptable by the concerned Government departments, it will be submitted to the Board/PC for consideration. An applicant for Class B amendments will normally be informed of the decision by the delegated authority of the Board within six weeks. For those cases which are to be submitted to the Board/PC, they will be considered by the Board/PC within two months from the date of receipt of the applications.

Decision of the Board/PC

7.8 The Board/PC may approve, with or without condition(s), or refuse to approve an application made under section 16 or 16A. The applicant will be notified in writing of the Board's/PC's decision, including the approval conditions, if any, or the reasons for refusing the application. If the applicant is aggrieved by the decision of the Board/PC, he/she may, within 21 days of being formally notified of the decision, apply in writing to the Secy/Board for a review of the Board's/PC's decision under section 17 of the Ordinance.