

**TOWN PLANNING BOARD GUIDELINES ON SATISFYING  
THE ‘OWNER’S CONSENT/NOTIFICATION’ REQUIREMENTS  
UNDER SECTIONS 12A AND 16 OF 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 (by email: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk); by post: 15th Floor, North Point Government Offices (NPGO), 333 Java Road, North Point, Hong Kong; or by phone: 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000; email: [enquire@pland.gov.hk](mailto:enquire@pland.gov.hk); or by post: 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 In submitting an application for amendment of plan under section 12A or planning permission under section 16 of the Town Planning Ordinance (the Ordinance), the applicant must comply with the requirement under section 12A(3)(a) or 16(2)(a) of the Ordinance by:

- (a) obtaining the consent of or notifying 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) demonstrating that reasonable steps have been taken to obtain/give the necessary owner’s consent/notification (hereinafter referred to as the ‘reasonable steps’ requirements).

For a section 12A application, besides the above requirements, the applicant must be an eligible person<sup>1</sup> as defined under section 12A(25) of the Ordinance and provide the necessary documentary proof<sup>2</sup>.

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<sup>1</sup> The applicant of a section 12A application must be (a) a person whose name is registered in the Land Registry as that of the sole owner or one of the owners of any non-Government land within the application site; (b) a person who has obtained written consent to the application from at least one owner as defined in (a); (c) a person who has obtained written consent to the application from the Director of Lands in relation to any Government land within the application site; (d) a public officer; or (e) a public body as defined by section 2 of the Prevention of Bribery Ordinance (Cap. 201).

<sup>2</sup> Please refer to the Guidance Notes on Application for Amendment of Plan under Section 12A of the Town Planning Ordinance (Cap. 131) promulgated by the Town Planning Board.

- 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) in such form or include such particulars as the Board requires.
- 1.3 These Guidelines provide guidance on the interpretation of ‘current land owner’ as set out in sections 12A(25) and 16(8) 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<sup>3</sup>. 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 of 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’

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<sup>3</sup> For the purpose of meeting the owner’s consent/notification requirements, the definition of ‘current land owner’ does not include the HKSAR Government even though Government land may be included in the application site.

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 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 postal address of the ‘current land owner’ registered on the LR records (or the company’s office address registered in the Companies Registry if the ‘current land owner’ is a corporate entity), or to the relevant postal address<sup>4</sup> of the land/premises under application. A sample format of

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<sup>4</sup> Sending written notification to non-postal address, such as to a lot address is not normally accepted

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 the postal address of 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(s) of the application in a prominent position on or near the application site/application premises. Any notices posted before 1.9.2023, should be at least A4 size and legible from a public place. Notices posted on or after 1.9.2023 should comply with the requirements set out in **Annex 4**. A sample format of the notice is shown in **Annex 5**; or
- sending a notice to the postal address of Owners’ Corporation(s), Owners’

Committee(s) or management office(s), where applicable, of the building(s) erected on the application site or in which the application premises is located 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 5**.

- 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 fulfil 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<sup>5</sup> :
- (a) where the applicant is unable to contact the ‘current land owner’ due to the absence/inadequacy of the relevant information, e.g. absence of or incomplete postal address of the ‘current land owner’ in the LR records, or
  - (b) where the number of ‘current land owners’ involved in the application is large (e.g. above 50), and obtaining individual owner’s consent and/or notifying each and every owner becomes too onerous.

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<sup>5</sup> The circumstances in this paragraph are provided as examples under which the applicant would consider resorting to fulfill the ‘reasonable steps’ requirement. These circumstances are not pre-requisites for the ‘reasonable steps’ requirement.

## **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 paragraph (i) above.

Signature ..... Registered Owner<sup>#</sup>  
.....

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 for *(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*



**SAMPLE FOR REFERENCE ONLY**

*Sample notice for publishing on newspaper.*

**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 for (*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*

## REQUIREMENTS FOR POSTING BY THE APPLICANT IN RESPECT OF 'REASONABLE STEPS' REQUIREMENT

### 1. Introduction

1.1 Notice should be posted in a prominent position on or near the application site/application premises and legible from a public place. Depending on the circumstances of individual applications, the following practices should be adopted:

Application Site/Premises	Possible Location	Minimum No. of Notices		Minimum Size of Notice
Application Site	- major ingress/ egress	site area < 5 ha	3	A3 size (11.7 inches x 16.5 inches or 297mm x 420mm)
	- major road access	site area: 5-10 ha	5	
	- near bus terminus/stops - nearby notice board - main gathering points of local residents	site area > 10 ha	10	
Application Premises	- notice board - lift lobby - main entrance	1		A4 size (8.3 inches x 11.7 inches or 210mm x 297mm)

1.2 If there are problems to post notice at the possible locations listed in the above table, the applicant may choose other conspicuous locations with justifications provided.

1.3 For application site/application premises involving a large coverage of area, a number of buildings or major ingresses/egresses, additional site notices may be required according to the circumstances of the application site/application premises.

1.4 The notice should be posted for at least two weeks before the application is submitted to the Town Planning Board (the Board). If the notice is obliterated, defaced, destroyed or removed during the two-week period, the applicant should replace the

notice as appropriate.

1.5 The applicant should be responsible for matters in relation to the posting of notice.

## **2. Information to be Included in the Notice**

2.1 The following information should be included in the notice:

- (a) location of the application site/application premises, i.e. address of the relevant lot/premises;
- (b) a plan showing the boundary of the application site or location of the application premises;
- (c) nature of the application: amendment of plan/planning permission under section 12A/16 of the Town Planning Ordinance;
- (d) 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;
- (e) the time period (the starting and ending dates) of posting the notices; and
- (f) name of the applicant.

2.2 Sample notices are provided at **Annex 5** for reference.

## **3. Documents to be Submitted**

3.1 The following documents showing that the notice(s) is/are posted in compliance with the abovementioned requirements should be submitted together with the application to the Board:

- (a) The notice(s);
- (b) a plan indicating the locations of the notice(s) posted;

- (c) photo(s) taken for each notice posted on site indicating the context of the location and the condition of the object/facility on which the notice(s) is/are posted; and a proof of the date of posting the notice(s), such as the inclusion of a newspaper clipping of the relevant day in the photo. To demonstrate that the notice(s) has/have been posted on the specified locations during the two-week period, three sets of such photos should be provided for the following dates:
- (i) the first day of posting notice(s);
  - (ii) the date in the middle of the notice posting period (i.e. between the sixth and the eighth day); and
  - (iii) the last day of posting notice(s) (i.e. the fourteenth day).

**SAMPLE FOR REFERENCE ONLY**

*Sample notice for 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 for (*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*).

This notice will be posted from (*the 1<sup>st</sup> day of posting notice*) to (*the 14<sup>th</sup> day of posting notice*).

(*Name of the applicant*)

\* *delete where appropriate*

## **SAMPLE FOR REFERENCE ONLY**

*Sample notice for sending to application premises/Owners' Corporation(s)/Owners' Committee(s)/ management office(s)/Rural Committee(s).*

*Please ask relevant committee/office to post this notice on the notice board of their building/office, or other conspicuous locations as they think fit to inform the owners of this application.*

### **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 for (*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*).

This notice will be posted from (*the 1<sup>st</sup> day of posting notice*) to (*the 14<sup>th</sup> day of posting notice*).

(*Name of the applicant*)

\* delete where appropriate