

TOWN PLANNING BOARD GUIDELINES ON COMPLIANCE WITH APPROVAL CONDITIONS

(Important Note:

The Guidelines are intended for general reference only. Any enquiry on this set of guidelines 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 14th Floor, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.)

General Principles

1. One of the fundamental principles regarding the compliance with approval conditions is that all conditions imposed by the Town Planning Board (the Board), in particular those related to the development itself, should be complied with (except for those with prescribed time limit) before the use applied for actually comes into place. This is because in granting the permission, the Board has taken that the application would only be permissible subject to the complete fulfillment of all the imposed conditions.
2. Other than those conditions imposed with a prescribed time limit (usually applicable to temporary uses), the approval conditions could be broadly divided into two types, i.e. those required to be complied with before building plan approval and those required to be complied with after building plan approval, normally before occupation of the development.

Conditions Imposed with Prescribed Time Limit

3. For those conditions imposed with a prescribed time limit, they should be complied with before the expiry of the time limit.

Conditions to be Complied with before Building Plan Approval

4. The following conditions which concern or would affect the detailed design of the

development should be complied with before the approval of the building plans:

- a. Conditions governing the design, disposition or layout of the proposed development or the provision of certain facilities such as car parking spaces, footbridges and other community facilities within or forming part of the building development. The subject matters of these conditions can be shown on the building plans;
 - b. Condition requiring the submission of a landscaping proposal. In the case of a development falling within a “Comprehensive Development Area” zone or an area with special design significance, as the conceptual landscaping proposal may affect the building design, the condition needs to be complied with before approval of the building plans. However, it is important to note that in order to satisfy this condition, the applicant is only required to submit a conceptual landscape proposal rather than a detailed landscape plan; and
 - c. Conditions requiring the submission of new/revised impact assessments, e.g. traffic impact assessment, environmental assessment, drainage impact assessment, etc. Since the assessment results will affect the building design, they should be completed before approval of the building plans.
5. Since requirements for conditions in paragraphs 4(b) and (c) above may not be reflected in general building plans, a separate submission to the relevant government departments for consideration is necessary. However, some applicants may prefer to submit the landscape proposal and other required assessments together with the general building plans. This will be a matter of choice for the applicant.
 6. In the case of the condition requiring the submission of a revised Master Layout Plan (MLP), if compliance with other approval conditions would not result in any major changes in the design, disposition or layout of the proposed development, submission of the revised MLP is not a pre-requisite for the approval of building plans.

Conditions to be Complied with after Building Plan Approval

7. Some of the conditions may not need to be complied with at building plan approval stage, but are expected to be complied with before the occupation of the

development. Non-compliance with these conditions prior to the occupation of the development may cause significant adverse impacts on both the development itself and the surrounding area. These may include:

- a. Conditions requiring the provision of on-site facilities such as vehicular access, landscaping, drainage and sewage treatment and disposal facilities;
 - b. Conditions requiring the implementation of any proposed mitigation measures for the treatment of environmental, drainage and sewage impacts; and
 - c. Conditions requiring that the development should not be occupied before provision of off-site works/facilities such as road improvements, trunk sewers improvement, etc.
8. Conditions regarding the provision of facilities which require funding from the Government such as public transport facilities, external footbridge links, government, institution and community and other off-site facilities should tie in with the respective programmes of concerned government departments.
9. Since the above conditions have no direct impact on the detailed design of the development, they need not be complied with before building plan approval. The exact timing for the compliance with these conditions would depend on individual circumstances. Nevertheless, in order to ensure timely provision of such facilities, it is recommended that the design of these facilities should be submitted well in advance to the relevant government departments for consideration.

TOWN PLANNING BOARD

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