

TPB PG-NO. 36B

**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 14th Floor, 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 under section 16, 17 or 17B 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 19 categories covering aspects such as site area, gross floor area (GFA), building height, site coverage, mix of use, and provision of open space, recreational facilities, car parking and extension of time.
- 2.2 Changes falling within Class A amendments do not require further application to the Town Planning Board (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 originally 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.

2.4 If the amendment does not fall within Class A nor Class B amendments, a fresh planning application under section 16 of the Ordinance will be required.

3. Delegation of Authority

The Board has delegated, under section 2(5)(b)(i) of the Ordinance, its authority to the Director of Planning (D of Plan), and to the Deputy Director of Planning (DD) and Assistant Directors of Planning (ADs) in the District Planning Branch of the Planning Department (PlanD), 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 will be submitted to the Board for consideration. Notwithstanding paragraph 8 below, for amendments involving deletion of the previously proposed Government, Institution or Community (GIC) facilities from the approved development proposal, even if the deletion is initiated and agreed by the relevant government department and/or the requirement of the GIC facilities is subject to an approval condition, the matter will be submitted to the Board for consideration. If the deletion is not initiated by the relevant government department, a fresh planning application under section 16 of the Ordinance will be required.

4. Application Procedures

4.1 An application for Class A amendments to an approved development proposal is not required. The applicant should highlight any Class A amendments on the building plans to facilitate checking by PlanD.

- 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) of the Ordinance¹.
- 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 of the Ordinance, 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, DD or relevant AD 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 on the application, he/she 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.

¹ In case there is a change in land ownership, the original applicant may appoint the subsequent owner of the site as his/her authorized representative to submit an application for Class B amendments.

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 of the Ordinance, 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 fresh 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 of the Ordinance. 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 proposal, 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.

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 (DPO) of the PlanD should be contacted for advice. The advice given by DPO, however, will not pre-empt the decision of the Board or any public officer with the authority delegated by the Board.

8. Amendments in relation to 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 concerned government department or of the Board. No separate planning application under section 16A(2) of the Ordinance 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. The applicant is advised to liaise with the concerned government department on the fulfillment of the approval condition. Should there be disagreement over the fulfillment of the approval conditions between the applicant and the concerned government departments, the matter will be submitted to the Board for consideration.

TOWN PLANNING BOARD

March 2018

Town Planning Ordinance (Chapter 131)

CLASS A AMENDMENTS AND CLASS B AMENDMENTS

Pursuant to section 46 of the Interpretation and General Clauses Ordinance (Chapter 1) and section 16A(10) of the Town Planning Ordinance, the 'Class A amendments' and 'Class B amendments' agreed by the Town Planning Board on 2 February 2018 to substitute that published on 15 April 2005, is published in the Schedule to this Notice with immediate effect.

2 March 2018

Town Planning Board

SCHEDULE

CLASS A AMENDMENTS AND CLASS B AMENDMENTS

Category 1 Site area and site boundary

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
(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 calculation; or (b) Change in site area as required by Government at the processing of land grant; or (c) Reduction not exceeding 5% of the gross site area with corresponding reduction in gross floor area.	Other than those specified under Class A amendments of this category and changes not exceeding 10% of the gross site area.	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 requires planning permission from the Town Planning Board, a reduction in the provision of Government, institution or community facilities covered under Category 9 or public open space, or making a material change to the original approved development proposal.

Category 2 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 (GFA)/plot ratio (PR); or</p> <p>(b) Increase in GFA/PR arising from Item (b) in the Remarks column, provided that the total GFA/PR is not specified as an approval condition of the planning permission and subject to:</p> <p>(i) not exceeding the maximum GFA or PR restrictions on the extant statutory plan; or</p> <p>(ii) increase in GFA not exceeding 2,000m² or 5% of the approved total GFA, or its equivalent PR, whichever is the less, provided that there are no GFA or PR restrictions on the extant statutory plan.</p>	<p>Other than those specified under Class A amendments of this category and increase in GFA not exceeding 4,000m² or 10% of the approved total GFA, or its equivalent PR, whichever is the less, arising from Item (b) in the Remarks column and provided that there are no PR or GFA restrictions on the extant statutory plan, and in the approval condition of the planning permission, if applicable.</p>	<p>(a) Both Class A and Class B amendments of this category are not applicable to the provision of Government, institution or community facilities covered under Category 9 below.</p> <p>(b) Increase in GFA/PR under both Class A and Class B amendments of this category are only applicable to the following circumstances:</p> <p>(i) increase in GFA/PR due to additional PR permitted by the Building Authority under Regulation 22(1) or (2) of the Building (Planning) Regulations at the detailed design stage; and/or</p> <p>(ii) increase in GFA due to increase in site area arising from Item (a) of Class A amendments under Category 1</p>

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
		above; and/or (iii) increase in PR due to decrease in site area arising from Items (a) or (b) of Class A amendments under Category 1 above.

Category 3 Number of units

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
(a) Reduction in number of units, provided that it is not less than the minimum number of units specified in the planning brief, if applicable; or (b) Increase in number of units not exceeding 100 units or 10% 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 applicable.	Other than those specified under Class A amendments of this category and increase in number of units not exceeding 200 units or 20% of the approved provision, whichever is the less.	(a) "Units" include domestic units in residential development (houses/flats) and residential institution, as well as guestrooms in hotel; and (b) The corresponding changes in unit size due to changes in the number of units are always permitted.

Category 4 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 affected portion(s) of the concerned block(s) is(are) not the subject of environmental mitigation measures; or</p> <p>(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) to be deleted is(are) not the subject of environmental mitigation measures; or</p> <p>(c) Minor changes in disposition of house(s) (other than New Territories Exempted House(s) (NTEH(s)) /Small House(s)), provided that the concerned house(s) is(are) not the subject of environmental mitigation measures; or</p> <p>(d) Minor changes in disposition of NTEH(s)/ Small House(s), provided that the changes would not result in a reduction in the percentage of the footprint of the house(s) falling within the "Village Type Development" zone and/or village 'environs' of a recognized village, and the concerned NTEH(s)/Small House(s) is(are) not the subject of environmental mitigation measures.</p>	<p>(a) Changes in form of building(s) other than those specified under Class A amendments of this category; or</p> <p>(b) Reduction in number of building blocks other than those specified under Class A amendments of this category; or</p> <p>(c) Minor changes in disposition of building block(s) other than those specified under Class A amendments of this category; or</p> <p>(d) Increase in number of building blocks.</p>	<p>(a) The concerned block(s) or the affected portion(s) of the concerned block(s) may be an environmental buffer or subject to environmental nuisance; and</p> <p>(b) The form of building under Item (a) of both Class A and Class B amendments of this category includes the height and design of podium, if applicable.</p>

Category 5 Building height (including absolute building height, number of storeys and building height in metres above Principle Datum (mPD))

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

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
brief, if applicable, or the proposed change does not result in development exceeding the building height restrictions on the extant statutory plan and in the planning brief, if applicable.		

Category 6 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 style="padding-left: 40px;">(i) not exceeding the site coverage restrictions on the extant statutory plan and in the planning brief, if applicable; or</p> <p style="padding-left: 40px;">(ii) not exceeding 5% of the approved site coverage, provided that there are no site coverage restrictions on the extant statutory plan and in the planning brief, if applicable; or</p> <p>(c) Increase in site coverage due to:</p> <p style="padding-left: 40px;">(i) 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 extant 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 extant 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 extant 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) decrease in site area arising from Items (a) or (b) of Class A amendments under Category 1 above, provided that there are no site coverage restrictions on the extant 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 extant statutory plan and in the planning brief, if applicable.</p>		

Category 7 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 (GFA) for non-domestic uses from one category to another as set out in Item (b) of the Remarks, provided that all concerned categories of uses are included in the approved development proposal, and the changes do not exceed 2,000m² or 5%, whichever is the less, of the approved non-domestic GFA of each of the affected categories; or</p> <p>(c) Changes in location of the approved non-domestic uses within the same non-domestic part of the building.</p>	<p>(a) Changes in GFA for non-domestic uses from one category to another as set out in Item (b) of the Remarks, provided that all concerned categories of uses are included in the approved development proposal, and the changes exceed 2,000m² or 5% but do not exceed 4,000m² or 10%, whichever is the less, of the approved non-domestic GFA of each of the affected categories; or</p> <p>(b) Changes in GFA distribution from domestic to non-domestic, or vice versa, provided that all concerned domestic and non-domestic categories of uses are included in the approved development proposal, and the changes do not exceed 5% of the approved domestic or non-domestic GFA.</p>	<p>(a) The changes under both Class A and Class B amendments of this category shall not contravene the GFA/plot ratio restrictions, if any, on the extant statutory plan; and</p> <p>(b) Other than public utilities, Government, institution or community facilities and recreational facilities, uses to be shown within an approved development proposal/Master Layout Plan could be broadly divided into the following four categories:</p> <p>(i) residential uses;</p> <p>(ii) hotel;</p> <p>(iii) office; and</p> <p>(iv) other commercial uses, including but not limited to kindergarten, child care centre and public car park.</p>

Category 8 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 affected portion(s) of the concerned premises is(are) not the subject of environmental mitigation measures.	Other changes in internal layout/disposition of premises which do not fall within Class A amendments of this category.	The affected portion(s) of the concerned premises may be an environmental buffer or subject to environmental nuisance.

Category 9 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 the facilities, as initiated by the relevant government departments.</p>	<p>(a) This category is not applicable to development solely for Government, institution or community (GIC) facilities;</p> <p>(b) If the deletion of the concerned GIC facilities is initiated by the relevant government department under Item (b) of Class B amendments, the matter should be submitted to the Town Planning Board for consideration; and</p> <p>(c) If the deletion of the concerned GIC facilities is not initiated by the relevant government department, a fresh application under section 16 of the Town Planning Ordinance is required.</p>

Category 10 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 applicable; or</p> <p>(c) Changes in public open space from active to passive, or vice versa, provided that the changes do not exceed 10% of the approved area for active and 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 extant statutory plan, and in the planning brief, if applicable; 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; or</p> <p>(c) Changes in public open space from active to passive, or vice versa, exceeding 10% but not exceeding 20% of the approved area for active and passive public open space.</p>	<p>(a) Both Class A and Class B amendments of this category are also applicable to open space in private developments for public use; and</p> <p>(b) The open space may be an environmental buffer or subject to environmental nuisance.</p>

Category 11 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 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 (HKPSG), and that specified in the planning brief, if applicable; or</p> <p>(c) Changes in location of the private open space provided that the location of the private open space remains 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>	<p>(a) Reduction in total area 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 HKPSG, and that specified in the planning brief, if applicable; or</p> <p>(b) Changes in the location of the private open space other than those specified under Class A amendments of this category.</p>	<p>(a) Both Class A and Class B amendments of this category are not applicable to open space in private developments for public use; and</p> <p>(b) The open space may be an environmental buffer or subject to environmental nuisance.</p>

Category 12 Provision of carparking, loading/unloading and other transport 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 any type of parking and/or loading/unloading spaces due to revised requirements under the Hong Kong Planning Standards and Guidelines and agreed by Government; or</p> <p>(c) 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>(d) On top of Item (c) 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; or</p> <p>(e) Changes in the layout of internal roads and the internal layout of car park and loading/unloading area.</p>	<p>(a) Changes in the number of parking and loading/unloading spaces other than those specified under Class A amendments of this category; or</p> <p>(b) Changes in the number and/or locations of ingress/egress point(s); changes in locations of footbridges/subways, public transport terminus, car park, loading/unloading area and lay-bys; and changes in the layout of emergency vehicular access.</p>	<p>The definitions of "demand flexibility" under Item (c) of Class A amendments and "design flexibility" under Item (d) of Class A amendments follow the interpretation of the Transport Department and Lands Department.</p>

Category 13 Location and size of non-building area, setback and building gap

<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, setback and/or building gap as initiated by Government.	Changes in the location and/or size of the non-building area, setback and/or building gap not initiated by Government.	The non-building area, setback and building gap refer to those designated for a specific purpose, including for road widening and for mitigating environmental, air ventilation, visual and/or landscape impacts.

Category 14 Tree preservation and Landscape Proposals/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 individual trees identified for preservation; or</p> <p>(c) Increase in the number of trees to be felled not exceeding 10% of the approved level; or</p> <p>(d) Decrease in the number of preserved trees not exceeding 10% of the approved level.</p>	<p>(a) Provided that the changes under Items (b) to (d) of Class B amendments of this category do not affect “Important Trees”, “Old and Valuable Trees” and/or “Protected Species”;</p> <p>(b) “Important Trees” under Item (a) of this Remarks column refer to those trees defined in Note 3, Appendix C of DEVB TC(W) No. 7/2015;</p> <p>(c) “Old and Valuable Trees” under Item (a) of this Remarks column 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>(d) “Protected Species” under Item (a) of this Remarks column refer to those tree species protected under relevant ordinances in Hong Kong; and</p>

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
		(e) Preservation of trees under both Class A and Items (b) and (d) of Class B amendments does not include transplanting.

Category 15 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 16 Provision of ancillary major utility installation

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
Changes in location of the facility within a building and not involving any changes in site coverage.	<p>(a) Other changes in location of the facility which do not fall within Class A amendments of this category; or</p> <p>(b) Deletion of the facility, as initiated by the relevant government department.</p>	Examples include refuse collection point, sewage treatment facilities, electricity substation, and liquefied petroleum gas compound.

Category 17 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 (GIC) 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 GIC facilities and public open space.	

Category 18 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 19 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.	

TPB PG-No. 35C

**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 14th Floor, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.)

1. Introduction

- 1.1 Any planning permission granted by the Town Planning Board (the Board), except those for regularization of uses and those granted on a temporary basis, is 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 applicant 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. For a development scheme undertaken by the Urban Renewal Authority, the approval of the resumption application by the Chief Executive in Council would also constitute a commencement of development. 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, the completion of Government land allocation (GLA) or the approval of funding for carrying out detailed design/building works 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.
- 3.3 If the approved development is not commenced by the specified time limit as imposed by the Board, the planning permission will lapse. The Board does not have power under the Ordinance to extend time for a planning permission that has lapsed and ceased to have effect. Therefore, despite that an application is submitted before the expiry of the specified time limit, the Board will have no power to extend time in respect of a planning permission that has ceased to have effect at the time of consideration. 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.

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".

3.4 In support of an application for extension of time for commencement of development, 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 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
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Advisory Clauses

- (a) to apply to the District Lands Officer/Hong Kong East for a land exchange/lease modification so as to effect the proposed redevelopment. There is no guarantee that such land exchange/lease modification application will be approved and if approved by Lands Department acting in its capacity as the landlord at its discretion, it will be subject to such terms and conditions, including among others, payment of premium, as imposed by Lands Department;
- (b) to make reference to the Public Open Space within Private Developments Design and Management Guidelines in designing the open space to avoid causing nuisance and disturbance;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department that the proposed Three Pacific Place Extension should be re-assessed as ONE building in the context of the Buildings Ordinance as it is not self-sustained and needs to share the facilities of the existing Three Pacific Place such as lift services; whether the unused GFA of Three Pacific Place could be accommodated in the application site is subject to verification of ownership or realistic prospect of control of land forming the site at building plan submission stage; and if GFA concession for green/amenity features and non-mandatory/non-essential plant rooms and services are involved in the proposed 3PP Extension, the new policy on GFA concession with effect from 1.4.2011 for ALL related features of both the proposed extension and the existing 3PP should be subject to the requirements set out in PNAP APP-151 and where applicable the requirements set out in PNAP APP-152;
- (d) to note the comments of the Chief Highway Engineer/Hong Kong, Highways Department regarding the need to confirm with the owners of all existing underground installations on their acceptability of the rear lane closure;
- (e) to note the comments of the Director of Fire Services regarding the compliance of Part VI of the Code of Practice for the Provision of Means of Access for Firefighting and Rescue; and
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that a minimum 20% green coverage of the entire application site, at least half of which should be at-grade or on levels easily accessible to pedestrians, should be incorporated into the redevelopment to enhance the landscape quality of the local urban environment.