

# TOWN PLANNING BOARD

TPB Paper No. 10755

For Consideration by  
the Town Planning Board on 6 August 2021

Proposed Revisions to the  
Town Planning Board Guidelines No. 32, 33 and 34C

**Proposed Revisions to the Town Planning Board Guidelines No. 32, 33 and 34C**

**1. Purpose**

This paper is to seek Members' agreement to the proposed revisions to the following Town Planning Board Guidelines:

- (a) No. 32 on Submission of Further Information in Relation to Applications for Amendment of Plan, Planning Permission and Review made under the Town Planning Ordinance (TPB PG-No. 32);
- (b) No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33); and
- (c) No. 34C on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C).

**2. Proposed Revisions**

2.1 The proposed revisions to TPB PG-No. 32, 33 and 34C mainly involve amendments relating to the practices and procedures in the planning application process, which aim to enable the Town Planning Board (the Board) to process planning applications and reviews in a more effective and efficient manner. The major revisions are set out in the paragraphs below.

**2.2 Proposed Revisions to TPB PG-No. 32 (Appendix 1)**

- (a) The Guidelines set out the practices and procedures adopted by the Board in dealing with submission of further information by an applicant to supplement an application for amendment of plan (s.12A application), application for planning permission (s.16 application) or application for review (s.17 review).

- (b) Under the provisions of the Town Planning Ordinance, the applicant is allowed to submit further information to supplement his application before the application is considered by the Board. From time to time, the applicant may submit further information at a very late stage, e.g. less than one week before the scheduled meeting date of the Board resulting in very tight processing time. If the further information needs to be published for public comments, the meeting date for consideration of the application will need to be re-scheduled. To allow sufficient processing time and to avoid causing delay in consideration of the application, amendment to **paragraph 3.1** is proposed such that the submission of further information shall be made at least two weeks (instead of one week under the current Guidelines) before the scheduled meeting date of the Board.
- (c) To avoid delay in the processing of applications, it is proposed to add **paragraph 3.2** to state clearly that submission of further information should not be used as a tactic to delay consideration of applications. The further information involving various assessments should be submitted in one go, and not in different batches. The Secretary of the Board has the discretion to schedule the meeting date for consideration of the application as soon as possible before the expiry of the statutory time limit.
- (d) What constitute “a material change” of the nature of the application is a matter of fact and degree and should be assessed on the individual merits of each case. As a general reference, it is stipulated in the current Guidelines that a change in major development parameters including the plot ratio, gross floor area, site coverage and building height under application exceeding 10% would generally be considered as “a material change”. For the sake of clarity and consistency, a minor amendment is proposed to **paragraph 4** such that a change in the proposed site area exceeding 10% would also be considered as “a material change”.
- (e) Opportunity is also taken to amend **paragraph 5** to clarify that new technical assessment would not be exempted from publication (see **paragraph 5(c)**), but revised technical assessment without major changes in assumptions and methodologies, findings and proposed mitigation measures could be exempted from publication (see **paragraph 5(d)**).
- (f) To facilitate the Board’s easy reference of further information in considering the applications, it is proposed to add **paragraph 7** such that for application involving multiple submissions of further information, the

applicant is required to submit a consolidated version to supersede the previous further information at least two weeks before the scheduled meeting.

### 2.3 **Proposed Revisions to TPB PG-No. 33 (Appendix 2)**

- (a) The Guidelines set out the practices and procedures adopted by the Board in considering requests for deferment of a decision on s.12A application, s.16 application, s.17 review or representation/comment/further representation.
- (b) Under the current practices, the applicant may request for deferment of a decision on an application and each request for deferment will be considered by the Board based on its merits. Recently, there is a growing number of applications with repeated requests for deferment despite that substantial amount of time has been given to the applicants for submission of further information to address departmental comments. To avoid delay in processing applications, it is proposed to add **paragraphs 3.4** and **3.5** to set out the criteria for consideration of the request for deferment and limit the number of times allowed for the deferments. Normally, the first request for deferment would be granted to allow the applicant to prepare further information to address outstanding issues. The request for second deferment would not be acceded to if the applicant fails to meet the criteria set out in **paragraph 3.4**. Moreover, the second deferment should be the last deferment. Except under very special circumstances and supported with strong justifications, further request for deferment would not be favourably considered by the Board.
- (c) Corresponding to the revisions made in TPB PG-No. 32 regarding the submission of further information and the Secretary of the Board's discretion to schedule the meeting date, **paragraphs 2.2** and **4.1** are amended accordingly.

### 2.4 **Proposed Revisions to TPB PG-No. 34C (Appendix 3)**

- (a) The Guidelines set out the application procedures and assessment criteria for applications for renewal of planning approvals and extension of time for compliance with planning conditions for temporary use or development by the Board.

- (b) Under the current requirements set out in the Guidelines, applications for renewal of approvals should be submitted no less than two months and no more than four months before the expiry of the temporary approval to allow sufficient time for processing of the applications in accordance with the Ordinance and to avoid too early submission which the Board cannot take into account the planning circumstances at the time nearer to the expiry of the planning approval. However, there are occasions where renewal applications submitted more than four months before the expiry of temporary approval are received due to exceptional circumstances, such as the need to renew permit/licence from the concerned government department to continue the existing operation, the need to maintain provision of services to the community, and development requiring longer time for relocation arrangement in case renewal application is not allowed, etc. To cater for such situation, it is proposed to amend **paragraph 3.5** such that applications submitted more than four months before expiry of the temporary approval may be accepted on individual circumstances of each cases. The applicant is required to provide information to justify the need for early application.
- (c) To streamline the processing of planning conditions by concerned departments and to facilitate the Board's consideration of the renewal application, it is proposed to add **paragraph 3.3** to require the applicant who has complied with the planning conditions under the previous approval to submit the relevant accepted proposals and documents showing all the relevant facilities that were implemented.
- (d) To ensure timely compliance with planning conditions, opportunity is also taken to amend **paragraph 6.2** to set out clearly that approval for extension of time for compliance with planning conditions would normally not be granted if the total time period for compliance exceeds half of the duration of the temporary approval, e.g. 6 months for temporary use of one year, and 18 months for temporary use of three years.

2.5 Opportunity is also taken to update relevant parts of the three Guidelines to reflect the current arrangement and make minor textual amendments. The proposed revisions to the three Guidelines, with additions in **bold** and *italic* and deletion in '~~cross-out~~', are shown in **Appendices 1 to 3**.

### **3. Consultation**

Since the proposed revisions only involve the practices and procedures adopted by the Board, consultation with government departments is considered not necessary.

### **4. Promulgation**

4.1 Upon Members' agreement to the proposed revisions to TPB PG-No. 32, 33 and 34C, the revised TPB PG-No. 32A, 33A and 34D will be uploaded to the Board's website, which shall take effect upon promulgation.

4.2 The revised TPB PG-No. 32A will take immediate effect upon promulgation. In order not to affect planning applications/reviews now under processing, it is proposed that the revised TPB PG-No. 33A will only take effect for new applications received upon promulgation. Similarly, for the revised TPB PG-No. 34D concerning applications for extension of time for compliance with planning conditions, it will only take effect for newly approved applications for temporary use or development upon promulgation.

### **5. Decision Sought**

Members are invited to endorse the proposed revisions to TPB PG-No. 32, 33 and 34C in **Appendices 1 to 3** respectively and the proposed arrangement for promulgation of the revised Guidelines.

### **Appendices**

**Appendix 1** Revised TPB PG-No. 32A on Submission of Further Information in Relation to Applications for Amendment of Plan, Planning Permission and Review under the Town Planning Ordinance

**Appendix 2** Revised TPB PG-No. 33A on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance

**Appendix 3** Revised TPB PG-No. 34D on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development

TPB PG-No. 32A

**TOWN PLANNING BOARD GUIDELINES ON  
SUBMISSION OF FURTHER INFORMATION  
IN RELATION TO APPLICATIONS FOR AMENDMENT OF PLAN,  
PLANNING PERMISSION AND REVIEW  
MADE UNDER THE TOWN PLANNING ORDINANCE**

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(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 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.)

**1. Purpose**

These Guidelines set out the general practices adopted by the Town Planning Board (the Board) in dealing with further information submitted by an applicant to supplement an:

- (a) application for amendment of plan made under s.12A of the Town Planning Ordinance (Ordinance) (s.12A application);
- (b) application for planning permission made under s.16 of the Ordinance (s.16 application); or
- (c) application for review of the Board's decision on a s.16 application made under s.17 of the Ordinance (s.17 review).

**2. Delegation of the powers of the Board**

Pursuant to s.2(5)(c) of the Ordinance, the Board has delegated to the Secretary of the Board (Secy/Board) its powers to determine acceptance of further information, to exempt it from the requirements in respect of publication for public comments and

recounting of the statutory time limit for consideration of the application from the receipt of the further information (i.e. the publication and recounting requirements).

### 3. Processing of further information

3.1 It is the duty of the applicant to provide sufficient information when making an application to the Board. This would facilitate the Board's consideration and avoid delay in processing the application. However, an applicant may submit further information to the Secy/Board to supplement his application before the application is considered by the Board. Such submission shall ~~preferably~~ be made at least ~~one~~ **two** weeks before the scheduled meeting of the Board. The Secy/Board will determine whether the information could be accepted and, if accepted, whether the information would be exempted from the publication and recounting requirements. In submitting any further information, the applicant should clearly indicate whether he would proceed with the original application (i.e. without the further information) in case the Secy/Board decides that the further information is not accepted, or such information is accepted but not exempted from the publication and recounting requirements.

3.2 *Submission of further information should not be used as a tactic to delay consideration of applications. Further information involving various assessments should be submitted in one go and not in different batches. The Secy/Board has the discretion to schedule the meeting date for consideration of the application as soon as possible before the expiry of the statutory time limit, with a view to expediting the processing of applications.*

#### Whether the information could be accepted

~~3.23.3~~ 3.23.3 If the further information does not result in a "material change" of the nature of the application, it will be accepted by the Secy/Board for inclusion into the application and be processed as part of the application in accordance with the relevant provisions of the Ordinance. If the further information is accepted as not resulting in a material change of the nature of the application, then the effect of submitting further information is that the statutory time limit for consideration of the application, i.e. 2 months for a s.16 application and 3 months for a s.12A application and s.17 review, will be automatically restarted, unless an exemption under sections 16(2L), 12A(15) and 17(2J) respectively is granted.

3.33.4 Further information resulting in a material change of the nature of the application will not be accepted by the Secy/Board. Under such circumstances, the submitted further information will not be processed. If the applicant wants to proceed with the further information that resulting in a material change of the nature of application, a fresh application will need to be submitted. If the applicant chooses to proceed with the original application, then he must do so without the further information. In that case, the statutory time limit will run from the original application date and the further information will be ignored. The choice of proceeding without the further information will not prejudice the applicant's submission of another application in future.

3.43.5 All accepted further information will be published for public comment, unless an exemption as mentioned below has been granted by the Secy/Board.

Whether the accepted information could be exempted

3.53.6 If the Secy/Board accepts the further information, he will simultaneously consider whether the accepted information can be exempted from the publication and recounting requirements. If the further information need not be published for public comments, the application, together with the further information, will be submitted to the Board for consideration as originally scheduled. On the other hand, if the further information could not be exempted, the statutory time limit for consideration of the application will be automatically restarted, unless the applicant has indicated at the outset that the original application should be proceeded with.

3.63.7 All accepted further information will be deposited at the Planning Enquiry Counters of the Planning Department at 17/F, North Point Government Offices, 333 Java Road, Hong Kong, and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin for public inspection until the application has been considered by the Board.

**4. Types of information that constitute “a material change”**

What constitutes a material change of the nature of the application is a matter of fact and degree and should be assessed on the individual merits of each case. In general, a material change is involved if the further information will lead to, for a s.12A

application, a major change in site area/boundary in question, the proposed zoning, uses and development restrictions and, for a s.16 application and s.17 review, a major change in the area and configuration of the application site (e.g. enlargement of site to include additional lot), proposed use (e.g. from office to hotel), design and layout of the proposed scheme (e.g. substantial change in built-form and disposition of building blocks) and nature of approval sought (e.g. from temporary to permanent). For these types of applications, a change in the proposed *site area*, plot ratio, gross floor area, site coverage or building height under application exceeding 10% would generally be considered as “material”.

## 5. Types of information that could be exempted

Whether an exemption is to be granted should be assessed on the circumstances of each case *no matter the proposed scheme is a temporary use or a permanent use*. In general, an exemption may be granted to the following types of information:

- (a) minor change in the proposed scheme under application without changing the major development parameters of the proposed scheme such as site area, plot ratio, gross floor area, site coverage, building height. Minor change in the following aspects may be exempted:
  - internal layout/disposition of premises;
  - the location of open space (on the same level only) and ancillary major utility installation;
  - the form of the building blocks;
  - increase in the provision of open space;
  - reduction in car parking spaces with no change in the car parking ratio;
  - location and size of non-building area;
  - Landscape Master Plan regarding preservation and/or planting of more trees;
  - the provision of private indoor recreational facilities; and
  - phasing and implementation.

In considering whether the changes are minor or not, the Secy/Board may make reference to the relevant categories of amendments as set out in the “Schedule of Class A Amendments”<sup>1</sup> published by the Board.

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<sup>1</sup> Please refer to the Schedule attached to the Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals.

- (b) clarification of the background information of the application, e.g. applicant's identity, site area/boundary, lot number, existing conditions of the site/premises, owner's consent, notification means, operational aspects of the applicant's business, lease conditions, application history, compliance with other relevant legislation and Government requirements, surrounding land uses and implementation schedule;
- (c) technical clarification/responses to comments of relevant Government departments without changing the scheme ~~or involving the submission of a new or revised technical assessment~~;
- (d) *submission of a revised technical assessment without major changes in the assumptions and methodologies, findings and proposed mitigation measures, where appropriate*;
- (de) rectification of editorial and transcription errors and miscellaneous minor information; and
- (ef) other information which, in the opinion of the Secy/Board, could be exempted.

## **6. Notification of Secy/Board's decision**

The applicant will be informed of the Secy/Board's decision on whether the further information could be accepted and exempted, as soon as practicable. Unless the applicant has clearly indicated his intention whether to proceed with the original application at the time of submitting the further information, the statutory time limit for processing the application will be recounted and the applicant will be informed of the rescheduled date for consideration of the application, if the further information is accepted but not exempted from the publication and recounting requirements. For further information that is not accepted, the original application (i.e. without the further information) will continue to be processed, unless the applicant has indicated otherwise at the time of submission.

## **7. *Submission of Consolidated Revised Documents***

*Where an application involving multiple submissions of further information for planning statement and/or technical assessment(s), and such further information*

*submissions have already been accepted by the Secy/Board, the applicant is required to submit a consolidated version to supersede the previous further information submissions at least two weeks before the scheduled meeting to facilitate the Board's consideration of the application. The applicant should ensure that the consolidated version should not contain any new information other than that already accepted by the Secy/Board, and it would generally be exempted from the publication and recounting requirements.*

**78. Further Information for Representation, Comment, Further Representation**

Representation to a draft plan, comment on representation and further representation to amendments proposed by the Board shall be made to the Board within the relevant statutory time limits stipulated in the Ordinance. Representation, comment and further representation made to the Board after the expiration of the relevant time limits shall be treated as not having been made. Under the Ordinance, there is no provision for the Board to accept further information for representation, comment and further representation submitted to the Board after the expiry of the relevant statutory time limits for making submission.

**TOWN PLANNING BOARD**  
~~APRIL 2005~~ **AUGUST 2021**

TPB PG-No. 33A

**TOWN PLANNING BOARD GUIDELINES  
ON DEFERMENT OF DECISION ON REPRESENTATIONS,  
COMMENTS, FURTHER REPRESENTATIONS AND APPLICATIONS  
MADE UNDER THE TOWN PLANNING ORDINANCE**

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The Guidelines are subject to revision without prior notice.)

**1. Purpose**

These Guidelines set out the general procedures and practices adopted by the Town Planning Board (the Board) in considering requests for deferment of a decision on:

- (a) representations to a draft plan (representations) and any comment on them;
- (b) further representations to amendments proposed by the Board to meet a representation (further representations);
- (c) an application for amendment of plan made under s.12A of the Town Planning Ordinance (the Ordinance) (s.12A application) and any comment on it;
- (d) an application for planning permission made under s.16 of the Ordinance (s.16 application) and any comment on it;
- (e) an application for amendments to planning permission made under s.16A of the Ordinance (s.16A application); and
- (f) an application for review of the Board's decision on a s.16 or s.16A application made under s.17 of the Ordinance (s.17 review).

## 2. General principles in processing request for deferment

- 2.1 Upon receipt of representations, comments, further representations, applications and reviews lodged in accordance with the Ordinance (hereafter collectively referred as “the submissions”), the Secretary of the Board (Secy/Board) will notify the representers/further representers/commenters/applicants of the date of the Board’s meeting to consider the submissions. The Board may, under various circumstances and/or upon request of the representers, further representers, commenters, applicants or the Planning Department, defer making a decision on the submissions and reschedule the relevant meeting to another date.
- 2.2. Any request for deferment should be addressed in writing to the Secy/Board. As a prerequisite, reasonable grounds must be provided to support the request and the proposed deferment period should not be indefinite. 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 the maximum period for deferment as it deems appropriate. Normally, the applicant or relevant parties will be given two months for preparation of submission of further information (if required) ***upon the Board’s agreement to the deferral request.*** The case will then be re-submitted to the Board within two months in case of a s.16 application or within three months in case of a s.12A application/s.17 review upon receipt of the further information. ***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.*** The rescheduled date for consideration of the relevant submissions should be adhered to ~~and no further deferment should be granted except under very special circumstances.~~

## 3. Request for deferment in respect of applications and reviews

### Reasons for deferment

- 3.1 Each request for deferment will be considered by the Board based on its merits. The Board may, upon consideration of such request or of its own volition, decide to defer a decision on the applications for the following reasons:

(a) Need to Consult Other Relevant Government Departments

Further consultation with relevant Government departments is required to resolve major technical issues directly associated with the case in question.

(b) Provision of Important Supplementary Information

Information which is essential for the consideration of the submissions by the Board is not available but is required to be provided by the relevant parties or Government departments, e.g. assessment to address certain technical issues like Traffic Impact Assessment, Environmental Impact Assessment and Drainage Impact Assessment and refinement to the application to address public comments.

(c) Awaiting Recommendations of Major Government Planning-Related Study or Infrastructure Proposal

A major Government planning-related study due to be completed shortly or a decision on a major infrastructure proposal due to be released soon which might have significant planning implications on the subject site and would affect the decision of the Board.

3.2 Non-planning related reasons (such as the need to assess/re-assess the financial or economic viability of the proposal, or awaiting a better “economic climate”) should normally not be accepted.

3.3. Notwithstanding the above, a decision on the relevant submissions may be deferred under other circumstances. These include:

(a) where the Board accepts any further information to supplement a s.12A application, s.16 application or s.17 review, the meeting arranged to consider the application may need to be rescheduled to allow time for further processing of the information. The Secy/Board will inform the relevant parties of the arrangement accordingly. The general practices are set out in the “Town Planning Board Guidelines on Submission of Further Information in Relation to Applications for Amendment of Plan, Planning Permission and Review Made under the Town Planning Ordinance”;

(b) a decision on a s.16 application or s.17 review would be deferred if the zoning of the subject site is still subject to outstanding adverse representation yet to be submitted to Chief Executive in Council (CE in C)

for consideration and the substance of the representation is relevant to the subject application/review; and

(c) any other reasonable grounds as the Board thinks fit.

**3.4** *Normally the first deferment requested by the applicant would be granted to allow the applicant to prepare further information to address outstanding issue(s). The request for the second deferment would not be acceded to if:*

(a) *the applicant fails to demonstrate that reasonable action(s) such as submission of further information has/have been taken to address the outstanding issue(s);*

(b) *a substantial number of public comments raising objections/concerns on the application have been received that warrant early consideration of the application by the Board;*

(c) *the application site is the subject of repeated applications involving more or less the same use with similar proposal or the subject of withdrawal applications for the same use at the same site/premises; or*

(d) *any other factors as the Board thinks relevant.*

**3.5** *To avoid delay in processing application/review, the second deferment should be the last deferment. Except under very special circumstances and supported with strong justifications, further request for deferment would not be favourably considered by the Board.*

### **3.4. Procedures for handling request for deferment**

~~3.44.1~~ *If deferment of decision on the application would not affect the right or interest of the concerned parties, deferment requested by the applicant would normally be granted if reasonable grounds are given. Under such circumstances, the applicant will normally be given two months for preparation of submission of further information upon the Board's agreement to the deferral request. The case will then be re-submitted to the Board within two months in case of a s.16 application or within three months in case of a s.12A application/s.17 review upon receipt of further information. The applicant is advised to submit the*

*further information involving various assessments (if required) in one go as soon as possible. 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.*—~~No further deferment would be granted unless very strong justifications are given by the applicant and the right and interest of the concerned parties are not affected.~~

3.54.2 For request with reasonable grounds (i.e. those set out in paragraph 3.1 above), if it is received by the Secy/Board before the issue of agenda of the meeting and the relevant paper on the application (normally one week before the scheduled meeting date), a simple paper will be prepared by the Planning Department to seek the Board's agreement to the request. Should the request be received after the issue of the agenda, the Planning Department will report the case at the scheduled meeting. The applicant and/or his/her representative(s) will not be required to attend the meeting in case of a s.12A application/s.17 review. If the Board agrees to the deferment, the applicant will be notified of the two-month period for submission of further information and the rescheduled meeting date. However, if the Board decides not to accede to the request, it may proceed to make a decision on the application at the scheduled meeting if it is a s.16 application, or adjourn the meeting for consideration of the application to the following meeting if it is a s.12A application/s.17 review. The applicant will be informed of the Board's decision on the application or will be invited to attend the rescheduled meeting as the case may be.

3.64.3 However, for request *not supported by the Planning Department, e.g. the request is* without reasonable grounds, it will be submitted together with the relevant paper on the application to the Board for consideration, regardless of whether the request is received before or after the issue of agenda. In case of s.12A application and s.17 review, the applicant and/or his/her representative(s) will be required to be present before the Board to explain the reasons for the proposed deferment. Should the Board consider that a deferment is not warranted, it may proceed to make a decision on the application/review. If the applicant and/or his/her representative(s) fails to attend the scheduled meeting, the Board may proceed with the meeting in their absence.

S.16A applications

~~3.74.4~~ Pursuant to s.2(5)(b) of the Ordinance, the Board has delegated to the Director of Planning (D of Plan) the power to consider s.16A applications. Any request for deferment of decision on such applications shall be submitted to the Secy/Board as early as possible before D of Plan has made a decision on the application. D of Plan will decide on the request in accordance with these Guidelines.

**4.5. Request for deferment in respect of representations, comments and further representations**

4.15.1 According to the Ordinance, the Board shall submit a draft plan to the CE in C within a statutory time limit of nine months (or with an extension of up to six months granted by the CE) from the expiration of the exhibition period of the draft plan. Deferment of consideration of representations, comments and/or further representations may affect the submission of the plan to CE in C and other parties involved in the hearing. Hence, such request would not be entertained unless with the consent of other concerned parties and there are very strong reasons to do so. If it is absolutely unavoidable, the Board may only adjourn the meeting for a period up to a maximum of *four* weeks (counting from the original hearing date) taking into account all relevant considerations and circumstances of each case.

4.25.2 To meet the statutory time limit on submission of a draft plan to the CE in C, any request for deferment should be submitted to the Secy/Board as soon as possible but in any case not later than two weeks before the scheduled meeting date. Upon receipt of a request for deferment, the Planning Department will circulate a simple paper to seek the views of the Board on the request and inform the relevant parties of the decision of the Board on the request accordingly. If the request is not acceptable to the Board, the hearing of the representation/further representation will proceed as scheduled.

4.35.3 If the request is received after the two-week deadline, it will be submitted to the Board for consideration together with the relevant paper on the representations/further representations at the scheduled meeting. The relevant parties and/or their representative(s) will be required to be present before the

Board to explain the reasons for the proposed deferment. Should the Board consider that a deferment is not warranted, the hearing of the representation/further representation will proceed as scheduled. If the relevant parties and/or their representative(s) fail to attend the meeting, the Board may proceed with the meeting in their absence.

**5.6. Notification of request for deferment**

It is a statutory requirement that the Board's meetings to consider the relevant submissions, except the part on deliberation of the submissions, shall be open to public. To facilitate the public in tracking the progress of the case, the receipt of a request for deferment will be notified on the Board's website.

**TOWN PLANNING BOARD**  
**~~APRIL 2005~~AUGUST 2021**

TPB PG-No. 34CD

**TOWN PLANNING BOARD GUIDELINES ON  
RENEWAL OF PLANNING APPROVAL AND  
EXTENSION OF TIME FOR COMPLIANCE WITH PLANNING CONDITIONS  
FOR TEMPORARY USE OR DEVELOPMENT**

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The Guidelines are subject to revision without prior notice.)

**1. Introduction**

These Guidelines set out the application procedures and assessment criteria for applications for renewal of planning approvals and extension of time for compliance with planning conditions for temporary use or development by the Town Planning Board (the Board).

**2. Renewal of Approvals for Temporary Use/Development**

Planning approvals for temporary uses and developments are subject to a specific approval period. The planning approval will lapse upon expiry of the approval period. The applicant may apply to the Board for a renewal of the temporary approval if the temporary use and development is to be continued. However, should there be new planning circumstances governing the application, the Board is under no obligation to renew the temporary approval.

**3. Application Procedures**

3.1 An application for renewal of planning approval for temporary use or development is in nature an application for planning permission and will be processed in accordance with the provision of the extant statutory plan under s.16 of the Town Planning Ordinance (Ordinance). The application should be submitted and processed in accordance with the procedures set out in the

relevant Guidance Notes and Town Planning Board Guidelines applicable to s.16 applications.

3.2 An applicant who wishes to seek a renewal of the approval is required to submit an application to the Board for proposal involving renewal of permission for temporary use/development, and satisfying the relevant submission requirements including the 'owner's consent/notification' requirements. Since these applications involve only the renewal of approval previously granted by the Board, a streamlined approach in respect of the submission requirements could be adopted, i.e. there is no need to undertake new technical assessments to support the s.16 application, so long as there is no major change in planning circumstances<sup>1</sup> (such as a change in the planning policy/land-use zoning for the area). Updated assessments may however need to be submitted if necessary. In general, the applicant is only required to provide:

- (a) reasons for the application;
- (b) time period for which a renewal is sought but the period requested cannot exceed ~~the maximum period of temporary use/development allowed in the Notes of the concerned statutory plan~~ *duration of the previous approval*; and
- (c) an account of whether the planning conditions on submission of technical assessments and provision of facilities under the previous approval have been complied with to the satisfaction of the concerned Government departments.

3.3 *For planning conditions under the previous approval that have been complied with and there is no change in the proposed use/layout in the renewal application, the applicant should provide the following documentary proof to demonstrate the compliance of the planning conditions:*

- (a) *the relevant accepted proposals by the concerned departments; and*
- (b) *documents (e.g. correspondence with the concerned departments) and photos showing all the relevant facilities (with date of photo-taking clearly shown) that were implemented and accepted by concerned departments.*

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<sup>1</sup> Please consult the relevant District Planning Offices of the Planning Department or the concerned Government departments if there is any doubt on the need for submission of technical assessments.

~~3.33.4~~ Such applications should be submitted to the Board no less than 2 months before the expiry of the temporary approval so as to allow sufficient time for processing in accordance with the Ordinance, e.g. publication for public inspection and comments. Applications submitted less than 2 months before the expiry of the temporary approval may not be processed for consideration of the Board. A fresh s.16 planning application for the development in accordance with the provision of the extant statutory plan will be required.

~~3.43.5~~ Such applications should also be submitted to the Board *normally* no more than 4 months before the expiry of the temporary approval. The rationale behind this arrangement is that if an application is submitted too early, the Board, in considering the application, cannot take into account the planning circumstances at the time nearer to the expiry of the planning approval. Any change in the planning circumstances may have a material bearing on the decision of the application. *Applications submitted more than 4 months before expiry of the temporary approval may only be considered based on the individual merits and exceptional circumstances of each case. The applicant is required to provide information to justify the need for early application, for example, the need to renew permit/licence from the concerned government department to continue the existing operation, the need to maintain provision of services to the community, and development requiring longer time for relocation arrangement in case renewal application is not allowed, etc. For the avoidance of doubt, reasons merely for the convenience of the applicant will not be accepted.*

#### 4. Assessment Criteria

4.1 The criteria for assessing applications for renewal of planning approval include:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);

- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

4.2 Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

## **5. Extension of Time for Compliance with Planning Conditions for Temporary Use/Development**

- 5.1 Planning permissions for temporary use or development are generally granted by the Board subject to conditions with time limits specified for compliance. If an applicant cannot comply with any of such conditions within the specified time limit, he may apply for an extension of time to comply with the conditions.
- 5.2 The time-limited condition attached to planning permission imposed by the Board is to ensure that the planning conditions would be implemented within a reasonable period. The Board could only grant an extension of time for compliance with planning conditions with good justifications.
- 5.3 An extension of time for compliance with the time-limited planning conditions falls within Class B amendments published by the Board. For such an extension, an application shall be made to the Board in accordance with s.16A of the Ordinance. The application procedures set out in the relevant Guidance Notes and Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals should be followed.
- 5.4 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.

- 5.5 An application submitted less than 6 weeks before the expiry of the specified time limit may not be processed for consideration of the Board. If any planning condition is not complied with by the specified time limit, the planning permission will be revoked. The Board will not consider such application if the permission has already been revoked at the time of consideration, despite the application is submitted before the expiry of the specified time limit. 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.
- 5.6 In support of an application for extension of time for compliance with planning conditions, 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 activities taken to implement the planning conditions since the granting of planning permission, including evidence and documentation on the submitted proposals and any works undertaken/completed to fulfil the conditions.

## **6. Assessment Criteria**

- 6.1 The criteria for assessing applications for extension of time for compliance with planning conditions include:
- (a) whether the applicant has given full justifications on why the planning condition(s) could not be complied with within the prescribed time-limit;
  - (b) whether the applicant has demonstrated that reasonable action(s) have been taken to comply with all or the outstanding planning conditions;
  - (c) whether there are any adverse planning implications arising from the extension of time for compliance with planning conditions;
  - (d) whether the extension sought is reasonable; and
  - (e) any other relevant considerations.

- 6.2 *If the total time period for compliance (including the extension period sought under the application for extension of time for compliance with planning conditions) exceeds half of the duration of the temporary approval, e.g. 6 months for temporary use of one year, and 18 months for temporary use of three years, approval for extension of time would normally not be granted.* Under no circumstances should the extension of time for compliance with planning conditions exceed the original validity period of the temporary approval.

**TOWN PLANNING BOARD**  
**~~JUNE 2019~~AUGUST 2021**