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TPB PG-NO. 36~~BC~~

**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.*~~ *The applicant could also submit a pre-application enquiry to consult relevant government bureaux/departments on preliminary comments on the proposed changes of the development proposal prior to formal submission of a section 16A application. The advice given by District Planning Officer of PlanD and government bureaux/departments, 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*~~ XX 2023

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~~ **XX.XX.2023** to substitute that published on ~~15 April 2005~~ **2 March 2018**, is published in the Schedule to this Notice with immediate effect.

~~2 March 2018~~ **XX XX 2023**

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 (i) due to the setting out of site boundary; (ii) at the processing of land grant <i>as required by the relevant government department(s);</i> <i>inclusion/exclusion of private lane and/or land for public purposes in site area calculation;</i> and/or (iii) at the processing of general building plans as required by relevant government department(s); or (b) Change in site area as required by Government at the processing of land grant; or (b) Changes in alignment of public utility pipelines, and boundary/extent of filling/excavation of land as required by relevant government department(s); 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>
(a) Reduction in gross floor area (GFA)/plot ratio (PR); or (b) <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 which is permitted under the Notes of the extant statutory plan; or</i> (c) (b) Increase in GFA/PR arising from <i>Item (a) of Class A amendment under Category 1 Item (b) in the Remarks column</i>, provided that the total GFA/PR is not specified as an approval condition of the planning permission and subject to (i) not exceeding the maximum GFA or PR restrictions on the extant statutory plan; or (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.	Other than those specified under Class A amendments of this category and i Increase in GFA not exceeding 4,000 6,000m² or 10% of the approved total GFA, or its equivalent PR, whichever is the less, arising from <i>Class B amendments under Category 1 Item (b) in the Remarks column</i> 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.	(a) Both Class A and Class B amendments of this category are not applicable to the provision Changes in GFA of Government, institution or community facilities is covered under Category 9 below. (b) Increase in GFA/PR under both Class A and Class B amendments of this category are only applicable to the following circumstances: (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 (ii) increase in GFA due to increase in site area arising from Item (a) of Class A amendments under

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

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 100 200 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; or (c) <i>Increase in number of units due to increase in site area arising from Class A amendments under Category 1 provided that the average flat size remains the same as that in the approved scheme.</i>	Other than those specified under Class A amendments of this category and increase in number of units not exceeding 200 500 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) <i>For Items (a) and (b) of Class A amendment and Class B amendment, the corresponding changes in unit size due to changes in the number of units are always permitted; and</i> (c) <i>If changes in average flat size are involved, item (c) of Class A amendment is not applicable but items (a) and (b) of Class A amendment and the Class B amendment are applicable.</i>

Category 4 Building blocks

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
(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 <i>or the changes in form of building(s) related to the environmental mitigation measure(s) are agreed by the relevant government department(s); or</i> (b) Reduction in number of building blocks, provided that there are no change(s) in the disposition of other building blocks <i>are minor</i> and the concerned block(s) to be deleted is(are) not the subject of environmental mitigation measures <i>or the reduction in number of building block(s) related to the environmental mitigation measure(s) are agreed by the relevant government department(s); or</i> (c) Minor changes in disposition of <i>building block(s) and/or</i> house(s) (other than New Territories Exempted House(s) (NTEH(s)) /Small House(s)), provided that the concerned <i>building block(s) and/or</i> house(s) is(are) not the subject of environmental mitigation measures <i>or the changes in disposition of building block(s) and/or house(s) (other than NTEHs/Small House(s)) related to the environmental mitigation measure(s) are agreed by</i>	(a) Changes in form of building(s) other than those specified under Class A amendments of this category; or (b) Reduction in number of building blocks other than those specified under Class A amendments of this category; or (c) Minor changes in disposition of building block(s) other than those specified under Class A amendments of this category; or (d) Increase in number of building blocks.	(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 (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; and (c) <i>Minor ancillary blocks (e.g. guard house and plant rooms) may be discounted from the calculation of changes in number of building block under item (b) of Class A amendment and the Class B amendment.</i>

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<i>the relevant government department(s); or</i> (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 <i>or the changes in disposition of NTEH(s)/Small House(s) related to the environmental mitigation measure(s) are agreed by the relevant government department(s).</i>		

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

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
(a) Reduction in <i>absolute building height and/or number of storeys</i>; or (b) <i>Increase in number of storeys provided that there is no increase in absolute building height (above ground) and not exceeding any building height restriction in terms of storeys on the extant statutory plan, if applicable; or</i> (c) (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: (i) not exceeding the building height restrictions on the extant statutory plan and in the planning brief, if applicable; or (ii) not exceeding 10% of the approved absolute building height <i>(above ground)</i> and/or number of storeys <i>(above ground)</i> [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	(a) 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 <i>(above ground)</i> and/or number of storeys <i>(above ground)</i> [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 (b) <i>For buildings not exceeding 30m in absolute building height (above ground) or 10 storeys (above ground), not exceeding 30% of the approved absolute building height (above ground) or number of storeys (above ground) of the concerned building block, provided that there are no building height restrictions on the extant statutory plan, if applicable; or</i> (c) <i>No increase in absolute building height (above ground) but exceeded the building height restriction in terms of number of storeys on the extant statutory plan, if applicable.</i>	(a) <i>'Building Height (above ground)' under Class A and Class B amendments means building height excluding basement floor(s); and</i> (b) <i>Class A and B amendments are not applicable if the extant statutory plan requires planning permission for additional basement floor(s).</i>

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<i>(iii) for buildings not exceeding 30m in absolute building height (above ground) or 10 storeys (above ground), not exceeding 20% of the approved absolute building height (above ground) or number of storeys (above ground) of the concerned building block, provided that there are no building height restrictions on the extant statutory plan, if applicable; or</i> <i>(iv)(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 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.</i>		

Category 6 Site coverage

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
(a) Reduction in site coverage; or (b) Increase in site coverage: (i) not exceeding the site coverage restrictions on the extant statutory plan and in the planning brief, if applicable; or (ii) not exceeding 5% 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; or (c) <i>Subject to no site coverage restrictions on the extant statutory plan, if applicable, or the proposed change does not result in development exceeding the site coverage restrictions on the extant statutory plan, if applicable, increase in site coverage due to:</i> (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	Other than those specified under Class A amendments of this category and increase in site coverage not exceeding 10%-20% 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.	

Class A amendments	Class B amendments	Remarks
change does not result in development exceeding the site coverage restrictions on the extant statutory plan and in the planning brief, if applicable; or (ii) additional site coverage permitted by the Building Authority under Regulations 20, 22(1) or (2) of the Building (Planning) Regulations; or (iii) (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.		

Category 7 Type and mix of uses

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
(a) Changes in type/mix of uses within the same category as set out in Item (b) of the Remarks; or (b)(e)Changes in location of the approved non-domestic uses (excluding Government, institution or community (GIC) uses) within the same non-domestic part of the building/development; or (c)Changes in gross floor area (GFA) for non-domestic uses from one category to another as set out in Item (b) of the Remarks that are agreed by relevant government department(s), provided that all concerned categories of uses are included in the approved development proposal; or (d)(b)Changes in gross floor area (GFA) for non-domestic uses from one category to another <i>non-domestic uses</i> 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% 10% whichever is the less, of the approved non-domestic GFA of each of the affected categories, whichever is the less; or (e) Changes in non-domestic GFA from GIC to other categories of non-domestic uses as set out in Item (b) of the Remarks, or vice versa, which do not exceed 2,000m² or 10% of the	(a) Changes in GFA for non-domestic uses from one category to another <i>non-domestic uses</i> 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% 10% but do not exceed 4,000m² or 10% 20% whichever is the less, of the approved non-domestic GFA of each of the affected categories, whichever is the less; or (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% 10% of the approved domestic or non-domestic GFA.	(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, <i>if applicable</i>; and (b) Other than public utilities, and Government, institution or community facilities <i>GIC and recreational facilities</i>, uses to be shown within an approved development proposal/Master Layout Plan could be broadly divided into the following four categories: (i) residential uses; (ii) hotel; (iii) office; and (iv) other commercial uses, including but not limited to <i>retail, eating places, recreation, entertainment, sports, culture, kindergarten, child care centre and public car park</i>; <i>and</i> (c) Changes in location of GIC facilities are

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<i>approved non-domestic GFA, whichever is the less, that are agreed by relevant government department(s) and do not result in development exceeding the GFA/plot ratio restrictions, if any, on the extant statutory plan, if applicable; or</i> <i>(f) 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.</i>		<i>covered under Category 9.</i>

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 or the changes in internal layout/disposition of premises related to the environmental mitigation measure(s) are agreed by the relevant government department(s).	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 (a) <i>Changes in the types, location, and/or floor area(s) of the Government, institution or community (GIC) facilities as agreed by the relevant government department(s), provided that it is not less than the minimum level of provision stipulated on the extant statutory plan, if applicable; or</i> (b) <i>Deletion/addition of GIC facilities as initiated by the relevant government department(s), provided that it is not less than the minimum level of provision stipulated on the extant statutory plan, if applicable.</i>	(a) Changes in the types, locations, and/or floor area(s) of the facilities; or (b) Deletion Addition of the GIC facilities as not initiated by the relevant government department(s).	(a) This category is not applicable to development solely for Government, institution or community (GIC) facilities; (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 (c) If the deletion of the concerned GIC facilities is not initiated by the relevant government department(s), a fresh application under section 16 of the Town Planning Ordinance is required.

Category 10 Provision of public open space

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
(a) Increase in total area; or (b) <i>Reduction in total area as agreed by relevant government department(s), provided that it is not less than the minimum provision stipulated on the extant statutory plan, if applicable; or</i> (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 (c) Changes in location of public open space (that is not specified as an approval condition of the planning permission, if applicable) provided that not more than 5% of the public open space is on different street(s)/level(s) or floor(s) and (i) it is not subject to environmental mitigation measures or (ii) it is subject to environmental mitigation measures that are agreed by the relevant government departments; or (d)(e) Changes in public open space from active to passive, or vice versa, <i>provided that the changes do not exceed 10% of the approved area for active and passive public open space.</i>	(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 (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 (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.	(a) Both Class A and Class B amendments of this category are also applicable to open space in private developments for public use; (b) The open space may be an environmental buffer or subject to environmental nuisance.

Category 11 Provision of private open space

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
(a) Increase in total area; or (b) Reduction in total area <i>not exceeding 10% of the approved total area</i> 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 (<i>HKPSG</i>), <i>and that specified in the planning brief</i>, if applicable; or (c) Changes in location of the private open space provided that the <i>location of the private open space remains on the same street/podium level(s), and open space</i> is not the subject of environmental mitigation measures <i>or the changes in location of private open space related to the environmental mitigation measure(s) are agreed by the relevant government department(s); or.</i> (d) <i>Changes in the ratio of active or passive private open space.</i>	(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 (b) Changes in the location of the private open space other than those specified under Class A amendments of this category.	(a) Both Class A and Class B amendments of this category are not applicable to open space in private developments for public use <i>which are covered under Category 10</i>; and (b) The open space may be an environmental buffer or subject to environmental nuisance.

Category 12 Provision of carparking, loading/unloading and other transport facilities

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
(a) Reduction Changes in the total number or type of parking or loading/unloading spaces due to reduction in number of units, provided that the car parking ratio remains unchanged, provided that the provision is not less than the requirement under the Hong Kong Planning Standards and Guidelines or agreed by the relevant government department(s); or (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 (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 (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 (b) (e) Changes in the layout of internal roads, and the internal layout of car park and loading/unloading area;	(a) Changes in the number or type of parking and or loading/ unloading spaces other than those specified under Class A amendments of this category; or (b) Changes in the number and/or locations of ingress/egress point(s); changes in locations of transport facilities including footbridges/subways, (including the connection point(s)), public passageway, public transport terminus, car park, loading/ unloading area and lay-bys; and changes in the layout of emergency vehicular access other than those specified under Class A amendments of this category.	The definitions of “demand flexibility” under Item (b) of Class A amendments and “design flexibility” under Item (c) of Class A amendments follow the interpretation of the Transport Department and Lands Department.

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
<i>and changes in the layout of emergency vehicular access as agreed by relevant government department(s); or</i> <i>(c) Changes in the number and/or locations of ingress/egress point(s); changes in locations of transport facilities, including footbridges/subways (including the connection point(s)), public passageway, public transport terminus, car park, loading/unloading area and laybys, as agreed by the relevant government department(s).</i>		

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>
(a) Increase in the size of non-building area, setback and/or building gap; or (b) Changes in the location and/or size of the non-building area, setback and/or building gap as initiated by Government the relevant government department(s).	Changes in the location and/or reduction in size of the non-building area, setback and/or building gap not initiated by Government the relevant government department(s).	(a) 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; and (b) Any changes in the location and/or size of the non-building area, setback and/or building gap under both Class A and Class B amendments of this Category, should not conflict with the related restrictions stipulated on the extant statutory plan.

Category 14 Tree preservation and Landscape Proposals/Master Plan

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
(a) Preservation and/or planting of more trees; <i>or</i> (b) <i>Changes in soft/hard landscape design or changes in implementation programme as agreed by the relevant government department(s); or</i> (c) <i>Removal of trees of undesirable species, trees with health/structural problem, dead trees, and trees with imminent danger.</i>	(a) Changes in soft/hard landscape design or changes in implementation programming; or (a) (b)Changes in individual trees identified for preservation; or (b) (c)Other than those specified under item (c) of Class A Amendments of this category, increase in the number of trees to be felled not exceeding 10% of the approved level; or (c) (d)Decrease in the number of preserved trees not exceeding 10% of the approved level.	(a) Provided that the changes under Items (b) to (d) of Class A and Class B amendments of this category do not affect “Important Trees”, “Old and Valuable Trees” as listed under the ‘Register of Old and Valuable Trees’ maintained by the Development Bureau and/or “Protected Species”; (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; (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; (d) “Protected Species” under Item (a) of this Remarks

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
		column refer to those tree species protected under relevant ordinances in Hong Kong; and (b)(e) Preservation of trees under both Class A and Items (b)(a) and (d)(c) 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>
(a) Changes in provision of private indoor recreational facilities; or (b) <i>Changes in provision of public recreational facilities, including but not limited to changes in location, layout, type and floor area, as agreed by the relevant government department(s).</i>	Changes in provision of public 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>
(a) Changes in location of the facility utility installation within a building/development and not involving any changes in site coverage as agreed by the relevant government department(s); or (b) <i>Deletion of the utility installation, as agreed by the relevant government department(s).</i>	(a) Other changes in location of the facility utility installation which do not fall within Class A amendments of this category. ; or (b) Deletion of the facility, as initiated by the relevant government department.	Examples include refuse collection point, sewage treatment facilities, electricity substation, and liquefied petroleum gas compound, utility pipelines, etc.

Category 17 Phasing and implementation schedule

<i>Class A amendments</i>	<i>Class B amendments</i>	<i>Remarks</i>
(a) Changes in phasing and implementation schedule with no Government, institution or community (GIC) facilities or public open space involved; or (b) Changes in phasing and implementation schedule with GIC facilities or public open space involved, as agreed by the relevant government department(s).	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.	

Explanations of the Proposed Amendments to
TPB PG-No. 36B

Schedule of Class A and Class B Amendments

<u>Proposed Amendments</u>	<u>Explanatory Note</u>
Category 1 – Site area and site boundary	
<u>Class A amendments</u> <u>Item (a)</u>: to add changes in site area/site boundary at the processing of land grant or general building plans, as required by relevant government department(s) as Class A amendments. <u>Item (b)</u>: to delete due to incorporation into item (a) above, and replace with a new item (b) for changes in alignment of public utility pipelines, and boundary/extent of filling/excavation of land as required by relevant government department(s). <u>Item (c)</u>: to delete the maximum percentage for reduction of gross site area.	- to allow greater flexibility on relevant changes at detailed design stage. - to allow any reduction in site area as always permitted.
<u>Remarks</u> to make corresponding amendments by deleting the references to reduction in provision of Government, Institution or Community (GIC) facilities and public open space.	
Category 2 – Total gross floor area and plot ratio	
<u>Class A amendments</u> <u>Item (b)</u>: to add a new item for clarity that increase in gross floor area (GFA)/Plot Ratio (PR) due to additional PR permitted by the Building Authority under Regulation 22(1) or (2) of the Building (Planning) Regulations which is permitted under the Notes of the extant statutory plan is a Class A amendment. <u>Item (c)</u>: to amend the item to allow for corresponding increase in GFA/PR arising from changes in site area/site boundary from item (a) of Class A amendment	

under Category 1 and deletion of the restriction on maximum increase in GFA.	
<u>Class B amendments</u> to allow a greater extent of increase in GFA arising from Class B amendments under Category 1 by relaxing the maximum increase of the approved total GFA (from 4,000m² to 6,000m²).	to allow greater flexibility while retaining the same maximum percentage change.
<u>Remarks</u> <u>Item (a)</u>: to make corresponding amendments in relation to the revision on the change in provision of GIC facilities under Category 9. <u>Item (b)</u>: to delete in relation to corresponding revision of the Class A amendments.	
Category 3 – Number of units	
<u>Class A & B amendments</u> to relax the threshold for increase in number of units under Class A (from 100 units to 200 units) and Class B amendments (from 200 units to 500 units) respectively.	to allow greater flexibility while retaining the same maximum percentage change.
<u>Class A amendments</u> <u>Items (a) and (b)</u>: to relax the restriction by deleting the requirement for compliance with the administrative planning brief. <u>Item (c)</u>: to add a new item for corresponding increase in number of units (with the same approved average flat size) due to increase in site area arising from Class A amendment under Category 1.	
<u>Remarks</u> <u>Item (b)</u>: to make corresponding amendments to clarify that the Remark is applicable to items (a) and (b) of Class A and Class B amendments. - Item (c): to clarify the applicability of Class A and Class B amendments where there are changes in average flat size.	

Category 4 – Building blocks	
<u>Class A amendments</u> - the following changes of the concerned block(s) in relation to environmental mitigation measure(s) agreed by the relevant government department(s) are to be considered as Class A amendments: <u>Item (a)</u>: changes in form of building(s); <u>Item (b)</u>: reduction in number of building blocks; <u>Item (c)</u>: minor changes in disposition of building block(s) and/or houses (other than New Territories Exempted House(s) (NTEH(s))/Small House(s)); and <u>Item (d)</u>: minor changes in disposition of NTEH(s)/Small House(s) subject to specific conditions. - Item (b): to allow minor change(s) in the disposition of other building blocks for reduction in number of building blocks for larger flexibility.	to obviate the need for s16A application for changes agreed by relevant government department(s).
<u>Class B amendments</u> <u>Items (a) to (c)</u>: to delete in relation to the revisions of Class A amendments.	changes in relation to environmental mitigation measure(s) not agreed by relevant department(s) require fresh s16 application.
<u>Remarks</u> <u>Item (b)</u>: to make corresponding amendments in relation to deletion of item (a) of Class B amendments. <u>Item (c)</u>: to clarify that minor ancillary blocks (e.g. guard house and plant rooms) may be discounted from the calculation of changes in building blocks.	to allow flexibility on change in minor ancillary blocks at detailed design stage.
Category 5 – Building height (including absolute building height, number of storeys and building height in metres above Principal Datum (mPD))	
<u>Class A & Class B amendments</u> to retain the percentage increase in building height (BH) but allow relaxation in that the percentage increase is based on the above ground portion.	increase in BH for the above ground portion (i.e. excluding basement floor(s)) is the main

- to add a new item to allow higher percentage changes in BH for lower-rise buildings not exceeding 30m in absolute BH (above ground) or 10 storeys (above ground). - to relax the restriction by deleting the requirement for compliance with the administrative planning brief.	concern in respect of visual and air ventilation impacts. change in BH in lower-rise buildings with low absolute BH would more easily exceed the percentage threshold even though the increase in absolute BH is small and unlikely to create major adverse impact. The new item provides greater design flexibility.
<u>Class A amendments</u> <u>Item (a)</u>: to clarify reduction in BH is in terms of both “absolute” BH and/or “number of storeys”. <u>Item (b)</u>: to add a new item to allow flexibility on increase in number of storey provided that there is no increase in absolute BH (above ground) and not exceeding any BH restriction on the extant statutory plan.	no ‘above ground’ is added for this item to cover reduction in below ground/basement floor(s).
<u>Class B amendments</u> <u>Item (c)</u>: to add a new item for no increase in absolute BH (above ground) but exceeding the BH restriction in terms of number of storeys on the extant statutory plan to be considered as a Class B amendment.	with no increase in BH (above ground), there is minimal impact. The change involving minor relaxation of the statutory BH control could be processed through a s16A application.
<u>Remarks</u> <u>Item (a)</u>: to add a remark to clarify that “BH (above ground)” of Class A and Class B amendments means building height excluding basement floor(s). <u>Item (b)</u>: to add a remark to clarify that relevant Class A and B amendments are not applicable if the extant statutory plan requires planning permission for additional basement floor(s).	

Category 6 – Site coverage	
<u>Class A & Class B amendments</u> - to double the threshold for increase in approved site coverage (SC) under both Class A (from 5% to 10%) and Class B (from 10% to 20%) amendments, provided that there are no SC restrictions on the extant statutory plan. - to relax the restriction by deleting the requirement for compliance with the administrative planning brief.	to allow greater flexibility in building design.
<u>Class A amendments</u> <u>Items (c)(i) and (iii):</u> to state the pre-conditions for Class A amendments in the first sentence of Item (c) for clarity and to avoid duplication. <u>Item (c)(ii):</u> to add a new item to allow additional SC permitted by the Building Authority under relevant regulations of the Building (Planning) Regulations.	
Category 7 – Type and mix of uses	
<u>Class A & Class B amendments</u> - to double percentage change in GFA for non-domestic uses from one category to another under both Class A (from 5% to 10%) and Class B amendments (from 10% to 20%) and to apply the percentage on the total approved non-domestic GFA rather than approved GFA of each of the affected categories of non-domestic use(s). - the original Class B amendment for changes in GFA distribution from domestic to non-domestic, or vice versa, not exceeding 5% of the approved domestic or non-domestic GFA is added as a new Class A amendment and doubling allowable increase for the corresponding Class B amendments (from 5% to 10%).	to allow greater flexibility for change in mix of non-domestic use(s).
<u>Class A amendments</u> <u>Item (b):</u> clarify that changes in location of GIC uses are not covered under this category. To expand applicability from non-domestic part of the “building” to “building/development”. - to newly add that the following changes are processed as Class A amendments:	- changes in location of GIC uses are covered under Category 9. - to allow greater flexibility on changes in GFA among non-domestic uses.

- <u>Item (c)</u>: changes in non-domestic uses from one category to another as agreed by relevant government department(s). - <u>Item (e)</u>: changes from GIC to other categories of non-domestic uses under the Remark, or vice versa, that do not exceed 2,000m² or 10% of the approved non-domestic GFA, whichever is the less, as agreed by relevant government department(s).	
<u>Remarks</u> • <u>Item (a)</u>: to clarify that the changes under both Class A and Class B amendments shall not contravene the GFA/PR restrictions on the extant statutory plan, “if applicable”. • <u>Item (b)</u>: to abbreviate Government, institution or community facilities as “GIC”, delete “recreational facilities” and expand the commercial uses under (iv) of the same item with six more examples i.e. “retail, eating places, recreation, entertainment, sports, culture”. • <u>Item (c)</u>: to add a new remark that the changes in locations of GIC facilities are covered under Category 9.	
Category 8 – Internal layout and disposition of premises	
<u>Class A amendments</u> • to allow the changes in internal layout/disposition of premises related to environmental mitigation measure(s) agreed by the relevant government department(s) as Class A amendments.	• to obviate the need for s16A application for changes agreed by relevant government department(s).
<u>Class B amendments</u> • to delete in relation to the revision of Class A amendments.	• changes in internal layout/disposition of premises related to environmental mitigation measure(s) not agreed by relevant department(s) require fresh s16 application.
Category 9 – Provision of Government, institution or community facilities	
<u>Class A amendments</u> • to newly add that the following items agreed by relevant government department(s) are Class A	• to allow changes in provision of GIC facilities at the detailed

amendments provided that they are not less than the minimum level of provision stipulated on the extant statutory plan: - <u>Item (a)</u>: changes in the types, location, and/or floor area(s). - <u>Item (b)</u>: deletion/addition of GIC facilities as initiated by the relevant government department(s).	design stage to address requirements of relevant government department(s) (which will better respond to changing community needs).
<u>Class B amendments</u> • <u>Item (a)</u>: to delete in relation to the revision of Class A amendments. • <u>Item (b)</u>: corresponding amendment in relation to the revision of Class A amendments.	• changes in the types, location, and/or floor areas of GIC facilities not agreed by relevant government department(s) require fresh s16 application.
<u>Remarks</u> • <u>Items (a) and (b)</u>: to delete in relation to the revision of Class A amendments.	
Category 10 – Provision of public open space	
<u>Class A amendments</u> • <u>Item (b)</u>: to add a new item for reduction in total area of public open space as agreed by relevant government department(s), that is not less than the minimum provision stipulated on the extant statutory plan if applicable. • <u>Item (c)</u>: to allow changes (not exceeding 5%) in location of the public open space on different streets/levels or floors either not subject to environmental mitigation measure(s) or related to environmental mitigation measure(s) as agreed by relevant government department(s) for greater design flexibility. • <u>Item (d)</u>: to delete the limit for the changes in public open space from active to passive, or vice versa.	• to allow changes in public open space provision to address requirements of relevant government department(s). • to allow greater flexibility on changes in public open space.

<u>Class B amendments</u> • <u>Items (a) to (c)</u>: to delete correspondingly in relation to the revision of Class A amendments.	• reduction in public open space not agreed by relevant government department(s) requires fresh s16 application.
<u>Remarks</u> • <u>Item (a)</u>: to make amendments in relation to the revision of Class B amendments.	
Category 11 – Provision of private open space	
<u>Class A amendments</u> • <u>Item (b)</u>: to delete the limit for reduction in total area for private open space and to relax the restriction by deleting the requirement for compliance with the administrative planning brief. • <u>Item (c)</u>: to delete requirement for changes in private open space to be on the same level and that changes in location of private open space related to environmental mitigation measure(s) as agreed by relevant government department(s) as Class A amendments. • <u>Item (d)</u>: to delete changes in ratio of active or passive open space to allow greater flexibility.	• compliance with the Hong Kong Planning Standards and Guidelines (HKPSG) requirement is retained.
<u>Class B amendments</u> • <u>Item (a)</u>: to delete in relation to the revision of item (b) of Class A amendments.	
<u>Remarks</u> • <u>Item (a)</u>: to clarify that amendments to open space in private developments for public use “are covered under Category 10”.	
Category 12 – Provision of carparking, loading/unloading, and other transport facilities	
<u>Class A amendments</u> • <u>Item (a)</u>: to allow any change in number or types of parking or loading/unloading spaces as Class A amendments provided that such changes should not be less than the requirement under the HKPSG or are agreed by the relevant government department(s).	

• <u>Items (b) to (d)</u>: to delete in relation to the revision of item (a) of Class A amendments. • <u>Item (e)</u>: to be renumbered as (b) and to include changes in the layout of emergency vehicular access (EVA) agreed by the relevant government department(s) as Class A amendments. • <u>Item (c)</u>: to amend the original item (b) of Class B amendment to include changes in the number and/or locations of transport facilities, including the connection point(s) of footbridge/subways and public passageway, and include that as a Class A amendment if the changes are agreed by the relevant government department(s).	• Changes in EVA layout will be processed through the submission of general building plans.
<u>Class B amendments</u> • <u>Items (a) and (b)</u>: to make corresponding amendments in relation to the revision of Class A amendments.	
<u>Remarks</u> • to delete in relation to deletion of item (c) of Class A amendments.	
Category 13 – Location and size of non-building area, setback and building gap	
<u>Class A & Class B amendments</u> • to revise Government as “relevant government department(s)” for consistency.	
<u>Class A amendments</u> • <u>Item (a)</u>: to add a new item to allow increase in the size of non-building area, setback and/or building gap.	
<u>Class B amendments</u> • corresponding amendment to reflect the new item (a) under Class A amendment.	
<u>Remarks</u> • to clearly specify that the changes should not be in conflict with the related restrictions stipulated on the extant statutory plan.	

Category 14 – Tree preservation and landscape proposals/master plan	
<u>Class A amendments</u> • <u>Item (b)</u>: to add a new item to allow changes in soft/hard landscaping design or changes in implementation programme agreed by the relevant government department(s). • <u>Item (c)</u>: to add a new item to allow removal of trees of undesirable species, trees with health/structural problem, dead trees, and trees with imminent danger as Class A amendments.	• to follow the Technical Circular (Works) No. 4/2020 issued by Development Bureau (DEVB).
<u>Class B amendments</u> • <u>Item (a)</u>: to delete in relation to the revision of Class A amendments. • <u>Item (b)</u>: to be renumbered as item (a). • <u>Items (c) and (d)</u>: to be renumbered as items (b) and (c) respectively and to make corresponding amendments in relation to the revision of Class A amendments.	
<u>Remarks</u> • <u>Item (a)</u>: to make corresponding amendments in relation to the revision of Class A and Class B amendments and update the name of the register of old and valuable trees maintained by DEVB. • <u>Items (b) to (d)</u>: to delete in relation to the revision to item (a) of Remarks. • <u>Item (e)</u>: to be renumbered as item (b) and make corresponding amendments in relation to the revision of Class B amendments.	
Category 15 – Provision of recreational facilities (previously as ‘Provision of indoor recreational facilities’)	
<u>Class A amendments</u> • <u>Item (a)</u>: to delete “indoor” for allowing greater flexibility for changes in provision of private recreational facilities regardless of it being indoor/outdoor. • <u>Item (b)</u>: to allow the original Class B amendment regarding changes in provision of public recreational	

facilities as Class A amendments if the changes are agreed by relevant government department(s).	
<u>Class B amendments</u> to delete in relation to the addition of item (b) of Class A amendment.	changes in provision of public recreational facilities not agreed by relevant government department(s) require fresh 16 application.
Category 16 – Provision of ancillary utility installation (previously as ‘Provision of ancillary major utility installation’)	
<u>Class A & Class B amendments</u> to revise “facility” as “utility installation” to specify the scope of facilities covered and to tally with the term used in statutory plan.	
<u>Class A amendments</u> <u>Item (a)</u>: to change “building” to “building/development” to allow changes in location of utility installation within different buildings of the same development and allow such changes as Class A amendments if agreed by the relevant government department(s). <u>Item (b)</u>: to allow the original Class B amendment regarding deletion of utility installation as Class A amendments if agreed by the relevant government department(s).	
<u>Class B amendments</u> <u>Item (b)</u>: to delete in relation to the addition of item (b) of Class A amendments.	
<u>Remarks</u> to include “utility pipelines” as an example under this category.	
Category 17 – Phasing and implementation schedule	
<u>Class A amendments</u> <u>Item (b)</u>: to add a new item for changes in phasing and implementation schedule of development with GIC facilities or public open space involved as agreed by the relevant government department(s).	to allow greater flexibility for implementation for such approved proposals to address requirements of relevant government

	department(s) (which will better respond to changing community needs).
Category 18 – Extension of time for commencement of development	
No amendment	
Category 19 – Extension of time for compliance with approval conditions	
No amendment	