

**Proposed Amendments to the Town Planning Board Guidelines No. 36B for  
Class A and Class B Amendments to Approved Development Proposals**

**1. Introduction**

This paper is to seek Members' agreement to the proposed amendments to the Town Planning Board Guidelines No. 36B for Class A and Class B Amendments to Approved Development Proposals (TPB PG-No. 36B).

**2. Background**

In connection with the implementation of the amended Town Planning Ordinance on 10 June 2005, the Town Planning Board (the Board) promulgated eight sets of Town Planning Board Guidelines, including TPB PG-No. 36 (the Guidelines). The Guidelines set out the types of Class A and Class B amendments, the procedures for application for amendments to the approved development proposals under section 16A of the Town Planning Ordinance (the Ordinance) and the assessment criteria. The Schedule of Class A and Class B amendments in Annex I of the Guidelines was published in the Gazette. The Guidelines was revised twice and the latest version, TPB PG-No. 36B, was promulgated in March 2018.

**3. Proposed Amendments**

- 3.1 Based on past experience in administering TPB PG-No. 36B, feedback from stakeholders and the government-wide policy initiative to streamline the development process, the TPB PG-No. 36B including the Schedule of Class A and Class B amendments<sup>1</sup> has been reviewed to allow greater flexibility and streamlined procedures for amendments to approved development proposals at detailed design stage. The proposed amendments will obviate the need for fresh section 16 applications or section 16A applications where the planning implications are not substantial, and considered agreeable on planning terms and acceptable to concerned departments.
- 3.2 The major amendments to the types of Class A and Class B amendments set out in the Schedule at Appendix I (Annex I) are as follows:

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<sup>1</sup> Class A amendments refer to amendments to the approved development proposals that do not require further application to the Board. Class B amendments are subject to the approval of the Board upon application made under section 16A(2) of the Ordinance. The Board has delegated, under section 2(5)(b)(i) of the Ordinance, its authority to the Director of Planning et al. 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. If the changes do not fall within Class A nor Class B amendments, a fresh section 16 planning application is required.

- (a) allow greater flexibility by relaxing the thresholds/restrictions (i.e. allowable number/percentage of changes) for Class A and B amendments in respect of changes in total gross floor area (GFA), number of units, building height (BH), site coverage, types and mix of uses, and provision of private open space;
- (b) amendment/addition of Class A amendments to allow greater flexibility, including:

Amendments (Class A/Class B amendments under current Guidelines)

- (i) any reduction of gross site area (*Class A amendment if change does not exceed 5% under current Guidelines*);
- (ii) changes in site area/site boundary at the processing of land grant or general building plans, as required by government department(s) (*Class A amendment under restrictive conditions under current Guidelines*);
- (iii) increase to GFA/plot ratio arising from changes in site area/site boundary as agreed by relevant department(s) (*Class A amendment with limits under current Guidelines*);
- (iv) reduction in number of building blocks provided minor changes in the disposition of other building blocks (*Class A amendment if no change in disposition of other building blocks under current Guidelines*);
- (v) changes in GFA distribution from domestic to non-domestic, or vice versa, not exceeding 5% of the respective GFA (*Class B amendment under current Guidelines*);
- (vi) reduction in total area of public open space (POS) as agreed by relevant government department(s) (*Class B amendment under current Guidelines*);
- (vii) increases in size of non-building area, setback and/or building gap (*Class B amendment if changes not initiated by Government under current Guidelines*);

Additions

- (viii) changes in alignment of public utility pipelines, and boundary/extent of filling/excavation of land, as required by relevant government department(s);
- (ix) arising from changes in site area/site boundary as agreed by relevant department(s), corresponding increase in number of units;
- (x) minor ancillary blocks (e.g. guard house, plant room) discounted from the calculation of changes in number of building blocks;
- (xi) increases in BH for buildings not exceeding 30m in absolute BH (above ground) or 10 storeys (above ground) (not exceeding 20% under Class A amendment and not exceeding 30% under Class B amendment);

- (xii) changes in non-domestic GFA from Government, Institution or Community (GIC) to other categories of non-domestic uses, or vice versa, not exceeding 2,000m<sup>2</sup> or 10% of approved non-domestic GFA that are agreed by relevant government department(s);
  - (xiii) changes in location of POS provided that not more than 5% is on different street(s)/level(s) or floor(s);
  - (xiv) changes in provision of private recreational facilities (regardless of indoor/outdoor) and changes in provision of public recreational facilities agreed by relevant government department(s); and
  - (xv) changes in phasing and implementation schedule for approved proposals with GIC facilities or public open space involved, as agreed by relevant government department(s);
- (c) allow changes in various aspects of development proposal agreed by relevant government departments (previously Class B amendments or requiring fresh section 16 planning application) as Class A amendments, including:
- (i) changes in form and/or disposition of building(s), reduction in the number of building block(s), changes in internal layout/disposition of premises, location of private/public open space, that are related to environmental mitigation measure(s) (Categories 4, 8, 10 and 11);
  - (ii) changes in GFA for non-domestic uses between different categories of non-domestic uses provided that all concerned categories of non-domestic uses are included in the approved development proposal (Category 7);
  - (iii) changes in the types, location and/or floor area(s) or deletion/addition of GIC facilities as initiated by relevant government departments (Category 9);
  - (iv) changes in number or types of parking or loading/unloading spaces, layout of emergency vehicular access and/or locations of other transport facilities (Category 12);
  - (v) changes in soft/hard landscape design or changes in implementation programme (Category 14); and
  - (vi) changes in location or deletion of utility installation (Category 16).

3.3 Amendment is proposed to paragraph 3 of the Guidelines to tie in with changes in provision of GIC facilities agreed by relevant government department(s) as a Class A amendment. Paragraph 7.2 is also amended advising the applicants on the availability of pre-application enquiries to consult relevant departments' views prior to formal submission of Class B application.

3.4 The proposed amendments to TPB PG-No. 36B, including the Guidelines and the Schedule of Class A and Class B amendments in Annex I of the Guidelines are highlighted in the draft TPB PG-No. 36C at **Appendix I** (with additions in **bold** and *italics* and deletions ~~crossed out~~). Explanations of the proposed amendments are set out at **Appendix II**.

#### 4. **Consultation**

- 4.1 The review on TPB PG-No. 36B has been carried out in consultation with relevant government bureaux/departments (B/D) and stakeholders. Joint Sub-committee (JSC)<sup>2</sup> of the Land and Development Advisory Committee (LDAC) was consulted on 19.9.2023. JSC members generally supported the proposed amendments which allowed greater flexibility on relevant aspects. Written comments from the Association of Landscape Consultants, the Hong Kong Institute of Landscape Architects, the Real Estate Developers Association of Hong Kong and a planning consultant were also received in October 2023.
- 4.2 While the proposed amendments have addressed most comments received, in order to strike a balance between allowing flexibility and maintaining planning control on the approved scheme as well as the accountability to the public and the Board, there are certain aspects requiring further consideration and will not be taken on board at this round of amendments, e.g. suggestions to remove the thresholds on site coverage, exceedance of BH restrictions for certain building requirements, further relaxation of the thresholds for increase in number of units etc. Further relaxation of control might result in adverse visual, ventilation, landscape and environmental implications. It is considered prudent for relevant government departments or the Board to scrutinize such changes to the approved development proposals under section 16A or fresh section 16 planning applications. As the revision to the Guidelines is an on-going process, these comments would be kept under review in the light of the experience to be gained upon implementation of the revised guidelines, amongst others.

#### 5. **Promulgation of the Revised Guidelines**

- 5.1 According to section 16A(10) of the Ordinance, the Board may by notice published in the Gazette specify any class or description of relevant amendments for the purposes of the definition of “Class A amendments” and “Class B amendments”. The notice published is not subsidiary legislation.
- 5.2 Upon agreement by the TPB, the revised Schedule of Class A and Class B Amendments, incorporating any comments of the Board, at Annex I of **Appendix I** will be published in the Gazette and will take immediate effect upon gazetting. TPB PG-No. 36C at **Appendix I** will also be promulgated on the same day.
- 5.3 Corresponding amendment will also be made to TPB Guidelines for Submission of Master Layout Plan under Section 4A(2) of the Ordinance (TPB PG-No. 18A) to update the reference to the subject guidelines therein as TPB PG-No. 36C upon its promulgation.

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<sup>2</sup> JSC is one of the sub-committees under the LDAC to consider the streamlining proposals recommended by the steering group on streamlining development control to ensure that new measures will effectively meet industry's demand. JSC is chaired by the Under Secretary for Development with non-official members from the Association of Landscape Consultants, the Association of Architectural Practices Limited, the Hong Kong Construction Association, the Hong Kong Institute of Architects, the Hong Kong Institution of Engineers, the Hong Kong Institute of Landscape Architects, the Hong Kong Institute of Planners, the Hong Kong Institute of Surveyors, the Hong Kong Institute of Urban Design, the Real Estate Developers Association of Hong Kong and a LDAC member appointed by the Secretary for Development.

**6. Decision Sought**

Members are invited to consider and agree to the draft TPB PG-No. 36C on Class A and Class B Amendments to Approved Development Proposals at **Appendix I**, including the Schedule of Class A Amendments and Class B Amendments at Annex 1.

**Attachments**

Appendix I Draft Town Planning Board Guidelines No. 36C for Class A and Class B Amendments to Approved Development Proposals, including the Gazette Notice and Schedule of Class A Amendments and Class B Amendments (TPB PG-No. 36C)

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

**PLANNING DEPARTMENT  
NOVEMBER 2023**