

APPLICATION FOR PERMISSION UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE (CAP. 131)

GUIDANCE NOTES

INTRODUCTION

- 1 The following notes give information and guidance on how to apply for permission under section 16 of the Town Planning Ordinance (the Ordinance). Please read them carefully. For submissions of planning applications via the electronic submission (e-submission) system, reference should also be made to the “Guidance Notes on Electronic Submission for Applications for Amendment of Plan, Permission, Amendment to Permission and Review under Sections 12A, 16, 16A(2) and 17 of the Ordinance (Cap.131) Respectively and the Submission of Further Information” (“Guidance Notes on e-submission”) for specific requirements on e-submission, for example, on the relevant form to be used and how to make e-submission.
- 2 If further information or assistance is required, please contact **the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).**

WHETHER AN APPLICATION IS REQUIRED

- 3 Prior to commencement of any use or development, please check the land use zoning of the site/premises on the relevant statutory town plan (the Plan), i.e. Outline Zoning Plan (OZP) or Development Permission Area (DPA) Plan and the provisions of the Plan to which the proposed use or development relates.
- 4 The Plan is available for public inspection at the Planning Enquiry Counters of the Planning Department and for sale at the Map Publications Centres of the Lands Department. The electronic version of the Plan can also be viewed at **the Town Planning Board’s** (the Board’s) **Website (<http://www.info.gov.hk/tpb/>)**. Forming part of the Plan is a set of Notes which includes the following:
 - (a) the covering Notes which set out the terms and general provisions of the Plan;
 - (b) a set of Notes which sets out for each land use zone the uses or developments that are always permitted (the “Column 1” uses) and those requiring permission from the Board (the “Column 2” uses); and
 - (c) additional restrictions, if any, on uses or developments within a particular land use zone specified under the “Remarks” in the Notes for that particular land use zone.
- 5 Attached to the Plan is an Explanatory Statement which provides description on the general planning intention of each land use zone. A set of “Definitions of Terms Used in Statutory Plans” is also available for public inspection at the Planning Enquiry Counters of the Planning Department and the Board’s Website.
- 6 The following uses or developments are always permitted and no separate permission is required:

- (a) uses or developments which are always permitted as specified in the covering Notes of the Plan; and
 - (b) “Column 1” uses of the relevant land use zone.
- 7 Permission from the Board is required for any proposed use or development which falls under “Column 2” or as required under the terms of the Notes.
- 8 No action is required to make the existing use of any land or building conform to the Plan. The scope of existing use is defined in the covering Notes of the OZPs and DPA Plans. For interpretation of existing use in the urban and new town areas, reference can also be made to the Town Planning Board Guidelines for Interpretation of Existing Use in the Urban and New Town Areas. Any material change of use or any other development (except minor alteration and/or modification to the development of the land or building in respect of the existing use, which is always permitted) or redevelopment must be permitted in terms of the Plan or, if permission is required, in accordance with the permission granted by the Board. It is not for the Planning Department or the Board to provide evidence to prove whether a use is an existing use. Any person who intends to claim an “existing use right” will need to provide sufficient evidence to support his claim.
- 9 If the proposed use or development is neither a use or development always permitted nor a “Column 2” use under the Notes of the Plan, there is no provision for application for such use or development, except for temporary use in the rural areas (please refer to paragraphs 10 to 13 below). Nevertheless, pursuant to section 12A of the Ordinance, an application for amendment of plan may be submitted to the Board for consideration. Please refer to the Guidance Notes on Application for Amendment of Plan under Section 12A of the Town Planning Ordinance for details.

PROVISION FOR TEMPORARY USE

Urban and New Town Areas

- 10 Generally speaking, in the Notes of the OZPs covering the urban and new town areas, there is a provision that temporary uses (expected to be 5 years or less) of any land or buildings are permitted in all zones as long as they comply with other government requirements. Temporary uses expected to be over 5 years must conform to the zoned use or the terms of the Plan.
- 11 For the interpretation of the above, all uses in permanent buildings should be considered as permanent uses unless the temporary nature of the use can be established to the satisfaction of the Board. Uses accommodated in temporary structures on land awaiting permanent development are considered as temporary uses provided that the allocation for the use is for a period of less than 5 years.

Rural Areas

- 12 Generally speaking, in the Notes of the OZPs or DPA Plans covering the rural areas, there is a provision that, except in some conservation-related zones as specified in the Notes, temporary uses of any land or buildings not exceeding a period of 2 months are always permitted and no permission is required provided that the use is for carnival, fair, film shooting on location, festival celebration, religious function or sports event; and no site formation (filling or excavation) is carried out.
- 13 In areas covered by the rural OZPs or DPA Plans, applications for temporary uses (usually

up to a maximum period of 3 years depending on the Notes of specific OZP or DPA Plan) of any land or building, notwithstanding that they are not “Column 2” uses under the Notes of the Plan, can be made to the Board. The Board may grant, with or without conditions, or refuse to grant permission. However, any temporary uses for open storage and port back-up purposes are prohibited in areas under conservation-related zonings, i.e. “Conservation Area”, “Coastal Protection Area”, “Site of Special Scientific Interest”, “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” and “Other Specified Uses” annotated “Comprehensive Development and Wetland Protection Area”.

PRE-SUBMISSION DISCUSSION

- 14** Prior to the submission of an application, advice could be sought from the respective District Planning Office (DPO) of the Planning Department. If it is considered necessary, pre-submission meeting with the participation of other relevant government departments could be arranged.

Hong Kong DPO	14/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong	(Tel: 2231 4957) (Fax: 2895 3957)
Kowloon DPO	14/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong	(Tel: 2231 4979) (Fax: 2894 9502)
Tsuen Wan & West Kowloon DPO	27/F, Tsuen Wan Government Offices, 38 Sai Lau Kok Road, Tsuen Wan, New Territories	(Tel: 2417 6658) (Fax: 2412 5435)
Sha Tin, Tai Po & North DPO	13/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories	(Tel: 2158 6274) (Fax: 2691 2806)
Tuen Mun & Yuen Long West DPO	14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories	(Tel: 2158 6301) (Fax: 2489 9711)
Sai Kung & Islands DPO	15/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories	(Tel: 2158 6177) (Fax: 2367 2976)
Fanling Sheung Shui & Yuen Long East DPO	Unit 2202, 22/F, CDW Building, 388 Castle Peak Road, Tsuen Wan, New Territories	(Tel.: 3168 4025) (Fax: 3168 4074)

WHERE TO OBTAIN THE APPLICATION FORM

- 15** An application for permission should be made in a form, which can be obtained from **the Secretariat of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4810 or 2231 4835) and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000)**, or downloaded from the **Board’s Website (<http://www.info.gov.hk/tpb>)**. For e-submission, the relevant e-form is available at the Board’s website.

WHO CAN APPLY

- 16** Any person can submit an application for permission under section 16 of the Ordinance.

- 17 The applicant could appoint an agent to submit an application on his behalf. If the application is submitted by an agent, an authorisation letter signed by the applicant should be submitted together with the application. It should be noted that it is not a mandatory requirement to engage qualified professionals in making a submission.

HOW TO COMPLETE THE APPLICATION FORM¹

- 18 The application form should be typed or completed in block letters, preferably in both English and Chinese. If the space provided on the form is insufficient, please give the details on a separate sheet of paper and make reference to this on the form. A sample of a completed application form is available for reference on the Board's Website.
- 19 **Annex A** lists out the particulars which must be included in an application for vetting by the Secretariat of the Board. If any of these particulars is missing or inconsistent with one another, the Board may refuse to consider the application.

TOWN PLANNING BOARD GUIDELINES

- 20 A number of guidelines for planning applications have been promulgated by the Board. These guidelines set out the factors which the Board normally takes into account when considering particular applications, and may therefore be of assistance to applicants in preparing their applications. The guidelines can be obtained from **the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department**, or downloaded from **the Board's Website**.

CONSENT OF OR NOTIFICATION TO "CURRENT LAND OWNER"

- 21 Where an applicant is not the sole "current land owner" of the land/premises to which the application relates, he should indicate in the application whether he has within a reasonable period (normally 1 year) before making the application obtained the consent of or notified each and every other "current land owner" in respect of the application site/premises, or taken reasonable steps to do so. A "current land owner" means any person whose name is registered in the Land Registry as that of an owner of the land to which the application relates, as at 6 weeks before an application is made. For detailed requirements, please refer to the Town Planning Board Guidelines on Satisfying the Owner's Consent/Notification Requirements under Sections 12A and 16 of the Town Planning Ordinance.
- 22 A sample format of statement of consent is attached to the said Town Planning Board Guidelines and can be obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department, or downloaded from the Board's Website. All consents should be signed by the concerned "current land owners".
- 23 Instead of obtaining the consent from a "current land owner", an applicant may notify such owner. The notification should be in the form of a written notification sent by registered mail or local recorded delivery mail (e.g. courier service) to the postal address of individual "current land owner" as appeared in the record of the Land Registry (or the company's office address registered in the Companies Registry if the "current land owner"

¹ For e-submission, reference should be made to the "Guidance Notes of e-submission" for details.

is a corporate entity), or the relevant postal address of the land/premises under application. A sample format of the notice is attached to the said Town Planning Board Guidelines for reference. The applicant should provide a full record of such notification at the same time when he submits the application.

- 24 Apart from obtaining owners' consent or giving notification, an applicant may demonstrate that reasonable steps as required by the Board have been taken to such effect. The applicant should provide a full record of the steps taken before the application is made at the same time when he submits the application.

WHAT DOCUMENTS ARE REQUIRED FOR THE SUBMISSION

- 25 A total of 5 signed original copies of the application form together with 5 copies each of clear and accurate location plans, site plans and other relevant plans/drawings with sufficient information (if applicable) should be submitted in support of the application. However, for coloured plans/drawings or plans/drawings larger than A3 size, 70 copies each should be provided.
- 26 For fire safety reason, a plan in a scale of not less than 1:400 should be provided in the application for commercial use on the ground floor of an existing industrial premises falling within "Industrial"/"Other Specified Uses (Business)"/"Residential (Group E)" zone to show the location of the premises under application in the relevant building, and all means of exit, entry and internal passageway of the premises under application (please refer to **Plan 1** for sample). For the minimum requirements for fire service installations and equipment for the aforesaid commercial uses, the applicant may make reference to the Guidance Notes on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises. The Guidance Notes can be obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department, or downloaded from the Board's Website.
- 27 For applications for any particular use or development that may have implications on the environment, drainage, traffic, infrastructure, landscape and topography, etc., technical assessments on the impacts of the proposed use or development may also be required. Please refer to **Annex B** for further details. For documents required for application for temporary open storage and port back-up uses in particular, please refer to paragraphs 1 to 3 in **Annex C** for details. However, the submission of certain technical assessments is not required for the following types of applications:
 - (a) for applications for renewal of approvals for temporary use or development made before the expiry of the relevant approval period, there is no need to undertake new technical assessments to support the application so long as there is no major change in planning circumstances (such as a change in the planning policy/land-use zoning for the area). Updated assessments may however need to be submitted if necessary. Please refer to the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development for details; and
 - (b) for applications for filling of land involving an area of less than 1 ha (except for those within conservation-related zones), submission of technical assessments on the environmental, traffic, geotechnical, landscape and visual impacts of the proposed filling is not mandatory at the time of submitting the application. This is also applicable to drainage aspect if no existing river, stream, channel, drainage pipe, or overland flow path within the site will be affected by the proposed filling. Concerned

government departments will examine the planning applications and advise whether any such impact assessment is required for individual cases before submission of the applications to the Board.

- 28 For application with any supplementary information such as planning studies and reports on technical assessments, either 70 copies each or a combination of 35 hard copies and 35 soft copies² should be submitted. Each report should contain an Executive Summary of not more than 500 words in both English and Chinese. If considered necessary, additional copies of the documents may be required by the Board.
- 29 For each and every lot/premises to which the application relates, the applicant should provide the following documents, if applicable:
 - (a) copy of documentary proof of ownership (e.g. copy of record issued by the Land Registry) if the applicant is the sole or one of the “current land owner(s)”;
 - (b) copy of consent signed by “current land owner”; and/or
 - (c) copy of notification given to “current land owner”.
- 30 Where an application has made any reference to a document (including plans and drawings) of a previous application considered by the Board, sufficient copies of such document should also be submitted together with the application (please refer to paragraph 25 above).
- 31 A completed “Particulars of Applicant and Authorised Agent” and “Checklist of Documents” should be attached.
- 32 All reports and/or documents should preferably use environmentally friendly printing and binding materials such as re-cycled paper and printing should be on both sides.

SUBMISSION OF FURTHER INFORMATION

- 33 It is the duty of the applicant to submit all information of his application in time. Otherwise it may result in delay in consideration of the application. However, further information to supplement an application may be submitted to the Board after the application is made and before it is considered by the Board. Such further information should not result in a material change of the nature of the application. If such further information is accepted by the Board, the date of receipt of the application shall be regarded as the date when the further information is received by the Board unless it is considered unnecessary to publish such further information for public comments. Please refer to 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.

² Soft copies refer to Compact Disc – Read Only Memory (CD-ROM)/Digital Versatile Disc – Read Only Memory (DVD-ROM). Documents in the disc should be in Adobe Portable Document Format (PDF) and a content page having hyperlinks to reports and chapters in the disc should be provided. Other means of digital storage of data will not be accepted.

HOW TO SUBMIT AN APPLICATION³

- 34** Submission should be made either by hand or by post to **“Secretary, Town Planning Board, 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong”**.
- 35** After receiving an application, the Secretary of the Board will acknowledge receipt and inform the applicant the tentative date of meeting at which the application will be considered by the Board.
- 36** The Secretariat of the Board will check the submission and the Board may require the applicant to verify any matters or particulars set out or included in the application by statutory declaration or otherwise. In accordance with section 40(2)(c) of the Interpretation and General Clauses Ordinance (Cap. 1), the Board may withdraw its decision on an application if the applicant is found to have made any false declaration or statement on the application. Any person who knowingly or wilfully makes a false declaration or statement would be liable to prosecution under the Crimes Ordinance (Cap. 200), the Oaths and Declarations Ordinance (Cap. 11) and/or other relevant Ordinances.
- 37** Upon checking, if it is found that an applicant fails to provide the required particulars and/or sufficient copies of documents, the Board may refuse to process his application. The date of receipt of an application would be the date when all necessary information and documents are received and checked.

PUBLICATION OF APPLICATION FOR COMMENTS

- 38** The Secretary of the Board will make available all documents, except the particulars of applicant and agents, checklist of documents, authorisation letter, documentary proof of land ownership, copies of consent obtained from and notification given to the current land owner(s), where appropriate, submitted in an application for public inspection until the application is considered by the Board. The public may make photocopies of the documents upon payment of a fee as the Board determines. Any person may make comments to the Board on the application within the first 3 weeks of the period during which the application is available for public inspection. All information including the name of the applicant, but excluding other personal data and those mentioned above, included in the application (i.e. the application form and any supplementary document) and the comments received by the Board shall be made available for public inspection. For details on publication of planning applications, please refer to the Town Planning Board Guidelines on Publication of Applications for Amendment of Plan, Planning Permission and Review and Submission of Comments on Various Applications under the Town Planning Ordinance.

WITHDRAWAL OF AN APPLICATION OR REQUEST FOR DEFERMENT OF DECISION ON AN APPLICATION

- 39** An applicant may withdraw the submitted application by writing to the Secretary of the Board at any time before the date on which the application is considered by the Board.
- 40** An applicant may also request for deferment of decision on his application. A request for deferment should be submitted in writing to the Secretary of the Board before the issue

³ For e-submission, reference should be made to the “Guidance Notes of e-submission” for details.

of agenda and the relevant paper (normally 7 days before the scheduled date of the meeting). For details, please refer to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance.

HOW TO OBTAIN THE RESULT OF AN APPLICATION

- 41 In accordance with the Ordinance, all applications for permission will be considered by the Board within 2 months of their receipt. The applicant will be notified in writing of the Board's decision after confirmation at the next scheduled meeting of the minutes of the meeting at which the decision is made (normally 2 weeks after the meeting).
- 42 Pending written notification of the Board's decision, an applicant may seek verbal advice on the result of his application from the Secretary of the Board immediately after the meeting, or make reference to the Gist of Decisions on Planning Applications which is available on the Board's Website shortly after the meeting on the same day. An applicant may also request for an interim written reply on the Board's decision. Such request should be made in writing to the Secretary of the Board. Any interim reply should not be treated as a formal notification of the decision of the Board.

COMPLIANCE OF APPROVAL CONDITIONS

- 43 The Board may approve an application, with or without conditions. The approval conditions, if any, attached to a permission should be complied with by the applicant. The detailed requirements are set out in the Town Planning Board Guidelines on Compliance of Approval Conditions. For any permission involving commercial use on ground floor of industrial premises, the applicant may also need to refer to the Guidance Notes mentioned in paragraph 26 above for the compliance with approval condition in relation to the provision of fire safety measures.
- 44 For compliance with approval conditions including application for extension of time for compliance with planning conditions for temporary open storage and port back-up uses, please refer to paragraphs 4 to 12 in **Annex C** for details.

RIGHT OF REVIEW

- 45 An application may be approved, with or without conditions, or refused by the Board. The applicant will be notified in writing of the Board's decision including the approval conditions, if any, or the reasons for refusing the application. If the applicant is aggrieved by a decision of the Board, he may, within 21 days of being notified of the decision of the Board, apply in writing to the Secretary of the Board for a review under section 17 of the Ordinance.
- 46 Upon receipt of an application for review, the Secretary of the Board will make available the application for public inspection until the review is considered by the Board. Any person may make comment to the Board on the review within the first 3 weeks of the period during which the review application is available for public inspection. All information including the name of the applicant, but excluding other personal data, included in the review application and the comments on the review application shall be made available for public inspection.

- 47 In accordance with the provisions of the Ordinance, the Board shall consider the review within 3 months of its receipt. The applicant or his authorised representative may attend the meeting and be heard by the Board.
- 48 The Secretariat of the Board will confirm with the applicant or his authorised representative regarding the attendance before the meeting. Due to the seating capacity of the venue, the applicant or his authorised representative will be required to limit the number of attendees at the meeting, while those who cannot enter the meeting room may view the proceedings in the designated viewing room.
- 49 The Board fully respects the right of the applicant to be heard, as well as the need to ensure procedural fairness. Without prejudice to the aforesaid, the Board has the responsibility of ensuring the smooth conduct of the meeting. Having taken into account all relevant circumstances and matters including the agenda of the meeting, nature and complexity of the applications as well as the need to allow adequate time for the question and answer session and deliberation session, a time limit might be imposed on the oral submission of the applicant. Oral submission by electronic media such as video/record tape should be presented within the allotted time. Request for further time for making oral submission will be subject to the discretion of the Board and such discretion will only be exercised upon sufficient cause shown and after taking into account all relevant circumstances.
- 50 The Secretariat of the Board will inform the applicant or his authorised representative of the allotted time for the oral submission of the application before the meeting. To ensure a smooth and efficient conduct of the meeting, the Chairman of the Board may request the applicant or his authorised representative not to repeat unnecessarily the same point which has already been presented by others at the meeting, or make any point unrelated to the subject matter. The Chairman can in his discretion disallow such repetition and may request the applicant or his authorised representative to discontinue.
- 51 The rules for keeping the order inside the meeting room are at **Annex D**.

RIGHT OF APPEAL

- 52 If the applicant is aggrieved by the decision of the Board on a review under section 17, he may, within 60 days of being notified of the decision of the review, lodge an appeal to **the Secretary of the Town Planning Appeal Board, at 17/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong (Tel: 3509 8844 / 3509 7840)** with a copy sent to the Secretary of the Board.

RENEWAL OF PERMISSION FOR TEMPORARY USE/DEVELOPMENT

- 53 For renewal of permission for temporary use/development, submission should be made no less than two months before expiry of the permission. For details, please refer to Town Planning Board Guidelines on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development'. Regarding cases where approval conditions concerning implementation of fire services installations (FSIs) have been completed when renewal application is submitted, please provide the relevant documentary proof including (i) an undertaking to confirm that no change in the layout/proposed use is made in the renewal application; (ii) the latest FSIs proposal; and (iii) a full set of valid FS 251(s) covering all the FSIs implemented.

IMPORTANT POINTS TO NOTE

- 54** These Guidance Notes serve only as general guidelines for the preparation of an application and attendance at the Board meeting. The guidelines are not meant in any way to restrict the content of each application, nor to restrict the right of the Board to require further information. Each application will be considered on its individual merits.
- 55** The information in an application submitted to the Board and the Board's decision on the application would be disclosed to the public. Such information would also be uploaded to the Board's website where the Board considers appropriate. The public may make photocopies of the application which is made available for public inspection upon payment of a fee as the Board determines.
- 56** Applicants are advised that offering any advantage to a Civil Servant or Members of the Board in connection with the application is an offence under the Prevention of Bribery Ordinance.

Town Planning Board Secretariat

15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong
(Tel: 2231 4810 or 2231 4835).

Town Planning Board's Website

<http://www.info.gov.hk/tpb/>

Planning Enquiry Counters of the Planning Department

17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong
14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories
(Hotline : 2231 5000).

Town Planning Board
April 2020

Particulars which Must be Included in an Application

The following particulars are considered essential and must be included in an application for vetting by the Secretariat of the Board. The information submitted should be presented in a clear, accurate and consistent manner. If any of these particulars is missing or inconsistent with one another, the Board may refuse to consider the application.

(a) Particulars of the applicant and/or agent
(Parts 1 and 2 of the application form and “Particulars of Applicant and Authorised Agent”)

(i) *for an application without an authorised agent*

- name of the applicant (in both English and Chinese (if any) to facilitate checking against Land Registry Records) and name of contact person (if the applicant is a company or an organization)
- address, telephone number, fax number and e-mail address (if any)

(ii) *for an application with an authorised agent*

- name of the applicant (in both English and Chinese (if any) to facilitate checking against authorisation letter and Land Registry Records)
- name of the agent and name of contact person (if the agent is a company)
- address, telephone number, fax number and e-mail address (if any) of the agent
- original authorisation letter signed by the applicant with applicant’s company chop (where appropriate). The subject of the authorisation letter should include the location of the application site and the proposed use/development. Authorisation letter(s) signed within 1 year of submitting the application will normally be accepted.

(b) Address/location of the application site
(Part 3 of the application form)

An applicant or his agent must clearly describe the location of the application site. A full address, if available, should be provided. Otherwise, the details of the all relevant Demarcation District and Lot number(s) should be specified.

(c) Site area and government land included (if any)
(Part 3 of the application form)

The site area and government land included (if any) should be clearly provided in the application form. The applicant should ensure that the application site details including the boundary, area and address are accurate and consistently mentioned/described in the submission.

(d) Name and number of the related statutory plan(s) and land use zone(s) involved:
(Part 3 of the application form)

- Both the full name and number of the statutory plan currently in force must be provided. The plan number can be found at the bottom right-hand corner of the plan or at the Statutory Planning Portal 2 of the Board.
- All zonings of the Plan to which the application relates to must be specified.

(e) Consent of or notification to each “current land owner”
(Parts 4 and 5 of the application form)

- All owner’s consent/notification and/or reasonable steps should be obtained/given/taken in accordance with the Town Planning Board Guidelines on “Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance”.
- If the applicant is the sole or one of the “current land owner(s)”, copy of the documentary proof of ownership (e.g. copy of record issued by the Land Registry) should be provided.
- If the applicant has obtained the consent of any “current land owner”, copy of such signed consent should be provided.
- If the applicant has notified any “current land owner”, a full record of such notification should be provided.
- In the circumstances that an applicant has not obtained the consent of or notified each and every “current land owner”, a full record of all the steps taken by him in order to obtain the consent of or give notification to the “current land owner” should be provided.
- The Land Registry Record submitted must be obtained within 6 weeks before an application is made.

(f) Types of Application
(Part 6 of Forms No. S16-I and S16-III)

Form No. S.16-I (Applicable to proposals not involving or not only involving construction of New Territories Exempted House; temporary use/development of land and or building not exceeding 3 years in rural areas; and renewal of permission for temporary use or development in rural areas)

- The type(s) of application being sought should be duly completed
- For applications involving change of use within existing building or part thereof, the total of the proposed floor area should be the same as Part 3(b) of the form.
- For applications involving public utility installation or utility installation for private projects, the type and dimensions of the utility installation should be provided.
- For all proposals, the breakdown provided in the development schedule should add up to the total floor area/plot ratio proposed.
- For development involving columbarium use, the table at Appendix should be completed and the number of niches sold/occupied and the maximum number of sets of ashes interred should be provided.

Form No. S.16-III (Applicable to applications only involving temporary use/development of land and/or building not exceeding 3 years in rural areas or renewal of permission for such temporary use or development)

- For applications involving temporary use/development of land and/or building not exceeding 3 years in rural areas (Section A in Part 6 of Form No. S.16-III):
 - the effective period of permission applied for must be filled or checked as appropriate;
 - the development schedule should include the building height, number of storeys of all the proposed uses of different floors of buildings/structures (if any). The area (covered area and floor area) of all structures/buildings should tally with the total covered area/floor area. The buildings/structures should also be shown in a layout plan;
 - the number and types of car parking spaces and loading/unloading spaces should be clearly indicated and shown in a layout plan; and
 - the operation hours of the proposed temporary use, where appropriate, should also be provided.
- For applications involving renewal of permission for temporary use or development not exceeding 3 years in rural areas (Section B in Part 6 of Form No. S.16-III):
 - the application number of the original application, date of approval, date of expiry, approved use/development and whether the approval conditions of the previous application were complied with should be provided; and
 - the renewal period sought should also be duly filled.

(g) Vehicular access

(Part 8 in Form No. S.16-I, Part 6(g) in Form No. S.16-II and Part 6(A)(d) in Form No. S.16-III)

- Vehicular access should be clearly indicated, preferably on a plan. For developments with proposed vehicular access, the width of the proposed access should be specified on plan.

(h) For applications involving excavation and/or filling of land/pond, the area and depth of excavation/filling should be provided.

(i) Declaration

(Part 11 in Form No. S.16-I, Part 9 in Forms No. S.16-II, and Part 8 in S.16-III)

- The declaration form must be signed and accompanied by company chop, where appropriate.

(j) Checklist

- The checklist should be duly completed and the number of copies of plans/drawings and supporting reports/statement submitted, where appropriate, should be in accordance with the requirements as stated in the checklist.

Applications to be Supported by Technical Assessments

Environment

For applications for any use or development that:

- may cause environmental impacts (either due to the nature of the proposed use or development and/or its location(s));
- is sensitive to pollution; or
- is major/large-scale,

applicants may be required to submit, together with their applications, information on environmental impacts and associated measures for their abatement. These may include the following –

- information on and an assessment of any possible activities such as reclamation works and industrial operations, that may produce aerial emissions, noise, wastes and effluents, or that may cause ecological impact, disruption to water circulation, or that are hazardous;
- information on pollution sources, if any, which may affect the proposed use or development;
- information on sensitive uses or areas, if any, which may be affected by the proposed use or development;
- information on the possible magnitude, duration and distribution of environmental effects, both beneficial and adverse, if possible;
- measure(s) to minimize environmental impacts or enhance the environment, including design and layout of the developments, pollution control measures and operational controls; and
- information on the environmental sensitivity of the application's location and the surrounding areas, if any.

For applications which may involve major/large-scale developments, applicants are advised to consult the Environmental Protection Department (EPD) (Tel: 2835 1319) prior to submitting their applications.

Drainage

For applications for any use or development that may cause drainage impact, applicants may be required to submit, together with their applications, a drainage impact assessment including a plan and calculations showing the impact on the drainage within the catchment area, and the proposed mitigation measures. For guidance and advice, please refer to Advice Note No. 1 "Application of the Drainage Impact Assessment Process to Private Sector Projects" prepared by the Drainage Services Department (DSD) or contact the DSD (Tel: 2594 7018) for details.

Traffic

For applications for any use or development that may cause traffic impacts, applicants may be required to submit, together with their applications, information on traffic impact assessment and associated measures for their abatement. The report should contain the following information:

- name(s) of the traffic consultants (if any);
- details of the indicative development proposal (including gross floor areas of different uses, provision and layout of parking and loading/unloading facilities, location and layout of run-in and if applicable, number of residential flats, provision and layout of pedestrian and other transport facilities, and turntable/car lift installation);
- a plan showing the existing transport facilities;
- a plan showing the Assessment Area and existing critical road junctions/sections;
- date of completion of the indicative development proposal and design year for the traffic forecast;
- calculation of additional traffic generated by the indicative development proposal together with the trip generation rates used;
- detailed description of the methodology and findings of the traffic counts, surveys, forecast and analysis conducted;
- detailed plans and description of the proposed road improvement and traffic management measures including preliminary feasibility assessment;
- proposed implementation programme of the improvement measures which should as far as possible tie in with the completion of the proposal; and
- supporting calculations.

For enquiry, please contact the following offices of the Transport Department:

- Urban Regional Office (Hong Kong) – Tel: 2829 5815
- Urban Regional Office (Kowloon) – Tel: 2399 2193
- New Territories Regional Office – Tel: 2399 2194

Man-made Slope, Retaining Wall or Natural Terrain

For applications for any use or development that may affect or be affected by man-made slopes, retaining walls or natural terrain, applicants should make reference to the “GEO Advice Note for Planning Applications”. The Advice Note explains the criteria for submission of a Geotechnical Planning Review Report which is required to support applications for use or development that will affect or be affected by man-made slopes, retaining walls or natural terrain. Applicants are also recommended to refer to GEO Publication No. 1/2011 “Technical Guidelines on Landscape Treatment for Slope” which provides useful guidelines on landscaping of man-made slopes and retaining walls.

Copies of the said Advice Note and further advice can be obtained from the Geotechnical Engineering Office of the Civil Engineering and Development Department (Tel: 2762 5401).

Landscape and Visual

For applications for any use or development that may cause landscape and/or visual impacts,

applicants may be required to submit, together with their applications, information on landscape and visual impacts. On landscape impact, the information may include survey on tree and landscape resources (with site photos showing the existing conditions) and quantification of changes. Illustrations on proposed mitigation measures including compensatory planting and other landscape treatment may be necessary to suit the circumstances of each case. On visual impact, the information may include identification of visual resources and visually sensitive receivers, and illustrations to show visual compatibility or obstruction and proposal of mitigation measures.

For presentation purpose in general, photomontages would be a useful tool in demonstrating the visual and landscape impacts of the proposed development. The viewpoints for the photomontages to be selected should be agreed by the Planning Department before the submission as far as possible. Where necessary, use of computer generated and/or physical models to further demonstrate the visual impact and mitigation measures may be required. For details, please contact the respective District Planning Office of the Planning Department.

Water Gathering Grounds

For applications for any use or development within the water gathering grounds, applicants may be required to submit, together with their applications, information on the potential impacts on water quality and loss of yield in the water gathering grounds arising from the proposed use or development. Moreover, applicants should demonstrate that effluent discharge from the proposed development will be in compliance with the effluent standards as stipulated in the Water Pollution Control Ordinance Technical Memorandum. The proposed development should be able to be connected to existing or planned sewerage system in the area except under very special circumstances (e.g. in case of Small House development, the applicant can demonstrate that the water quality within water gathering grounds will not be affected by the proposed development).

Water Supply

For applications for any use or development that may cause water supply impacts, applicants may be required to submit, together with their applications, a water supply impact assessment (WSIA). The requirements of the WSIA should be agreed with the Water Supplies Department and contain the following information:

- a detailed demand assessment for potable water and flushing water;
- an estimated annual water demand build-up trend covering the period from initial completion to full development;
- proposal of connection points to the existing water main network and new mains to be laid from the connection points to the development. The preliminary feasibility of the alignment of any new water mains should be established;
- assessment of the impacts of the additional water demand generated by the proposed development on the existing/planned waterworks infrastructure; and
- proposed measures to improve the water supply system in case it is found that the proposed development will lead to deficiency in the existing/planned waterworks infrastructure.

The applicants may be required to provide detailed calculations and hydraulic assessment if appropriate to support the WSIA.

For enquiry, please contact the Construction Division of the Water Supplies Department (Tel: 2829 4500).

Application for Permission for Temporary Open Storage and Port Back-Up Uses

WHAT DOCUMENTS ARE REQUIRED FOR THE SUBMISSION?

- 1 In submitting planning applications for permission for temporary open storage and port back-up uses, apart from application form, the following documents are required:
 - (a) **Location and Site Plans/Drawings** - clear and accurate location and site layout plans showing the location of the application site and its surrounding area. If the access to the proposed site is via a village track, the submitted plan should cover the entire section of the track from the site to the local feeder road, which should be at least up to single two lane road standard, and the applicant should also submit photographs covering the entire track to show its cross-section, the sightline and the condition of the road pavements. Also, drawings showing the locations of the proposed drainage works, landscape works, noise barriers and boundary wall or fencing, if relevant, should be submitted;
 - (b) **Details of Proposed Uses** - details of the uses and operations proposed to be carried out on the application site. These include information such as the operation hours, the type and stacking height of stored materials, the number of parking spaces for stored vehicles or container tractors/trailers, the industrial or mechanical processes involved, the vehicular access and the vehicular trip generated. Details of any structure(s) proposed to be erected on the application site should also be provided;
 - (c) **Drainage Impact Assessment/Drainage Proposals** - to alleviate the risk of flooding caused by the proposed uses involving activities such as earth filling, hard surface paving and building of structures, drainage proposals are required to demonstrate how the applicants will collect, convey and discharge rain water falling on or flowing to their sites. For application sites larger than 1 hectare, or within flood prone areas such as low-lying areas and flooding blackspots, or adjacent to or encompassing a major stream, channel or river etc, the drainage impact of the proposed uses may be significant and drainage impact assessment (DIA) would normally be required. The primary objective of the DIA is to demonstrate that with the implementation of necessary mitigation measures, the proposed use will not cause unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development;
 - (d) **Landscape Proposals** - to ensure that the landscape and visual impacts of the proposed use(s) on the surrounding areas are kept to the absolute minimum, the potential impacts arising from the proposed development on the existing landscape resources and the proposed tree treatments should be illustrated in the landscape proposals. The landscape proposals should also demonstrate how the landscape and visual impact generated by the proposed uses can be properly mitigated and include information such as species, size, spacing, total quantity of each type of the proposed planting and their locations. Planting in movable containers/pots will not be accepted. If mature trees in good health and structural condition are found within the site, the trees should be preserved on site as far as practicable;
 - (e) **Noise Impact Assessment/Mitigation Measures** - to ensure that the proposed uses would not cause adverse noise impact to the surrounding sensitive receivers, noise impact assessments should be undertaken for noise generating activities such as

those which involve the use of heavy machinery including manoeuvring of heavy vehicles and workshop activities. Proposals on mitigation measures to reduce the noise pollution generated by the proposed uses are required;

- (f) **Air Quality Proposal** - to demonstrate and ensure that the relevant mitigation measures as stipulated under the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses & Open Storage Sites” will be followed to avoid or alleviate air nuisance generated by the proposed uses; and
- (g) **Traffic Impact Assessment** - traffic impact assessment should be carried out for those uses generating substantial volumes of traffic, in particular container trailer/tractor park to ensure that the traffic volumes do not exceed the capacity of the local road network or that proposed mitigation measures such as junction improvements are practical and effective. Analyses of swept paths of appropriate types of goods vehicles at critical bends and junctions should also be included where appropriate. Where there are nearby residential or school developments, information on pedestrian count obtained from pedestrian surveys should be provided.

2 In the preparation of submissions as mentioned above, applicants can make reference to the following documents:

- (a) Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance;
- (b) “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Approval Conditions for Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” issued by Planning Department;
- (c) “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites” issued by Environmental Protection Department;
- (d) “Technical Note to prepare a Drainage Submission” issued by Drainage Services Department; and
- (e) “Code of Practice for Container Depots” issued by Lands Department.

They could also consult the relevant government departments and the DPOs of the Planning Department on the detailed requirements of the submissions.

3 In the assessment of planning applications for open storage and port back-up uses, general planning criteria including the planning intention of the area covering the site, compatibility with surrounding land uses, site accessibility and possible impacts generated by the proposed uses will be taken into account. For details on these general planning criteria, applicants can make reference to the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”.

HOW TO COMPLY WITH APPROVAL CONDITIONS?

4 In granting planning permission, planning conditions on the **submission**/ resubmission of technical proposals and/or **implementation** of the proposals would be imposed to ensure that the approved open storage/port back-up uses would not generate adverse drainage, landscape, environmental and traffic impacts on the surrounding area and that the

proposals would be complied with and/or implemented within a specified time. Depending on the special circumstance of each case, a planning condition requiring the application site be reinstated to an amenity area upon expiry of the planning permission would normally be imposed to ensure that the site would be tidied up, after the expiry of the planning permission, with the provision of suitable landscape treatment. It is imperative that the requirements are duly observed and implemented in accordance with the planning conditions.

- 5 Successful applicants should seek advice and assistance from the respective government departments and the DPO in the preparation of the detailed technical submissions and implementation of the approval conditions. Relevant documents providing guidance on the fulfillment of conditions are also attached to the notification letter issued by the Secretary, Town Planning Board. These documents include:
 - (a) A list of contacts of concerned government departments;
 - (b) “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Approval Conditions for Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”;
 - (c) “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites”; and
 - (d) “Technical Note to prepare a Drainage Submission”.
- 6 Government departments will give advice on the following aspects:
 - (a) **Planning Department** - preparation and implementation of landscape proposals, their maintenance and detailed reinstatement requirement;
 - (b) **Drainage Services Department** - preparation of drainage impact assessment and drainage proposals; and implementation of drainage facilities;
 - (c) **Transport Department** - provision of vehicular access point, junction improvement, design of parking layout and preparation of traffic impact assessment;
 - (d) **Environmental Protection Department** - preparation of noise impact assessment and implementation of mitigation measures to reduce noise, air quality and water quality impacts; and
 - (e) **Lands Department** - the provision of fencing and paving of the site.

Submission of Technical Proposals

- 7 Successful applicants should submit the technical proposals as soon as they are available. For normal cases where the conditions are required to be complied with within 6 months from date of planning approval, the applicant should submit the proposals at least 6 weeks before expiry of the compliance period to the relevant DPO of the Planning Department for central processing (for landscape proposals, a copy should be sent to the Landscape Unit of the Planning Department directly). A copy of the submissions should also be sent to the Secretary, Town Planning Board for record purpose.
- 8 The relevant DPO will circulate the technical proposals to concerned government departments for comments and inform the applicants within 6 weeks upon receipt of the proposals whether the submitted proposals are acceptable. If the proposals do not meet the

requirements of the concerned departments, the applicants should revise the proposals and resubmit the proposals for further consideration. In any case, it is important to have the revised proposals accepted by the relevant government-departments within the compliance period. If not, application for extension of time for compliance with the planning conditions should be sought.

- 9 Sometimes the Board may impose a shorter compliance period for implementing the conditions. Applicants should pay particular regard to the length of the compliance period and submit proposals to comply with the conditions as early as possible, and allow at least 6 weeks for departments concerned to vet the proposals.

Implementation of Technical Proposals

- 10 Once the technical proposals are accepted, the applicants should proceed with the implementation works without delay and notify the relevant DPO of the Planning Department and the Secretary, Town Planning Board once the works are completed. All works must be completed at least 6 weeks before the expiry of the specified time limit. For works that do not require the submission of proposals, implementation works should be undertaken once the applications are approved. Upon receipt of the applicants' notification of the completion of the required works, the relevant DPO and government departments will arrange for site inspection and inform the applicants within 6 weeks whether the implemented works are satisfactory. The completed works/landscape/mitigation measures should be properly maintained.

Reinstatement Clause

- 11 If the planning condition contains a requirement to reinstate the application site into an amenity area upon expiry of the planning approval, the applicant is required to undertake reinstatement works which usually include removal of hard paving and planting the site with trees, shrubs and grass, and sometimes demolition of the structure/shelter on the site. Any enquiry on the reinstatement requirement should be directed to the relevant DPO of the Planning Department.

HOW TO APPLY FOR EXTENSION OF TIME FOR COMPLIANCE WITH PLANNING CONDITIONS?

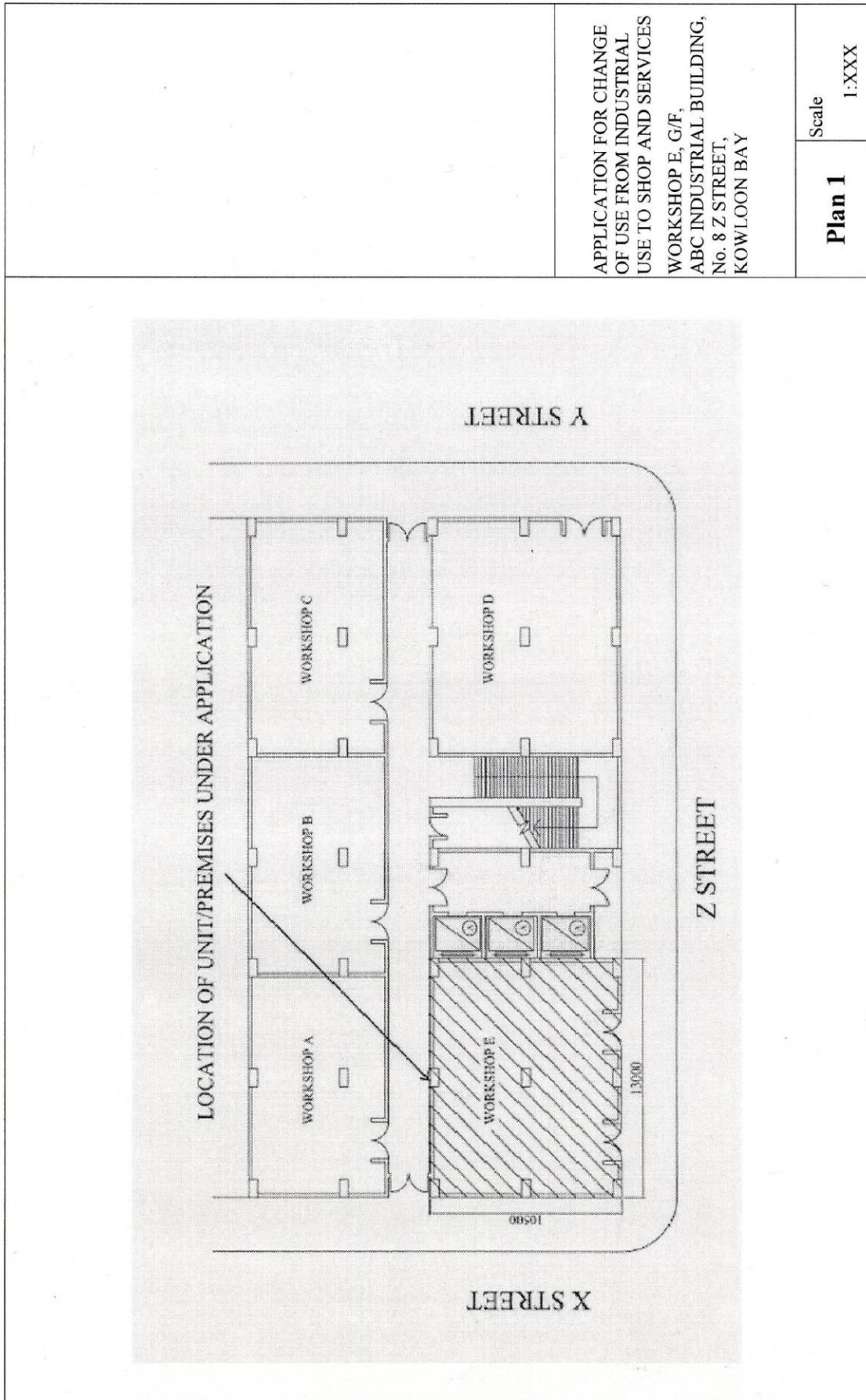
- 12 If the applicants consider that more time is required to comply with the planning conditions, they could submit applications for extension of time for compliance with planning conditions. The application form can be obtained from the office of Secretary, Town Planning Board or downloaded from the Town Planning Board's website. In submitting the applications, the applicants should demonstrate that genuine efforts have been made in complying with and implementing the conditions by including in the submissions documentation on the technical proposals so far submitted and an account of works undertaken in respect of the planning conditions. Good justifications should also be given on why the planning condition(s) could not be complied with within the prescribed time limit. Such application should be submitted to the Secretary, Town Planning Board no less than 6 weeks before the expiry of the specified time limit. The general requirements and assessment criteria for this type of application are set out in the 'Town Planning Board Guidelines on "Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development"'.

REVOCACTION OF PLANNING APPROVAL

- 13** If the applicants fail to comply with the approval conditions within the specified time limit, the planning permissions granted for the uses will be **revoked** automatically without further notice.
- 14** Continuation of these uses without planning permissions will constitute unauthorised developments subject to enforcement action taken by the Planning Authority.
- 15** To continue the same use(s) on the site, a fresh section 16 planning application needs to be submitted to the Board for consideration. Planning permission would normally not be granted unless the applicants have included in the submissions technical assessments/proposals on such aspects as traffic, landscape, drainage and environmental mitigation to demonstrate that the proposed uses would not generate adverse traffic, landscape, drainage and environmental impacts on the surrounding areas. Furthermore, there should be no major adverse departmental comments and the concerns of the departments and local residents can be addressed through the implementation of approval conditions.

IMPORTANT POINT TO NOTE

- 16** It is **outside the purview** of the Board and the Town Planning Appeal Board to determine any claims in relation to 'existing use'. It is the right of an applicant/operator to bring an action for judicial review in the Court of First Instance if he genuinely believes that he has a valid claim of 'existing use' for a specific site. For further information on this matter, please contact the Central Enforcement & Prosecution Section of the Planning Department.



APPLICATION FOR CHANGE
OF USE FROM INDUSTRIAL
USE TO SHOP AND SERVICES
WORKSHOP E, G/F,
ABC INDUSTRIAL BUILDING,
No. 8 Z STREET,
KOWLOON BAY

Scale
Plan 1
1:XXX

Order and Behaviour inside Meeting Room

The rules for keeping the order inside the meeting room are as follows:

- (a) loudhailers and banners will not be allowed to be brought into the meeting room;
- (b) all attendees must behave in an orderly manner and remain seated during the meeting;
- (c) all attendees are expected to show courtesy to each other by allowing them to make their presentations without being disturbed or interrupted by people talking amongst themselves or by passing comments;
- (d) offensive and insulting language must not be used at the meeting;
- (e) photo-taking or recording is not allowed in the meeting room; and
- (f) clamour, shouting and commotion are prohibited.

Any person who fails/refuses to follow any of the above rules or causes any disturbance to the conduct of the meeting will be given warnings by the Chairman. After repeated warnings, the Chairman can ask that person to leave the meeting room. Once excluded, that person should not be allowed to return for the remaining part of that meeting, and the Chairman shall have full discretion to consider any application by such person for further opportunities to make presentation at the meeting.

The Chairman has full discretion to control the conduct of the meeting and all attendees must follow his instructions. Attendees who do not do so may be asked to leave the meeting room and uncooperative attendees may be removed from the meeting room if necessary at the direction of the Chairman.