

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

(Important Note:-

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Secretariat of the Town Planning Board (15th Floor, North Point Government Offices (NPGO), 333 Java Road, North Point, Hong Kong – Tel. No. 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17th Floor, NPGO and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.)

1. Introduction

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

2. Renewal of Approvals for Temporary Use/Development

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

3. Application Procedures

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

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

3.2 An applicant who wishes to seek a renewal of the approval is required to submit an application to the Board for proposal involving renewal of permission for temporary use/development, and satisfying the relevant submission requirements including the 'owner's consent/notification' requirements. Since these applications involve only the renewal of approval previously granted by the Board, a streamlined approach in respect of the submission requirements could be adopted, i.e. there is no need to undertake new technical assessments to support the s.16 application, so long as there is no major change in planning circumstances¹ (such as a change in the planning policy/land-use zoning for the area). Updated assessments may however need to be submitted if necessary. In general, the applicant is only required to provide:

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

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

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

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

- 3.4 Such applications should be submitted to the Board no less than 2 months before the expiry of the temporary approval so as to allow sufficient time for processing in accordance with the Ordinance, e.g. publication for public inspection and comments. Applications submitted less than 2 months before the expiry of the temporary approval may not be processed for consideration of the Board. A fresh s.16 planning application for the development in accordance with the provision of the extant statutory plan will be required.
- 3.5 Such applications should also be submitted to the Board normally no more than 4 months before the expiry of the temporary approval. The rationale behind this arrangement is that if an application is submitted too early, the Board, in considering the application, cannot take into account the planning circumstances at the time nearer to the expiry of the planning approval. Any change in the planning circumstances may have a material bearing on the decision of the application. Applications submitted more than 4 months before expiry of the temporary approval may only be considered based on the individual merits and exceptional circumstances of each case. The applicant is required to provide information to justify the need for early application, for example, the need to renew permit/licence from the concerned government department to continue the existing operation, the need to maintain provision of services to the community, and development requiring longer time for relocation arrangement in case renewal application is not allowed, etc. For the avoidance of doubt, reasons merely for the convenience of the applicant will not be accepted.

4. Assessment Criteria

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

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

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

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

- 5.1 Planning permissions for temporary use or development are generally granted by the Board subject to conditions with time limits specified for compliance. If an applicant cannot comply with any of such conditions within the specified time limit, he may apply for an extension of time to comply with the conditions.
- 5.2 The time-limited condition attached to planning permission imposed by the Board is to ensure that the planning conditions would be implemented within a reasonable period. The Board could only grant an extension of time for compliance with planning conditions with good justifications.
- 5.3 An extension of time for compliance with the time-limited planning conditions falls within Class B amendments published by the Board. For such an extension, an application shall be made to the Board in accordance with s.16A of the Ordinance. The application procedures set out in the relevant Guidance Notes and Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals should be followed.
- 5.4 The applicant shall submit the application to the Board no less than 6 weeks before the expiry of the specified time limit so as to allow sufficient time for processing and consultation with concerned Government departments.

- 5.5 An application submitted less than 6 weeks before the expiry of the specified time limit may not be processed for consideration of the Board. If any planning condition is not complied with by the specified time limit, the planning permission will be revoked. The Board will not consider such application if the permission has already been revoked at the time of consideration, despite the application is submitted before the expiry of the specified time limit. Under such circumstances, a fresh s.16 planning application for the development in accordance with the provision of the extant statutory plan will be required.
- 5.6 In support of an application for extension of time for compliance with planning conditions, the applicant is required to provide:
- (a) reasons for the application;
 - (b) time period for which an extension of time is sought; and
 - (c) an account of all activities taken to implement the planning conditions since the granting of planning permission, including evidence and documentation on the submitted proposals and any works undertaken/completed to fulfil the conditions.

6. Assessment Criteria

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

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

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