

**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**

(Important Note :-

The Guidelines are intended for general reference only.

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

The Guidelines are subject to revision without prior notice.)

1. Purpose

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

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

2. Delegation of the powers of the Board

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

receipt of the further information (i.e. the publication and recounting requirements).

3. Processing of further information

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

Whether the information could be accepted

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

3.3 Further information resulting in a material change of the nature of the application will not be accepted by the Secy/Board. Under such circumstances, the submitted further information will not be processed. If the applicant wants to proceed with the further information that resulting in a material change of the nature of application, a fresh application will need to be submitted. If the applicant chooses to proceed with the original application, then he must do so

without the further information. In that case, the statutory time limit will run from the original application date and the further information will be ignored. The choice of proceeding without the further information will not prejudice the applicant's submission of another application in future.

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

Whether the accepted information could be exempted

- 3.5 If the Secy/Board accepts the further information, he will simultaneously consider whether the accepted information can be exempted from the publication and recounting requirements. If the further information need not be published for public comments, the application, together with the further information, will be submitted to the Board for consideration as originally scheduled. On the other hand, if the further information could not be exempted, the statutory time limit for consideration of the application will be automatically restarted, unless the applicant has indicated at the outset that the original application should be proceeded with.
- 3.6 All accepted further information will be deposited at the Planning Enquiry Counters of the Planning Department at 17/F, North Point Government Offices, 333 Java Road, Hong Kong, and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin for public inspection until the application has been considered by the Board.

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

What constitutes a material change of the nature of the application is a matter of fact and degree and should be assessed on the individual merits of each case. In general, a material change is involved if the further information will lead to, for a s.12A application, a major change in site area/boundary in question, the proposed zoning, uses and development restrictions and, for a s.16 application and s.17 review, a major change in the area and configuration of the application site (e.g. enlargement of site to include additional lot), proposed use (e.g. from office to hotel), design and layout of the proposed scheme (e.g. substantial change in built-form and disposition of building blocks) and nature of approval sought (e.g. from temporary to permanent). For these

types of applications, a change in the proposed plot ratio, gross floor area, site coverage or building height under application exceeding 10% would generally be considered as “material”.

5. Types of information that could be exempted

Whether an exemption is to be granted should be assessed on the circumstances of each case. In general, an exemption may be granted to the following types of information:

- (a) minor change in the proposed scheme under application without changing the major development parameters of the proposed scheme such as site area, plot ratio, gross floor area, site coverage, building height. Minor change in the following aspects may be exempted:

- internal layout/disposition of premises;
- the location of open space (on the same level only) and ancillary major utility installation;
- the form of the building blocks;
- increase in the provision of open space;
- reduction in car parking spaces with no change in the car parking ratio;
- location and size of non-building area;
- Landscape Master Plan regarding preservation and/or planting of more trees;
- the provision of private indoor recreational facilities; and
- phasing and implementation.

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

- (b) clarification of the background information of the application, e.g. applicant’s identity, site area/boundary, lot number, existing conditions of the site/premises, owner’s consent, notification means, operational aspects of the applicant’s business, lease conditions, application history, compliance with other relevant legislation and Government requirements, surrounding land uses and implementation schedule;
- (c) technical clarification/responses to comments of relevant Government departments without changing the scheme or involving the submission of a new or revised

technical assessment;

- (d) rectification of editorial and transcription errors and miscellaneous minor information; and
- (e) other information which, in the opinion of the Secy/Board, could be exempted.

6. Notification of Secy/Board's decision

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

7. Further Information for Representation, Comment, Further Representation

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