

DRAFT

TPB PG-No. D

**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 (Cap. 131)**

(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, 15/F, North Point Government Offices, 333 Java Road, Hong Kong (Tel. No. 2231 4810 and 2231 4835) or the Enquiry Counters of the Planning Department at 17/F, NPGO (Tel. No. 2231 5000) and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories (Tel. No.).

The Guidelines are subject to revision without prior notice.)

1. Purpose

These Guidelines set out the general practices adopted by the Town Planning Board (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 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.

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 **7 days** 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 requirement for publication for public comments.

Whether the information could be accepted

- 3.2 If the information does not result in a "material change" in 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. Due to the need to process and publish the further information for comment of the public, 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 counted from the date when the further information is received.
- 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 information will not be further processed. If the applicant wants to proceed with his revised proposal, a fresh application will need to be submitted and subject to payment of fees.
- 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 The Secy/Board may exempt accepted further information from the requirements in respect of publication for public comments and recounting of the statutory time limit for consideration of the application. If the further

information needs not be published for comments, the application, together with the further information, will be submitted to the TPB for consideration as originally scheduled.

- 3.6 All accepted further information will be deposited at the Public 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 both types of applications, a change in the proposed plot ratio, gross floor area, site coverage or building height under application exceeding 10% will 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, ancillary major utility installation, ingress/egress points, footbridges, public transport terminus and lay-bys, and the layout of internal roads, emergency vehicular access and car park;

- the form and disposition of the building blocks;
- the provision of open space and car parking and loading/unloading spaces;
- location and size of non-building area;
- Landscape Master Plan regarding preservation and planting of trees;
- the location and layout of indoor recreation 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, 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. If the scheduled date for consideration of the application will need to be deferred to allow time for processing the further information, the applicant will also be informed accordingly.

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. It is the duty of the representer, further representer and commenter to provide sufficient information when making the submission to the Board. 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.

**TOWN PLANNING BOARD
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