

**DRAFT**

TPB PG-No. G

**TOWN PLANNING BOARD GUIDELINES ON  
EXTENSION OF TIME FOR COMMENCEMENT OF 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, 15/F, North Point Government Offices (NPGO), 333 Java Road, Hong Kong (Tel. No. 2231 4810 or 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. Introduction**

- 1.1 All s.16 planning permissions granted by the Town Planning Board (the Board), except those for regularization of existing uses on the application sites and those granted on a temporary basis, are subject to a time-limited condition that the permission shall cease to have effect on a specified date unless prior to that date, the permitted development has commenced or an extension of time for commencement of development is granted. Where an approved development has not commenced within the specified time limit, the grantee may apply for an extension of the time for commencement of the development.
- 1.2 The time-limited condition attached to planning permission imposed by the Board is to ensure that the approved development proposals would be implemented within a reasonable period. With good justifications, the Board may grant an extension of time for commencement of development under s.16A of the Town Planning Ordinance (Ordinance). However, should there be new planning circumstances governing the application, the Board is under no obligation to approve the application.

**2. Commencement of Approved Development**

The determination on whether an approved development has commenced should be considered on the basis of the facts and circumstances of each case. In general, the approval of building plans would constitute a commencement of development. However, where land grant/modification of a lease is required to implement an

approved development, the Board may consider that an approved development has commenced as at the date of execution of the land grant/lease modification. In the event that building plan submission or execution of the land grant/lease modification is not applicable, for instance, the building of Small House, the conversion of chicken sheds for storage, or the development of Government projects, the Board may also consider the issuance of Certificate of Exemption (or short-term waiver of lease conditions by relevant authorities, or the completion of Government land allocation) as a commencement of development.

### **3. Application Procedures**

- 3.1 Any extension(s) of time for commencement of development shall not result in an aggregate extension period longer than the original duration for commencement of the approved development proposal. An application for such extension(s) falls within Class B amendments published by the Board and shall be made to the Board in accordance with s.16A of the Ordinance. The application procedures set out in the Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals should be followed.
- 3.2 The applicant shall submit the application to the Board no less than 4 weeks before the expiry of the specified time limit so as to allow sufficient time for processing and consultation with concerned Government departments. Applications submitted less than 4 weeks before the expiry of the specified time limit may not be processed for consideration of the Board. If the approved development is not commenced by the specified time limit, the planning permission will lapse. 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.
- 3.3 In support of an application for extension of time for commencement of development, 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 actions 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.

#### **4. Assessment Criteria**

4.1 The criteria for assessing applications for extension of time for commencement of development include:

- (a) whether there has been any material change in planning circumstances since the original permission was granted (such as a change in the planning policy/land-use zoning for the area);
- (b) whether there are any adverse planning implications arising from the extension of time;
- (c) whether the commencement of development is delayed due to some technical/practical problems which are beyond the control of the applicant, e.g. delays in land administration procedures, technical issues in respect of vehicular access and drainage works or difficulties in land assembly;
- (d) whether the applicant has demonstrated that all reasonable action(s), e.g. submission of building plans for approval or application for Small House/land exchange, have been taken for the implementation of the approved development;
- (e) whether the applicant has demonstrated that all reasonable action(s), e.g. submission and implementation of proposals, have been taken to the satisfaction of relevant Government departments in complying with the planning conditions;
- (f) whether the applicant has demonstrated that there is a good prospect to commence the proposed development within the extended time limit;
- (g) whether the extension period applied for is reasonable; and
- (h) any other relevant considerations.