

DRAFT

TPB PG-NO. H

**TOWN PLANNING BOARD GUIDELINES FOR
CLASS A AND CLASS B AMENDMENTS TO
APPROVED DEVELOPMENT PROPOSALS**

[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 Enquiry Counters of the Planning Department (17th Floor, NPGO – Tel. No. 2231 5000) and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin - Tel. No.).

The Guidelines are subject to revision without prior notice.]

1. Introduction

Where a planning permission is granted by the Town Planning Board (TPB) under section 16 of the Town Planning Ordinance (the Ordinance), amendments to the approved development proposals are provided for under section 16A. These Guidelines set out the types of amendments and the application procedures and assessment criteria.

2. Class A and Class B Amendments

- 2.1 Amendments are classified as Class A or Class B amendments (**Annex 1**). There is a total of 21 categories covering aspects such as gross floor area (GFA), site area, building height, site coverage, mix of use, and provision of open space, recreational facilities, car parking and extension of time, etc..
- 2.2 Changes falling within Class A amendments do not require planning permission from the TPB. Class B amendments are, however, subject to the approval of the TPB upon application made under section 16A(2) of the Ordinance.
- 2.3 By virtue of section 16A(7), if more than one application for Class B amendments were accepted by the TPB, the planning approval is taken to be the original approved planning application as amended by one accepted application for Class B amendments. The applicant could choose to implement the

original planning permission or any permission approved under section 16, 17 or 17B of the Ordinance with any one accepted application for Class B amendments under section 16A. In view of the above, the applicant should endeavour to apply for acceptance of all Class B amendments under one application for consideration by the TPB.

3. Delegation of Authority

The TPB has delegated, under section 2(5)(b) of the Ordinance, its authority to the Director of Planning (D of Plan) to consider planning applications submitted under section 16A(2) of the Ordinance for Class B amendments to development proposals previously approved under section 16, 17 or 17B of the Ordinance. However, application for Class B amendments which is considered unacceptable by the concerned Government departments will still be submitted to the TPB for consideration.

4. Application Procedures

- 4.1 An application for Class B amendments to an approved development proposal can only be submitted by the person to whom the permission is granted, as required under section 16A(2).
- 4.2 Application for Class B amendments shall be made by filling in an application form. The applicant shall clearly set out the amendments sought, in comparison with the development proposal previously approved under section 16, 17 or 17B, and highlight amendments in the relevant plans, where appropriate. The requirements on obtaining owners' consent, notifying the owners, or taking reasonable steps to give notification to the owners as well as on publishing the application for public inspection do not apply to application for Class B amendments under section 16A(2) of the Ordinance.
- 4.3 The applicant will normally be informed of the decision of an application for Class B amendments to an approved development proposal processed by D of Plan within 6 weeks. An application which is considered unacceptable by the concerned Government departments will be submitted to the TPB for consideration within two months from the date of receipt of the application.

4.4 If the applicant is not satisfied with the decision of the D of Plan or the TPB, he may within 21 days of being notified of the decision, apply in writing to the Secretary of the TPB for a review under section 17 of the Ordinance. Such review will not be published for public inspection.

4.5 If the applicant is still not satisfied with the decision made by the TPB upon review, the applicant may, within 60 days of being notified of the decision of the TPB, lodge an appeal to the Secretary of the Town Planning Appeal Board under section 17B(1) of the Ordinance.

5. Assessment Criteria

Each application for Class B amendments to an approved development proposal will be assessed on its own merits. In determining an application for Class B amendments, reference will only be made to the development proposal previously approved under section 16, 17 or 17B of the Ordinance. No reference will be made to any Class A amendments allowed or Class B amendments approved under section 16A, or those previously approved by a public officer under the delegated authority of the TPB prior to the commencement of the Town Planning (Amendment) Ordinance 2004. This is to ensure that aggregated amendments exceeding the scope of Class B amendments shall be considered as a section 16 application instead.

6. Time Limit for Commencement of Development and Compliance with Planning Conditions

In approving an application for Class B amendments, the time limit for commencement of development or compliance with planning conditions attached to the development proposal previously approved under section 16, 17 or 17B of the Ordinance will remain unchanged, unless extension of time is also the subject of amendment submitted under section 16A. The applicant should refer to TPB Guidelines on extension of time for commencement of development, and on renewal of planning approval and extension of time for compliance with planning conditions for temporary use or development for details.

7. Early Submission

7.1 In order to facilitate the early processing of the application for Class B amendments to a previously approved development scheme, the applicant is

encouraged to submit an application as early as possible and preferably before the submission of building plans. If Class B amendments are only proposed at the stage of building plan submission, the applicant could submit the application form together with extracts of the relevant parts of the building plans (with the proposed amendments highlighted on the building plans or other relevant parts, if any) directly to the Secretary of TPB at the same time when the building plans are submitted to the Building Authority. The applicant is also encouraged to highlight any Class A amendments in the building plans to facilitate checking by the Planning Department (PlanD).

7.2 In case the applicant is not sure about whether the proposed amendments fall within Class A or Class B amendments, the respective District Planning Officer of the PlanD should be contacted for advice.

8. Compliance of Planning Conditions

Under the Ordinance, the TPB may grant planning permission subject to such conditions as the TPB thinks fit. In general, the applicant is required to fulfill an planning condition to the satisfaction of the Government department concerned or of the TPB. No separate planning application will be required for amendments made to the approved development proposal as a result of fulfilling the planning conditions provided that such amendments will not materially affect the original approved development proposal and are acceptable to the Government departments concerned. Should there be disagreement over the fulfillment of the planning conditions between the applicant and the Government departments concerned, the matter will be submitted to the TPB for consideration.

**TOWN PLANNING BOARD
SEPTEMBER 2004**

Draft

**Gazette Notice for Specifying “Class A amendments” and “Class B amendments”
under s.16A(10) of the Town Planning Ordinance**

TOWN PLANNING ORDINANCE (Chapter 131)

**NOTICE OF “CLASS A AMENDMENTS” AND
“CLASS B AMENDMENTS” UNDER SECTION 16A**

In exercise of the powers conferred by section 16A(10) of the Town Planning Ordinance, the Town Planning Board (TPB) specifies in the Schedule the amendments to any permission granted under section 16 that are defined as “Class A amendments” and those defined as “Class B amendments”. The Class A and B amendments should be read together with their corresponding remarks column.

In accordance with section 16A(1) of the Ordinance, where any permission is granted under section 16, the permission may be read as having effect subject to any amendments which are Class A amendments. No further application for planning permission is required to carry out any of the Class A amendments. In accordance with section 16A(2), where the person to whom the permission is granted wishes to carry out any of the Class B amendments, he may apply to the Board for that purpose.

**SCHEDULE OF “CLASS A AMENDMENTS” AND “CLASS B AMENDMENTS”
SPECIFIED BY THE TOWN PLANNING BOARD
UNDER SECTION 16A(10) THE TOWN PLANNING ORDINANCE (Chapter 131)**

| Categories of Amendments | Class A amendments | Class B amendments | Remarks |
|--|--|---|--|
| 1. Total gross floor area (GFA) | <p>a. Reduction in GFA; or</p> <p>b. Increase in GFA not exceeding maximum GFA or equivalent plot ratio (PR) permissible under the statutory plan.</p> | <p>Increase in GFA not exceeding 2,000m² or 5 % of the approved total GFA, whichever is the less, provided that there are no PR or GFA restrictions on the statutory plan.</p> | <p>Not applicable to Government, institution or community (GIC) facilities which are dealt with under Item 10.</p> <p>Increase in GFA shall be due to increase in site area arising from Category 2(a) below, and /or additional PR permitted by the Building Authority under Regulation 22(1) or (2) of the Building (Planning) Regulations at the detailed design stage.</p> |
| 2. Site area/ boundary | <p>a. Changes due to the setting out of site boundary at the processing of land grant, inclusion/ exclusion of private lane and/or land for public purposes in site area calculation; or</p> <p>b. For site less than 1 ha, reduction not exceeding 5% of the gross site area with corresponding reduction in GFA.</p> | <p>Other than those specified under “Class A amendments”, changes not exceeding 10% of the gross site area.</p> | <p>Provided that the changes do not involve additional areas of different zoning which requires planning permission from the Town Planning Board (TPB).</p> |

| Categories of Amendments | Class A amendments | Class B amendments | Remarks |
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| 3. Number of units | Reduction in number of units provided that it is not less than the minimum number of units specified in the planning brief, if any. | Increase in number of units not exceeding 100 units or 5% of the approved provision, whichever is the less. | |
| 4. Unit size | N.A. | Changes in unit size. | |
| 5. Building blocks | <p>a. Changes in form of building(s) provided that the concerned block(s) is not the subject of environmental mitigation measures; or</p> <p>b. Reduction in number of building blocks, provided that there are no changes in the disposition of other building blocks and the concerned block(s) is not the subject of environmental mitigation measures.</p> | <p>a. Changes in form of building(s) where the concerned block(s) is the subject of environmental mitigation measures; or</p> <p>b. Reduction in number of building blocks other than those specified under “Class A amendment”; or</p> <p>c. Minor changes in disposition of building blocks; or</p> <p>d. Increase in number of building blocks.</p> | The concerned block(s) may be an environmental buffer or subject to environmental nuisance. |
| 6. Building height and/or number of storeys | <p>a. Reduction in building height and/or number of storeys; or</p> <p>b. Increase in building height and/or number of storeys subject to:</p> <p>(i) not exceeding the building height/number of storeys restrictions on the statutory plan, in the planning brief, or in the relevant TPB Guidelines for Building Height Control, if any; or</p> <p>(ii) not exceeding 10% of the approved levels [excluding refuge floor(s), if any] provided</p> | Increase in building height and/or number of storeys exceeding 10% but not exceeding 20% of the approved levels [excluding refuge floor(s), if any] provided that there are no building height/number of storeys restrictions on the statutory plan, in the planning brief, or in the relevant TPB Guidelines for Building Height Control, if any. | |

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|--------------------------|---|---|---------|
| | <p>that there are no building height/number of storeys restrictions on the statutory plan, in the planning brief, or the relevant TPB Guidelines for Building Height Control, if any; or</p> <p>(iii) incorporation of the green features covered by the Joint Practice Notes promulgated by the Buildings Department, Lands Department and the Planning Department, provided that there are no building height/number of storeys restrictions on the statutory plan, in the planning brief, or in the relevant TPB Guidelines for Building Height Control, if any; or the proposed change does not result in development exceeding the building height/number of storeys restrictions stipulated on the statutory plan, in the planning brief, or the relevant TPB Guidelines for Building Height Control, if any.</p> | | |
| 7. Site coverage | <p>a. Reduction in site coverage; or</p> <p>b. Increase in site coverage subject to:</p> <p>(i) not exceeding the site coverage restrictions on the statutory plan or in the planning brief; or</p> <p>(ii) not exceeding 5% of the approved site coverage</p> | <p>Increase in site coverage exceeding 5% but not exceeding 10% of the approved site coverage provided that there are no site coverage restrictions on the statutory plan or in the planning brief.</p> | |

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|----------------------------|--|---|--|
| | <p>provided that there are no site coverage restrictions on the statutory plan or in the planning brief; or</p> <p>(iii) incorporation of the green features covered by the Joint Practice Notes promulgated by the Buildings Department, Lands Department and the Planning Department, provided that there are no site coverage restrictions on the statutory plan or in the planning brief; or the proposed change does not result in development exceeding the site coverage restrictions on the statutory plan or in the planning brief.</p> | | |
| 8. Type/mix of uses | <p>a. Changes in type/mix of uses within the same category as set out in the Remarks; or</p> <p>b. Changes in GFA for non-domestic uses from one category to another as set out in the Remarks, provided that the changes do not exceed 2000m² or 5% of the approved non-domestic GFA, whichever is the less, of each of the affected categories; or</p> <p>c. Changes in location of non-domestic uses within non-domestic podium/building.</p> | <p>Changes in GFA distribution from domestic to non-domestic, or vice versa, provided that the changes do not exceed 5% of the approved domestic or non-domestic GFA.</p> | <p>The changes shall not contravene the GFA/PR restrictions, if any, on the statutory plan.</p> <p>Other than public utilities, GIC and recreational facilities, uses to be shown within a development scheme/Master Layout Plan could be broadly divided into the following 4 categories:</p> <ol style="list-style-type: none"> 1 Residential flat; 2 Hotel; 3 Office; and 4 Other |

| Categories of Amendments | Class A amendments | Class B amendments | Remarks |
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| | | | Commercial uses, including but not limited to kindergarten, child care center, and public car parking spaces. |
| 9. Internal layout/ disposition of premises | Changes in internal layout/disposition of premises provided that the changes are not subject of environmental mitigation measures. | Other changes in internal layout/disposition of premises which do not fall within “Class A amendments”. | |
| 10. Provision of GIC facilities | N.A. | <p>a. Changes in the types, locations, and/or floor area(s) of the facilities; or</p> <p>b. Deletion of facilities upon request by the relevant Government departments.</p> | |
| 11. Provision of public open space | <p>a. Increase in total area; or</p> <p>b. Changes in location of the open space provided that its disposition remains on the same street/podium level(s) and it is not the subject of environmental mitigation measures or an approval condition; or</p> <p>c. Changes in active or passive open space not exceeding 10% of the approved area for active or passive open space provision.</p> | <p>a. Reduction in total area provided that it is not less than the minimum level of provision stipulated on the statutory plan or in the planning brief, if any; or</p> <p>b. Changes in the disposition of the open space on the same street/podium level(s) where it is the subject of environmental mitigation measures; or</p> <p>c. Changes in the disposition of the open space from street to podium level(s), or vice versa; or</p> <p>d. Changes in active or passive open space exceeding 10% but not exceeding 20% of the</p> | The open space may be an environmental buffer or subject to environmental nuisance. |

| Categories of Amendments | Class A amendments | Class B amendments | Remarks |
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| | | approved area for active or passive open space provision. | |
| 12. Provision of private open space | <p>a. Increase in total area; or</p> <p>b. Reduction in total area not exceeding 5% of the approved total area for open space purpose provided that the resulting total area of open space is not less than the minimum standard stated in the Hong Kong Planning Standards and Guidelines (HKPSG), or that specified in the planning brief, if any; or</p> <p>c. Changes in location of the open space provided that its disposition remains on the same street/podium level(s) and it is not the subject of environmental mitigation measures or an approval condition; or</p> <p>d. Changes in active or passive open space not exceeding 10% of the approved area for active or passive open space provision.</p> | <p>a. Reduction in total area exceeding 5% but not exceeding 10% of the approved total area for open space purpose provided that the resulting total area of open space is not less than the minimum standard stated under the HKPSG, or that specified in the planning brief, if any; or</p> <p>b. Changes in the disposition of the open space on the same street/ podium level(s) where it is the subject of environmental mitigation measures; or</p> <p>c. Changes in the disposition of the open space from street to podium level(s), or vice versa; or</p> <p>d. Changes in active or passive open space exceeding 10% but not exceeding 20% of the approved area for active or passive open space provision.</p> | The open space may be an environmental buffer or subject to environmental nuisance. |
| 13. Provision of carparking, loading/unloading, and other facilities | <p>a. Reduction in the total number of parking spaces due to reduction in number of units provided that the car parking ratio remains unchanged; or</p> <p>b. Change in the number of each type of parking, loading and unloading spaces not exceeding 50 spaces or 5% of the</p> | <p>a. Changes in the number of each type of parking, loading and unloading spaces exceeding 50 spaces or 5% of the approved provision, but not exceeding 100 spaces or 10% of the approved provision, whichever is the less; or</p> <p>b. Changes in the locations of</p> | |

| Categories of Amendments | Class A amendments | Class B amendments | Remarks |
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| | approved provision. | ingress/egress point(s), footbridges, public transport terminus and lay-bys, and the layout of internal roads, emergency vehicular access and car park. | |
| 14. Location and/or size of non-building area | Changes in the location and/or size of the non-building area as required by Government. | Changes in the location and/or size of the non-building area not required by Government. | |
| 15. Landscape Master Plan | Preservation of trees and/or planting of more trees. | <p>a. Changes in soft/hard landscape design, changes in implementation programming; or</p> <p>b. increase in the approved number of trees to be felled not exceeding 10%; or decrease in the number of preserved trees not exceeding 10% provided that no Champion Trees and/or “Old and Valuable Trees” are affected.</p> | <p>Champion Trees refer to those trees identified in the book ‘Champion Trees in Urban Hong Kong’ published by the then Urban Council in 1994.</p> <p>“Old and Valuable Trees” refer to those trees included in the list of “the Register of Old and Valuable Trees” kept by the Leisure and Cultural Services Department.</p> <p>Preservation of trees does not include transplanting within site boundary.</p> |
| 16. Provision of public indoor recreational facilities | N.A. | Changes in public indoor recreational facilities, including but not limited to changes in location, layout, type and floor area. | |

| Categories of Amendments | Class A amendments | Class B amendments | Remarks |
|--|---|---|--|
| 17. Provision of private indoor recreational facilities | <p>a. Changes in location within buildings and/or types of facilities; or</p> <p>b. Increase in floor area; or</p> <p>c. Reduction in floor area not exceeding 5% of the approved level of provision, provided that it is not less than the minimum level of provision specified in the planning brief, if any.</p> | Reduction in floor area exceeding 5% but not exceeding 10% of the approved level of provision. | Increase in floor area shall be due to exclusion of floor area from GFA calculation permitted by the Building Authority under Building (Planning) Regulation 23(3)(a). |
| 18. Location of ancillary major utility installation | Changes in location within buildings and not involving any changes in site coverage. | Changes in location within buildings and involving changes in site coverage. | Examples include refuse collection point, sewage treatment facilities, electricity substation, and liquefied petroleum gas compound. |
| 19. Phasing & implementation schedule | Changes in phasing and implementation schedule with no GIC facilities or public open space involved, provided that the phasing and implementation schedule is not stipulated in the approval condition. | Other than those specified under “Class A amendments”, minor changes in phasing and implementation schedule. | |
| 20. Extension of time for commencement of development | N.A. | The period of extension, or the aggregate of all the periods of extensions, not exceeding the original duration for commencement of development of the approved development proposal. | |
| 21. Time for compliance with planning conditions for temporary use or development | N.A. | Extension of time for compliance with planning conditions for temporary use or development. | |