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 Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) (17th Floor, NPGO and 14th Floor, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.]

1. Introduction

Where a planning permission is granted under section 16, 17 or 17B 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 (see gazette notice at Annex 1). There are a total of 19 categories covering aspects such as site area, gross floor area (GFA), building height, site coverage, mix of use, and provision of open space, recreational facilities, car parking and extension of time.
- 2.2 Changes falling within Class A amendments do not require further application to the Town Planning Board (the Board). Class B amendments are, however, subject to the approval of the Board 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 Board, the planning approval is taken to be the originally approved planning application as amended by one accepted application for Class B amendments. The applicant could choose to implement the original planning

permission or such permission 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 Board.

2.4 If the amendment does not fall within Class A nor Class B amendments, a fresh planning application under section 16 of the Ordinance will be required.

3. Delegation of Authority

The Board has delegated, under section 2(5)(b)(i) of the Ordinance, its authority to the Director of Planning (D of Plan), and to the Deputy Director of Planning (DD) and Assistant Directors of Planning (ADs) in the District Planning Branch of the Planning Department (PlanD), 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 be submitted to the Board for consideration. Notwithstanding paragraph 8 below, for amendments involving deletion of the previously proposed Government, Institution or Community (GIC) facilities from the approved development proposal, even if the deletion is initiated and agreed by the relevant government department and/or the requirement of the GIC facilities is subject to an approval condition, the matter will be submitted to the Board for consideration is not initiated by the relevant government department, a fresh planning application under section 16 of the Ordinance will be required.

4. Application Procedures

4.1 An application for Class A amendments to an approved development proposal is not required. The applicant should highlight any Class A amendments on the building plans to facilitate checking by PlanD.

- 4.2 An application for Class B amendments to an approved development proposal is required and can only be submitted by the person to whom the permission is granted, as required under section 16A(2) of the Ordinance¹.
- 4.3 An application for Class B amendments shall be made by filling in an application form (Form No. S16A). The applicant shall clearly set out the amendments sought, in comparison with the development proposal previously approved under section 16, 17 or 17B of the Ordinance, and highlight amendments in the relevant plans, where appropriate. The requirements on obtaining owners' consent, notifying the owners, or taking reasonable steps to obtain owner's consent or give notification to the owners as well as on publishing the application for public inspection do not apply to an application for Class B amendments under section 16A(2) of the Ordinance.
- 4.4 The applicant will normally be informed of the decision on an application for Class B amendments to an approved development proposal processed by D of Plan, DD or relevant AD within 6 weeks. An application which is considered unacceptable by the concerned government departments will be submitted to the Board for consideration within two months from the date of receipt of the application.
- 4.5 If the applicant is not satisfied with the decision on the application, he/she may within 21 days of being notified of the decision, apply in writing to the Secretary of the Board (Secy/Board) for a review under section 17 of the Ordinance. Such review will not be published for public inspection.
- 4.6 If the applicant is still not satisfied with the decision made by the Board upon review, the applicant may, within 60 days of being notified of the decision of the Board, lodge an appeal to the Secretary of the Town Planning Appeal Board under section 17B(1) of the Ordinance.

In case there is a change in land ownership, the original applicant may appoint the subsequent owner of the site as his/her authorized representative to submit an application for Class B amendments.

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 of the Ordinance, or any minor amendments previously approved by a public officer under the delegated authority of the Board prior to the commencement of the Town Planning (Amendment) Ordinance 2004. This is to ensure that aggregate amendments exceeding the scope of Class B amendments shall be considered as a fresh section 16 application.

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 of the Ordinance. The applicant should refer to Town Planning Board 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 proposal, 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 Secy/Board at the same time when the building plans are submitted to the Building Authority.

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 (DPO) of the PlanD should be contacted for advice. The advice given by DPO, however, will not pre-empt the decision of the Board or any public officer with the authority delegated by the Board.

8. Amendments in relation to Compliance of Approval Conditions

Under section 16(5) of the Ordinance, the Board may grant planning permission subject to such conditions as the Board thinks fit. In general, the applicant is required to fulfill an approval condition to the satisfaction of the concerned government department or of the Board. No separate planning application under section 16A(2) of the Ordinance will be required for amendments made to the approved development proposal as a result of fulfilling the approval conditions of the planning permission specified by the Board. The applicant is advised to liaise with the concerned government department on the fulfillment of the approval condition. Should there be disagreement over the fulfillment departments, the matter will be submitted to the Board for consideration.

TOWN PLANNING BOARD March 2018

Annex 1

Town Planning Ordinance (Chapter 131)

CLASS A AMENDMENTS AND CLASS B AMENDMENTS

Pursuant to section 46 of the Interpretation and General Clauses Ordinance (Chapter 1) and section 16A(10) of the Town Planning Ordinance, the 'Class A amendments' and 'Class B amendments' agreed by the Town Planning Board on 2 February 2018 to substitute that published on 15 April 2005, is published in the Schedule to this Notice with immediate effect.

2 March 2018

Town Planning Board

SCHEDULE

CLASS A AMENDMENTS AND CLASS B AMENDMENTS

Category 1 Site area and site boundary

Class A amendments	Class B amendments	Remarks
(a) Changes in site area/site	Other than those specified	Provided that the
boundary due to the setting	under Class A amendments of	changes under both
out of site boundary at the	this category and changes not	Class A and Class B
processing of land grant,	exceeding 10% of the gross	amendments of this
inclusion/exclusion of	site area.	category do not involve
private lane and/or land for		additional areas of a
public purposes in site area		different zoning which
calculation; or		requires planning
		permission from the
(b) Change in site area as		Town Planning Board,
required by Government at		a reduction in the
the processing of land grant;		provision of
or		Government, institution
		or community facilities
(c) Reduction not exceeding		covered under
5% of the gross site area		Category 9 or public
with corresponding		open space, or making
reduction in gross floor		a material change to the
area.		original approved
		development proposal.

Category 2 Total gross floor area and plot ratio

	Class A amendments	Class B amendments	Remarks
(a)	Reduction in gross floor	Other than those specified	(a) Both Class A and
	area (GFA)/plot ratio (PR);	under Class A amendments of	Class B
	or	this category and increase in CEA not avoid $\frac{1}{2}an$	amendments of
(\mathbf{b})	Increase in GFA/PR	GFA not exceeding $4,000\text{m}^2$ or 10% of the approved total	this category are not applicable to
(b)	arising from Item (b) in the	10% of the approved total GFA, or its equivalent PR,	the provision of
	Remarks column, provided	whichever is the less, arising	Government,
	that the total GFA/PR is	from Item (b) in the Remarks	institution or
	not specified as an	column and provided that	community
	approval condition of the	there are no PR or GFA	facilities covered
	planning permission and	restrictions on the extant	under Category 9
	subject to:	statutory plan, and in the	below.
	(i) not exceeding the	approval condition of the planning permission, if	(b) Increase in GFA/
	maximum GFA or PR	applicable.	PR under both
	restrictions on the	mp Provence	Class A and Class
	extant statutory plan;		B amendments of
	or		this category are
			only applicable to
	(ii) increase in GFA not $avagading 2000m^2$ or		the following
	exceeding 2,000m ² or 5% of the approved		circumstances:
	total GFA, or its		(i) increase in
	equivalent PR,		GFA/PR due
	whichever is the less,		to additional
	provided that there		PR permitted
	are no GFA or PR		by the
	restrictions on the		Building Authority
	extant statutory plan.		under
			Regulation
			22(1) or (2) of
			the Building
			(Planning)
			Regulations at the detailed
			the detailed design stage;
			and/or
			(ii) increase in
			GFA due to
			increase in
			site area arising from
			Item (a) of
			Class A
			amendments
			under
			Category 1

Class A amendments	Class B amendments	Remarks
		above; and/or
		(iii) increase in PR
		due to
		decrease in
		site area
		arising from
		Items (a) or
		(b) of Class A
		amendments
		under
		Category 1
		above.

Category 3	Number of units
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Class A amendments	Class B amendments	Remarks
(a) Reduction in number of units, provided that it is not less than the minimum number of units specified in the planning brief, if	under Class A amendments of this category and increase in number of units not exceeding 200 units or 20% of the	 (a) "Units" include domestic units in residential development (houses/flats) and
 applicable; or (b) Increase in number of units not exceeding 100 units or 10% of the approved provision, whichever is the less, provided that the maximum number of units is not specified as an approval condition of the planning permission and is not specified in the planning brief, if applicable. 	approved provision, whichever is the less.	residential institution, as well as guestrooms in hotel; and (b) The corresponding changes in unit size due to changes in the number of units are always permitted.

Category 4 Building blocks

	Class A amendments	Class B amendments	Remarks
(a)	Changes in form of building(s), provided that the affected portion(s) of the concerned block(s) is(are) not the subject of environmental mitigation measures; or	 (a) Changes in form of building(s) other than those specified under Class A amendments of this category; or (b) Reduction in number of building blocks other than 	 (a) The concerned block(s) or the affected portion(s) of the concerned block(s) may be an environmental buffer or subject to environmental
(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) to be deleted is(are) not the subject of environmental mitigation measures; or	 those specified under Class A amendments of this category; or (c) Minor changes in disposition of building block(s) other than those specified under Class A amendments of this category; or 	nuisance; and (b) The form of building under Item (a) of both Class A and Class B amendments of this category includes the height and design of podium, if
(c)	Minor changes in disposition of house(s) (other than New Territories Exempted House(s) (NTEH(s)) /Small House(s)), provided that the concerned house(s) is(are) not the subject of environmental mitigation measures; or	(d) Increase in number of building blocks.	applicable.
(d)	Minor changes in disposition of NTEH(s)/ Small House(s), provided that the changes would not result in a reduction in the percentage of the footprint of the house(s) falling within the "Village Type Development" zone and/or village 'environs' of a recognized village, and the concerned NTEH(s)/Small House(s) is(are) not the subject of environmental mitigation measures.		

Category 5 Building height (including absolute building height, number of storeys and building height in metres above Principle Datum (mPD))

Class A amendments	Class B amendments	Remarks
(a) Reduction in building height; or	Other than those specified under Class A amendments of this category and increase in	
 (b) Increase in building height of any building block, provided that the maximum building height is not specified as an approval condition of the planning permission and subject to: (i) not exceeding the building height restrictions on the extant statutory plan and in the planning brief, if applicable; or 	absolute building height and/or number of storeys of any building block not exceeding 20% of the approved absolute building height and/or number of storeys [excluding refuge floor(s), if any] of the concerned building block, provided that there are no building height restrictions on the extant statutory plan and in the planning brief, if applicable.	
 (ii) not exceeding 10% of the approved absolute building height and/or number of storeys [excluding refuge floor(s), if any] of the concerned building block, provided that there are no building height restrictions on the extant statutory plan and in the planning brief, if applicable; or 		
 (iii) incorporation of the green features covered by the Joint Practice Notes promulgated by the Buildings Department, Lands Department, and Planning Department, provided that there are no building height restrictions on the extant statutory plan and in the planning 		

Class A amendments	Class B amendments	Remarks
brief, if applicable, or		
the proposed change		
does not result in		
development		
exceeding the		
building height		
restrictions on the		
extant statutory plan		
and in the planning		
brief, if applicable.		

Category 6 Site coverage

Class A amendments	Class B amendments	Remarks
(a) Reduction in site coverage;	Other than those specified	
or	under Class A amendments of	
	this category and increase in	
(b) Increase in site coverage	site coverage not exceeding	
subject to:	10% of the approved site	
5	coverage provided that there	
(i) not exceeding the site	are no site coverage	
coverage restrictions	restrictions on the extant	
on the extant	statutory plan and in the	
statutory plan and in	planning brief, if applicable.	
the planning brief, if		
applicable; or		
(ii) not exceeding 5% of		
the approved site		
coverage, provided		
that there are no site		
coverage restrictions		
on the extant statutory		
plan and in the		
planning brief, if		
applicable; or		
(c) Increase in site coverage		
due to:		
(i) incorporation of the		
green features		
covered by the Joint		
Practice Notes		
promulgated by the		
Buildings		
Department, Lands		
Department and		
Planning Department,		
provided that there		
are no site coverage		
restrictions on the		
extant statutory plan		
and in the planning		
brief, if applicable, or		
the proposed change		
does not result in		
development		
exceeding the site		
coverage restrictions		
on the extant statutory		
plan and in the		
planning brief, if		

Class A amendments	Class B amendments	Remarks
applicable; or		
 (ii) decrease in site area arising from Items (a) or (b) of Class A amendments under Category 1 above, provided that there are no site coverage restrictions on the extant statutory plan and in the planning brief, if applicable, or the proposed change does not result in development exceeding the site coverage restrictions on the extant statutory plan and in the planning brief, if applicable. 		

Category 7 Type and mix of uses

Class A amendments	Class B amendments Remarks	
Changes in internal	Other changes in internal	The affected portion(s)
layout/disposition of premises,		
provided that the affected	which do not fall within Class	premises may be an
portion(s) of the concerned	A amendments of this	environmental buffer
premises is(are) not the subject	category.	or subject to
of environmental mitigation		environmental
measures.		nuisance.

Class A amendments	Class B amendments	Remarks
Not Applicable	 (a) Changes in the types, locations, and/or floor area(s) of the facilities; or (b) Deletion of the facilities, as initiated by the relevant government departments. 	 (a) This category is not applicable to development solely for Government, institution or community (GIC) facilities;
		 (b) If the deletion of the concerned GIC facilities is initiated by the relevant government department under Item (b) of Class B amendments, the matter should be submitted to the Town Planning Board for consideration; and
		(c) If the deletion of the concerned GIC facilities is not initiated by the relevant government department, a fresh application under section 16 of the Town Planning Ordinance is required.

Category 9 Provision of Government, institution or community facilities

Category 10 Provision of public open space

Category 11 Provision of private open space

Class A amendments	Class B amendments	Remarks
 (a) Increase in total area; or (b) Reduction in total area not exceeding 10% of the approved total area for private open space purpose, provided that the resulting total area of private open space is not less than the minimum standard stated in the Hong Kong Planning Standards and Guidelines (HKPSG), and that specified in the planning brief, if applicable; or (c) Changes in location of the private open space remains on the same street/podium 	 Class B amendments (a) Reduction in total area exceeding 10% of the approved total area for private open space purpose provided that the resulting total area of private open space is not less than the minimum standard stated in the HKPSG, and that specified in the planning brief, if applicable; or (b) Changes in the location of the private open space other than those specified under Class A amendments of this category. 	Remarks(a) Both Class A and Class B amendments of this category are not applicable to open space in private developments for public use; and(b) The open space may be an environmental buffer or subject to environmental nuisance.
level(s), and is not the subject of environmental mitigation measures; or(d) Changes in the ratio of active or passive private open space.		

Category 12 Provision of carparking, loading/unloading and other transport facilities

Class A amendments	Class B amendments	Remarks
(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	 (a) Changes in the number of parking and loading/ unloading spaces other than those specified under Class A amendments of this category; or 	The definitions of "demand flexibility" under Item (c) of Class A amendments and "design flexibility" under Item (d) of Class A amendments follow
(b) Changes in the number of any type of parking and/or loading/unloading spaces due to revised requirements under the Hong Kong Planning Standards and Guidelines and agreed by Government; or	 (b) Changes in the number and/or locations of ingress/egress point(s); changes in locations of footbridges/subways, public transport terminus, car park, loading/ unloading area and lay-bys; and changes in the 	the interpretation of the Transport Department and Lands Department.
(c) Changes in the number of parking spaces for motor vehicles not exceeding 5% of the approved provision for the purposes of demand flexibility; and	layout of emergency vehicular access.	
 (d) On top of Item (c) above, an additional change in the number of each type of parking and loading/unloading spaces not exceeding 50 spaces or 5% of the approved provision, whichever is the less, for the purpose of design flexibility; or 		
(e) Changes in the layout of internal roads and the internal layout of car park and loading/unloading area.		

Category 13	Location and size of non-building area, setback and building gap

	rks
initiated by Government. not initiated by Government. designated specific including for widening an mitigating environmental, ventilation,	ling area, building o those for a purpose, or road nd for

(a)	Changes in soft/hard	(a)	Duarridad that the
	landscape design or changes in implementation programming; or	(a)	Provided that the changes under Items (b) to (d) of Class B amendments of this category do
(b)	Changes in individual trees identified for preservation; or		not affect "Important Trees", "Old and Valuable Trees" and/or
(c)	Increase in the number of trees to be felled not exceeding 10% of the approved level: or	(b)	"Protected Species"; "Important Trees"
(d)			under Item (a) of this Remarks column refer to those trees defined in Note 3, Appendix C of DEVB TC(W) No. 7/2015;
		(c)	"Old and Valuable Trees" under Item (a) of this Remarks column refer to those trees included in the list of the "Register of Old and Valuable Trees" kept by the Leisure and Cultural Services Department;
		(d)	"Protected Species" under Item (a) of this Remarks column refer to those tree species protected under relevant ordinances in Hong Kong; and
	(c)	 changes in in implementation programming; or (b) Changes in individual trees identified for preservation; or (c) Increase in the number of trees to be felled not exceeding 10% of the approved level; or (d) Decrease in the number of preserved trees not exceeding 10% of the 	changes in individual programming; or (b) Changes in individual trees identified for preservation; or (c) Increase in the number of trees to be felled not exceeding 10% of the approved level; or (d) Decrease in the number of preserved trees not exceeding 10% of the approved level. (c)

Category 14 Tree preservation and Landscape Proposals/Master Plan

Class A amendments	Class B amendments	Remarks
		(e) Preservation
		trees under b
		Class A and Ite
		(b) and (d)
		Class
		amendments d
		not inclu
		transplanting.

Class A amendments	Class B amendments	Remarks
Changes in provision of private	Changes in provision of public	
indoor recreational facilities.	indoor recreational facilities,	
	including but not limited to	
	changes in location, layout,	
	type and floor area.	

Category 15 Provision of indoor recreational facilities

Category 16 Provision of ancillary major utility installation

Class A amendments	Class B amendments	Remarks
Changes in location of the	(a) Other changes in location	Examples include
facility within a building and	of the facility which do	refuse collection point,
not involving any changes in	not fall within Class A	sewage treatment
site coverage.	amendments of this	facilities, electricity
_	category; or	substation, and
		liquefied petroleum gas
	(b) Deletion of the facility, as	compound.
	initiated by the relevant	_
	government department.	

Category 17 Phasing and implementation schedule

Class A amendments	Class B amendments	Remarks
*	1	

Class A amendments	Class B amendments	Remarks
Not Applicable	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.	

Category 18 Extension of time for commencement of development

Category 19 Extension of time for compliance with approval conditions

Class A amendments	Class B amendments	Remarks
	Extension of time for compliance with approval conditions.	