

TPB PG-NO. 16

**TOWN PLANNING BOARD GUIDELINES FOR
APPLICATION FOR DEVELOPMENT/REDEVELOPMENT WITHIN
"GOVERNMENT, INSTITUTION OR COMMUNITY" ZONE FOR USES OTHER THAN
GOVERNMENT, INSTITUTION OR COMMUNITY USES
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

(Important Note :-

The Guidelines are intended for general reference only. The decision to approve or reject an application rests entirely with the Town Planning Board (the Board) and will be based on individual merits and other specific considerations of each case.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17/F, North Point Government Offices, 333 Java Road, Hong Kong - Tel. No. 22315000.

The Guidelines are liable to revision without prior notice. The Board will only make reference to the Guidelines current at the date on which it considers an application.)

1. Scope and Application

- 1.1 "Government, Institution or Community" ("G/IC") zones are designated on statutory plans to reflect the existing Government, Institution or Community (GIC) uses and to reserve sites for future provision of GIC facilities in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) to meet the present and future needs of the community. Some GIC developments, especially the low-rise and low-density ones, also serve as "breathing space" within a high-rise and high-density environment. Some areas/sites are also zoned "G/IC" to cater for unforeseen future demands and for which no specific GIC uses have been designated for the time being.
- 1.2 Over the years, due to changing demographic structure and revisions to the standards and requirements of provision of GIC facilities, some existing or planned facilities may become surplus, obsolete or under-utilised while some others may require in-situ expansion or reprovisioning elsewhere so as to meet the current and anticipated future operational needs. In these circumstances, opportunities exist for some "G/IC" sites to be developed/redeveloped for non-GIC uses or for a mixture of GIC and non-GIC uses.
- 1.3 Use of "G/IC" sites for non-GIC uses which fall within Column 2 of the Notes for the "G/IC" zone may or may not be permitted with or without conditions on application to the Town Planning Board (the Board) under section 16 of the Town Planning Ordinance. The planning permission system will enable the Board to maintain adequate planning control over the use of "G/IC" sites and yet allow sufficient flexibility in accommodating the changing aspirations and requirements of the community, and sometimes to meet demand for better utilisation of the site potential.
- 1.4 Applications for development/redevelopment within a "G/IC" zone for non-GIC uses will be considered by the Board on individual merits and in accordance with the main planning criteria set out in paragraph 2 below.
- 1.5 As a general rule, for sites zoned "G/IC", a major portion of the proposed development should be dedicated to GIC and other public uses including public open spaces. Otherwise, the proposed development is considered to constitute a significant departure from the planning intention of the "G/IC" zone and, unless with very strong justifications and under special circumstances, planning permission for such development would not be granted.
- 1.6 If the development is for predominantly non-GIC uses (e.g. more than 50% of the total site area or gross floor area of the development, as the case may be, are for non-GIC uses), the Board might consider rezoning the site to an appropriate zoning if the proponent could demonstrate that all the planning criteria have been met. Through zoning amendment to the relevant statutory plan, members of the public would be informed of the change in planning intention, and an opportunity could be provided

for the public to comment on the zoning amendments and lodge objections for the consideration of the Board under the provisions of the Town Planning Ordinance.

- 1.7 This set of Guidelines is applicable to both development and redevelopment of "G/IC" sites for non-GIC uses, including a mixture of GIC and non-GIC uses.

2. Main Planning Criteria

- 2.1 In general, sites zoned "G/IC" are intended to be developed or redeveloped solely for GIC uses unless it can be established that the provision of GIC facilities would not be jeopardised and the concerned Government departments have no objection to releasing a particular "G/IC" site or a certain part of it for non-GIC uses. For applications for development/redevelopment for non-GIC uses within a "G/IC" site, the applicant should satisfactorily demonstrate the following:
 - a. in the case of a "G/IC" site designated with specific uses,
 - i. the application site is no longer required for the designated GIC uses, or adequate reprovisioning of the designated GIC uses is provided either in-situ or elsewhere; and
 - ii. there is adequate provision of other GIC facilities in the district, or the application site is not suitable for other GIC facilities; or
 - b. in the case of an undesignated "G/IC" site, the application site is no longer required to be reserved for any GIC uses; and
 - c. the proposed development/redevelopment would not adversely affect the provision of GIC facilities in the district on a long-term basis.
- 2.2 The proposed development should not adversely affect the normal operation of the existing GIC facilities nor delay the implementation of the planned GIC facilities, if any, within the "G/IC" site. Temporary reprovisioning, if necessary, should be provided prior to the completion of the proposed development.
- 2.3 The proposed development should be compatible in land-use terms with the GIC uses on the site, if any, and with the surrounding areas.
- 2.4 The scale and intensity of the proposed development should be in keeping with that of the adjacent area. In this regard, development restrictions stipulated on the statutory plan for similar development in the locality and the prevailing development restrictions administratively imposed by the Government on nearby similar developments (e.g. development restrictions in Special Control Areas and plot ratios in accordance with the density zones under the HKPSG) would be taken into consideration.
- 2.5 The scale and design of the proposed development should have regard to the character and massing of the buildings in the surrounding areas and should not cause significant adverse visual impact on the townscape of the area. Where one of the planning intentions of the existing/designated GIC development on the site is to serve as a "breathing space" or visual break within a high-rise and high-density environment, the proposed development should be designed in such a way that this planning intention would not be undermined.
- 2.6 The proposed development should be sustainable in terms of the capacities of existing and planned infrastructure such as drainage, sewerage, roads, water supply and utilities in the locality and its surrounding areas.
- 2.7 There should be adequate provision of parking and loading/unloading facilities to serve the proposed development in accordance with the HKPSG and to the

- satisfaction of the Transport Department. Adequate vehicular access arrangements should also be provided to the satisfaction of the Transport Department.
- 2.8 The proposed development should be sustainable in terms of the overall planned provision of open space and GIC facilities in the area.
 - 2.9 The proposed development should not cause, directly or indirectly, the surrounding areas to be susceptible to adverse environmental impacts and should not be susceptible to adverse environmental impacts from pollution sources nearby including heavily trafficked road; otherwise adequate environmental mitigation, monitoring and audit measures must be provided.
 - 2.10 For "G/IC" sites covered by mature trees and vegetation or located in areas of high landscape or amenity value, the design and layout of the proposed development should be compatible and should blend in well with the surrounding areas. The proposed development should not involve extensive clearance of existing natural vegetation, adversely affect the existing natural landscape, or cause adverse visual impact on the natural environment in the surrounding areas. A master landscape plan (including a detailed survey of the existing trees, proposals on preservation of the trees, tree transplanting, compensatory planting and, where appropriate, an indication of the proposed hard finishes of all landscape areas, slopes and retaining structures) should be submitted to the Board for consideration.
 - 2.11 The design and layout of the proposed development should have regard to the preservation of any existing buildings of historical or architectural values on or adjoining the application site.
 - 2.12 The financial viability of a development/redevelopment proposal in support of the GIC elements to be provided, the status of the land under lease and the planning gains to be brought about by the proposed development would also be part of the considerations of the Board when assessing the proposal. However, the amount of weight to be given to these considerations would depend on the circumstances and merits of each case. Under normal circumstances, planning considerations such as land-use compatibility, traffic and environmental impacts, and landscape and urban design concerns would take precedence.
 - 2.13 All other statutory or non-statutory requirements of relevant Government departments should be met.

3. In-situ Conversion of "G/IC" Building for non-GIC Uses

- 3.1 With the exception of the criteria under para. 2.4, 2.5, 2.10 and 2.11 mentioned above, this set of Guidelines is also applicable to proposed in-situ conversion for non-GIC uses of an existing "G/IC" building, or part thereof, within the "G/IC" zone.

TPB PG-No. 34C

**TOWN PLANNING BOARD GUIDELINES ON
RENEWAL OF PLANNING APPROVAL AND
EXTENSION OF TIME FOR COMPLIANCE WITH PLANNING CONDITIONS
FOR TEMPORARY USE OR 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 (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. Introduction

These Guidelines set out the application procedures and assessment criteria for applications for renewal of planning approvals and extension of time for compliance with planning conditions for temporary use or development by the Town Planning Board (the Board).

2. Renewal of Approvals for Temporary Use/Development

Planning approvals for temporary uses and developments are subject to a specific approval period. The planning approval will lapse upon expiry of the approval period. The applicant may apply to the Board for a renewal of the temporary approval if the temporary use and development is to be continued. However, should there be new planning circumstances governing the application, the Board is under no obligation to renew the temporary approval.

3. Application Procedures

3.1 An application for renewal of planning approval for temporary use or development is in nature an application for planning permission and will be processed in accordance with the provision of the extant statutory plan under s.16 of the Town Planning Ordinance (Ordinance). The application should be submitted and processed in accordance with the procedures set out in the relevant Guidance Notes and Town Planning Board Guidelines applicable to

s.16 applications.

- 3.2 An applicant who wishes to seek a renewal of the approval is required to submit an application to the Board for proposal involving renewal of permission for temporary use/development, and satisfying the relevant submission requirements including the 'owner's consent/notification' requirements. Since these applications involve only the renewal of approval previously granted by the Board, a streamlined approach in respect of the submission requirements could be adopted, i.e. there is no need to undertake new technical assessments to support the s.16 application, so long as there is no major change in planning circumstances¹ (such as a change in the planning policy/land-use zoning for the area). Updated assessments may however need to be submitted if necessary. In general, the applicant is only required to provide:
- (a) reasons for the application;
 - (b) time period for which a renewal is sought but the period requested cannot exceed the maximum period of temporary use/development allowed in the Notes of the concerned statutory plan; and
 - (c) an account of whether the planning conditions on submission of technical assessments and provision of facilities under the previous approval have been complied with to the satisfaction of the concerned Government departments.
- 3.3 Such applications should be submitted to the Board no less than 2 months before the expiry of the temporary approval so as to allow sufficient time for processing in accordance with the Ordinance, e.g. publication for public inspection and comments. Applications submitted less than 2 months before the expiry of the temporary approval may not be processed for consideration of the Board. A fresh s.16 planning application for the development in accordance with the provision of the extant statutory plan will be required.
- 3.4 Such applications should also be submitted to the Board no more than 4 months before the expiry of the temporary approval. The rationale behind this arrangement is that if an application is submitted too early, the Board, in considering the application, cannot take into account the planning circumstances at the time nearer to the expiry of the planning approval. Any

¹ Please consult the relevant District Planning Offices of the Planning Department or the concerned Government departments if there is any doubt on the need for submission of technical assessments.

change in the planning circumstances may have a material bearing on the decision of the application.

4. Assessment Criteria

4.1 The criteria for assessing applications for renewal of planning approval include:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

4.2 Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

5. Extension of Time for Compliance with Planning Conditions for Temporary Use/Development

5.1 Planning permissions for temporary use or development are generally granted by the Board subject to conditions with time limits specified for compliance. If an applicant cannot comply with any of such conditions within the specified time limit, he may apply for an extension of time to comply with the

conditions.

- 5.2 The time-limited condition attached to planning permission imposed by the Board is to ensure that the planning conditions would be implemented within a reasonable period. The Board could only grant an extension of time for compliance with planning conditions with good justifications.
- 5.3 An extension of time for compliance with the time-limited planning conditions falls within Class B amendments published by the Board. For such an extension, an application shall be made to the Board in accordance with s.16A of the Ordinance. The application procedures set out in the relevant Guidance Notes and Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals should be followed.
- 5.4 The applicant shall submit the application to the Board no less than 6 weeks before the expiry of the specified time limit so as to allow sufficient time for processing and consultation with concerned Government departments.
- 5.5 An application submitted less than 6 weeks before the expiry of the specified time limit may not be processed for consideration of the Board. If any planning condition is not complied with by the specified time limit, the planning permission will be revoked. The Board will not consider such application if the permission has already been revoked at the time of consideration, despite the application is submitted before the expiry of the specified time limit. 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.
- 5.6 In support of an application for extension of time for compliance with planning conditions, 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 activities 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.

6. Assessment Criteria

- 6.1 The criteria for assessing applications for extension of time for compliance with planning conditions include:
- (a) whether the applicant has given full justifications on why the planning condition(s) could not be complied with within the prescribed time-limit;
 - (b) whether the applicant has demonstrated that reasonable action(s) have been taken to comply with all or the outstanding planning conditions;
 - (c) whether there are any adverse planning implications arising from the extension of time for compliance with planning conditions;
 - (d) whether the extension sought is reasonable; and
 - (e) any other relevant considerations.
- 6.2 Under no circumstances should the extension of time for compliance with planning conditions exceed the original validity period of the temporary approval.

Previous s.16 Applications covering the Application Site

Approved Applications

Application No.	Proposed Use(s)/Development	Date of Consideration (MPC/TPB)	Approval Conditions
A/TWW/45	Commercial Development	Approved with conditions(s) (14.2.1997)	(1)-(4), (8)
A/TWW/79	Proposed Temporary Commercial Development for a Period of 6 Years	Approved with condition on a temporary basis for a period of 6 years (27.5.2005)	(8)
A/TWW/102	Renewal of Planning Approval for Temporary Shop and Services (Retail Shop) Use for a Period of 6 Years	Approved with condition(s) on a temporary basis for a period of 3 years (6.5.2011)	(5), (6), (9), (10)
A/TWW/108	Renewal of Planning Approval for Temporary Shop and Services (Retail Shop) Use for a Period of 3 Years	Approved with condition(s) on a temporary basis for a period of 3 years (21.3.2014)	(5), (7)
A/TWW/113	Renewal of Planning Approval for Temporary Shop and Services (Retail Shop) Use for a Period of 3 Years	Approved with condition(s) on a temporary basis for a period of 3 years (7.4.2017)	(5), (7), (10)

Approval Conditions

- (1) The provision of parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board (TPB).
- (2) The provision of a set-back within the application site to allow for the work on the Castle Peak Road improvement to the satisfaction of the Director of Highways or of the TPB.

- (3) The provision of an on-site sewage treatment plant and sewage disposal facilities for the proposed development, prior to the availability of and the connection to the public sewerage system in Sham Tseng, to the satisfaction of the Director of Environmental Protection or of the TPB.
- (4) The submission and implementation of landscaping and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB.
- (5) All existing fire service installations and equipment at the Site should be maintained in an efficient working order during the approval period.
- (6) The submission and implementation of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2011.
- (7) Maintenance of existing trees and landscape plantings during the approval period.
- (8) The permission shall cease to have effect on the said date unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.
- (9) If the specified planning condition(s) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.
- (10) If the above planning condition(s) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

Rejected Applications

Application No.	Proposed Use(s)/Development	Date of Consideration (MPC/TPB)	Rejection Reasons
A/TWW/9	A Commercial Development, Incorporating a Roasted Goose Restaurant, Retail Shops and a Children's Amusement Centre	Rejected (5.10.1990)	(1)-(2)
A/TWW/14	Commercial Development with Retail Shops, Ancillary and Public Car Park	Rejected on review (31.1.1992)	(1)-(6)

Rejection Reasons

- (1) The application site is zoned "G/IC" and is specifically reserved for an ambulance depot cum fire station development which is much needed to provide emergency services to the Ting Kau, Sham Tseng and Tsing Lung Tau area.
- (2) It is in the public interest to maintain this planning intention.
- (3) There is no overriding justification for the proposed retail establishment to be developed on a "G/IC" site already reserved for development of a public project.
- (4) The application site is not suitable for the proposed commercial and car park development as it would induce potential frequent vehicular ingress/egress movements imposing road safety problems, particularly in the light of the future widened Castle Peak Road.
- (5) In view of the existing and future commercial facilities available in the neighbouring commercial, residential and CDA zones, there is no strong justification for additional provision of retail/commercial uses in Sham Tseng.
- (6) The proposed 100% site coverage is unacceptable as the proposal would create a relatively massive building bulk incompatible with the disposition of the neighbouring developments.