



Requirements and Compliance Checking of Site Reinstatement related to Planning Applications

Purpose

1. In approving a planning application under section 16 of the Town Planning Ordinance (TPO) (Cap. 131) for a temporary use, the Town Planning Board (TPB) may, based on the individual circumstances of the application and the site, impose a condition requiring the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB upon expiry of the planning permission.
2. This Practice Note is to set out the general requirements and the arrangement for compliance with the reinstatement condition.

General Requirements of Reinstatement

3. As a general principle, in undertaking the reinstatement works upon the expiry of a planning approval for a temporary use, the applicant should clear the entire application site, including structures, deposited items and hard-paving, and restore the amenity, e.g. grassing the site. The reinstatement works should be completed within three months of the expiry of the subject planning approval. However, if a renewal of the planning approval is granted by the TPB under section 16 of the TPO before expiry of the previous approval with the same reinstatement condition, the reinstatement of the site should be complied with upon expiry of the renewed planning permission.
4. The above requirement would only be exempted if the structures, deposited items and hard-paving within the site were in existence immediately before the publication in the Gazette of notice of the relevant Interim Development Permission Area Plan/

Development Permission Area Plan or permitted under the terms of the previous statutory town plans. For such exemption, the applicant must submit adequate evidence to substantiate his claim to the satisfaction of the concerned District Planning Office (DPO) or of the TPB.

Self-Certification of Compliance

5. For compliance of the reinstatement condition, the applicant can choose to discharge the condition by himself/herself or by a Registered Professional Planner (RPP) he/she appoints. For the latter, there is a streamlined arrangement for compliance checking by the RPP, under which the RPP should submit a Self-certification of Compliance (SCC) to the concerned DPO within three months of the expiry of the planning approval. The SCC should enclose photographic records taken not more than two weeks before the submission that show the conditions of the whole application site with reinstatement works completed, as well as a plan showing the viewpoints of the photos. A standard SCC form is at [Appendix](#).

6. SCC submissions will be randomly selected for on-site compliance checking or as considered necessary. The RPP will be notified if the site is selected for checking within two weeks from the date of receipt of SCC. If the site is selected, a full compliance checking will be carried out and the RPP will be notified of the result within six weeks from the date of receipt of SCC. If there is any obvious inadequacy observed in the SCC submission, the Planning Department may report such observations to the Planners Registration Board for information and necessary action, where appropriate.

7. If the RPP does not receive any response from PlanD within two weeks from the date of receipt of SCC, the reinstatement works will be deemed to have been accepted and the relevant planning condition will be considered as complied with. Compliance of planning condition will be issued in writing by the concerned DPO to the RPP.

8. For cases not adopting the above SCC approach, the applicant or his/her representative should notify the concerned DPO of the completion of the reinstatement within three months of the expiry of the planning approval. The notification should enclose photographic records taken not more than two weeks before the submission that show the

conditions of the whole application site with reinstatement works completed, as well as a plan showing the viewpoints of the photos. The concerned DPO will check whether the reinstatement condition is properly complied with. The applicant or his/her representative will be notified of the date for site inspection (if necessary) and the result of inspection respectively within two weeks and six weeks from the date of receipt of the notification on the completion of the reinstatement works.

Enquiries

9. Applicants are welcome to contact the concerned DPO for enquiries on any case specific issues, including reinstatement requirements for complicated cases.

10. This Practice Note takes effect from 2 June 2022.

(Ivan CHUNG)
Director of Planning
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