



**Processing of Amendments to Approved Building Plans
in respect of Non-conforming Development Proposals**

1. To keep abreast with changing circumstances, the planning intention of an area may change over time. This may necessitate amendments to the statutory plan covering the area. Some development proposals which have obtained building plan approval prior to the stipulation of a new zoning restriction (i.e. a new land use zone or a new development restriction) may thus become non-conforming when the restriction comes into effect.

2. Development proposals which have already obtained building plan approval will not be affected by an amendment to the zoning restriction. Any subsequent amendments to the approved building plans will need to conform to an extant statutory plan. However, if the proposed amendments are minor in nature and immaterial in planning terms, it may not be reasonable to reject the amendment building plans under section 16(1)(d) or (da) of the Buildings Ordinance (BO) for contravention of the extant statutory plan.

3. In dealing with such cases, the Planning Department has adopted a flexible and practical approach. For building plans involving minor amendments to the approved building plans, such as alteration of internal layout without any increase in plot ratio, flat number and/or car parking spaces, no recommendation will be made to the Building Authority (BA) with respect to his exercise of the discretion under section 16(1)(d) or (da) of the BO. This Department will confine our comments to whether there are any adverse planning implications as a result of the amendments. However, for building plans involving a change of use or an increase in development intensity as compared with the approved building plans, these plans will be assessed in terms of the extant statutory plan. A recommendation will be made to the BA to reject the plans if the plans contravene the provisions of the extant statutory plan. The final decision rests with the BA.

4. This administrative practice provides more certainty to an owner/developer as it will facilitate minor amendments to approved building proposals. This Department will continue to apply this practice in processing amendments to approved building plans.

(B.C.K. FUNG)
Director of Planning
Date: 13 December 2001