



**Basis for Determining Class A and Class B Amendments
Under Section 16A of Town Planning Ordinance**

Introduction

1. In respect of a planning permission granted under section 16 of the Town Planning Ordinance (the Ordinance), there are provisions for amendments to the approved development proposal under section 16A of the Ordinance. The provisions also apply to all planning permissions granted prior to the commencement of the Town Planning (Amendment) Ordinance 2004 (the Amendment Ordinance).

2. The Town Planning Board (TPB) has specified Class A and Class B amendments by a notice published in the Gazette. The schedule of Class A and Class B amendments is also available at Annex I to TPB Guidelines No. 36. Changes falling within Class A amendments do not require further application to the TPB whilst Class B amendments may be submitted for the approval of the TPB under section 16A(2) of the Ordinance.

Basis for Determining Class A and Class B Amendments

3. In considering the basis for determining any Class A or Class B amendments, reference should be made to section 16A(9) of the Ordinance which provides that any amendments made under section 16A shall be disregarded. Following the same principle, the basis for determining any Class A or Class B amendments to a permission granted prior to the commencement of the Amendment Ordinance shall not take into account any minor amendments approved in accordance with TPB Guidelines No. 19B which was in force at the time, no matter whether the minor amendments were approved by a public officer (i.e. the District Planning Officer, Chief Town Planner/ Urban Renewal or the Director of Planning) under the delegated authority of the TPB or the TPB itself (in considering minor

amendments that were subject to adverse comments from Government departments). In other words, the last relevant development proposal approved by the TPB shall be taken as the basis for determining Class A and Class B amendments to the permission.

4. For extension of time for commencement of development under Category 19 of Class B amendments, if the original permission was granted prior to the commencement of the Amendment Ordinance, the original duration for commencement of development shall be taken as the duration allowed in the last approval given by the TPB or the Director of Planning under the delegated authority of the TPB.

5. For extension of time for compliance with approval conditions under Category 20 of Class B amendments, the total time period for compliance of the relevant condition should count from the date of approval of the original application and should be indicated in the application form no matter whether an extension for compliance of any of the conditions has previously been approved by the TPB or the Director of Planning under the delegated authority of the TPB.

6. An applicant for Class B amendments is required to specify in the application form the reference number of the particular application previously approved by the TPB which is used as the basis for determining the Class B amendments.

7. Enquiries on the basis for determining Class A and Class B amendments to any particular development proposal may be directed to the responsible district planning office.

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