

**TOWN PLANNING BOARD GUIDELINES ON
SUBMISSION AND PUBLICATION OF REPRESENTATIONS,
COMMENTS ON REPRESENTATIONS AND FURTHER REPRESENTATIONS
UNDER THE TOWN PLANNING ORDINANCE**

[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. Scope and Application

The purpose of this set of Guidelines is to set out the requirements and practices adopted by the Town Planning Board (the Board) regarding the submission and publication of representations, comments on representations and further representations in relation to the plan-making procedures under the Town Planning Ordinance (the Ordinance). The entire plan-making procedures are summarized in the flowchart attached at **Annex 1**.

2. An Overview of the Relevant Statutory Provisions

- 2.1 The new plan-making process is set out in sections 5 to 7 of the Ordinance. Under the new process, any new draft plan or amendment to draft/approved plan will be exhibited for public inspection for a period of 2 months. During the exhibition period, any person may make representation (whether in support or opposition to the plan) to the Board in respect of the new draft plan or amendment to draft/approved plan (hereinafter referred to as “the draft plan”). Such representations will be made available for public inspection as soon as reasonably practicable after the expiry of the above 2-month period until the Chief Executive in Council (CE in C) has decided on the draft plan.
- 2.2 During the first 3 weeks of the public inspection period of the representations, any person may make comment on the representations to the Board. Such comments will be made available for public inspection as soon as reasonably

practicable after the expiry of the above 3-week period until the CE in C has decided on the draft plan.

- 2.3 The Board or its Representation Hearing Committee (RHC) will then hold a meeting (hereinafter referred to as “hearing”) to hear and consider the representations and comments received in respect of the draft plan. The person making a representation (hereinafter referred as ‘representer’) and the person making comment on the representations (hereinafter referred as ‘commenter’), including their authorized representatives, will be invited to attend the hearing.
- 2.4 After hearing the representations and comments, the Board/RHC will decide whether to propose amendments to the draft plan in the manner proposed in the representations or in other manner that the Board/RHC considers appropriate in meeting the representations.
- 2.5 If the Board/RHC decides to propose amendments to the draft plan, they will be made available for public inspection as soon as reasonably practicable until the CE in C has decided on the draft plan. During the first 3 weeks of the public inspection period of the proposed amendments, any person (other than the representers and commenters relating to the proposed amendments) may make further representation (whether in support or opposition to the proposed amendments) to the Board in respect of the proposed amendments. Such further representations will be made available for public inspection as soon as reasonably practicable after the expiry of the above 3-week period until the CE in C has decided on the draft plan.
- 2.6 If there is no further representation received in respect of the proposed amendments in question, the Board/RHC shall, as soon as reasonably practicable, amend the draft plan by incorporating the proposed amendments. In the event that there are further representations but they are not opposing to the proposed amendments, the Board/RHC shall hold a meeting to consider the further representations and to amend the draft plan by the proposed amendments. However, the relevant representers/commenters/further representers will not be invited to the meeting and be heard by the Board/RHC.
- 2.7 If there are opposing further representations, the Board/RHC will hold a meeting (hereinafter referred to as “further hearing”) to hear and consider the further representations. The relevant representers/commenters/further representers

(including their authorized representatives) will be invited to attend the further hearing.

- 2.8 Upon consideration of the further representations, the Board/RHC will decide whether to amend the draft plan, either by the proposed amendments or in other manner that the Board/RHC considers appropriate. The draft plan shall be read as including the amendments so decided by the Board/RHC, and such amendments will be made available for public inspection as soon as reasonably practicable.
- 2.9 The draft plan, together with a schedule of the representations/comments/further representations (if any) made in respect of the plan as well as any amendments made by the Board/RHC, will be submitted to the CE in C for approval within 9 months after the expiry of the plan exhibition period.

3. Submission Requirements

- 3.1 All representations/comments/further representations should be forwarded to the “Secretary, Town Planning Board, 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong” by hand, post, fax (2877 0245 or 2522 8426) or e-mail (tpbpd@pland.gov.hk). To facilitate processing of the submission, representers/commenters/further representers should provide the necessary information by filling in a submission form (Forms No. S6, S6A and S6D respectively). The form is available at the Secretariat of the Board or the Planning Enquiry Counters of the Planning Department and can be downloaded from the Board’s website (<http://www.info.gov.hk/tpb/>).
- 3.2 Any representation/comment/further representation must be made within the statutory time limit for submission. Representations/comments/further representations which are made after the expiration of their respective statutory time limits set out in paragraph 3.3 below shall be treated as not having been made. It is the duty of the representers/commenters/further representers to provide sufficient information when making the submission to the Board. Since a clear sequence of procedural requirements has to be followed within the statutory time frame, there is no provision under the Ordinance for submission of further information to supplement a representation/comment/further representation after their respective statutory time limits.

3.3 The statutory time limits for lodging a representation/comment/further representation are as follows :

- (a) Representation – 2 months from publication of new draft plan or amendments to draft/approved plan;
- (b) Comment – 3 weeks from publication of representations; and
- (c) Further representation – 3 weeks from publication of proposed amendments to the draft plan.

These time limits will be stated in the relevant notices. Within the stipulated time limits, the representer/commenter/further representer may make a submission to the Board. The date of submission is taken as follows:

- (a) the receipt date for a submission sent by hand;
- (b) the date of postal chop for a submission sent by post; or
- (c) the receipt date of transmission for a submission sent by fax/e-mail.

3.4 In order to facilitate communication with the Secretary of the Board and relevant Government departments for the purpose of processing the representations/comments/further representations, representers/commenters/further representers are advised to provide their particulars (including name, correspondence address, and telephone number/fax number/e-mail address) in the submission. If the submission is made by an agent, particulars of the agent (including name, correspondence address, and telephone number/fax number/e-mail address), and the authorization letter signed by the representers/commenters/further representers should also be given.

3.5 The following information is considered essential for the Board to consider a representation/comment/further representation, hence should be included in the submission. Otherwise, the Board may refuse to process the representation/comment/further representation and treat it as invalid:

Representation:

- (a) the particular matter in the draft plan to which the representation relates;
- (b) the nature of the representation (i.e. whether it is in support of, or in opposition to, the draft plan);
- (c) the reasons for the representation; and
- (d) the amendments proposed to the draft plan (if any).

Comment:

- (a) the representation to which the comment relates; and
- (b) details of the comment.

Further Representation:

- (a) the proposed amendments to which the further representation relates;
- (b) the nature of the further representation (i.e. whether it is in support of, or in opposition to, the proposed amendments); and
- (c) the reasons for the further representation.

- 3.6 If supporting information (e.g. colour and/or large size plans, planning studies and technical assessments) is included in the representations/comments/further representations, 90 copies of which should be provided to the Board for circulation and public inspection purposes. They should preferably be written in both English and Chinese, or at least a summary in English for Chinese submission or vice versa should be provided. If necessary, additional copies of the supporting information may be required by the Board. All supporting information should preferably use environmentally friendly materials for printing and binding, and printing should be made on both sides of the paper.

4. Publication Arrangement

- 4.1 All representations/comments/further representations and the amendments proposed/made by the Board/RHC in respect of the draft plan will be made available for public inspection as soon as reasonably practicable at the Planning Enquiry Counters of the Planning Department during normal office hours until the CE in C has decided on the draft plan. All information (including name, but excluding correspondence address, and telephone number/fax number/e-mail address) included in the representations/comments/further representations will be made available for public inspection.
- 4.2 During the 2 months when a draft plan is exhibited for public inspection, the Board will publish a notice once a week in two daily Chinese and one daily English local newspapers and notify in each issue of the Gazette. The notice will specify the place and hours at which such plan may be inspected, and invite the public to make representation within the 2-month period.
- 4.3 During the first 3 weeks when representations are available for public inspection, the Board will publish a notice once a week in two daily Chinese and one daily English local newspapers. The notice will set out a schedule of the representations as well as the place and hours at which the representations are available for public inspection, and invite the public to make comment to the Board within a specified period (i.e. the first 3 weeks of the public inspection period). Similar publication arrangements will be made with respect to the amendments proposed by the Board/RHC to meet the representations to inform the public that the proposed amendments are available for public inspection and further representation may be made to the Board.
- 4.4 Apart from publication in newspapers, notices will also be posted at the Secretariat of the Board, the Planning Enquiry Counters of the Planning Department, the relevant District Planning Office, local community centre, District Office, Rural Committee office (where appropriate) and the Board's website to inform the public the place and hours for inspecting draft plans/representations/proposed amendments.

5. Arrangement of Hearings/Further Hearings

- 5.1 After receiving a representation/comment/further representation, the Secretary of the Board will inform the representer/commenter/further representer the tentative date of hearing/further hearing to be held by the Board/RHC. Seven days before the hearing/further hearing, the relevant representer/commenter/further representer will be notified of the time as well as the arrangements of the hearing/further hearing and provided with a copy of the relevant Board/RHC paper.
- 5.2 If the representer/commenter/further representer fails to attend the hearing/further hearing without any prior justification, the Board/RHC may proceed with the hearing/further hearing in their absence or, if considered appropriate, adjourn the hearing/further hearing to another date.
- 5.3 The hearing/further hearing will be held either collectively or individually, as considered appropriate by the Board/RHC.

6. Consideration of Representations, Comments and Further Representations

Representations/comments/further representations should be related to the planning context being published for public inspection and submitted in accordance with the relevant provisions of the Ordinance. These submissions will be assessed by the Board on a case-by-case basis and only planning-related considerations will be taken into account. As a general guideline, the Board will primarily consider the following planning issues in considering the representations, comments and further representations:-

- (a) the nature (e.g. views in support, against or expressing general concern) of the representations, comments and further representations;
- (b) the planning intention, land-use compatibility and impacts (e.g. effects on environment, ecology, traffic, infrastructure, landscape, visual and the local community etc.); and
- (c) other considerations that the Board considers appropriate.

7. Notification of the Board's/RHC's Decision

- 7.1 After the hearing/further hearing, the Secretary of the Board will notify the representers/commenters/further representers of the Board/RHC's decision in writing. The notification will be made after confirmation of the minutes (normally 2 weeks after the meeting).
- 7.2 After the hearing/further hearing, a representer/commenter/further representer may seek verbal advice on the Board/RHC's decision from the Secretary of the Board. A Gist of Decision will also be uploaded to the Board's website shortly after the meeting on the same day.
- 7.3 Pending formal notification, request for an interim reply on the Board/RHC's decision could be made to the Secretary of the Board in writing. The interim reply should not be treated as a formal notification of the decision of the Board/RHC, which will only be issued after confirmation of minutes.
- 7.4 The above notification arrangement does not apply to the Board's decision on Development Scheme Plans (DSP) submitted under the Urban Renewal Authority Ordinance (URAO) and representations/comments/further representations on such DSP submitted under the Ordinance.

8. Notification of the Board's/RHC's Decision on DSP

- 8.1 The Board's decision on the DSP will be kept confidential for three to four weeks after the meeting at which the DSP is considered under the provisions of the URAO and will be released when the DSP is published under section 5 of the Ordinance. The same practice also applies to amendments to the DSP made by the Board under s.7 of the Ordinance.
- 8.2 Upon hearing of representations and comments under the Ordinance, the Board's decision will be kept confidential for three to four weeks after the meetings concerned and will be released when the proposed amendments, if any, to the DSP to meet such representations are published for public inspection under section 6C(1) of the Ordinance. The same practice is also applicable to the Board's decision upon hearing of further representations.

8.3 Before the Board's decision is released, the gist of the decision and the confirmed minutes in respect of the DSP will not be uploaded to the Board's website. Neither will verbal advice nor interim replies to written questions about the Board's decision be given. The representers/commenters/further representers will only be informed of the Board's decision three to four weeks after the meetings concerned once the proposed amendments, if any, are published for public inspection.

8.4 For DSP with no amendment after the Board's consideration, the Board's decision will also be released three to four weeks after the meetings concerned.

9. Important Points to Note

9.1 This set of Guidelines only provides general guidance on the submission and publication of representations, comments on representations and further representations under the Ordinance. It is not meant in any way to restrict the contents of each representation/comment/further representation, nor to restrict the right of the Board to require further information.

9.2 The information submitted to the Board and the Board's decision on the representations/comments/further representations would be disclosed to the public. The public may make photocopies of the representations/comments/further representations which are made available for public inspection upon payment of a fee as the Board determines.

10. Statement of Collection of Personal Data

10.1 The personal data submitted to the Board will be used by the Secretary of the Board and Government departments for the following purposes:

- (a) the processing of the relevant representations, comments and further representations which includes making available the names of the representers/commenters/further representers for public inspection when making available the relevant representations, comments and further representations for public inspection; and

- (b) facilitating communication between the representers/commenters/further representers and the Secretary of the Board/Government Departments

in accordance with the provisions of the Ordinance and the relevant Town Planning Board Guidelines.

10.2 The personal data provided by the representers/commenters/further representers may also be disclosed to other persons for the purposes mentioned in paragraph 10.1 above.

10.3 A representer/commenter/further representer has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board.

TOWN PLANNING BOARD
JUNE 2006

The New Plan-making Process

