

**TOWN PLANNING BOARD GUIDELINES ON
SUBMISSION AND PROCESSING OF 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 (by email: tpbpd@pland.gov.hk; by post: 15th Floor, North Point Government Offices (NPGO), 333 Java Road, North Point, Hong Kong; or by phone: 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000; email: enquire@pland.gov.hk; or by post: 17th Floor, NPGO and 14th Floor, 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 processing of representations and further representations in relation to the plan-making procedures under the Town Planning Ordinance (Cap. 131) (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 plan-making process is set out in the Ordinance. Under the process, any plan or amendment of plan (hereafter collectively referred to as “the Plan”) will be exhibited under section 5 or section 7 of the Ordinance 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 Plan. Such representation will be made available for public inspection as soon as reasonably practicable during and after the expiry of the 2-month period until the Chief Executive in Council (CE in C) has made a decision in respect of the Plan or part of the Plan to which the representation relates.
- 2.2 The Board¹ will then hold a meeting (“the hearing”) to hear and consider the representations received in respect of the Plan. The person who made the representation (“the representer”) will be invited to attend the hearing.
- 2.3 After hearing the representations, the Board will decide whether to propose amendment(s) to the Plan to meet/partially meet the representation(s) in the manner proposed in the representation(s) or in other manner that the Board

¹ Under section 2A(1) of the Ordinance, the Board may appoint Representation Hearing Committees to consider representations and further representations.

considers appropriate in meeting the representation(s) (hereafter “the proposed amendment(s)”).

- 2.4 If the Board decides to propose amendments to the Plan to meet the representation(s), the proposed amendment(s) will be made available for public inspection as soon as reasonably practicable until the CE in C has made a decision in respect of the Plan or part of the Plan to which the proposed amendment(s) relates. During the first 3 weeks of the public inspection period of the proposed amendment(s), any person (further representer) may make further representation (whether in support or opposition to the proposed amendment(s)) to the Board in respect of the proposed amendment(s). Such further representation will be made available for public inspection as soon as reasonably practicable during and after the expiry of the above 3-week period until the CE in C has made a decision in respect of the Plan or part of the Plan to which the further representation relates.
- 2.5 There will be no hearing for the consideration of the further representations. If there is no further representation received in respect of the proposed amendment(s) in question, the Board shall, as soon as reasonably practicable, amend the Plan by incorporating the proposed amendment(s). In the event that there are further representations but they are not opposing the proposed amendment(s), the Board shall hold a meeting to consider the further representations and to amend the Plan by the proposed amendment(s). For further representations opposing the proposed amendment(s), administrative arrangement would be made such that the Secretariat of the Board will liaise with the relevant District Planning Office to check whether clarification and/or inquiries are needed. Where appropriate, comments on the further representations from government departments concerned and written responses from the further representers on the comments received from relevant government departments will be sought to facilitate the Board’s consideration of the further representations and decide whether to amend the plan in question either by the proposed amendments or by the proposed amendments as varied in such manner as considered appropriate by the Board. After the Board’s decision to amend the Plan by the proposed amendment(s) or its variation(s), the Plan shall then be read as including the amendment(s) so decided by the Board, and such amendment will be made available for public inspection as soon as reasonably practicable until the CE in C has made a decision in respect of the Plan or the relevant part of the Plan.
- 2.6 The Plan, together with a schedule of the representations/further representations (if any) made in respect of the Plan as well as any amendment(s) made by the Board, must be submitted to the CE in C for approval within 5 months after the expiry of the last plan exhibition period. The statutory time limit may be extended, if appropriate, for a period of 2 months and, in exceptional circumstances, further two more periods of 2 months each by the Secretary for Development.

3. Submission Requirements

- 3.1 All representations/further representations must be submitted in writing and 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). Under the Ordinance, representations shall be made in such manner as the Board requires. To facilitate processing of the submission, representers/further representers are required to provide the necessary information by filling in a submission form (Forms No. S6 and S6D respectively). The forms are 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.tpb.gov.hk>).

3.2 Any representation/further representation must be made within the statutory time limit for submission. Representations/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 and will not be considered by the Board. It is the duty of the representers/further representers to provide sufficient information when making the submission to the Board. Since a clear sequence of procedural requirements under the Ordinance (including publication of the representations/further representations and submission of Plan to the CE in C for approval) 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/further representation after their respective statutory time limits.

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

- (a) Representation – 2 months from publication of the Plan; and
- (b) Further representation – 3 weeks from publication of proposed amendment(s).

These statutory time limits will be stated in the relevant notices. Within the stipulated time limit, the representer/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 an online submission or a submission sent by fax/e-mail.

3.4 For the purpose of verifying the identity of the persons or representative(s) of authorized agents, organizations and groups making the representations/further representations, the representers/further representers and their authorized agents are required to provide their full names as shown on the Hong Kong Identity (HKID) cards/passports² and their HKID cards/passport numbers (only the first four alphanumeric characters are required) in the submissions. If the submission is made by an authorized agent, the original authorization letter signed by the representer/further representer should also be provided. For submission made

² Full name is required to avoid double-counting of representations/further representations who may be submitted by the same person using different names.

by company/organisation/group, their authorized representative is also required to provide his/her full name as shown on his/her HKID card/passport and HKID card/passport number (only the first four alphanumeric characters are required) in the submission. For submission made by individuals, or representative(s) of authorized agents, companies, organisations or groups with no full name, incomplete and/or illegible name or no HKID card/passport number, the representation/further representation concerned may be treated as not having been made³.

- 3.5 Representers who wish to exercise their rights under section 6B of the Ordinance to attend and be heard at the representation hearing are required to provide correspondence addresses or e-mail addresses of themselves or their authorized agents in the submissions to facilitate their communication with the Secretary of the Board (Secy/Board)/government departments. Representers who did not provide correspondence addresses or e-mail addresses at the time of submission of their representations will be taken to indicate that they will not exercise their rights under section 6B of the Ordinance to attend and be heard at the representation hearing⁴.
- 3.6 Similarly, further representers should provide correspondence addresses or e-mail addresses of themselves or their authorized agents in the submissions to facilitate their communication with the Secy/Board and government departments. Further representers who did not provide correspondence addresses or e-mail addresses at the time of submission of their further representations will be taken that they do not wish to receive any information/notifications from the Board, including comments of government departments on their further representations⁵.
- 3.7 The following information is essential for the Board to consider a representation/further representation, hence should be included in the submission. Otherwise, the Board may refuse to process the representation/further representation and treat it as not having been made:

Representation⁶:

- (a) the particular matter in the 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 Plan);
- (c) the reasons for the representation; and

³ Under the Ordinance, representations/further representations shall be made in such manner as the Board requires. Any representation/further representation which does not comply with any of the requirements may be treated as not having been made.

⁴ The Secretariat will not contact those representers who only provided phone and/or fax number in their submissions by phone/fax to make arrangement for their attendance at the meeting.

⁵ The Secretariat will not contact those further representers who only provided phone and/or fax numbers in their submissions by phone/fax.

⁶ See sections 6(2)(a) and 6(2)(b) of the Ordinance.

- (d) the amendment (if any) proposed to the Plan.

Further Representation⁷:

- (e) the proposed amendment(s) to which the further representation relates;
 - (f) the nature of the further representation (i.e. whether it is in support of, or in opposition to, the proposed amendment(s)); and
 - (g) the reasons for the further representation.
- 3.8 If, in the opinion of the Board, representations/further representations include any reason concerning compensation or assistance relating to, or arising from resumption/acquisition/clearance/obtaining vacant possession of any land by the Government, the representations/further representations, to the extent that they are made for those reasons, may be treated as not having been made under sections 6(3A) and 6D(3B) of the Ordinance.
- 3.9 If any submission for representation/further representation contains more than 20 pages or any page larger than A4 size, the representer/further representer is required to provide 4 hard copies and 1 soft copy⁸ of the submission and also his/her email address are required to be provided to the Board for processing and public inspection purposes. They can be written in either English or Chinese, and a summary in English for Chinese submission or vice versa should also 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 During the 2 months when the 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, upload the notice on the Board's website 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 said period. For any proposed amendment(s) to meet representation(s) in respect of the Plan, similar publication arrangements for newspaper and website notices will be made during the first 3 weeks when the proposed amendment(s) is made available for public inspection.

⁷ See sections 6D(2)(a) and 6D(2)(b) of the Ordinance.

⁸ The soft copy is required to be in form of plain text in an email or file(s) in searchable Portable Document Format (PDF) submitted to the Board by email or any other channel as directed by the Secretariat of the Board. The size of each PDF file should not exceed 200 MB and its name should start with the name of the representer/further representer followed by the nature of the document in the PDF file, with underscores used as separations between words. For example, if the name of the representer/further representer is "Chan Man" and the file is a Planning Statement, the name of the PDF file should be "Chan_Man_Planning_Statement".

- 4.2 All representations/further representations and the amendment(s) proposed/made by the Board in respect of the Plan will be made available for public inspection as soon as reasonably practicable on the Board's website and at the Planning Enquiry Counters of the Planning Department during normal office hours until the CE in C has made a decision in respect of the Plan/the part of the Plan to which the concerned amendment relates. All information (including full name, but excluding HKID card/passport number, correspondence address and telephone number/fax number/e-mail address) included in the representations/further representations will be made available for public inspection.
- 4.3 Apart from the above, 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 the Plan and, if any, proposed amendment(s).

5. Arrangement of Hearings

- 5.1 Normally, the Secy/Board will inform the representers or their authorized agents who have provided correspondence addresses or e-mail addresses the tentative date of hearing to be held by the Board about 4 weeks before the hearing. To facilitate the hearing arrangement, they will be required to complete the form attached to the invitation letter/email and return it to the Secy/Board within 10 calendar days from the date of the invitation to provide details of the attendance (including the accompanying person(s), if any), as well as all other information/documents as required in the letter/email and the form. The information, including the tentative hearing date and deadline to notify the Secretariat for joining the hearing, will also be promulgated in the Board's website.
- 5.2 For those persons who have made representations but have not provided correspondence addresses or e-mail addresses, they may contact the Secretariat before the deadline if they wish to attend the hearing and make oral submissions. Arrangement will be made for their attendance, subject to verification of their identity.
- 5.3 If a representer is not a natural person (e.g. company, organisation and group) and wishes to attend the hearing, the representer may authorize a natural person as its representative for the attendance. For a representer who is a natural person, he/she must attend in person. No authorization of representative to attend on behalf of the representer will be allowed unless prior consent is sought from the Board which will only be granted if the Board is satisfied that the representer is unable to attend the hearing because of exceptional circumstances. In this regard, if the representer is a natural person and wishes to appoint an authorized representative to attend the hearing, the representer is required to submit the request for consents to authorization of representatives by completing the form attached to the invitation letter/email and returning it to the Secy/Board. The Board has delegated, under section 2(5)(c) of the Ordinance, its authority to the Secy/Board to consider requests for authorization and decide whether to grant

such consent. The criteria for the exceptional circumstances and the procedures for seeking consent are set out in the Board's 'Guidance Notes on Attending the Meeting for Consideration of Representations under the Town Planning Ordinance' (the Guidance Notes) which is available on the Board's website and at the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department.

- 5.4 About 7 days before the hearing, the relevant representers or their authorized agents will be notified of the time as well as the arrangements of the hearing and the relevant Board paper will also be made available. The Board will also notify representers whether their requests for consents to authorization of representatives are granted.
- 5.5 As the Board has provided sufficient prior notice, if any representers or their authorized representatives fail to attend the hearing, the Board may proceed with the hearing in their absence or, if considered appropriate, adjourn the hearing to another date.
- 5.6 The hearing will be held either collectively or individually, as considered appropriate by the Board. The logistics and arrangements of the hearing are set out in the Guidance Notes.

6. Consideration of Representation and Further Representation

- 6.1 Representations/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. The 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/further representations:-
 - (a) the nature (e.g. views in support, against or expressing general concern) of the representations/further representations;
 - (b) the planning intention, land-use compatibility and impacts (e.g. effects on environment, ecology, traffic, infrastructure, landscape, visual, air ventilation and the local community etc.); and
 - (c) other considerations that the Board considers appropriate.
- 6.2 As indicated in paragraph 3.8 above, any part of representations/further representations concerning compensation or assistance matters may be treated as not having been made.

7. Notification of the Board's Decision

- 7.1 After confirmation of the minutes of the Board's deliberation, the Secy/Board will

notify the representers/further representers of the Board's decision in writing. The confirmed minutes will also be available at the Board's website.

- 7.2 After the Board has made a decision, a representer/further representer may seek verbal advice on the Board's decision from the Secy/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's decision could be made to the Secy/Board in writing. The interim reply shall not be treated as a formal notification of the decision of the Board, 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 Plan (DSP) submitted under the Urban Renewal Authority Ordinance (Cap. 563) (URAO) and representations/further representations on such DSP submitted under the Ordinance.

8. Notification of the Board's Decision on DSP

- 8.1 The Board's decision on the DSP will be kept confidential for 3 to 4 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 amendment to the DSP made by the Board under section 7 of the Ordinance.
- 8.2 Upon hearing of representations under the Ordinance, the Board's decision will be kept confidential for 3 to 4 weeks after the meeting concerned and will be released when the proposed amendment(s), if any, to the DSP to meet such representation(s) is published for public inspection under section 6C(1) of the Ordinance. The same practice is also applicable to the Board's decision upon consideration of further representations.
- 8.3 Before the Board's decision is released, the gist of 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/further representers will only be informed of the Board's decision 3 to 4 weeks after the meeting concerned once the proposed amendment(s), if any, is published for public inspection.
- 8.4 For DSP with no amendment after the Board's consideration, the Board's decision will also be released 3 to 4 weeks after the meeting concerned.

9. Important Points to Note

- 9.1 This set of Guidelines is intended to provide general guidance on the submission and processing of representations and further representations under the Ordinance. It is not meant in any way to restrict the contents of each representation/further

representation, nor to restrict the right of the Board to require further information.

- 9.2 The representations/further representations submitted to the Board and the Board's decision on the representations/further representations will be disclosed to the public. The public may make photocopies of the representations/further representations which are made available for public inspection upon payment of a fee. Apart from the full names of the representers/further representers and their authorized agents, no other personal data provided in the submission (including their HKID card/passport number, correspondence address, e-mail address, telephone number and fax number) will be displayed for public inspection.

10. Statement of Collection of Personal Data

- 10.1 The personal data submitted to the Board will be used by the Secy/Board and government departments for the following purposes:

- (a) the processing of the relevant representations and further representations which includes making available the full names of the representers/further representers for public inspection when making available the relevant representations/further representations for public inspection;
- (b) facilitating communication between the representers/further representers and the Secy/Board/government departments; and
- (c) verification of identity of the representers/ and their authorized agents/representatives for attendance at the hearing

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

- 10.2 The personal data provided by the representers/further representers and their authorized agents/representatives may also be disclosed to other persons for the purposes mentioned in paragraph 10.1 above.

- 10.3 A representer/further representer and his/her authorized agent/representative have a right of access and correction with respect to their personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secy/Board.

The Plan-Making Process

