

Frequently Asked Questions

Society has a broad consensus for the Government to take bolder steps to expedite the supply of land as response to society’s aspiration for better living environment and economic prosperity of Hong Kong. The Town Planning Ordinance (the Ordinance) included in the “Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2023” comes into operation on 1 September 2023 which aims to compress and increase the efficiency of critical development processes while ensuring that the views of the affected parties will continue to be duly considered under the streamlined procedures.

	Plan-making Process
Q1	What are the differences in the plan-making process under pre-amended Ordinance and that under the amended Ordinance?
A1	<p>According to the pre-amended Ordinance, members of the public may make representations to the Town Planning Board (TPB) in respect of a draft plan during the plan exhibition period. It also allows any person to make comments on the representations. Representers and commenters may attend hearing to express their views before the TPB. Furthermore, if the TPB proposes an amendment to the draft plan to meet the representations, members of the public (other than that who has made any representation or comment after consideration of which the proposed amendments are proposed) may make further representations, and attend another round of TPB hearing.</p> <p>Since any person may make representations on the draft plan, to minimize repetition and enhance the efficiency of the plan-making process, procedure of inviting public to make representation on a draft plan is retained while the procedure of allowing public to make comments on representations is dispensed with under the amended Ordinance.</p> <p>In addition, where TPB proposes amendments to a draft plan to meet the representations, any person is allowed to make further representations on the proposed amendments while no hearing will</p>

	<p>be arranged under the amended Ordinance. The further representations received will be submitted to TPB for consideration. This arrangement has struck a balance between streamlining and public participation in the plan-making process.</p> <p>Furthermore, to enable stakeholders to know other representers' views (including those views that they might not agree with) and consider submitting their own representations within the two-month plan exhibition period, the amended Ordinance stipulates that TPB must make representations available for public inspection as soon as reasonably practicable, until the Chief Executive in Council (CE in C) has made a decision in respect of the plan. This requirement also applies to the processing of further representations, if any.</p>
Q2	<p>How would the representations/further representations in relation to compensation be processed under the amended Ordinance?</p>
A2	<p>The main purpose of the statutory plans are to set out land uses, planning intention and development restrictions for the planning scheme areas. Compensation should not be a relevant consideration of the TPB in considering the land uses of a plan, and any such related matters should be dealt with in accordance with the relevant statutory provisions on compensation and/or promulgated policy on compensation and rehousing. As such, the amended Ordinance stipulates that representation/further representation to the extent that it is made for a reason concerning compensation or assistance relating to or arising from certain matters including resumption and clearance of land by the Government, may be treated as not having been made.</p>

	Hearing Arrangement
Q3	How to ensure the representers' right to be heard will not be affected when the amended Ordinance and new hearing arrangements come into effect?
A3	<p>TPB fully respects the rights of the representers to be heard and takes into account their views in the plan-making process. Upon the commencement of the amended Ordinance and the new hearing arrangements, the representer's right to attend TPB's hearing remains unchanged.</p> <p>Same as the hearing arrangements in the past, each representer would be allotted with a maximum 10 minutes for making oral submissions, followed by a Q&A session during which TPB Members may direct their questions to the representatives of government or representers. After the Q&A session, the Chairman will invite the representers and the government's representatives to leave the meeting before deliberation.</p> <p>The objective of inviting representers to the hearing is to facilitate TPB Members in better understanding the views of each representers through the direct exchange of views at the meeting. Representers should attend the hearing in person. With a view to allowing the hearing be conducted in an efficient and orderly manner, a maximum presentation time of 10 minutes will be allotted to each representer or his/her authorized representative on a non-accumulative basis in accordance with the new hearing arrangement under the amended Ordinance. Specifically, regardless of the number of representers the authorized representative is representing, or the authorized representative himself/herself is also a representer, or there is any accompanying person to speak on behalf of the representer/authorized representative, each representer or authorized representative will only be given 10 minutes to speak once in the hearing, so as to prevent the situation where a person authorized by a number of representers speaks repeatedly or dominates the platform that would otherwise defeat the purpose of conducting hearing.</p>

	<p>Any request for further time for making oral submission from a representer or his/her authorized representative will be subject to the discretion of TPB and such discretion will only be exercised upon sufficient cause shown and after taking into account all relevant circumstances.</p>
Q4	Are the representers required to attend hearing in person?
A4	<p>With a view to enabling the views of the representers to be heard for holistic consideration by TPB members, representers are encouraged to attend the hearing. In general, the TPB Secretariat will inform representers of the particulars of the meeting (including the date, time and place of the meeting) in writing not less than four weeks before the date of the relevant meeting. Representers will have ample time to arrange their attendance if they so wish.</p> <p>The amended Ordinance stipulates that if the representer is a natural person, he/she may authorize another natural person to attend the hearing and speak on his/her behalf only if TPB is satisfied that the representer is unable to attend the hearing due to exceptional circumstances.</p> <p>TPB understands some representers may not be able to attend the hearing in person due to exceptional circumstances, and wish to authorize another person to attend the hearing and speak on his/her behalf. The Secretary of the TPB (Secy/TPB), under delegated authority from TPB, will take into account all relevant factors and circumstances of the case in considering the representer's request for authorization. In general, the following exceptional circumstances would normally be accepted:</p> <ul style="list-style-type: none"> (a) medical ground, e.g. sickness or hospitalisation; (b) not in Hong Kong, e.g. studying abroad or having business trip; (c) taken into custody or under quarantine; or (d) other grounds which, in the opinion of the Secy/TPB, are considered acceptable, e.g. summoned to attend court proceedings. <p>If the representer is not a natural person (e.g. the representer is a company/organisation/ group), the representer may authorize a natural person to attend the hearing.</p>

	As how to obtain consent from TPB to authorize other person to attend the meeting, please refer to the “Guidance Notes on Attending the Meeting for Consideration of Representations under the Ordinance”.
Q5	Can the representer bring accompanying persons to attend the hearing?
A5	TPB understands representers/authorized representatives who attend the meetings in person may need to be accompanied by other persons, such as by those assisting the elderlies to express views or those to provide professional advice (accompanying person(s)), and to speak on his/her behalf for enabling the representers to make their views and answer the Members’ questions effectively. Without affecting the smooth and orderly conduct of hearings, the speaking time of each representer/authorized representative and his/her accompanying person(s) should not exceed the specified time limit of 10 minutes. As to the details on the attendance of the accompanying persons in hearings, please refer to the “Guidance Notes on Attending the Meeting for Consideration of Representations under the Ordinance.”
Q6	Will the public participation in plan-making process be undermined under the amended Ordinance? Through what means the public can inspect the representations?
A6	To comply with the statutory requirement under section 6(4) of the amended Ordinance, TPB will publish the representations on the TPB’s website and deposit them at the Public Enquiry Counters of the Planning Department (PlanD) in North Point and Shatin as soon as reasonably practicable after they are received. This arrangement aims at enabling stakeholders (including those who support or oppose the amendments to a plan) to know of others’ views (including those views that they might not agree with) and consider submitting their own representations within the two-month plan-exhibition period and attending the hearing. Similar arrangement will be made for those further representations in respect of the amendment to the draft plan proposed by TPB to meet the representations.

Q7	How would the further representations be processed?
A7	<p>If the TPB decides to propose amendment(s) to the plan after hearing of representations, the proposed amendment(s) will be published. Any person may make further representation to the TPB within the first three weeks of the publication of the proposed amendment(s).</p> <p>If there are further representations received, PlanD may seek comments on the further representations from government departments concerned and written responses from the further representers on the comments received from relevant government departments where appropriate, to facilitate TPB's consideration of the further representations at a meeting (but no hearing will be arranged), to decide whether to amend the plan in question either by the proposed amendment(s) or by the proposed amendment(s) as varied in such manner as considered appropriate by TPB.</p> <p>If no opposing further representation is received, TPB will hold a meeting to consider the further representations received and amend the plan by the proposed amendment(s). The amendment(s) made to the plan shall be made available for public inspection until the CE in C has made a decision on the plan.</p>

	Application for Amendment of Plan under Section 12A (section 12A Application)
Q8	Who can make section 12A application?
A8	<p>The followings are eligible to make an application under section 12A:</p> <ul style="list-style-type: none"> (a) a person whose name is registered in the Land Registry as that of the sole owner or one of the owners of any non-Government land within the application site, when the application is made; (b) a person who has obtained written consent to the application from at least one owner as defined in (a) above; (c) a person who has obtained written consent to the application from the Director of Lands in relation to any Government land within the application site; (d) a public officer; and

	<p>(e) a public body as defined by section 2 of the Prevention of Bribery Ordinance (Cap. 201).</p> <p>For enquiries on submission of section 12A application, please refer to the “Guidance Notes on Application for Amendment of Plan under Section 12A of the Town Planning Ordinance”, or contact the Secretariat of TPB (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 PlanD (Hotline : 2231 5000; email: enquire@pland.gov.hk; or by post: 17th Floor, NPGO and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).</p>
Q9	<p>Would the setting of eligibility for section 12A application deter the public from making rezoning proposal which may be beneficial to the society?</p>
A9	<p>A section 12A application may be made for any proposal in respect of a plan. Acceptance of such application by TPB may lead to change in the planning intention, permitted uses and development restrictions of the site in question when the proposal is incorporated in a draft plan. If an applicant does not own any part of the application site, it seems implausible that the proposal made under a section 12A application, even if accepted by TPB and incorporated into the plan concerned, can be implemented in practice; yet substantial time and public resources have to be deployed in processing such applications.</p> <p>In light of the above, the amended Ordinance specifies the eligibility for making a section 12A application. The threshold for meeting this requirement is intended to be low – it is not necessary for the applicant to own 100% or obtaining written consent from the all owner(s) of the application site. In case it involves private land, the applicant only needs to fulfill the eligibility under criterion (a) or (b) set out in A8 above will suffice.</p> <p>If the public has any land use proposals on government land, PlanD currently has in place a mechanism to process these development proposals which includes rezoning proposal. With a view to</p>

	publishing these rezoning proposals in a more systematic manner, PlanD will upload these proposals being under consideration by PlanD on PlanD's website for public inspection. If the Government agrees to a proposal concerning government land put forth by private initiative, the Government will initiate the plan-making procedures to amend the outline zoning plan and such amendments will then be made available for public to submit representation in accordance with the statutory requirements.
Q10	How can public make comment on proposal submitted under section 12A?
A10	There is no provision under the amended Ordinance for the public to comment on section 12A applications. Section 12A application can be regarded as a step before a formal plan-making process. If the TPB accepts a section 12A application, it will proceed to a formal plan-making process for the public to submit representations during the 2 months plan exhibition period in accordance with the provisions of the Ordinance. The representers are also entitled to express their views before the TPB in the hearing. After considering all representations, TPB will make a decision on the amendments of the plan.
Q11	Would the section 12A application be made available for public inspection?
A11	TPB will continue to adopt the administrative measures to upload relevant information of the application (including application form, technical assessment reports (if any), further information from the applicant (if any)), together with the date of TPB meeting for consideration of the application, relevant paper and meeting minutes to the TPB's website for public inspection. Relevant documents will also be deposited in the PlanD's public enquiry counters for public inspection as well.

	Other Matters Relating to Planning Applications
Q12	Why imposing time limit for accepting further information (FI) and when can the applicant submit FI?
A12	<p>TPB must consider section 12A applications, applications for planning permissions under section 16 and applications for review under section 17 (named collectively as planning applications) within specified statutory time limits. Under the pre-amended Ordinance, TPB may accept FI from an applicant at any time after the planning application is made but before consideration, as long as the inclusion of FI does not, in the opinion of TPB, result in a material change of the nature of the application. With a view to effecting better time management, and ensuring that the submission of FI will not cause unreasonable delay in TPB’s decision-making, the amended Ordinance enables TPB to specify time limit in respect of receiving FI.</p> <p>On the consideration that it is the duty of the applicant to provide sufficient information when making an application to TPB for consideration, TPB must not accept any FI if such submission is made at a time not falling within the following specified periods:</p> <ul style="list-style-type: none"> ● within two months after the day of the receipt of the application; and ● within two months after the day on which TPB makes a decision to defer its decision on the application in order for the applicant to give FI. <p>The above specified period is published in the Gazette when the amended Ordinance comes into operation (i.e. 1 September 2023). For details, please refer to Town Planning Board Guidelines on “Submission of Further Information in Relation to Applications for Amendment of Plan, Planning Permission and Review Made under the Town Planning Ordinance” (TPB PG-No. 32B).</p>

Q13	What are the administrative measures to facilitate preparation of submissions for planning applications, and to expedite processing of planning applications?
A13	<p>To facilitate the preparation of all necessary materials required in order to minimize the need for FI submissions after formal applications are made to TPB, a pre-application enquiry mechanism has been put in place to assist the applicants. Before submitting formal application, the applicant is encouraged to contact the relevant District Planning Office of PlanD direct for site specific information and general exchange of views about the proposed development. If the issues are of concern to both PlanD and other Government departments, a meeting with concerned parties could be arranged. Alternatively, the applicant can contact the concerned Government departments direct for the same purpose. In addition, PlanD would seek departmental comment on the proposed development and relevant technical assessments provided in the pre-application submissions (if any). In doing so, the applicant may resolve the issues raised by the departments and get all necessary materials prepared before formal application so as to minimise the need for FI submissions in future.</p> <p>To expedite the processing time of relevant applications internally within the Government, relevant departmental guideline has been updated requiring the departments to provide comments on pre-application enquiries and planning applications within a specified period, to avoid providing comments by batches and to advise their major issues of concern to the applicants for their necessary action at an early stage. If relevant departments fail to process such applications in accordance with the above requirements, the Development Bureau (DEVB) will take appropriate follow-up actions.</p> <p>The Development Projects Facilitation Office has been established under DEVB to provide central coordination services for applications involving 500 flats or more so as to ensure effective processing.</p>

Q14	Why does section 17 review application under the amended Ordinance require an applicant to set out the grounds for review?
A14	<p>An applicant who is aggrieved by TPB’s decision under section 16 or 16A may apply in writing for a review under section 17. The amended Ordinance requires the applicant to set out the grounds for lodging the review application, in particular the issues that the applicant considers worthy for TPB’s re-examination. This will enable TPB to focus on the matters which warrant attention or re-consideration during the review. The above notwithstanding, TPB respects the right of applicant to lodge review. In general, all grounds for review will be accepted.</p> <p>The Secy/TPB will notify the applicant in writing on decision of TPB under section 16 or 16A in which the applicant will be reminded of the requirement to set out the grounds for review if he or she wants to apply for review application, or else TPB will refuse the application. In addition, for preparing the grounds for review, the applicant may make reference to the minutes of the TPB from TPB’s website in order to better understand the TPB’s considerations when making the decision.</p>

	Transitional Arrangement
Q15	What are the transitional arrangements in respect of plan-making process and processing planning applications?
A15	<p><u>Plan-making Process</u> For any plan exhibited before the amended-Ordinance comes into effect on 1 September 2023 (the Commencement Date), relevant procedures under pre-amended Ordinance will still apply (including allowing comments on representations, relevant hearing arrangement for representations and further representations).</p> <p><u>Planning Applications</u> For any section 12A and section 16 planning applications made before the Commencement Date, relevant procedures/requirements under pre-amended Ordinance shall apply. For any</p>

<p>section 17 review application sought after the Commencement Date in relation to a section 16 or 16A application that was made before 1 September 2023, the procedures/requirements under the pre-amended Ordinance shall apply to that review, i.e. there is no requirement to provide grounds for the review and no specified period for FI submission.</p>
