

**Town Planning Task Force
Implementation Report**

Planning Applications

Process		Problems	Recommendations	PlanD's Response	Implementation Timetable
1. Obtain owners' consent/notify owners	<ul style="list-style-type: none"> • Send a request for consent/notice OR • Publish notice on newspaper <u>and</u> post a notice on site <u>or</u> send a notice to OC, MAC, etc 				
2. Submit application	<ul style="list-style-type: none"> • Processing time 2 months 				
3. Invite public comments	<ul style="list-style-type: none"> • TPB issue notice on application • Public comments within 3 weeks • Public comments for public inspection 	<ul style="list-style-type: none"> • Time for responding to public comments too short 	<ul style="list-style-type: none"> • Comments should be made available for public inspection during the three-week period and public should be informed on TPB's website • Comments should be passed to applicant as soon as received. 	<ul style="list-style-type: none"> • It is provided in the TPO that public comments should be made available for public inspection as soon as practicable after the expiration of the three-week period for making comments. • To address members' concern, public comments will be made available for public inspection in batches during the three-week period. The public will be informed on the TPB's website when the comments are available. 	<ul style="list-style-type: none"> • Applicant will be reminded the timing to check the notice on TPB's website in the letter of acknowledgement of the application. • Implemented since May 2006, public comments are available for inspection by the applicant and the public at the end of the first week and will be updated once a week; a notice is put up on the TPB's website to inform the public on the no. of comments received and made available for inspection.

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4. Submit further information	<ul style="list-style-type: none"> • At least 1 week before TPB meeting • Secretary of TPB to decide <ul style="list-style-type: none"> ❖ to accept/not (material/not) ❖ to exempt from public inspection/not ❖ to recount statutory time/not 	<p>(a) Incline to decide to go for public inspection and re-count 2 months (which may be very critical for a development)</p> <p>(b) Each department looks at application with a microscope. Planning stage may not have that much details and there should be a more global view.</p> <p>(c) Detailed information at planning stage may necessitate frequent amendment applications in future.</p>	<ul style="list-style-type: none"> • Reasonable and due process is enough • Stay on broad principles • Design freedom should be allowed • Promulgate guideline to remind officers to refrain from requesting for excessive details 	<ul style="list-style-type: none"> • Since the implementation of TP(A)O in June 2005, about 40% of s.16 applications involved submission of further information, about 90% of which was submitted by the applicant with a view to addressing the Government departments' comments. Only about 20% of the further information received required publication. • TPB Guidelines PG-No. 27 and PG-No. 18A set out the required form and content of concept plan and Master Layout Plan for submission to TPB. Officers concerned had followed the Guidelines in dealing with applications. • There may be cases such as those for hotel development for which more detailed layout plans are required to demonstrate that the proposal is for genuine hotel use and not residential use developed in the name of hotel. For these cases, appropriate guidelines are being drawn up by the TPB. 	<ul style="list-style-type: none"> • N/A • An internal technical circular will be prepared to remind the officers. • A set of TPB Guideline is under preparation to provide further guidance to prospective applicant and general public. The LBAC/its sub-committees and the concerned parties will be consulted on the Guidelines before promulgation.

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				<ul style="list-style-type: none"> The planning approval process for making amendments to approved development proposal has been streamlined through the classification of Class A and Class B amendments under the TP(A)O. 	<ul style="list-style-type: none"> List of Class A and Class B amendments would be further reviewed after consulting the stakeholders.
5. Seek deferment	<ul style="list-style-type: none"> With good reasons Normally 2 months to prepare further submission 2 months to process No further deferment will be granted 	<ul style="list-style-type: none"> Rationale for allowing only one request for deferment 		<ul style="list-style-type: none"> TPB may accede to a request for deferment by an applicant or Government department to allow either party more time to submit supplementary information to facilitate TPB to make a well informed decision. However, the deferment should not be indefinite in order to ensure that the right and interest of any third party affected by the application is duly respected. Restriction on deferment is specified in the TPB Guidelines (TPB PG-No. 33) in response to some District Council's, REDA's and public comments received during public consultation. 	<ul style="list-style-type: none"> N/A

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				<ul style="list-style-type: none"> TPB may still consider further deferment on a case-by-case basis if strong justification is provided. 	
<p>6. Discharge planning conditions after planning approval</p>	<ul style="list-style-type: none"> Discharge planning conditions before building plans approval 	<p>(a) Contradictory requirements among departments prolonging discharge of planning conditions and delaying building plan approval</p> <p>(b) Controlling too much details and too subjective at times</p> <p>(c) Inconsistent interpretation on when to discharge conditions</p>	<ul style="list-style-type: none"> ▲ Mechanism needed to resolve departmental conflicts ▲ Objective views required ▲ Clearer guidelines for both officials and the public ▲ How the conditions are set should be reviewed and departments should be consulted on whether such conditions could be discharged before imposing the condition 	<ul style="list-style-type: none"> A better use could be made of the existing arrangement for holding District Planning Conference (DipCon) by PlanD to resolve issues amongst departments relating to the implementation of individual planning projects and proposals. Regular meetings are now scheduled and level of representations from departments have been reviewed where appropriate. DipCon meetings are chaired by the AD of the respective district headquarter. In case of major issues, it will be chaired by DD of the District Branch. Depending on the nature of the issues involved, the case could be escalated to higher level within departments/bureaux or submitted to TPB for 	<ul style="list-style-type: none"> A Practice Note (No. 1/2006) was issued by PlanD in May 2006 promulgating the arrangement. All DipCon meetings will be held once a month and a tentative schedule of meeting is attached as Annex to the Practice Note. Submission to DipCon can be made in the form of a short note to the relevant AD with a copy to the DPO three weeks before the scheduled meeting.

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				<p>consideration.</p> <ul style="list-style-type: none"> • Conditions are normally imposed by TPB on the advice of concerned departments. In any case, if an applicant is not satisfied with any of the approval conditions, he/she can seek a review/appeal and be heard by the TPB/TPAB. 	
<p>7. Minor Amendments to approved scheme</p>	<ul style="list-style-type: none"> • Class A: no need to seek approval • Class B: Director of Planning to approve • No publication requirement • If adverse comments from one government department, the case will be submitted to TPB 	<p>(a) Class B amendments referring to the earliest approval, ignoring subsequent TPB approvals – unreasonable</p> <p>(b) Circulate to District Office who may gather public views again →delay the process</p>	<ul style="list-style-type: none"> ▲ Review definition of reference approval ▲ Not to consult public again 	<ul style="list-style-type: none"> • The basis for determining Class A and Class B amendments has been set out in the PlanD Practice Note No. 5 issued in December 2005. • S.16A applications will not be published for public comments but circulated to concerned departments including DO. If there are adverse comments from DO, the case will be submitted to the committee for consideration. So far, only about 10% of the cases received had been considered by the committee and over 90% of such cases are approved. 	<ul style="list-style-type: none"> • Practice Note issued in December 2005.

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8. Planning review	<ul style="list-style-type: none"> Review hearings within 3 months 	(a) Professional departments change their original recommendations to tally with TPB's first decision	<ul style="list-style-type: none"> Professional departments should give independent advices to TPB 	<ul style="list-style-type: none"> Both the committee's and PlanD's views are clearly stated in the paper for TPB's consideration. There could be cases where in the light of new information submitted by the applicant or comments made at the committee meeting, PlanD's view might change. For future cases, PlanD's stand, no matter it is the same or different from the view expressed at s.16 stage, will be stated clearly in the TPB Paper. 	<ul style="list-style-type: none"> Current practice Implemented since May 2006.

Plan Making Process

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1. Outline Zoning Plan Gazettal	<ul style="list-style-type: none"> • 2 months • Any person may make representation ▲ reasons and nature of representation ▲ amendments proposed 				
2. Public Comments on Representation	<ul style="list-style-type: none"> • Representations available for public inspection after 2 months • Other public can comment on representations within 3 weeks • Such comments also available for public inspection after 3 weeks 				
3. Consideration of Representation	<ul style="list-style-type: none"> • Representers and commenters are entitled to be heard • TPB may hear all or some at the same meeting • TPB shall decide 				

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	whether or not to propose amendments				
4. Proposed Amendments by TPB	<ul style="list-style-type: none"> Public inspection of proposed amendments for 3 weeks Further representations may be made by people other than the original representers and commenters Public inspection of further representations 	<ul style="list-style-type: none"> TPB may propose amendments which do not satisfy the original representers 	<ul style="list-style-type: none"> Allow the original representers to make further representations 	<ul style="list-style-type: none"> All "representers/commenters" are entitled to present their cases at the first stage hearing. The TPB has thus taken into account all supportive and opposing views before making a decision on whether to propose amendments. The publication of the proposed amendments at the second stage is to inform the public of the changes so that those who are not involved in the first round of hearing 	<ul style="list-style-type: none"> N/A the recommendation cannot be implemented without amendment to TPO.

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				<p>could submit their views to the TPB.</p> <ul style="list-style-type: none"> • Under the TPO, only those proposed amendments which are directly related to the representations are published under s.6C of the TPO. All other amendments are published under s.7, and any person may submit representation to the TPB. 	
5. Consideration of Further Representation	<ul style="list-style-type: none"> • Original and further representers/commenters are entitled to be heard • TPB may/may not propose further amendments 				

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6. Amend Draft Plan by Amendments Proposed	<ul style="list-style-type: none"> For public inspection as soon as practicable 				
7. Submission of Draft Plan to CE in Council	<ul style="list-style-type: none"> Within 9 months from end of gazetting period 	<ul style="list-style-type: none"> Amendments to the OZP may not be processed to CE in Council within 9 months if further amendments are gazetted under S. 7 of TPO. If an amendment was subject of an adverse representation, no development is allowed before CE in Council approves the plan CE in Council may also hold up vetting of the OZP 	<ul style="list-style-type: none"> Approve the first batch of amendments and refer back for processing of other amendments Statutory time limit to be imposed 	<ul style="list-style-type: none"> In normal circumstances, we will endeavour to submit the draft plan to CE in C for approval as early as possible upon completion of the representation consideration process. Should there be cases that further amendments to the draft plan are inevitable and cannot wait until the representations are cleared by CE in C, we would inform the concerned parties of the reasons. 	<ul style="list-style-type: none"> Current practice. Implemented since April 2006. To improve transparency, the representers will be informed of the TPB's decision to gazette further amendments to the OZP and to submit the draft OZP to CE in C for approval after completion of the representation

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				<ul style="list-style-type: none"> • There is no statutory time limit for a decision to be made by CE in C under the TPO. 	consideration process.

**Planning Department
September 2006**