

**GUIDANCE NOTES ON  
ATTENDING THE MEETING FOR CONSIDERATION OF THE  
REPRESENTATIONS AND COMMENTS  
IN RESPECT OF THE  
DRAFT KWU TUNG NORTH OUTLINE ZONING PLAN NO. S/KTN/1  
AND  
DRAFT FANLING NORTH OUTLINE ZONING PLAN NO. S/FLN/1**

**INTRODUCTION**

- 1 The following notes give information and guidance on attending the meeting of the Town Planning Board (TPB) for consideration of the representations and comments in respect of the draft Kwu Tung North Outline Zoning Plan (OZP) No. S/KTN/1 and the draft Fanling North OZP No. S/FLN/1 under section 6B of the Town Planning Ordinance (the Ordinance). The representer/commenter who intends to attend the meeting should read these notes carefully.
- 2 TPB will set up a dedicated link, which includes a notice board, under “What’s New” on TPB’s website (<http://www.info.gov.hk/tpb>) for matters relating to the consideration of representations and comments in respect of the two draft OZPs 7 days before the first day of the meeting. Information posted on the notice board will be updated as and when necessary. Please take note of the latest announcements concerning TPB’s meeting on the subject matter.
- 3 If further information or assistance is required, please contact **TPB Secretariat at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4629 or 2231 4810)**.

**HEARING BY THE FULL TOWN PLANNING BOARD**

- 4 The representations and comments will be heard and considered in four groups by the full TPB collectively in a meeting which will commence on 8 October 2014 and continue for a number of days.

**WHO CAN ATTEND**

- 5 Each representer/commenter is entitled to attend the meeting and to be heard in the allotted session, either in person or by an authorized representative under section 6B of the Ordinance. If any representer/commenter decides to appoint an authorized representative for the meeting, he should complete the authorization form attached to the letter from the TPB Secretariat issued on 18 July 2014 and give it to his authorized representative and/or send a copy to the TPB Secretariat. The authorized representative will only be allowed to represent the representer/commenter at the meeting if a copy of his authorization has been received and verified by the TPB Secretariat, or he brings

along an authorization form/letter duly signed by the representer/commenter and the authorized representative's identity is duly verified by the TPB Secretariat prior to attending the meeting. A representer/commenter who has appointed an authorized representative is also allowed to attend the meeting. Subject to available capacity, he may be permitted to be in the TPB meeting room or in the designated viewing room(s) for the purpose of viewing the proceedings.

- 6 Each commenter is entitled to attend the meeting when the representation in respect of which his comment was made is heard. If he wishes, he can observe such meeting via video-link facility in designated viewing room(s) starting from the first day of the meeting.
- 7 The representatives of the Planning Department (PlanD) and other government departments, where appropriate, will also be invited by the TPB to attend the meeting. The government's representatives will make an oral presentation summarising the details of the relevant TPB papers in the first meeting session of each group only. The oral presentation will be uploaded to the notice board for viewing by all interested parties and the general public.

## **REGISTRATION FOR ATTENDANCE**

- 8 Written authorization for authorized representatives and proof of identity of the representers/commenters who appear in person and of their authorized representatives (if appointed) will be required. The TPB Secretariat will check the Identity Cards/Passports of the attendees in order to ensure that the persons attending as representers/commenters or their authorized representatives are the persons entitled to attend in such capacity. Persons who do not cooperate may be refused entry into the meeting room, although they may still be allowed to view the proceedings in the designated viewing room(s).
- 9 Representers/commenters, who have indicated to the TPB that they wish to attend the meeting, have all been allotted a session during which oral submissions from them or their authorized representatives will be heard. They should attend the session of the meeting at the date and time indicated in the TPB's notice of meeting to them.

## **TPB PAPER**

- 10 All representers/commenters will be provided with the relevant TPB paper about 7 days before the first day of the meeting (the attachments of the TPB paper(s) will be uploaded to TPB's website for downloading/viewing by representers/commenters).

## **PRESENTATION TIME**

### Setting and Allocation of Speaking Time

- 11 TPB fully respects the rights of the representers and commenters to be heard, as well as

the need to ensure procedural fairness. Without prejudice to the aforesaid, TPB has to deal with the situation arising from the large number of representations and comments for the two draft OZPs. Having taken into account all relevant circumstances and matters including the similarities in nature of these representations and comments as submitted, and the grounds relied upon therein, as well as the statutory timeframe within which TPB has to submit the two draft OZPs to the Chief Executive in Council (CE in C), a time limit will be imposed on the oral submission of each representer/commenter. With a view to ensuring fair treatment, all representers and commenters (whether they attend in person or through their authorized representatives) will be given the same time limit.

- 12 Having regard to the number of representers and commenters who have indicated their attendance at the hearing, a total of 10 minutes is the time allotted to each representer and commenter for making oral submission in respect of the draft OZP(s). TPB has the responsibility of ensuring the smooth conduct of the meeting and may, in discharging such responsibility, stop any oral submission which is repetitive, abusive or on any other reasonable grounds even before the allotted time has expired.
- 13 Where a representer/commenter has authorized a representative to speak on his behalf, such representative will take over the 10-minute time slot allocated to the representer/commenter.
- 14 If an authorized representative is appointed by more than one representer/commenter to represent them, that authorized representative may use the cumulative time allotted to all the persons he represents to make his oral submission. For example, if an authorized representative is appointed by three representers and one commenter, he may use a total of up to 30 minutes for his oral submission on behalf of the three representers at the session(s) of the meeting when such representers are respectively scheduled to be heard and a total of up to 10 minutes for his oral submission on behalf of the commenter at the session of the meeting when such commenter is scheduled to be heard. For the convenience of the authorized representative who represents more than one representers/commenters, arrangement will be made as far as practicable to allot the same session for such authorized representative provided that the TPB Secretariat has been duly notified of the authorizations before the assignment of sessions for the concerned representers and commenters.
- 15 The authorized representative may himself be a representer/commenter, and may attend not only in his capacity as a representer/commenter but may represent also a number of other representers/commenters. Such authorized representative will not be allowed to speak longer than the total amount of time allotted to himself (if he himself is one of the representers/commenters entitled to attend the meeting) and the other representer(s)/commenter(s) whom he represents cumulatively.
- 16 Given the large number of representations and comments on the two draft OZPS to be heard by the Board and to facilitate scheduling of hearing of representations and comments so as to avoid representers and commenters from prolonged waiting, the hearing of the oral submission of the authorized representatives with a larger number of authorizations will be scheduled towards the end of the hearing of the oral submission of representations.
- 17 Once the representers and commenters have been assigned with a session to attend the meeting, their authorized representative(s) may only use the time slots of the

represented persons at the dates (sessions) allotted to them respectively in order to avoid affecting the scheduled sessions of other representers/commenters. However, this is subject to the swapping arrangement set out below.

#### Swapping of Allotted Time

- 18 A representer may swap his time slot with another representer in the same group in respect of the same draft OZP(s) who has been allotted a different session (i.e. a different date) on a one-to-one mutually agreed basis. For any such swapping, the concerned representers should provide TPB before the relevant session begins a letter duly signed by both of them indicating (to the satisfaction of TPB) their mutual consent to the swapping arrangement. The same swapping arrangement is applicable to commenters.

#### Time Keeping

- 19 A time-keeper will be appointed by the TPB Secretariat and his function is to ring a bell or another similar device 2 minutes before the allotted time to each representer/commenter or his authorized representative is up to alert him that the time limit is about to expire, and to do so again when the allotted time limit expires. Upon the ringing of this device when the allotted limit is up, the speaker must stop immediately.

#### Presentation by Electronic Media

- 20 If, at the meeting, a representer/commenter or his authorized representative chooses to present the submission by electronic media such as video/record tape, he still will not be allowed to exceed the total allotted time. The submission of such electronic media for broadcasting at the meeting by a representer/commenter who does not attend the meeting in person or by an authorized representative will not be allowed.

#### Request for Further Time

- 21 Request for further time or adjournment of the oral submission from a representer/commenter or his authorized representative will be considered by TPB and TPB retains a discretion which will only be exercised upon sufficient cause shown and after taking into account all relevant circumstances. If a representer/commenter or his authorized representative requests for an extension of time, he will be informed that TPB will consider his request and, if his request is allowed, he will be either given further time in the same allotted session to make his submission (if time permits), or be notified of the date when he will be invited to return for such purpose.

### **CONTENT OF ORAL SUBMISSIONS**

- 22 Each oral submission may elaborate further or highlight the essential points in support of the subject representation/comment. Such submission should be confined to the ground of representation/comment already made to TPB (i.e. representations made when the concerned draft OZP was exhibited under section 5 of the Ordinance and comments made when the representations were available for public inspection under section 6(4) of the Ordinance).

- 23 To ensure a smooth and efficient conduct of the meeting, the Chairman of TPB may request the representer/commenter or his authorized representative not to repeat unnecessarily the same points which have already been presented by others at that meeting. If the same point has already been made by other representatives/commenters or their authorized representatives in the meeting, the Chairman of TPB can in his discretion disallow repetition.
- 24 In order not to unnecessarily prolong the meeting process, the oral submissions made in the meeting should avoid reading out or repeating statements contained in the written representations/comments made under section 5 or section 6(4) of the Ordinance which the TPB Secretariat has already provided to members of TPB.
- 25 During the meeting, the representatives, commenters, authorized representatives and representatives of government departments may only address TPB at the invitation of the Chairman of TPB. The meeting should not be taken as an occasion for cross-examination among concerned parties.

#### **GENERAL PROCEDURE AT THE MEETING**

- 26 Each session of the meeting will be held in the following sequence:
- (a) the Chairman of TPB will first make an opening remark and explain the procedure of the meeting;
  - (b) the Chairman will invite the representative(s) of PlanD and/or other relevant government departments to give a summary of the facts, background and PlanD's views on the case (only in the first meeting session of each group as set out in paragraph 7 above);
  - (c) the Chairman will invite the representatives/commenters or their authorized representatives to make oral submissions in turn. The order of presentation to TPB will follow the reference number already given to each representation and comment. The representatives will be invited to make submissions first, followed by the commenters;
  - (d) after the oral submissions, members of TPB will be invited to ask questions which may require the representatives/commenters or their authorized representatives and/or the representatives of government departments to answer. The Chairman may refer such questions to any of such parties for response; and
  - (e) when members of TPB have no further question to ask, the representatives, commenters, authorized representatives and the representatives of government departments will be invited to leave the meeting.
- 27 The deliberation part of the meeting will be conducted behind closed doors under sections 2C(1) and 2C(2)(a) of the Ordinance.

## **ORDER AND BEHAVIOUR**

- 28 The rules for keeping the order inside the meeting room are as follows:
- (a) loudhailers and banners will not be allowed to be brought into the meeting room;
  - (b) all attendees must behave in an orderly manner and remain seated during the meeting;
  - (c) all attendees are expected to show courtesy to each other by allowing all attendees conduct their presentations without being disturbed or interrupted by people talking amongst themselves or by passing comments;
  - (d) offensive and insulting language must not be used at the meeting;
  - (e) photo-taking or recording is not allowed in the meeting room; and
  - (f) clamour, shouting and commotion are prohibited.
- 29 Any person who fails/refuses to follow any of the above rules or causes any disturbance to the conduct of the meeting will be given warnings by the Chairman of TPB. After repeated warnings, the Chairman of TPB can ask that person to leave the meeting room. Once excluded, that person should not be allowed to return for the remaining part of that session, and the Chairman of TPB shall have full discretion to consider any application by such person for further opportunities to make oral submissions at the meeting.
- 30 The Chairman of TPB has full discretion to control the conduct of the meeting and all attendees must follow his instructions. Attendees who do not do so may be asked to leave the meeting room and uncooperative attendees may be removed from the meeting room if necessary at the direction of the TPB Chairman.

## **DECISION OF TPB**

- 31 After giving consideration to the representations and comments, TPB will decide whether or not to propose amendments to the concerned draft OZP in the manner proposed in the representation or otherwise in the manner that, in the opinion of TPB, will meet any of the representations. If TPB decides to propose amendments to the concerned draft OZP, such proposed amendments shall be published for further representations in accordance with the provisions of the Ordinance.
- 32 The decision of TPB will be conveyed to the representers and commenters in writing by the Secretary of TPB as soon as possible after the minutes of TPB meetings have been confirmed.
- 33 Pending formal notification, any representer and commenter may seek verbal advice on the decision of TPB from the TPB Secretariat after completion of the consideration and deliberation of the representations and comments, or make reference to the Gist of Decision which is available on the TPB's website after completion of the consideration and deliberation of the representations and comments. He may also request for an

interim written reply on TPB's decision. Such request should be made in writing to the Secretary of TPB. Any interim reply should not be treated as a formal notification of the decision of TPB.

**TOWN PLANNING BOARD SECRETARIAT  
SEPTEMBER 2014**