

# **GUIDANCE NOTES ON ATTENDING THE MEETING FOR CONSIDERATION OF REPRESENTATIONS, COMMENTS AND FURTHER REPRESENTATIONS UNDER THE TOWN PLANNING ORDINANCE**

## **INTRODUCTION**

- 1 The following notes give information and guidance on attending the meeting of the Town Planning Board (TPB) or its Representation Hearing Committee (RHC) for consideration of the representations and comments under section 6B (hearing) and consideration of the further representations under section 6F (further hearing) of the Town Planning Ordinance (the Ordinance). The representer/commenter/further representer who intends to attend the meeting should read these notes carefully.
- 2 If further information or assistance is required, please contact the **TPB Secretariat at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4810)**.

## **HEARING BY TPB/RHC**

- 3 If any representation relating to a new draft plan or the amendment to a draft/approved plan (hereafter referred to as “draft plan”) has been received by TPB under section 6 of the Ordinance, TPB/RHC will hold a hearing to consider the representations and any comments received in respect of the representations.
- 4 In case that amendments to the draft plan are proposed by TPB/RHC after the hearing of the representations and comments and upon publication of the proposed amendments, if further representation is received under section 6D of the Ordinance which is in opposition to the proposed amendments, TPB/RHC will hold a further hearing to consider the further representations. If no such opposing further representation is received, no further hearing will be held. TPB/RHC will consider any supportive further representation received and amend the draft plan by the proposed amendments.

## **WHO CAN ATTEND**

- 5 Each representer/commenter/further representer is entitled to attend the meeting and to be heard either in person or by an authorized representative, under section 6B and 6F of the Ordinance, as the case may be. If any representer/commenter/further representer decides to appoint an authorized representative for the meeting, he should complete the authorization form attached to the invitation letter from the TPB Secretariat, give it to his authorized representative, and return a copy of the duly completed authorization form to the TPB Secretariat. The authorized representative will only be allowed to represent the representer/commenter/further representer at the meeting if he brings along the duly completed authorization form/letter and his identity is duly verified by the TPB

Secretariat prior to attending the meeting. A representer/commenter/further representer who has appointed an authorized representative is also allowed to attend the meeting. Subject to the seating capacity of the venue, he may either enter the TPB meeting room or the designated viewing room (if applicable) for the purpose of viewing the proceedings.

- 6 Each commenter may attend the meeting when the representation in respect of which his comment was made is heard, subject to the seating capacity of the venue. Alternatively, he can observe such meeting in the designated viewing room or via video-link facility (if applicable).
- 7 The representatives of the Planning Department (PlanD) and other government bureaux/departments, where appropriate, will also be invited to attend the meeting.

### **ARRANGEMENT OF HEARING**

- 8 Both hearing and further hearing can be held either individually or collectively, as considered appropriate by TPB/RHC.
- 9 (a) Individual hearing - the individual representer(s) and the related commenter(s) in case of hearing and the further representer(s) and the related representer(s)/commenter(s) in case of further hearing will be invited to attend the hearing/further hearing when that particular representation/further representation is considered by TPB/RHC.  
  
(b) Collective hearing - all the representer(s) and the related commenter(s) in case of hearing and the further representer(s) and the related representer(s)/commenter(s) in case of further hearing will be invited to attend the hearing/further hearing at the same time.

### **PRE-HEARING ARRANGEMENTS**

- 10 Normally, the TPB Secretariat will inform representers/commenters/further representers the tentative hearing date not less than 4 weeks before the hearing/further hearing. They will be required to confirm the name(s) of the person(s) who will attend the hearing/further hearing within 2 weeks from the date that TPB Secretariat has sent such information.
- 11 To ensure that the hearing/further hearing will be conducted efficiently, all representers/commenters/further representers who have made their submissions in the form of standard letters are recommended to appoint a spokesman to present their representations/comments/further representations.
- 12 Not less than one week before the scheduled hearing date, the relevant TPB/RHC paper will be uploaded to the TPB's website for viewing/downloading and notice will be sent to every concerned representer/commenter/further representer to confirm the date, time and venue of the hearing/further hearing, and it is their responsibility to inform their

authorized representative(s), if appointed, of the hearing arrangement. A hard copy of the relevant TPB/RHC paper will be provided to representers/commenters/further representers upon request.

## **DEFERMENT**

- 13 Under the Ordinance, TPB is required to submit a draft plan to the Chief Executive in Council within 9 months from the expiration of the 2-month plan exhibition period. As such, any request for deferment of consideration of any representation, comment and/or further representation would not be entertained unless with the consent of other concerned parties and there are very strong reasons to do so. If it is absolutely unavoidable, TPB may only grant a deferment up to a maximum period of 4 weeks (counting from the original hearing date) taking into account all relevant considerations and circumstances of each case. For further details, please refer to **the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33)** which can be obtained from the TPB Secretariat and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories) and downloaded from the TPB's website (<http://www.info.gov.hk/tpb/>).

## **REGISTRATION FOR ATTENDANCE**

- 14 Written authorization for authorized representatives (if appointed) will be required. The TPB Secretariat will check the identity of the attendees in order to ensure that the persons attending as representers/commenters/further representers 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.

## **PRESENTATION TIME**

### Setting and Allocation of Speaking Time

- 15 TPB fully respects the rights of the representers/commenters/further representers to be heard, as well as the need to ensure procedural fairness. Without prejudice to the aforesaid, TPB has to manage efficient and effective hearing session under the circumstances that a large number of representations/comments/further representations in respect to a draft plan were received. Having taken into account all relevant circumstances and matters including the statutory timeframe within which TPB has to submit the draft plan to the Chief Executive in Council, a time limit might be imposed on the oral submission of each representer/commenter/further representer.
- 16 TPB may initially allot a maximum presentation time of 10 minutes to each

representor/commentor/further representor, subject to confirmation of the number of such attendees for the hearing session and the aggregate presentation time required. With a view to ensuring fair treatment, all representors/commentors/further representors (whether they attend in person or through their authorized representatives) will be given the same time limit. TPB/RHC has the responsibility of ensuring the smooth conduct of the meeting. In discharging such responsibility, TPB/RHC may stop any oral submission which is repetitive, abusive or on any other reasonable grounds even before the allotted time has expired.

- 17 Where a representor/commentor/further representor has authorized a representative to speak on his behalf, such representative will take over the 10-minute time slot allocated to the representor/commentor/further representor.
- 18 If an authorized representative is appointed by more than one representor/commentor/further representor to represent them, that authorized representative may use the cumulative time allotted to all the persons he represents to make the oral submission.
- 19 The authorized representative may himself be a representor/commentor/further representor, and may represent also a number of other representors/commentors/further representors. Such authorized representative will not be allowed to speak longer than the total amount of time allotted to himself and the other representor/commentor/further representor whom he represents cumulatively.
- 20 For a hearing with more than one session, once the representors/commentors/further representors have been assigned with a session to attend the meeting, their authorized representative may only use the time slots of the represented persons at the sessions allotted to them in order to avoid affecting the scheduled sessions of other representors/commentors/further representors. However, this is subject to the swapping arrangement set out below. For the convenience of the authorized representative who represents more than one representor/commentor/further representor, 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 representor/commentor/further representor. Otherwise, the authorized representative will have to make his oral submission at the session(s) of the meeting when his represented representors/commentors/further representors are scheduled to be heard.

#### Swapping of Allotted Time

- 21 A representor may swap his time slot with another representor in respect of the same draft plan who has been allotted a different session on a one-to-one mutually agreed basis. For any such swapping, the concerned representors should provide the TPB Secretariat with written notification duly signed by both of them indicating their mutual consent to the swapping arrangement before commencement of the relevant session. The same swapping arrangement is applicable to commentors and further representors, where appropriate.

### Time Keeping

- 22 A time-keeper will be appointed by the TPB Secretariat to ring a bell or other similar device 2 minutes before the allotted time is up to alert the presenter/commenter/further presenter 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

- 23 If, at the meeting, a presenter/commenter/further presenter 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 presenter/commenter/further presenter who does not attend the meeting in person or by an authorized representative will not be allowed.

### Request for Further Time

- 24 Request for further time for making oral submission from a presenter/commenter/further presenter or his authorized representative will be subject to the discretion of TPB/RHC and such discretion will only be exercised upon sufficient cause shown and after taking into account all relevant circumstances. The presenter/commenter/further presenter or his authorized representative will be notified of the result of his request at the meeting. If his request is acceded to, he will be allowed to make an oral submission continuously up the cumulative time limit. If there is more than one hearing session, the presenter/commenter/further presenter or his authorized representative 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**

- 25 Each oral submission may elaborate further or highlight the essential points in support of the subject representation/comment/further representation. Such submission should be confined to the ground of the written representation/comment/further representation already made to TPB under the Ordinance.
- 26 To ensure a smooth and efficient conduct of the meeting, the Chairman of TPB/RHC (the Chairman) may request the presenter/commenter/further presenter 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 others in the meeting or is unrelated to the subject matter, the Chairman can in his discretion disallow repetition and may request the presenter/commenter/further presenter or his authorized representative to

discontinue.

- 27 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/further representations made under the Ordinance which the TPB Secretariat has already provided to members of TPB/RHC.
- 28 During the meeting, the representers/commenters/further representers or their authorized representatives and representatives of government bureau(x)/department(s) may only address TPB/RHC at the invitation of the Chairman. The meeting should not be taken as an occasion for cross-examination among concerned parties.

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

- 29 The hearing or further hearing is normally held in the following sequence:
- (a) the Chairman 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 bureau(x)/department(s) to give a summary of the facts, background and PlanD's views on the case;
  - (c) the Chairman will invite the representers/commenters/further representers or their authorized representatives to make oral submissions in turn. The order of presentation will follow the reference number already given to each representation/comment/further representation:
    - (i) for individual hearing/further hearing, the representer(s)/further representer(s), as the case may be, will normally be invited to make submission first, followed by the commenter(s) in case of hearing or the representer(s) and then commenter(s) in case of further hearing; and
    - (ii) for collective hearing/further hearing, the group of representers/further representers, as the case may be, will normally be invited to make submissions in turn first. In case of hearing, following the presentation by the representers, commenters in respect of the same representation will be grouped together and then take turns to make submissions. In case of further hearing, after the presentation by the further representers, the representers will be invited to take turns to make submissions, and then followed by the commenters.
  - (d) after the oral submissions, members of TPB/RHC will be invited to ask questions which may require the representers/commenters/further representers or their authorized representatives and/or the representatives of government bureau(x)/department(s) to answer. The Chairman may refer such questions to any of such parties for response; and

- (e) when members of TPB/RHC have no further question to ask, the representers/commenters/further representers or their authorized representatives and the government's representatives will be invited to leave the meeting.

30 The deliberation part of the meeting will be conducted behind closed doors under section 2C(1) and 2C(2)(a) of the Ordinance.

### **ORDER AND BEHAVIOUR**

31 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 them to make 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.

32 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. After repeated warnings, the Chairman 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 meeting, and the Chairman shall have full discretion to consider any application by such person for further opportunities to make oral submissions at the meeting.

33 The Chairman 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 Chairman.

### **DECISION OF TPB/RHC**

34 After giving consideration to the representations and comments at the hearing, TPB/RHC will decide whether or not to propose amendments to the draft plan in the manner proposed in the representation or otherwise in the manner that, in the opinion of TPB/RHC, will meet any of the representations. If TPB/RHC decides to propose

amendments to the draft plan, such proposed amendments shall be published for further representations in accordance with the provisions of the Ordinance.

- 35 After the further hearing, TPB/RHC will decide whether or not to amend the draft plan, either by the proposed amendments in question, or by the proposed amendments as further varied in such manner as it considers appropriate. The draft plan incorporating the amendments made by TPB/RHC shall be submitted to the Chief Executive in Council for approval in accordance with the provisions of the Ordinance.
- 36 The decision of TPB/RHC will be conveyed to the representers/commenters/further representers in writing by the Secretary of TPB as soon as possible after the minutes of TPB/RHC have been confirmed.
- 37 Pending formal notification, any representer/commenter/further representer may seek verbal advice on the decision of TPB/RHC from the TPB Secretariat after completion of the consideration and deliberation of the representations, comments and further representations, 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, comments and further representations. He may also request for an interim written reply on TPB/RHC'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/RHC.

**Town Planning Board Secretariat**  
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