

**TOWN PLANNING BOARD GUIDELINES ON
SUBMISSION AND PUBLICATION OF REPRESENTATIONS,
COMMENTS ON 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 (15th Floor, North Point Government Offices (NPGO), 333 Java Road, North Point, Hong Kong – Tel. No. 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) (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 publication of representations, comments on 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 sections 5 to 7 of the Ordinance. Under the process, any new draft plan or amendment to draft/approved plan¹ will be exhibited 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 new draft plan or amendment to draft/approved plan (“the draft plan”). Such representation will be made available for public inspection as soon as reasonably practicable 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 draft plan.

2.2 During the first 3 weeks of the public inspection period of the representations, any person may make comment on the representations to the Board. Such

¹ For amendment to draft/approved plan, any reference to “the draft plan” in s6(1) and s6(2)(a) is a reference to the amendment(s).

comment will be made available for public inspection as soon as reasonably practicable after the expiry of the 3-week period until the CE in C has made a decision in respect of the draft plan.

- 2.3 The Board² will then hold a meeting (“the hearing”) to hear and consider the representations and comments received in respect of the draft plan. The person who made the representation (“the representer”) and the person who made the comment on the representation (“the commenter”), including their authorized agent, will be invited to attend the hearing.
- 2.4 After hearing the representations and comments, the Board will decide whether to propose amendment(s) to the draft plan to meet/partially meet the representation(s) in the manner proposed in the representation(s) or in other manner that the Board considers appropriate in meeting the representation(s) (thereafter “the proposed amendment(s)”).
- 2.5 If the Board decides to propose amendments to the draft plan, they 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 draft plan. During the first 3 weeks of the public inspection period of the proposed amendment(s), any person (other than the representers and commenters relating to the proposed amendment(s)) 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 after the expiry of the above 3-week period until the CE in C has made a decision in respect of the draft plan.
- 2.6 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 draft 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 draft plan by the proposed amendment(s). However, the relevant representers/commenters/further representers will not be invited to the meeting and be heard by the Board.

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

- 2.7 If there are opposing further representations, the Board will hold a meeting (“the further hearing”) to hear and consider the further representations. The relevant representers/commenters/further representers (including their authorized agents) will be invited to attend the further hearing.
- 2.8 Upon consideration of the further representation, the Board will decide whether to amend the draft plan, either by the proposed amendment(s) or in other manner that the Board considers appropriate. The draft plan shall be read as including the amendment(s) so decided by the Board, and such amendment(s) will be made available for public inspection as soon as reasonably practicable.
- 2.9 The draft plan, together with a schedule of the representations/comments/further representations (if any) made in respect of the draft plan as well as any amendment(s) made by the Board, will be submitted to the CE in C for approval within 9 months after the expiry of the plan exhibition period.

3. Submission Requirements

- 3.1 All representations/comments/further representations should be 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 and comments shall be made in such manner as the Board requires. To facilitate processing of the submission, representers/commenters/further representers are required to provide the necessary information by filling in a submission form (Forms No. S6, S6A 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.info.gov.hk/tpb/>).
- 3.2 Any representation/comment/further representation must be made within the statutory time limit for submission. Representations/comments/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. It is the duty of the representers/commenters/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/comments/further representations

and submission of draft 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/comment/further representation after their respective statutory time limits.

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

- (a) Representation – 2 months from publication of new draft plan or amendment to draft/approved plan;
- (b) Comment – 3 weeks from publication of representation; and
- (c) 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/commenter/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 transmission for an on-line 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 concern groups making the representations/comments/further representations, representers/commenters/further representers and their authorized agents are required to provide their full name as shown on the Hong Kong Identity (HKID) card/passport³ and their HKID card/passport number (only the first four alphanumeric characters are required) in the submission. If the submission is made by an authorized agent, the original authorization letter signed by the representers/commenters/ further

³ Full name is required to avoid double-counting of representations/comments/further representations who may be submitted by the same person using different names.

representers should also be provided. For submission made by organisations/concern groups, 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, organisations and concern groups with no full name, incomplete and/or illegible names or no HKID card/passport number, the representation/comment/further representation concerned may be treated as not having been made⁴.

3.5 Representers/commenters/further representers who wish to exercise their rights under sections 6B and 6F of the Ordinance to attend and be heard at the representation hearing/further hearing are required to provide correspondence address or e-mail address of themselves or their authorized agents in the submission to facilitate communication between the representers/commenters/further representers or their authorized agents with the Secretary to the Board/government departments. Representers/commenters/further representers who did not provide correspondence address or e-mail address at the time of submission of their representations/comments/further representations will be taken to indicate that they will not exercise their rights under sections 6B and 6F of the Ordinance to attend and be heard at the representation hearing/further hearing⁵.

3.6 The following information is essential for the Board to consider a representation/comment/further representation, hence should be included in the submission. Otherwise, the Board may refuse to process the representation/comment/further representation and treat it as not having been made:

Representation⁶:

- (a) the particular matter in the draft plan to which the representation relates;

⁴ Under the Ordinance, representations/comments/further representations shall be made in such manner as the Board requires. Any representation/comment/further representation which does not comply with any of the requirements may be treated as not having been made.

⁵ The Secretariat will not contact those representers/commenters/further representers who only provided phone and/or fax number in their submissions by phone/fax to make arrangement for their attendance at the meeting.

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

- (b) the nature of the representation (i.e. whether it is in support of, or in opposition to, the draft plan);
- (c) the reasons for the representation; and
- (d) the amendment (if any) proposed to the draft plan.

Comment⁷:

- (e) the representation to which the comment relates; and
- (f) details of the comment.

Further Representation⁸:

- (g) the proposed amendment(s) to which the further representation relates;
- (h) the nature of the further representation (i.e. whether it is in support of, or in opposition to, the proposed amendment(s)); and
- (i) the reasons for the further representation.

3.7 If supporting information (e.g. colour and/or large size plans, planning studies and technical assessments) is included in the representations/comments/further representations, 90 copies⁹ of which shall be provided to the Board for circulation 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 All representations/comments/further representations and the amendments

⁷ See section 6A(2) of the Ordinance.

⁸ See sections 6D(2)(a) and 6D(2)(b) of the Ordinance.

⁹ Or 40 hard copies and 50 soft copies.

proposed/made by the Board in respect of the draft plan will be made available for public inspection as soon as reasonably practicable 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 draft plan. 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/comments/further representations will be made available for public inspection.

- 4.2 During the 2 months when a draft 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 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 2-month period.
- 4.3 During the first 3 weeks when representations are available for public inspection, the Board will publish a notice once a week in two daily Chinese and one daily English local newspapers. The notice will set out the place and hours at which the representations are available for public inspection, and invite the public to make comment to the Board within a specified period (i.e. the first 3 weeks of the public inspection period). Similar publication arrangements will be made with respect to the proposed amendment(s) to meet the representations to inform the public that the proposed amendment(s) is available for public inspection and further representation may be made to the Board.
- 4.4 Apart from publication in newspapers, 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 draft plans/representations/proposed amendment(s).

5. Arrangement of Hearings/Further Hearings

- 5.1 Normally, the Secretary to the Board will inform the representer/commenter/further representer or his/her authorized agent who has provided correspondence address or e-mail address the tentative date of hearing/further hearing to be held by the Board about 4 weeks before the

hearing/further hearing. To facilitate the hearing arrangement, representers/comments/further representers or their authorized agents should confirm their attendance with the Secretariat of the Board by the deadline specified in the Secretary's letter. 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. For those persons who have made representations, comments and/or further representations but have not provided correspondence address or e-mail address, they may contact the Secretariat before the deadline if they wish to attend the hearing/further hearing and make oral submissions. Arrangement will be made for their attendance, subject to verification of their identity.

5.2 About 7 days before the hearing/further hearing, the relevant representers/commenters/further representers or their authorized agents will be notified of the time as well as the arrangements of the hearing/further hearing and the relevant Board paper will also be made available.

5.3 As the Board has provided sufficient notice, if the representer/commenter/further representer fails to attend the hearing/ further hearing, the Board may proceed with the hearing/further hearing in their absence or, if considered appropriate, adjourn the hearing/further hearing to another date.

5.4 The hearing/further hearing will be held either collectively or individually, as considered appropriate by the Board.

5.5 Logistics and arrangements of the hearing/further hearing are set out in the 'Guidance Notes on Attending the Meeting for Consideration of Representations, Comments and Further Representations under the Town Planning Ordinance' which is available at the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department or can be downloaded from the Board's website.

6. Consideration of Representation, Comment and Further Representation

Representation/comment/further representation should be related to the planning context being published for public inspection and submitted in accordance with the relevant provisions of the Ordinance. These 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 representation, comment and further representation:-

- (a) the nature (e.g. views in support, against or expressing general concern) of the representation, comment and further representation;
- (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.

7. Notification of the Board's Decision

- 7.1 After confirmation of the minutes of the Board's deliberation, the Secretary to the Board will notify the representers/commenters/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/commenter/further representer may seek verbal advice on the Board's decision from the Secretary to the 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 Secretary to the 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/comments/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 and comments under the Ordinance, the Board's decision will be kept confidential for three to 4 weeks after the meeting concerned and will be released when the proposed amendment(s), if any, to the DSP to meet such representations is published for public inspection under section 6C(1) of the Ordinance. The same practice is also applicable to the Board's decision upon hearing 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/commenters/further representers will only be informed of the Board's decision three 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 three 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 publication of representations, comments on representations and further representations under the Ordinance. It is not meant in any way to restrict the contents of each representation/comment/further representation, nor to restrict the right of the Board to require further information.
- 9.2 The representations/comments/further representations submitted to the Board and the Board's decision on the representations/comments/further representations will be disclosed to the public. The public may make photocopies of the representations/comments/ further representations which are made available for public inspection upon payment of a fee. Apart from the full names of the representers/commenters/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 Secretary to the Board and government departments for the following purposes:

- (a) the processing of the relevant representations, comments and further representations which includes making available the full names of the representers/commenters/further representers for public inspection when making available the relevant representations/comments/further representations for public inspection;
- (b) facilitating communication between the representers/commenters/further representers and the Secretary to the Board/government departments; and
- (c) verification of identity of the representers/commenters/further representers and their authorized agents for attendance at the representation hearing/further 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/commenters/further representers and their authorized agents may also be disclosed to other persons for the purposes mentioned in paragraph 10.1 above.

10.3 A representer/commenter/further representer and his/her authorized agent 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 Secretary to the Board.

The Plan-making Process

