

**DRAFT**

TPB PG-NO. A

**TOWN PLANNING BOARD GUIDELINES ON  
SUBMISSION AND PUBLICATION OF REPRESENTATIONS,  
COMMENTS ON REPRESENTATIONS AND FURTHER REPRESENTATIONS  
UNDER THE TOWN PLANNING ORDINANCE (CAP. 131)**

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[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 Enquiry Counters of the Planning Department (17th Floor, NPGO – Tel. No. 2231 5000 and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin - Tel. No. ).

The Guidelines are subject to revision without prior notice.]

**1. Scope and Application**

This purpose of this set of Guidelines is to set out the requirements and practices adopted by the Town Planning Board (TPB) 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 (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 new plan-making process is set out in sections 5 to 7 of the Ordinance. Under the new process, any new draft plan or amendment to draft/approved plan 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 TPB in respect of the new draft plan or amendment to draft/approved plan (hereinafter referred to as “the draft plan”). Such representation will be made available for public inspection as soon as reasonably practicable after the expiry of the above 2-month period until the Chief Executive in Council (CE in C) has decided on 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 TPB. Such

comment 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 decided on the draft plan.

- 2.3 The TPB or its Representation Hearing Committee (RHC) will then hold a meeting (hereinafter referred to as “hearing”) to hear and consider the representations and comments received in respect of the draft plan. The person making a representation (hereinafter referred to as ‘representer’) and the person making comment on the representation (hereinafter referred to as ‘commenter’), including their authorized representatives, will be invited to attend the hearing.
- 2.4 After hearing the representations and comments, the TPB/RHC will decide whether to propose amendments to the draft plan in the manner proposed in the representations or in other manner that the TPB/RHC considers appropriate in meeting the representations.
- 2.5 If the TPB/RHC decides to propose amendment to the draft plan, it will be made available for public inspection as soon as reasonably practicable until the CE in C has decided on the draft plan. During the first 3 weeks of the public inspection period of the proposed amendments, any person (other than the representers and commenters relating to the proposed amendments) may make further representation (whether in support or opposition to the proposed amendments) to the TPB in respect of the proposed amendments. 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 decided on the draft plan.
- 2.6 The TPB/RHC will then hold a meeting (hereinafter referred to as “further hearing”) to hear and consider the further representations. The relevant representers, commenters and further representers (including their authorized representatives) will be invited to attend the further hearing.
- 2.7 Upon consideration of the further representation, the TPB/RHC will decide whether to amend the draft plan, either by the proposed amendments or in other manner that the TPB/RHC considers appropriate. The draft plan shall be read as including the amendments so decided by the TPB/RHC, and such amendment will be made available for public inspection as soon as reasonably practicable.

- 2.8 If there is no further representation received in respect of the proposed amendments in question, the TPB/RHC shall, as soon as reasonably practicable, amend the draft plan by incorporating the proposed amendments. In the event that there are further representations but they are not opposing to the proposed amendment, the TPB/RHC shall hold a meeting to consider the further representations and to amend the draft plan by the proposed amendments. However, the relevant representers/commenters/further representers will not be invited to the meeting and be heard by the TPB/RHC.
- 2.9 The draft plan, together with a schedule of the representations/comments/further representations (if any) made in respect of the plan as well as any amendments made by the TPB/RHC, 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 or e-mail. To facilitate processing of the submission, representers/commenters/further representers should provide the necessary information by filling in a submission form. The form can be downloaded from TPB’s website or is available at TPB Secretariat or Enquiry Counters of Planning Department.
- 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. Since a clear sequence of procedural requirements has to be followed within the statutory time frame, there is no provision under section 6 of 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 amendments to the draft plan.

These time limits will be stated in the notices published in the Gazette, relevant newspapers and/or TPB's website. Within the stipulated time limit, the representer/commenter/further representer may make a submission to the TPB. 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 a submission sent by fax/e-mail.

3.4 In order to facilitate communication with the Secretary of the TPB and relevant Government departments for the purpose of processing the representation/comment/further representation, representers/commenters/further representers are advised to provide their particulars (including name, correspondence address, and telephone number/fax number/e-mail address) in the submission, as set out in the submission form. If the submission is made by an agent, particulars of the agent (including name, correspondence address, and telephone number/fax number/e-mail address), and the authorization letter signed by the representers/commenters/further representers should also be given.

3.5 The following information is considered essential for the TPB to consider a representation/comment/further representation, hence should be included in the submission. Otherwise, the TPB may refuse to process the representation/comment/further representation and treat it as invalid:

Representation:

- (a) the particular matter in the draft plan to which the representation relates;
- (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 proposed to the draft plan (if any).

Comment:

- (a) the representation to which the comment relates; and
- (b) details of the comment.

Further Representation:

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

3.6 If supporting information (e.g. planning studies and technical assessments) is included in the representations/comments/further representations, 65 copies of which should be provided to the TPB for circulation and public inspection purposes. They should preferably be written in both English and Chinese, or at least a summary in English for Chinese submission or vice versa should be provided. If necessary, additional copies of the supporting information may be required by the TPB. 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 proposed/made by the TPB/RHC in respect of the draft plan will be made available for public inspection as soon as reasonably practicable at the Enquiry Counters of the Planning Department during normal office hours until the CE in C has decided on the draft plan. All information (including name, but

excluding 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 first 3 weeks when a representation is available for public inspection, the TPB will publish a notice once a week in two Chinese and one English newspapers. The notice will set out a schedule of the representations as well as the place and hours at which the representations are available for public inspection, and invite the public to make comment to the TPB 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 amendments proposed by the TPB/RHC to meet the representations to inform the public that the proposed amendments are available for making further representation, if any.
- 4.3 Apart from publication in newspapers, a notice will also be posted at the TPB Secretariat, relevant District Planning Office of the Planning Department, District Office, Rural Committee office (where appropriate) and the TPB's website at the beginning of the first 3 weeks of the public inspection period, to inform the public of the representations/comments/further representations, and the place and hours at which they are available for public inspection.

## **5. Arrangement of Hearings/Further Hearings**

- 5.1 After receiving a representation/comment/further representation, the Secretary of the TPB will inform the representer/commenter/further representer the date of hearing/further hearing to be held by the TPB/RHC. Seven days before the hearing/further hearing, the relevant representer/commenter/further representer will be notified of the time as well as the arrangements of the hearing/further hearing and provided with a copy of the relevant TPB/RHC paper.
- 5.2 If the representer/commenter/further representer fails to attend the hearing/further hearing without any prior justification, the TPB/RHC may proceed with the hearing/further hearing in their absence or, if considered appropriate, adjourn the hearing/further hearing to another date.
- 5.3 The hearing/further hearing will be held either collectively or individually, as considered appropriate by the TPB/RHC.

## **6. Notification of the TPB/RHC's Decision**

- 6.1 After the hearing/further hearing, the Secretary of the TPB will notify the representers/commenters/further representers of the TPB/RHC's decision in writing. The notification will be made after confirmation of the minutes (normally 2 weeks after the meeting).
- 6.2 After the hearing/further hearing, a representer/commenter/further representer may seek verbal advice on the TPB/RHC's decision from the Secretary of the TPB. A Gist of Decision will also be uploaded on the TPB's website shortly after the meeting on the same day.
- 6.3 Pending formal notification, request for an interim reply on the TPB/RHC's decision could be made in writing to the Secretary of the TPB. The interim reply should not be treated as a formal notification of the decision of the TPB/RHC, which will only be issued after confirmation of minutes.

## **7. Important Points to Note**

- 7.1 This set of Guidelines only provides general guidance on the submission and publication of representations, comments on representations and further representations under the TPO. It is not meant in any way to restrict the contents of each representation/comment/further representation, nor to restrict the right of the TPB to require further information.
- 7.2 The information submitted to the TPB and the TPB's decision on the representations/comments/further representations would 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 as TPB determines.

## **8. Statement of Collection of Personal Data**

- 8.1 The personal data submitted to the TPB will be used by the Secretary of the TPB for the following purposes:
  - (a) the processing of the relevant representations, comments and further representations; and

- (b) facilitating communication between the representers/commenters/further representers and the Secretary of the TPB/the Planning Department, under the provisions of the TPO.
- 8.2 The personal data provided by the representers/commenters/further representers may also be disclosed to other Government departments for the purposes mentioned above.
- 8.3 A representer/commenter/further representer has a right of access and correction with respect to his/her 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 of the TPB.

**TOWN PLANNING BOARD**  
**SEPTEMBER 2004**



**The New Plan-making Process**

