

**DRAFT**

TPB PG-NO. B

**TOWN PLANNING BOARD GUIDELINES ON  
PUBLICATION OF APPLICATIONS FOR AMENDMENT OF PLANS,  
PLANNING PERMISSION AND REVIEW AND  
SUBMISSION OF COMMENTS ON VARIOUS APPLICATIONS  
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**

The purpose of this set of Guidelines is to set out the general practices adopted by the Town Planning Board (TPB) regarding the publication of applications for amendment of plans, planning permission and review and submission of comments on various applications under the Town Planning Ordinance (the Ordinance).

**2. Publication of Various Applications**

2.1 The Ordinance provides statutory mechanism for submitting the following applications to the TPB:

- (a) application for amendment of plans made under section 12A of the Ordinance;
- (b) application for planning permission made under section 16 of the Ordinance; and
- (c) application for review of a TPB's decision on a section 16 application made under section 17 of the Ordinance.

- 2.2 Application for amendment of plan under section 12A and planning application under section 16 of the Ordinance shall be made by filling in an application form. The application form can be downloaded from TPB's website, or is available at TPB Secretariat or Enquiry Counters of Planning Department.
- 2.3 The various applications will be made available for public inspection as soon as reasonably practicable after the applications are made until the TPB or its Committee has made a decision on them.
- 2.4 The TPB will publish a notice once a week in two Chinese and one English newspapers (newspaper notice) during the first 3 weeks of the public inspection period or cause a notice (site notice) to be posted in a prominent position on or near the application site at the beginning of the public inspection period.
- 2.5 The newspaper notice will specify:
- (a) the place and hours at which the application is available for public inspection (generally speaking, all information (except personal information) contained in the application will be made available for public inspection during normal office hours at the Enquiry Counters of the Planning Department);
  - (b) that any person may make comment to the TPB in respect of the application and the time limit for submitting the comment (i.e. within the first 3 weeks of the public inspection period of the application); and
  - (c) the place and hours at which such comment will be available for public inspection.
- 2.6 Apart from newspaper notice, in so far as the local circumstances permit, site notice will be posted unless the applications involve a large area or many buildings, the application sites are remote and inaccessible by the public, the applications are not site-specific, or the posting of notices is refused by the owner or management office of the application site.
- 2.7 Depending on the circumstances of individual applications, the following practice will be adopted in posting site notices.

- (a) for applications involving a change of use of the application premises (e.g. showroom or “shop and services” in an industrial building or kindergarten in an existing building), a site notice of about A2 size (i.e. 16 inches x 23 inches or 420mm x 594mm) will be posted at or near the application premises, preferably on the notice board at the entrance/lobby of the building concerned.
- (b) for applications for development on open land (e.g. open storage or comprehensive development on a vacant site or proposed rezoning of a piece of agricultural land), a site notice of about A1 size (i.e. 23 inches x 32 inches or 594mm x 841mm) will be posted at or near the application site.
- (c) for applications of territorial or major local significance, a notice (about 33 inches x 60 inches or 867mm x 1577mm) may also be mounted to a roadside railing in the vicinity of the application site.

2.8 In addition, as an administrative measure, a notice informing the public about the availability of the application for public inspection will also be:

- (a) uploaded to the TPB’s website until the TPB or its Committee has decided on the application in question;
- (b) posted at the TPB Secretariat, the relevant District Planning Office of the Planning Department, District Office (DO) and Rural Committee office (where appropriate) during the first 3 weeks of the public inspection period; and
- (c) sent to the Owners’ Corporation(s) or other management committee(s) of buildings within 100 feet (around 30m) from the boundary of the application site at the beginning of the public inspection period.

### **3. Further Information on Applications**

Further information to supplement an application may be submitted to the TPB before the application is considered by the TPB or its Committee. If the further information does not result in a material change in the nature of the application and is accepted by the TPB or its Secretary, it will be made available for public inspection until the TPB

or its Committee has decided on the application. The availability of the further information for public inspection will also be notified in a like manner as the application. If the further information does not affect the substance of the application, the TPB or its Secretary may exempt it from the publication requirement. For details on the determination of acceptance of further information and exemption of it from the publication requirement, reference shall be made to the Town Planning Board Guidelines on Submission of Further Information in relation to Applications for Amendment of Plan, Planning Permission and Review of Application made under the Ordinance.

#### **4. Submission of Comments on Various Applications**

- 4.1 Any comment shall be made in writing (preferably in both English and Chinese, or at least a summary in English for Chinese submission or vice versa should be provided). It shall 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.
- 4.2 Any comment must be made within the statutory time limit for submission. Comments which made after the expiration of the statutory time limits set out in paragraph 4.3 below shall be treated as not having been made.
- 4.3 The statutory time limits for making comment on various applications are as follows :
  - (a) application for amendment of plans – within the first 3 weeks when the application is available for public inspection;
  - (b) application for planning permission (section 16 application) – within the first 3 weeks when the application is available for public inspection; and
  - (c) application for review of a TPB’s decision on a section 16 application – within the first 3 weeks when the application is available for public inspection.

These time limits will be stated in the relevant site/newspaper notices. Within the stipulated time limits, any person may make comment to the TPB. The date of submission stated in the notices 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; and
  - (c) the receipt date of transmission for a submission sent by fax/e-mail.
- 4.4 In order to facilitate communication with the Secretary of the TPB and Government departments for the purpose of processing the applications, commenters are advised to provide their particulars (including name, correspondence address, and telephone number/fax number/e-mail address) in the submission.
- 4.5 The following information is considered essential for the TPB or its Committee to consider a comment, hence should be included in the submission. Otherwise, the TPB may refuse to process the comment and treat it as invalid:
- (a) the particular matter in the application to which the comment relates; and
  - (b) details of the comment.
- 4.6 After receiving a comment, the Secretary of the TPB will inform the commenter the tentative date of meeting at which the comment, together with the application in question, will be considered by the TPB or its Committee. The comment (including name, but excluding correspondence address, and telephone number/fax number/e-mail address) will be made available for public inspection during normal office hours at the Enquiry Counters of the Planning Department, and a notice informing the public of the availability of the comments for public inspection will be uploaded to the TPB's website until the TPB or its Committee has decided on the application.
- 4.7 After the TPB or its Committee has decided on the application, the Secretary of the TPB will notify the commenter of the decision in writing after confirmation of the minutes (normally 2 weeks after the meeting).
- 4.8 After the meeting, a commenter may seek verbal advice on the decision on the application or make reference to the Gist of Decision which is available on the TPB's website shortly after the meeting. Pending formal notification, request

for an interim reply on the decision on the application 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.

## **5. Important Points to Note**

- 5.1 This set of Guidelines only provides general guidance on the publication of applications for amendment of plans, planning permission and review and submission of comments on the various applications under the Ordinance. It is not meant in any way to restrict the contents of any application or comment made, nor to restrict the right of the TPB to require further information.
- 5.2 The information submitted to the TPB and the decision of the TPB or its Committee on the applications would be disclosed to the public. The public may make photocopies of the planning applications and the comments which are made available for public inspection upon payment of a fee as TPB determines.

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

- 6.1 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 applications and comments; and
  - (b) facilitating communication between the applicants/commenters and the Secretary of the TPB/the Planning Department under the provisions of the Ordinance.
- 6.2 The personal data provided by the applicants/commenters may also be disclosed to other Government departments for the purposes mentioned above.
- 6.3 The applicant/commenter 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.