

**DRAFT**

TPB PG-No. E

**TOWN PLANNING BOARD GUIDELINES  
ON DEFERMENT OF DECISION ON REPRESENTATIONS,  
COMMENTS, FURTHER REPRESENTATIONS AND APPLCIATIONS  
MADE UNDER THE TOWN PLANNING ORDINANCE**

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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, 15/F, North Point Government Offices (NPGO), 333 Java Road, Hong Kong (Tel. No. 2231 4810 or 2231 4835) or the Enquiry Counters of the Planning Department at 17/F, NPGO (Tel. No. 2231 5000) and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories (Tel. No.           ).

The Guidelines are subject to revision without prior notice.)

**1. Purpose**

These Guidelines set out the general procedures and practices adopted by the Town Planning Board (the Board) in considering requests for deferment of a decision on:

- (a) representations to a draft plan (representations) and any comment on them;
- (b) further representations to an amendment proposed by the Board to meet a representation (further representations);
- (c) an application for an amendment of plan made under s.12A of the Town Planning Ordinance (the Ordinance) (s.12A application) and any comment on it;
- (d) an application for planning permission made under s.16 of the Ordinance (s.16 application) and any comment on it;
- (e) an application for amendments to planning permission made under s.16A of the Ordinance (s.16A application); and
- (f) an application for a review of the Board's decision on a s.16 or s.16A application made under s.17 of the Ordinance (s.17 review).

## **2. General principles in processing request for deferment**

- 2.1 Upon receipt of representations, comments, further representations and applications lodged in accordance with the Ordinance (hereafter collectively referred as “the submissions”), the Secretary of the Board (Secy/Board) will notify the relevant parties of the date of the Board’s meeting to consider the submissions. The Board may, under various circumstances and/or upon request of the representers, further representers, commenters, applicants (hereafter referred as “the relevant parties”) or the Planning Department, after consideration of the relevant information, defer making a decision on the submissions and reschedule the relevant meeting to another date.
- 2.2. Any request for deferment shall be addressed to the Secy/Board. As a prerequisite, reasonable grounds must be provided to support the request. In addition, the proposed deferment should not be indefinite. Once a deferment has been granted, the rescheduled date for further consideration of the submission should be adhered to and no further deferment should be granted except under very special circumstances. In considering whether a decision on the submissions should be deferred, the Board will take into account all relevant factors and, in the event of consideration of representations/further representations, the implications on other relevant parties, if any, and the tight statutory time limit for submission of the draft plan to the Chief Executive in Council (CE in C).

## **3. Request for deferment in respect of s.12A and s.16 applications and s.17 reviews**

- 3.1 Each request for deferment will be considered by the Board based on its merits. The Board may, upon consideration of such request or of its own volition, decide to defer a decision on the applications for the following reasons:
- (a) Need to Consult Other Relevant Government Departments  
Further consultation with relevant Government departments is required to resolve major technical issues directly associated with the case in question.
  - (b) Provision of Important Supplementary Information  
Information which is essential for the consideration of the submissions by the Board is not available but is required to be provided by the relevant parties or Government departments, e.g. assessment to address certain

technical issues like Traffic Impact Assessment, Environmental Impact Assessment and Drainage Impact Assessment and refinement to the application to address public comments.

(c) Awaiting Recommendations of Major Government Planning Related Study or Infrastructure Proposal

A major Government study due to be completed shortly or a decision on a major infrastructure proposal due to be released soon which might have significant planning implications on the subject site and would affect the decision of the Board.

3.2 Non-planning related reasons (such as the need to assess/re-assess the financial or economic viability of the proposal, or awaiting a better “economic climate”) should normally not be accepted.

3.3. Notwithstanding the above, a decision on the relevant submissions may be deferred under other circumstances. These include:

(a) where the Board accepts any further information to supplement a s.12A application, s.16 application or s.17 review, the meeting arranged to consider the application may need to be rescheduled to allow time for further processing of the information. The Secy/Board will inform the relevant parties of the arrangement accordingly. The general practices are set out in the “Town Planning Board Guidelines on Submission of Further Information in Relation to Application for Amendment of Plan, Planning Permission and Review Made under the Town Planning Ordinance”;

(b) a decision on a s.16 application, s.16A application or s.17 review would be deferred if the zoning of the subject site is still subject to outstanding adverse representation yet to be submitted to CE in C for consideration and the substance of the representation is relevant to the subject application; and

(c) any other reasonable grounds as the Board thinks fit.

Procedures for handling request for deferment

3.4 As the application is initiated by an applicant and deferment of decision on the

application would not affect the right of the other parties, deferment requested by the applicant would normally be granted if reasonable grounds are given.

- 3.5 For request with reasonable grounds (i.e. those set out in paragraph 3.1 above), if it is received by the Secy/Board before the issue of agenda of the meeting and the relevant paper on the application (normally one week before the scheduled meeting date), a simple paper will be prepared by the Planning Department to seek the Board's agreement to the request. Should the request be received after the issue of the agenda, the Planning Department will verbally report the case at the scheduled meeting. In case of s.12A application, the applicant will not be required to attend the meeting.
- 3.6 However, for request without reasonable grounds, it will be submitted together with the relevant paper on the application to the Board for consideration, regardless of whether the request is received before or after the issue of agenda. In case of s.12A application and s.17 review, the applicant and/or his/her representative(s) will be required to be present before the Board to explain the reasons for the proposed deferment. Should the Board consider that a deferment is not warranted, it may proceed to make a decision on the application.

#### S.16A applications

- 3.7 Pursuant to s.2(5)(b) of the Ordinance, the Board has delegated to the Director of Planning (D of Plan) the power to consider s.16A applications. Any request for deferment of decision on such applications shall be submitted to the Secy/Board as early as possible before D of Plan has made a decision on the application. D of Plan will decide on the request in accordance with this Guidelines.

#### **4. Request for deferment in respect of representations, comments and further representations**

- 4.1 According to the Ordinance, the Board shall submit a draft plan to the CE in C within a statutory time limit of 9 months from the expiration of the exhibition period of the draft plan. Deferment of consideration of representations, comments and/or further representations may affect the submission of the plan to CE in C and other parties involved in the hearing. Hence, such request

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, the Board 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.

- 4.2 To meet the statutory time limit on submission of a draft plan, any request for deferment should be submitted to the Secy/Board as soon as possible but in any case not later than two weeks before the scheduled meeting date. Upon receipt of a request for deferment, the Planning Department will circulate a simple paper to seek the views of the Board on the request and inform the relevant parties of the decision of the Board on the request accordingly. If the request is not acceptable to the Board, the hearing of the representation/further representation will proceed as scheduled.
- 4.3 If the request is received after the two-week deadline, it will be submitted to the Board for consideration together with the relevant paper on the submission at the scheduled meeting. The relevant parties and/or their representative(s) will be required to be present before the Board to explain the reasons for the proposed deferment. Should the Board consider that a deferment is not warranted, it may proceed to make a decision on the submission.

#### Absence from hearing

- 4.4 If the relevant parties and/or their representative(s) fail to attend the hearing to consider their submissions, the Board may proceed with the hearing in their absence or, if considered appropriate, defer a decision on the submissions and reschedule the meeting to another date.

### **5. Notification of request for deferment**

It is a statutory requirement that the Board's meetings to consider the relevant submissions, except the part on deliberation of the submissions, would be open to the public. To facilitate the public in tracking the progress of the case, the receipt of a request for deferment will be notified on the website of the Board.