

PART III - PROCEEDING OF MEETINGS

Meetings

3.1 The Board and the two PCs meets regularly to discharge its functions. The Board normally meets on the first and third Friday of each month whilst the two PCs normally meet on the second and fourth Friday of each month. The MPC meets in the morning and the RNTPC meets in the afternoon. The RHC meets on a need basis and usually on Tuesday.

3.2 The schedules of the Board and PC meetings are available from the Secretariat of the Board and the Board's website from the beginning of the year. The agenda of each meeting is usually provided to Members four days before the meeting (together with the relevant papers for consideration), and except confidential items, the agenda will also be uploaded onto the Board's website for public information on the same day. Members and the public will be notified of any subsequent change to the agenda of the meeting as soon as practicable.

3.3 For meeting arrangements during rainstorm warning or when a typhoon signal is hoisted, Members should refer to **Appendix VII**. Since most of the Board's duties, such as consideration of representations to draft plans and planning applications, are bound by their respective statutory time limits, special meetings may need to be arranged in case of adjournment/postponement of meetings due to rainstorm or typhoon. Members will be notified of any special arrangement as soon as practicable and a notice of the re-scheduled meeting will also be uploaded onto the Board's website for public information.

Quorum of meeting

3.4 Under the Ordinance, five Members, one of whom must be the Chairman or Vice-Chairman, shall form a quorum at any meeting of the Board or the PC, and at any meeting of the PC, three of the Members must be non-official Members.

3.5 At any meeting of the RHC, the chairman or deputy chairman and two members shall form a quorum, and the RHC shall not meet or continue to meet unless a majority of those present are not official Members.

Open Meeting Requirements

3.6 According to section 2C of the Ordinance, all meetings of the Board or any of its committees shall be open to the public except for the following circumstances:

- (a) for meetings to consider representations, comments and further representations made in the plan-making process, section 12A/16/16A applications and section 17 reviews, the part of the meetings held for deliberation for making a decision on the matter will be conducted in private;
- (b) for meetings other than those mentioned in (a), in the opinion of the Board or the committees, it is likely that the opening up of a meeting or any part of a meeting would:

- (i) not be in the public interest, e.g. matters related to invocation of section 4(2) of the Ordinance for resumption of land;
- (ii) result in premature release of information that would prejudice the position of the Board or the committees, the Government, the CE or the CE in C in carrying out its or his functions under the Ordinance;

Example: the preparation of Development Permission Area plan, new OZPs or amendments to OZPs involving sensitive issues like imposition of plot ratio or building height control, new or revision to planning documents published by the Board involving a major change in planning control (e.g. TPB Guidelines, Master Schedule of Notes to Statutory Plans), legislative proposal (fees regulation), reports in respect of planning strategies/studies or feasibility studies, or proposals/reports concerning a major change in planning and land policies/control not yet released to the public;

- (iii) result in a disclosure of information in breach of any duty of confidentiality owed to any person by the Board or the committees or the Government, or owed to the Government by the Board or the committees by virtue of any law or any requirement under any law, or in contravention of any prohibition by any order of a magistrate or a court or by law or any requirement under any law;

Example: “confidential” information possessed by or given to the Board or the committees for which the Board or the committees has an obligation to keep confidence. It may include unpublished documents relating to URA proposed development schemes, proposals on tendering of development projects with private sector involvement.

- (iv) result in disclosure of information in respect of which a claim to legal professional privilege could be maintained in law; and

Example: the legal advice tendered to the Board, the committees or the Government.

- (v) involve transaction of any matters which would be relevant to the institution or conduct of any legal proceedings, including possible judicial review.

Example: judicial review initiated by or against the Board, the committees or the Government, enforcement and prosecution actions against unauthorised developments taken by the Planning Authority in accordance with the Ordinance.

3.7 The matters specified in paragraphs 3.6(b) above will generally be classified as “confidential” and the relevant papers and information should not be disclosed to the public.

3.8 The open meeting arrangements are not applicable to the consideration of objections to a draft plan which was exhibited before the commencement of the Town Planning (Amendment) Ordinance 2004 (i.e. before 10 June 2005), the consideration of section 16

applications and rezoning requests made to the Board before such date, and the consideration of section 17 reviews concerning section 16 applications made to the Board before such date. The meetings for consideration of these cases will be conducted in private.

Observation of Open Meeting by the Public

3.9 Due to seating and security considerations, members of the public will observe the meeting of the Board or the committees in a Public Viewing Room. The proceedings of the Board or the committees will be broadcasted simultaneously on television monitors. The broadcasting will be temporarily suspended for the part of the meeting to be conducted in private and be resumed when the meeting reverts to open session. A note on the “Rules for Observation of Open Meetings of the Town Planning Board and its Committees” has been promulgated by the Board for public information.

Conduct of Meetings

3.10 The Chairman of the meeting may determine whether the meeting should be conducted in Cantonese or English, taking into account the preference of the attendees. Simultaneous interpretation service will be provided for all meetings of the Board and its committees.

3.11 In the consideration of general planning matters, new plans, proposed amendments to draft or approved plans, representatives of the Planning Department and other concerned Government departments or bodies may be invited to attend the meetings of the Board or its committees to brief Members on the background of the subject matters, present the assessment and answer Members’ queries. Such meetings will generally be held in open, except for the circumstances mentioned in paragraphs 3.6(b) above.

3.12 Consideration of section 16 and section 16A applications (where appropriate) will be conducted in two parts. The first part is conducted in open when the representatives of the Planning Department and other concerned Government departments are invited to brief Members on the background of the subject matters, present the planning assessment and answer Members’ queries. In the second part of the meeting, the Board or its committees will deliberate for making a decision on the application in private.

3.13 Similarly, the meetings for hearing of representations, comments on representations and further representations made in respect of draft plans, consideration of section 12A applications, and hearing of section 17 reviews will be divided into two parts. The first part of the meeting will be held in open when the representers/commenters/further representers or applicants are invited to attend the meeting to present their views before the Board or the committees and respond to queries raised by Members. The representatives of the Planning Department and relevant Government departments are also invited to attend the meeting to provide information on the cases, elaborate on the assessment and answer questions from Members on the case. After hearing of the views of the concerned parties, they will leave the meeting. The Board will then deliberate and make a decision in private in the second part of the meeting.

3.14 The detailed meeting arrangements are contained in Parts V, VI, VII and VIII below.

Decision Making Process of the Board and its Committees

3.15 The Board and its committees operate on a majority ruling basis. Votes would not normally be taken unless Members' views on an item that requires the ruling of the Board or the committees are clearly divided.

3.16 The Chairman would decide whether a vote would be necessary to determine an item under consideration after considering Members' views. All official and non-official Members, other than those who have declared interests in the item, shall have a right to vote. Members should themselves judge whether they are in a position to vote, and if not, they may abstain from voting. Generally, Members who have not attended a substantial part of the discussion of the item, or do not have full knowledge of the case, should themselves refrain from discussion and voting on the item. In case the decision of an item is adjourned to a later meeting, Members who have not attended the earlier discussion should not take part in the discussion and voting at a later meeting unless they consider themselves have attained full knowledge of the case by reading all relevant materials including the papers and minutes of the previous meeting. Voting would normally be conducted by means of a show of hands. Dissenting views could be recorded in the relevant minutes upon request. In case of an equal number of votes for and against the item, the Chairman shall have a casting vote.

3.17 The key points of discussion and decision of a meeting would be recorded in the relevant minutes of meeting to serve as official records of the meeting. The minutes are not recorded in verbatim. Besides, the name of non-official Members would not be recorded in the minutes as the Board operates under a collective responsibility system and the decision of a meeting is the collective decision of Members.

Issue of Paper

3.18 The relevant Papers for discussion at a meeting are normally despatched to Members by the Secy/Board at least four days before the meeting. In order to allow the public to better understand the subject matter under discussion when observing the meeting, the Papers to be discussed, except those classified as "confidential", are available for public inspection at the Planning Enquiry Counters of the Planning Department on the following day after the issue of the Papers to Members. The Papers will also be available at the Public Viewing Room on the day of the meeting. A bilingual gist of the planning application or representation/further representation in both Chinese and English will be available for reference by the public.

3.19 On some occasions, urgent items or supplementary information may be received after the issue of the agenda/Papers. Such information will be issued to Members as soon as practicable or, if it is not possible to do so, it will be tabled at the meeting. The information (except for confidential item) will also be made available for public inspection as soon as practicable at the Planning Enquiry Counters of the Planning Department and deposited at the Public Viewing Room on the day of the meeting.

Issue of Minutes

3.20 Draft minutes of meeting of the Board or its committees are normally despatched to Members for comments within 12 days after the meeting is held and are usually confirmed at the

next scheduled meeting. Upon confirmation of the minutes, the minutes, except those parts classified as “confidential”, will be uploaded onto the Board’s website and deposited at the Planning Enquiry Counters of the Planning Department for public information. The Secy/Board will inform the representers/commenters/further representers in respect of the draft plan, and applicants in respect of the various planning applications, of the decisions of the Board or the committees and to provide them with the minutes of meeting. The public who has submitted comments on the various planning applications will be informed of the meeting date and that the minutes of meeting are available for public inspection at the Board’s website and the Planning Enquiry Counters of the Planning Department.

3.21 Minutes of meeting of the Board or its committees which are classified as “confidential” should not be released to other parties in any form or method unless with the consent of the Board or the committees.

Notification of Decision

3.22 A gist of decision of the Board or the committees will be uploaded onto the Board’s website and deposited at the Planning Enquiry Counters of the Planning Department after the meeting on the same day. However, if the meeting of the Board or the committees cannot be finished before 9:00 p.m., the gist of decision will be uploaded onto the Board’s website before 9:00 a.m. on the following day. If the relevant parties request for an immediate notification on the decision, an informal reply on the result could be conveyed verbally to the concerned parties by the Secy/Board, with the advice that it will be subject to subsequent written confirmation. Request for an interim written reply may also be made to the Secy/Board in writing. The Secy/Board will formally notify the concerned parties in writing only upon confirmation of the minutes of the meeting.

3.23 All letters sent to the applicants, representers, commenters or further representers will be written in the same language they used. If an application which is submitted in Chinese is rejected, the Chinese translation of the relevant Paper and extract of minutes of meeting will be issued to the applicant to enable him to consider whether to lodge a review of the application. Similar arrangement will be made for processing representations/comments on representations/further representations.

Transaction of Business by Circulation of Papers

3.24 According to section 2B of the Ordinance, the Board or its committees may transact any of its business by the circulation of papers (could be via electronic means) among its Members, no matter whether the Member is in or outside Hong Kong, unless the holding of a meeting is required either by an express provision or by necessary implication from any provision of the Ordinance. In general, a meeting is required to be held to consider and decide on:

- (a) representations in respect of a draft plan and related comments and further representations in respect of proposed amendments made by the Board after consideration of the representations; and
- (b) sections 12A and 16 applications, section 17 reviews, and the related comments on such applications/reviews.

3.25 Any resolution in writing approved by a majority of the Members of the Board or the committees by circulation shall be valid and effectual as if it had been a resolution passed at a meeting of the Board or the committees. However, upon receipt of the circulation, any Member may, within the specified period, give a notice to the Chairman of the Board or the committees and request the holding of a meeting to consider the matter. Upon receipt of such a notice, a meeting will be arranged to discuss the relevant matter. The resolution approved by the Board or the committees by circulation will also be uploaded on the Board's website.