

## **PART V - REPRESENTATIONS/FURTHER REPRESENTATIONS TO STATUTORY PLANS**

### **Consideration of Representation/Comment on Representation/Further Representation**

5.1 According to section 6 of the Ordinance, any person may make representation to the Board within the plan exhibition of two months in respect of any new draft plan or any amendments to draft/approved plan (hereafter referred to as “the draft plan”). Upon expiry of the plan exhibition period, the Board shall publish all representations received for a period of three weeks. Any person may make comments on the representations to the Board. All representations and comments received will be made available for public inspection. Detailed arrangements for making submissions to the Board are provided in the TPB Guidelines on Submission and Publication of Representation, Comment on Representation and Further Representation.

5.2 The Board or RHC shall hold a meeting (hereafter referred to as “hearing”) to consider the representations and comments within six to nine weeks after the expiry of the three-week period for submission of comments on the representations. The representers and commenters will be invited to attend the hearing. The Board will decide whether to propose amendments to the draft plan in the manner proposed by the representers or in other manner as considered appropriate by the Board in meeting the representations.

5.3 If the Board/RHC decides to propose amendments to the draft plan after the hearing, the proposed amendments will be published for three weeks. Any person, other than the representers and commenters relating to the proposed amendments, may make further representations to the Board. All further representations received will be made available for public inspection. If any further representation made to the Board is in opposition to the proposed amendments, the Board/RHC shall hold another hearing (hereafter referred to as “further hearing”) to consider the further representations within six to nine weeks after the expiry of the three-week period. All the representers, commenters and further representers in respect of the proposed amendments will be invited to attend the further hearing. After the further hearing, the Board will decide whether to amend the draft plan either by the proposed amendments or by the proposed amendments as further varied in such manner as considered appropriate by the Board. If no further representation or no opposing further representation is received, no further hearing will be held. The Board/RHC will hold a meeting to consider any supportive further representation and amend the draft plan by the proposed amendments. The amendments made to the draft plan shall be available for public inspection until the CE in C has made a decision on the draft plan.

5.4 After completion of the consideration of representations/comments on representations/further representations, the Board shall submit the draft plan incorporating the amendments made by the Board to meet the representations to the CE in C for approval within nine months from the expiry of the plan exhibition period (or within a further period of six months granted by the CE).

### **Notification of the Arrangement of the Hearing/Further Hearing**

5.5 The Secy/Board will acknowledge receipt of a representation and inform the representer that the representation will be published for public comments. Upon the expiry of

the three-week period for making comments on the representations, the Secy/Board will inform the representer and commenter, if any, of the tentative date of the hearing. Seven days before the hearing, the representer/commenter will receive the agenda for the hearing and a copy of the relevant Paper.

5.6 The Secy/Board will make similar arrangement for further hearing. Upon receipt of a further representation, if a further hearing needs to be held by the Board/RHC, the Secy/Board will inform the representer/commenter/further representer of the tentative date of the further hearing. Seven days before the further hearing, the representer/commenter/further representer will receive the agenda for the further hearing and a copy of the relevant Paper.

### **Proceedings of Hearing/Further Hearing**

5.7 According to the Ordinance, any representations/further representations received by the Board may be heard collectively or individually. The Board or the RHC, whichever is the case, will decide whether the representations/further representations should be heard collectively or individually. Normally, if the representations/further representations are submitted in respect of the zoning of the same site(s) or the same provision on the draft plan, the representations/further representations will be heard collectively. If the representations/further representations are submitted in the form of the same standard letters or by different representatives of the same group of representers/further representers (e.g. Village Representatives of the same Rural Committee), the representations/further representations will also be heard collectively and the representers/further representers should appoint a spokesman or representative to present their case collectively.

5.8 In general, the proceedings of a hearing/further hearing are as follows:

- (a) the various parties will be invited to attend the hearing in accordance with the agenda:
  - (i) for collective hearing/further hearing, all the representers/further representers and the related commenter(s) in case of hearing and the related representer(s) and commenter(s) in case of further hearing as well as the representatives of the Planning Department and other Government departments, if any, will be invited to attend the hearing/further hearing at the same time; or
  - (ii) for individual hearing, the individual representer/further representer and the related commenter(s) in the case of hearing and the related representer(s) and commenters(s) in case of further hearing as well as the representatives of the Planning Department and other Government departments, if any, will be invited to attend the hearing/further hearing when the Board/RHC turns to consider the particular representation/further representation;
- (b) in the presence of all parties, the chairman of the meeting will briefly explain the procedures for the hearing/further hearing;
- (c) the chairman will invite the representative of the Planning Department and/or other Government department(s) to present the background to the

case;

- (d) the chairman will then invite the various parties to make submissions in turn,
  - (i) for collective hearing/further hearing, the representers or further representers, as the case may be, will be invited to make submissions according to their groupings. In case of hearing, following the presentation by the representers, the commenters will be invited to take turns to make submissions. In case of further hearing, after the presentation by the further representers, the representers will be invited to make submissions in turn, and then followed by the commenters; and
  - (ii) in case of individual hearing/further hearing, the representer/further representer will be invited to make submission first, followed by the commenter(s) in case of hearing, or the representer(s) and then commenter(s) in case of further hearing;
- (f) to avoid a prolonged hearing process, the representers/commenters/further representers will be asked not to repeat the same points or argument which have already been raised by other representers/commenters/further representers at the same hearing/further hearing;
- (g) the chairman will then invite the representatives of the Planning Department and other Government departments, if any, and the representers/commenters/further representers to answer any questions from Members;
- (h) should the representative(s) of the Planning Department and other Government departments, if any, wish to respond to statements made by the representers/commenters/further representers or to clarify any of their own statements, they should do so with the permission of the chairman and in the presence of the representers/commenters/further representers. The representers/commenters/further representers will also have an opportunity to respond to statements made by Government representatives as directed by the chairman; and
- (i) the representatives of the Planning Department and other Government departments, if any, and representers/commenters/further representers will then leave the meeting. The Board/RHC will deliberate on the representations/further representations in private.

## **Minutes of Meeting**

5.9 The draft minutes of a meeting of the Board are normally confirmed at the following scheduled meeting. The draft minutes of a meeting of the RHC are normally confirmed by circulation among the Members within two weeks after the meeting. The confirmed minutes of the meeting of the RHC will be circulated to all Members of the Board for information.

### **Confirmation of Attendance at the Hearing/Further Hearing**

5.10 Any delay of a hearing/further hearing will have significant implications on meeting the statutory nine-month time limit. The Secy/Board will ensure that reasonable notice is given to the representers/commenters/further representers of the hearing/further hearing date (normally four weeks in advance). The representers/commenters/further representers will be required to confirm attendance to the meeting within two weeks.

5.11 If any one of the representers/ commenters/further representers indicates that he/she could not attend the meeting as scheduled and seeks a deferment of the hearing/further hearing, good justifications have to be given. Since any deferment will have implications on meeting the time-limit for submission of the draft plan to the CE in C for approval and may affect other parties involved in the hearing/further hearing, a request for deferment would not normally be entertained unless with the consent of other concerned parties and there are very strong grounds to do so. If it is absolutely unavoidable, the Board/RHC may only adjourn the hearing/further hearing for a period up to a maximum of four weeks, taking into account all relevant considerations and circumstances of the case. The decision on whether to defer or not would be made by the Board or the RHC, as the case may be. If the request is not acceptable, the hearing/further hearing will proceed as scheduled. If any one of the representers/commenters/further representers fails to attend the hearing/further hearing, the Board/RHC may proceed to hold the hearing/further hearing in his/her absence.

### **Out-of-time Representation/Comment/Further representation**

5.12 Representations, comments on representations and further representations are required to be submitted to the Board within their relevant statutory time limits. All submissions made to the Board after the expiry of the time limits shall be treated as not having been made under the Ordinance.

### **Further Information Submitted to the Board**

5.13 There is no provision under the Ordinance for the Board to accept any further information submitted by the representers/commenters/further representers after the expiry of the relevant statutory time limits.

### **Withdrawal of Representation/Comment/Further Representation**

5.14 A representer/commenter may withdraw his/her representation/comment before the hearing by notifying the Board in writing. The withdrawn representation/comment shall thereafter be treated as not having been made and will not be considered by the Board/RHC. If a representation is withdrawn, its related comment(s) shall also be treated as not having been made. Upon receiving the notice of withdrawal, the Secy/Board will inform the relevant representer(s)/commenter(s) accordingly.

5.15 Similarly, a further representer may withdraw his/her further representation before the further hearing by notifying the Board in writing. The withdrawn further representation shall thereafter be treated as not having been made and will not be considered by the Board/RHC. Upon receiving the notice of withdrawal, the Secy/Board will inform

the relevant representer(s)/commenter(s)/further representer(s) accordingly.