

**TOWN PLANNING BOARD GUIDELINES ON
PUBLICATION OF APPLICATIONS FOR AMENDMENT OF PLAN,
PLANNING PERMISSION AND REVIEW AND
SUBMISSION OF COMMENTS ON VARIOUS APPLICATIONS
UNDER THE TOWN PLANNING ORDINANCE**

[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 Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) (17th Floor, NPGO and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

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 (the Board) regarding the publication of applications for amendment of plan, 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 Board:

- (a) application for amendment of plan 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 the Board's decision on a section 16 application made under section 17 of the Ordinance.

2.2 An 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 or an electronic application form (e-form) to be submitted via electronic submission system (e-submission) via the Board's website. The application form is available at the Secretariat of the Board or Planning Enquiry Counters of Planning Department and can be downloaded from the Board's website (<http://www.info.gov.hk/tpb/>). As for e-submission, relevant e-forms are available at the Board's website.

- 2.3 All information (including name, but excluding correspondence address, and telephone number/fax number/e-mail address) included in the applications will be made available for public inspection as soon as reasonably practicable after the applications are made until the Board or its Committee has made a decision on them.
- 2.4 The Board will publish a notice once a week in two daily Chinese and one daily English local 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 (i.e. during normal office hours at the Planning Enquiry Counters of the Planning Department);
 - (b) that any person may make comment to the Board 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); and
 - (c) the place and hours at which such comment will be available for public inspection (i.e. as soon as reasonably practicable after the expiration of the first 3 weeks of public inspection period).
- 2.6 Generally speaking, as a matter of practice, a newspaper notice will always be published. In so far as the local circumstances permit, a site notice will be posted unless the application involves a large area or many buildings, the application site is remote and inaccessible by the public, the application is not

site-specific, or the posting of notice 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 locality of the application site; and
- (d) other measures as considered appropriate by the Board.

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 Board’s website until the Board or its Committee has decided on the application in question;
- (b) posted at the Secretariat of the Board, the Planning Enquiry Counters of the Planning Department, the relevant District Planning Office, local community centre, 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 committee(s) of the 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 Board before the application is considered by the Board 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 Board or its Secretary, it will be made available for public inspection until the Board 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 Board or its Secretary may exempt it from the requirement of publication for public comments. For details on the determination of acceptance of further information and exemption of it from the requirement of publication for public comments, 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 (2877 0245 or 2522 8426) or e-mail (tpbpd@pland.gov.hk).
- 4.2 The statutory time limits for making comment on various applications (i.e., application for amendment of plan under section 12A, application for permission under section 16 and application for review under section 17) are the same, namely, within the first three weeks when the application is available for public inspection. The time limit will be stated in the relevant notice.
- 4.3 Any comment must be made within the statutory time limit for submission. Comments which are made after the expiration of the statutory time limits shall be treated as not having been made. The date of submission stated in the

notice 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.

4.4 In order to facilitate communication with the Secretary of the Board (Secy/Board) and relevant 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 Board to consider a comment, hence should be included in the submission. Otherwise, the Board 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 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 Planning Enquiry Counters of the Planning Department until the Board or its Committee has decided on the application. A notice informing the public of the availability of the comments for public inspection will be uploaded to the Board's website. Information including the tentative meeting date and the other arrangements concerning the consideration and release of decision on the application is also available on the Board's website.

4.7 Public comments should be related to the planning context of the application and submitted in accordance with the relevant provisions of the Ordinance. These public comments will be assessed by the Board on a case-by-case basis and only planning-related considerations will be taken into account. As a general guideline, the Board will primarily consider the following planning issues in considering the public comments on the application: -

- (a) the nature (e.g. views in support, against or expressing general concern) of the public comment;
- (b) the planning intention, land-use compatibility and impacts (e.g. effects on environment, ecology, traffic, infrastructure, landscape, visual and the local community etc.);
- (c) comments specific to the proposed scheme ; and
- (d) other considerations that the Board considers appropriate.

5. Notification of the Board's Decision

- 5.1 After the Board or its Committee has decided on the application, the Secy/Board will notify the applicant of the decision in writing after confirmation of the minutes (normally 2 weeks after the meeting).
- 5.2 After the meeting, the applicant and the commenter may seek verbal advice on the decision on the application or make reference to the Gist of Decision which is available on the Board's website shortly after the meeting on the same day.
- 5.3 Pending formal notification, request from the applicant for an interim reply on the decision on the application could be made to the Secy/Board in writing. The interim reply should not be treated as a formal notification of the decision of the Board or its Committee, which will only be issued after confirmation of minutes. The date of decision of the Board or its Committee on an application is the date of its meeting, but the time limit for lodging a review and appeal under section 17 and 17B respectively starts from the date of notification of the Committee or the Board's decision.

6. Important Points to Note

- 6.1 This set of Guidelines only provides general guidance on the publication of applications for amendment of plan, 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 Board to require further information.

- 6.2 The information submitted to the Board, except those as mentioned in paragraph 2.3 above, and the decision of the Board 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 the Board determines.

7. Statement of Collection of Personal Data

- 7.1 The personal data submitted to the Board in the application or comment will be used by the Secy/Board and Government departments for the following purposes:

- (a) the processing of the relevant application and comment which includes making available the name of the applicant/commenter for public inspection when making available the relevant application and comment for public inspection; and
- (b) facilitating communication between the applicant/commenter and the Secy/Board/Government Departments

in accordance with the provisions of the Ordinance and the relevant Town Planning Board Guidelines.

- 7.2 The personal data provided by the applicant/commenter may also be disclosed to other persons for the purposes mentioned in paragraph 7.1 above.
- 7.3 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 Secy/Board.

TOWN PLANNING BOARD

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