

HOW TO PARTICIPATE IN STATUTORY PLAN-MAKING PROCESS

Introduction

The Town Planning Ordinance, as amended by the Town Planning (Amendment) Ordinance 2004 introduces a new statutory plan-making process (Figure 1). This pamphlet aims to briefly explain how the public can participate in such process.

Readers are reminded that this pamphlet is for reference only and should not be regarded as a formal interpretation of the law. Enquiries on this pamphlet should be addressed to the Secretariat of the Town Planning Board (the Board) or the Planning Enquiry Counters of the Planning Department.

Secretariat of the Board

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Planning Enquiry Counters of the Planning Department

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Representation Relating to Draft Plan

- All new plans, amendments to approved plans or amendments to draft plans (hereafter referred to as "draft plan") will be exhibited for two months for public inspection. During this exhibition period, any person may make representations (either supportive or adverse) to the Board in respect of the draft plan.

Comment on Representation

- All representations received by the Board during the plan exhibition period will be published for public inspection.
- During the first 3 weeks of the public inspection period of the representations, any person may make comment on the representations (either supportive or adverse) to the Board.

First Hearing

- The Board or its Representation Hearing Committee (RHC) will hold a hearing to consider the representations and comments received. The persons who have submitted representations or comments may attend the hearing and be heard by the Board/RHC.

- After the hearing, the Board/RHC will decide whether to propose amendments to the draft plan to meet the representations.

Further Representation in Respect of Proposed Amendments

- Any amendments proposed by the Board/RHC after the first hearing will be published for public inspection.
- During the first 3 weeks of the public inspection period of the proposed amendments, any person (other than the persons who have submitted representations and comments related to the proposed amendments) may make further representation in respect of the proposed amendments (either supportive or adverse) to the Board.

Further Hearing

- If opposing further representations are received, the Board/RHC will hold a further hearing to consider the further representations, at which the persons who have submitted the relevant representations, comments and further representations may attend and be heard by the Board/RHC.
- After the further hearing, the Board/RHC will decide whether to make amendments to the draft plan.
- If there is no further representation or no opposing further representation, the Board/RHC will hold a meeting to consider the further representation (if any) and to amend the draft plan by the proposed amendments. The persons who have submitted the relevant representations, comments and further representations will not be invited to the meeting.

Submission to Chief Executive in Council

- Upon completion of the representation consideration process, the Board is required to submit the draft plan incorporating the amendments together with the representations, comments and further representations to the Chief Executive in Council (CE in C) for approval within 9 months of the expiry of the 2-month plan exhibition period (or within a further 6-month period as may be extended by the Chief Executive).

Submission Requirements

- All representations/comments/further representations must be made within the statutory time limit. They should be forwarded to the Secretary, Town Planning Board by hand, post, fax or e-mail (contact details are the same as those for the Secretariat of the Board). To facilitate processing of the submissions, the person who submits representation/comment/further representation is advised to provide the necessary information by filling in a submission form (i.e. Form No. S6, S6A and S6D respectively). The forms are available at the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department and can be downloaded from the Board's Website (<http://www.info.gov.hk/tpb/>).

Documents Available for Public Inspection

- All representations/comments/further representations and amendments proposed by the Board after the hearing as well as the amendments made by the Board upon completion of the representation consideration process are available for public inspection until the CE in C has made a decision on the draft plan.

Figure 1 The New Plan-making Process

