

Bills Committee on Town Planning (Amendment) Bill 2003

**Requirements for Submission of Representations
under Section 6, Comments under Section 6A
and Further Representations under Section 6F**

Purpose

At the Bills Committee meetings held on 4 May 2004, Members required the Administration:

- (a) to review whether it is appropriate to treat any representation which does not comply with the requirements made under section 6(2)(b) as not having been made;
- (b) to provide a paper to explain the requirements that will be made under section 6A(2); and
- (c) to review whether it is appropriate to treat any comment which does not comply with the requirements made under section 6A(2) as not having been made.

This paper provides the requested information.

Relevant Provisions concerning Submission of Representation / Comment / Further Representation

2. According to the Bill, any person may submit to the Town Planning Board (TPB) a representation under section 6(1) in respect of a draft plan, and a comment under section 6A(1) in respect of a representation. Any person other than the “representers” and “commenters” may submit a further representation to the TPB under section 6F(1) in respect of the amendments to a draft plan proposed by the TPB under section 6D(8). Sections 6(3), 6A(3) and 6F(3) specify that the TPB **shall** treat a representation, comment or further representation as **not having been made** if it does not comply with any of the requirements specified by the TPB or is made after the expiration of the relevant

statutory period.

The Requirements

3. It is intended that a representation, comment or further representation should comply with the following requirements:

- (a) A submission should be made in writing (either typed or hand-written), and sent to the TPB either by hand, mail, fax or e-mail. These are the basic requirements for any submission to a public body.
- (b) For the purposes of processing the representations/comments/further representations and clarifying the information contained in the submissions, a submission should include the following particulars:
 - (i) for a submission not involving an agent
 - name of the “representer”/“commenter”/“further representer”;
 - correspondence address; and
 - contact telephone number/fax number/e-mail address.
 - (ii) for a submission involving an agent
 - name of the “representer”/“commenter”/“further representer”;
 - name of the agent;
 - correspondence address of the agent;
 - contact telephone number/fax number/e-mail address of the agent; and
 - authorization letter signed by the “representer”/“commenter”/“further representer”.
- (c) As suggested by the Bills Committee at the meeting on 4 May 2004, the Administration will propose a Committee Stage Amendment (CSA) to section 6(2)(a) to require a “representer” to indicate in his/her submission nature of his/her representation.

4. Information to be included in the submission, as stipulated in the relevant provisions in the Bill, are summarized below :-

Type of Submission	Relevant Provisions	Information Required
Representation	s.6(2)(a)	<ul style="list-style-type: none"> - the particular matter in the draft plan to which the representation relates; - the nature of representation; - the reasons for the representation; and - the amendments (if any) proposed by the “representer” to the draft plan.
Comment	s.6A(1)	<ul style="list-style-type: none"> - the representation to which the comment relates.
Further Representation	s.6F(2)(a)	<ul style="list-style-type: none"> - the proposed amendments to which the further representation relates; - whether the further representation is in support of, or in opposition to, the proposed amendments; and - the reasons for the further representation.

5. The above requirements are essential to enable the TPB to duly consider a representation, comment or further representation.

Proposed CSAs

6. In response to the Members’ concern that it may be too rigid to treat any submission not complied with the specified requirements as not having been made, the Administration will propose CSAs to sections 6(3), 6A(3) and 6F(3) to the effect that any representation, comment and further representation not in compliance with the specified requirements (as set out in paragraphs 3 and 4 above) **may** (instead of “shall”) be treated as not having been made. This will allow flexibility for the TPB to accept a representation, comment or

further representation in the event that the “representer”, “commenter” or “further representer” has already substantially complied with the said requirements,

7. Since it is important for a representation, comment and further representation to be made within the statutory time limit so as to enable the TPB to proceed to the subsequent stages of the plan-making process in a timely manner, any submission made after the relevant statutory time limit **shall** still be treated as not having made.

8. The requirements mentioned under paragraphs 3 and 4 will be specified in the notice inviting representations, comments and further representations, and will be further elaborated in a set of “Guidance Notes” to be prepared by the TPB. These “Guidance Notes” will be uploaded to the TPB homepage. Copies of them will also be made available to the public through the Planning Department.

Housing, Planning and Lands Bureau
Planning Department
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