

Bills Committee on Town Planning (Amendment) Bill 2003

List of follow-up actions arising from meetings on 2, 20 and 29 April, and 4, 13, 20 and 25 May 2004

The Administration's Response

A. Issues related to the provisions in the Amendment Bill

Section [Clause]	Follow-up actions by the Administration	The Administration's response
s.1A (definition of land owner) [Cl. 2]	To clarify whether there are any cases in which the Secretary for Home Affairs replaced a manager of tso/t'ong because of his conviction of offences in relation to unauthorized developments (UD) on the land held by tso/t'ong. (raised at meeting on 2 April 2004)	As advised by the Home Affairs Bureau, no such cases are found.
s.1A (definition of land owner) [Cl. 2]	To relay to the relevant bureau members' request for expediting the review on the legal status of tso/t'ong and the rights and responsibilities of its managers under the New Territories Ordinance. (raised at meeting on 2 April 2004)	Member's request has been relayed to the Home Affairs Bureau and the Home Affairs Department.
s.1A (definition of land owner) [Cl. 2]	To explain to tso/t'ong that the proposed deletion of the definition of "land owner" under the Bill will not affect the enforcement actions to be taken by the Director of Planning against UD under the existing practices. The legal liability of managers of tso/t'ong in this respect should be clearly conveyed to them. (raised at meeting on 2 April 2004)	The Administration has conveyed the message through the Heung Yee Kuk.
s.2 & s.2A	To consider whether existing section 2 of Town Planning Ordinance and the proposed section 2A concerning appointment of committees should be consolidated. Please provide information on the number, size and functions of existing committees	With the expansion of statutory planning functions to the rural areas in the New Territories and to cope with the increase in the Town Planning Board's (TPB) workload, s.2(3) was added in 1991 to allow the Chief Executive to appoint standing

Section [Clause]	Follow-up actions by the Administration	The Administration's response
	<p>appointed under section 2(3). (raised at meeting on 29 April 2004)</p>	<p>committees from among the TPB Members to more efficiently discharge the functions of the TPB. Two s.2(3) committees, namely the Metro Planning Committee (MPC) and the Rural and New Town Planning Committee (RNTPC), are appointed mainly to deal with amendments to draft plans and s.16 planning applications within their respective geographical jurisdiction. Please refer to Annex A for the detailed powers and functions that the TPB may delegate to the two Planning Committees.</p> <p>At present, each of the Planning Committees formed under s.2(3) comprises an official Chairman, a non-official Vice-Chairman, four other official members, and 15 to 16 non-official members.</p> <p>In tandem with the introduction of the statutory requirement that a draft plan together with the objections should be submitted to the Chief Executive in Council for a decision within 9 months upon expiry of the plan exhibition period, s.2A was added in 1998 to allow the TPB to appoint committees from among its members to consider objections. The intention is to allow the setting up of ad-hoc committees on a plan basis to expedite the consideration of objections so as to meet the statutory time limit. In practice, TPB Members are appointed to sit on these committees by roster. At present, each committee consists of Chairman, a Deputy Chairman, two official members and five other non-official members.</p> <p>Given that the committees formed under s.2(3) and s.2A are for different purposes, and that the sizes of these committees are different, it is not appropriate to consolidate s.2 and s.2A without a comprehensive review of the composition and</p>

Section [Clause]	Follow-up actions by the Administration	The Administration's response
		operation of the TPB.
s.2B [Cl. 5]	<p>(a) To undertake at the Second Reading Debate on the Bill that only procedural and administrative matters will be transacted by circulation of papers. (raised at meeting on 20 April 2004)</p> <p>(b) To advise verbally the provisions in relation to which the holding of meeting by TPB is mandatory. (raised at meeting on 29 April 2004)</p>	<p>To address the Bills Committee's concern, the Administration has agreed to propose a Committee Stage Amendment (CSA) to s.2B(1) to the effect that the TPB may transact any of its business by circulation of papers unless the holding of a meeting is required either by an express provision or by necessary implication from any provision of the Ordinance.</p> <p>The holding of meeting by TPB is mandatory insofar as the following provisions are concerned -</p> <ul style="list-style-type: none"> (i) s.6D(1) : to consider representations and comments in respect of a draft plan (ii) s.6H(1) : to consider further representations in respect of the proposed amendments (iii) s.12A(14) : to consider an application for amendment of plan (iv) s.16(3) : to consider an application for planning permission (v) s.17(3) : to consider an application for a review of the TPB's decision made under s.16 or s.16A <p>Moreover, we will propose CSAs to provide that any member of the TPB may request the TPB Chairman to hold a meeting to consider any business being transacted by circulation of papers. Upon receipt of such a notice of request, any resolution approved in writing shall be void.</p> <p>The Administration will mention at the Second Reading Debate that only procedural and administrative matters will be</p>

Section [Clause]	Follow-up actions by the Administration	The Administration's response
		transacted by circulation of papers.
s.6 [Cl. 7]	To consider expressly requiring the nature of the representation be indicated in the representation (subsection (2)). (raised at meeting on 4 May 2004)	The Administration will propose a CSA as suggested by Members.
s.6 [Cl. 7]	To review whether it is appropriate to treat any representation which does not comply with the requirements made under subsection (2)(b) as not having been made (subsection (3)(b)). (raised at meeting on 4 May 2004)	The intended requirements (including an indication of the identity and address/telephone of the "representer", the nature of and reasons for the representation and the particular matter in the draft plan to which the representation relates; and the submission of the representation in writing) are considered reasonable and essential to enable the TPB to duly consider a representation. These requirements will be specified in the notice inviting representations and further elaborated in Guidance Notes. There should be no difficulties for the "representer" to comply with these requirements. However, to allow flexibility for the TPB to accept a representation in the event that the "representer" has already substantially complied with these requirements, we will propose a CSA to the effect that any representation not in compliance of the specified requirements may be treated as not having been made. Similar CSA will be proposed to the relevant provisions on whether to accept comments in respect of representations and to accept further representations. (Please refer to LC Paper No. CB(1)2016/03-04(02) for details of the requirements).
s.6A [Cl. 8]	To provide a paper to explain the requirements that will be made under subsection (2). (raised at meeting on 4 May 2004)	Please refer to LC Paper No. CB(1)2016/03-04(02).

Section [Clause]	Follow-up actions by the Administration	The Administration's response
s.6A [Cl. 8]	<p>To review whether it is appropriate to treat any comment which does not comply with the requirements made under subsection (2) as not having been made (subsection (3)(b)).</p> <p>(raised at meeting on 4 May 2004)</p>	See response to s.6 above.
s.6D [Cl. 8]	<p>To review whether the proposed section 2(6) confers the TPB with sufficient power to regulate meetings conducted to hear representations. A member is concerned about possible abuse of procedure.</p> <p>(raised at meeting on 4 May 2004)</p>	The TPB has already conducted many hearings of objections involving objectors and further objectors under the existing Ordinance. These hearings were conducted smoothly. From past experience, we do not envisage problems with the hearing of representations in future. Similar to the existing practice, the concerned parties will be informed of the hearing procedures prior to the hearing.
s.6E [Cl. 8]	<p>To consider the need to require publication of a notice in two local Chinese newspapers and one local English newspaper concerning availability of proposed amendments to a draft plan for public inspection and comment (subsection (2)).</p> <p>(raised at meeting on 4 May 2004)</p>	It is indeed the current practice that newspaper notices are published in two local Chinese newspapers and one local English newspaper. The Administration will propose CSAs to s.6E(2) as well as all other sections concerning publication of notices in newspaper.
s.6H [Cl. 8]	<p>To review whether the English and Chinese versions of subsection (8) are consistent.</p> <p>(raised at meeting on 13 May 2004)</p>	After reviewing the English and Chinese versions of s.6H(8), the Law Drafting Division of the Department of Justice considered that the two versions are consistent.
s.6J [Cl. 8]	<p>To consider whether it is appropriate to specify under subsection (2) that the draft plan with amendments shall be made available for public inspection of not less than 14 days before the Chief Executive in Council (CE in C) made a decision in respect of the draft plan. Members have different views on the issue.</p> <p>(raised at meeting on 13 May 2004)</p>	After the TPB has considered the representations and further representations (if any), the process is complete as far as the hearing of representation is concerned. Hence, there is no need to further stipulate a "minimum period" for publishing the amendments before it is submitted to CE in C for approval. Nevertheless, this does not preclude the public from making petitions to the CE in C.

Section [Clause]	Follow-up actions by the Administration	The Administration's response
		<p>Imposing a statutory time limit would limit the flexibility for CE in C in approving plans, especially when an urgent approval is needed.</p> <p>As the proposal has not been discussed among the other stakeholders, we think it is not appropriate to introduce this new proposal without prior consultation with concerned parties.</p>
s.7 [Cl. 9]	<p>To introduce a CSA to subsection (2) to achieve the effect that the TPB should advertise amendments to a draft plan once a week in two local Chinese newspapers and one local English newspaper.</p> <p>(raised at meeting on 13 May 2004)</p>	<p>It is indeed the current practice that newspaper notices are published in two local Chinese newspapers and one local English newspaper. We will propose CSAs to s.7(2) as well as all other sections concerning publication of notices in newspaper.</p>
s.8 [Cl.10]	<p>To provide a paper to explain how the CE in C would consider a draft plan. The paper should include information on whether the CE in C was divided into small groups to consider different subjects and statistics on the time taken by the CE in C in making a decision on a draft plan.</p> <p>(raised at meeting on 13 May 2004)</p>	<p>A separate paper has been submitted to the Bills Committee.</p>
s.12 [Cl.12]	<p>To review the merits of proposed new subsection (1A). Some members expressed concern that the present drafting would enable the CE to delegate the power to refer any approved plan to TPB for replacement or amendment to public officers. Given that such power is substantial, the authority for referral of plan should rest with the CE in C.</p> <p>(raised at meeting on 13 May 2004)</p>	<p>In view of the concerns of the Members, we will propose CSAs to reinstate s.12(1), i.e. the power to refer an approved plan to the TPB for replacement or amendment will continue to rest with the CE in C.</p>

Section [Clause]	Follow-up actions by the Administration	The Administration's response
s.12A [Cl. 13]	To refine the drafting of s.12A(1). The Chairman suggests an alternative version of drafting such as “.....any person may apply to the TPB to consider any proposal....”. (raised at meeting on 20 May 2004)	We shall refine the drafting as suggested by the Chairman.
s.12A [Cl. 13]	To consider whether it is appropriate to specify a period after a draft plan has been approved within which an application for amendment of the plan could not be made. (subsection (1)) (raised at meeting on 20 May 2004)	Since the suggestion will restrict the scope of application for amendment of plan, the Bills Committee tends to think that it is not appropriate to introduce any CSA to this effect without prior public consultation.
s.12A [Cl.13]	To provide a pledge at the Second Reading Debate on the Bill that the TPB will, as far as practicable, cause a notice concerning amendment of plan to be posted in a prominent position and published in newspapers. (subsection (7)) (raised at meeting on 20 May 2004)	We will mention this at the Second Reading Debate.
s.12A [Cl.13]	To propose a CSA to subsection(7)(b) to the effect that a notice shall be published in two local Chinese newspapers and one English newspaper. (raised at meeting on 20 May 2004)	We will propose CSAs to s.12A(7)(b) as well as all other sections concerning publication of notices in newspaper.
s.12A [Cl.13]	To provide a written confirmation about the minimum size of notice and the provision of such details in the guidelines/code of practice of the TPB. (subsection (8)) (raised at meeting on 20 May 2004)	A separate paper has been submitted to the Bills Committee.
s.12A [Cl.13]	To delete subsection (8A). (raised at meeting on 20 May 2004)	We will propose CSAs to delete subsection (8A) (which stipulates that the concerned notice “shall be printed in a visible and legible form”). Similar CSAs will be proposed for

Section [Clause]	Follow-up actions by the Administration	The Administration's response
		s.16(2EA) and s.17(2CA).
s.12A [Cl.13]	To review the definition of "current land owner" to remove uncertainty about legal title. The Chairman is concerned about the legal title of property the assignment of which is pending registration in the Land Registry. (subsection (23)) (raised at meeting on 20 May 2004)	We will propose a CSA to remove uncertainty about legal title. Similar CSA will also be proposed to s.16(8).
s.12A, s.16 & s.17 [Cl.13,16 & 18]	To request District Offices and other relevant bodies to conduct periodic check after the posting of a notice by the TPB in relation to planning applications and amendment of plans to ensure as far as possible the notice kept posted during the three-week publication period. (raised at meeting on 20 April 2004)	We will liaise with the Home Affairs Department on carrying out periodic check of notices. Also, we will explore measures to minimize the risk of damage from vandalism and inclement weather.
s.12A, s.16 & s.17 [Cl.13,16 & 18]	To undertake at the Second Reading Debate on the Bill that the Administration will conduct periodic check to ensure as far as possible the notice kept posted. (raised at meeting on 20 April 2004)	We will mention this at the Second Reading Debate.
s.12A, s.16 & s.17 [Cl.13,16 & 18]	To consider devising at the Stage Two Amendment a mechanism to enable the TPB to withdraw its decision where material information provided by applicants or commenters is found to be false. (raised at meeting on 20 April 2004)	The proposal will be considered in due course upon further consultation with concerned parties.
s.12A, s.16 & s.17 [Cl.13,16 & 18]	To consider proposing CSA to the effect that copies of planning applications shall be made available to any persons on payment of a prescribed fee.	We will propose a CSA (new s.26A) to empower the TPB to provide members of the public with copies of materials available for public inspection upon payment of a fee as the

Section [Clause]	Follow-up actions by the Administration	The Administration's response
18]	(raised at meeting on 20 April 2004)	TPB may determine.
s.12A, s.16 & s.17 [Cl.13,16 & 18]	To make an undertaking at the Second Reading Debate on the Bill that where a new planning application makes reference to past documents, these documents will be made available for public inspection. (raised at meeting on 29 April 2004)	Where reference to past documents is made in a new planning application, it should be the responsibility of the applicant to ensure that the past documents are included in the submission. We would make this clear in the Guidance Notes.
s.14 [Cl. 14]	(a) To review how the provision could be amended to allay members' concern that the cost incurred in processing applications made by Government departments will not be shouldered by other applicants. It has been suggested that regulation to prescribe fees under subsection (2) should be made by positive vetting. (raised at meeting on 20 May 2004) (b) To revise the provision to reflect that the fees charged are in relation to the costs incurred by the TPB and the Government in processing applications under sections 12A(3)(c), 16(2)(c) and 16A(3)(b) and not other costs. (raised at meeting on 25 May 2004)	The cost incurred in processing applications made by Government departments will not be shouldered by other applicants. Further, in fixing the levels of fees, we will only take into account the expenditure incurred or likely to be incurred by the TPB and by the Government in relation to the processing of applications. In the light of Members' concern, we will propose a CSA to further refine the wordings of the provision.
s.16 [Cl. 16]	To revise subsection (2)(a) to expressly provide that consent is obtained or notification is given within a reasonable time. The Administration undertakes to consult the trade in determining the meaning of "reasonable time" and specify such in the Codes of Practice/guidelines. (raised at meeting on 25 May 2004)	We will propose CSAs to this subsection as well as s.12A(3)(a) to require the applicant to obtain the consent of or notify the "current land owner" within a reasonable time before the application is made. We will consult the trade before specifying the detailed requirements in the guidelines.

Section [Clause]	Follow-up actions by the Administration	The Administration's response
s.16 [Cl. 16]	To provide a sample of form referred to in subsection (2)(b). (raised at meeting on 25 May 2004)	Copies of the existing form for s.16 applications together with the proposed form for owner's consent/notification are attached at Annex B for Members' information.
s.16 [Cl. 16]	To provide a CSA to subsection (2D)(b) to the effect that a notice shall be published in two local Chinese newspapers and one English newspaper. (raised at meeting on 25 May 2004)	We will propose CSAs to s.16(2D)(b) as well as all other sections concerning publication of notices in newspaper.
s.16 [Cl. 16]	To delete subsection (2EA). (raised at meeting on 25 May 2004)	We will propose CSAs to delete subsection (2EA) (which stipulates that the concerned notice "shall be printed in a visible and legible form"). Similar CSAs will be proposed for s.12A(8A) and s.17(2CA).
s.16 [Cl. 16]	To revise the provision to expressly require that TPB shall consider the application at a meeting. (subsection (3)) (raised at meeting on 25 May 2004)	We will propose a CSA to clarify that the application will be considered "at a meeting".
s.16 [Cl. 16]	To review the definition of "current land owner" to remove uncertainty about legal title. (subsection (8)) (raised at meeting on 25 May 2004)	We will propose a CSA to remove uncertainty about legal title. Similar CSA will also be proposed to s.12A(23).
s.16A [Cl. 17]	To consider revising the procedures for determining Class A and Class B amendments. The Chairman is concerned about the absence of a mechanism for participation by both LegCo and the community. (subsections (12) and (13)) (raised at meeting on 25 May 2004)	We will mention at the Second Reading Debate that the relevant stakeholders will be consulted before finalizing the Class A and Class B amendments.
s.17	To move a CSA to subsection (2B)(b) to provide that a notice shall be published in two local Chinese newspapers and one English	We will propose CSAs to s.17(2B)(b) as well as all other sections concerning publication of notices in newspaper.

Section [Clause]	Follow-up actions by the Administration	The Administration's response
[Cl. 18]	<p>newspaper.</p> <p>(raised at meeting on 25 May 2004)</p>	
s.17 [Cl. 18]	<p>To delete subsection (2CA).</p> <p>(raised at meeting on 25 May 2004)</p>	<p>We will propose CSAs to delete subsection (2CA) (which stipulates that the concerned notice “shall be printed in a visible and legible form”). Similar CSAs will be proposed for s.12A(8A) and s.16(2EA).</p>
s.22 [Cl. 19]	<p>To consider expressly stipulating the conditions under which the power of inspection of the Planning Authority (PA) could be invoked. (subsection (1))</p> <p>(raised at meeting on 25 May 2004)</p>	<p>We will propose CSAs to address Members' concerns.</p>
s.22 [Cl. 19]	<p>(a) To consider expressly naming persons from whom the PA may require the provision of information. (subsection (7))</p> <p>(b) To advise what kinds of information which may be required by the PA. (subsection (7))</p> <p>(raised at meeting on 25 May 2004)</p>	<p>We will propose CSAs to specify the requirements more clearly.</p>
s.22 [Cl. 19]	<p>To confirm that the Bill of Rights Ordinance will protect providers of information from self-incrimination. (subsection (7))</p> <p>(raised at meeting on 25 May 2004)</p>	<p>According to the Administration's legal adviser, the proposed s.22(7) does not contravene the protection against self-incrimination under Article 11(2)(g) of the Hong Kong Bill of Rights (HKBOR).</p>

B. Issues not directly related to the provisions in the Amendment Bill

Follow-up actions by the Administration	The Administration's response
<p>To confirm whether the development of land held by military organizations such as the People's Liberation Army is subject to the Town Planning Ordinance.</p> <p>(raised at meeting on 2 April 2004)</p>	<p>Land held by military organizations in the rural New Territories are not covered by statutory plans and thus not subject to the Town Planning Ordinance.</p>
<p>To advise the international conservation principles adopted by the TPB in the discharge of its functions.</p> <p>(raised at meeting on 2 April 2004)</p>	<p>Under the Ramsar Convention which is applicable to Hong Kong, the Administration shall formulate and implement planning policies to promote the conservation of the Ramsar Site and the wise use of wetlands. The TPB has been adopting this international conservation principle, such as the principle of "no-net-loss in wetland", in the discharge of its functions.</p> <p>In the application of international conservation principles in plan making, consideration of applications and formulation of TPB Guidelines, the TPB obtains expert advice from the Agriculture, Fisheries and Conservation Department.</p>
<p>In the paper to be provided to the Bills Committee concerning the principles underlying the local town planning system, to explain how the objective stipulated in section 3(1) of the Town Planning Ordinance is achieved by the TPB in the discharge of its functions. Some members are concerned about the relative importance accorded to public interest and private interest in the plan making and approval process. Please provide information on how overseas jurisdictions tackle this issue.</p>	<p>A paper will be submitted for Members' information.</p>

Follow-up actions by the Administration	The Administration's response
(raised at meeting on 29 April 2004)	
<p>To provide examples of gist of planning applications under the Planning Register System.</p> <p>(raised at meeting on 29 April 2004)</p>	<p>An example of the information of a past planning application that is available for public inspection is at Annex C.</p>
<p>To provide information on the members appointed to the TPB in the latest round of appointment including their background, years of service in TPB and the number of advisory or statutory boards of which they are members.</p> <p>(raised at meeting on 29 April 2004)</p>	<p>As the issue is not related to the provisions in the Bill, a separate paper will be submitted for Members' information.</p>
<p>To clarify whether TPB has any internal guidelines which prohibit members who have not participated in the deliberation or heard representation from voting on the matter concerned.</p> <p>(raised at meeting on 29 April 2004)</p>	<p>There are no existing guidelines in this respect.</p> <p>The Administration will relay the Bills Committee's concern to the TPB for consideration.</p>
<p>In the paper to be provided to the Bills Committee concerning enforcement actions in relation to planning and land matters, to clarify whether approval is required for permissible existing uses on land which has been zoned for other purposes and for works necessitated for effecting the permissible existing uses. Please explain the differences, if any, in respect of land which has been zoned as conservation area.</p> <p>(raised at meeting on 29 April 2004)</p>	<p>Under the existing Ordinance, an "existing use" (i.e. a use of a building or land which was in existence immediately before publication in the Gazette of the notice of the relevant interim development permission area plan or development permission area plan, as the case may be) does not constitute an unauthorized development. No enforcement and prosecution actions would be instigated against an "existing use". However, in areas covered by conservation-related zoning, such as "Conservation Area", "Coastal Protection Area" and "Site of Special Scientific Interest", <i>any filling/excavation of land or filling of pond</i> necessary to effect an "existing use" requires the permission from the TPB.</p>

Follow-up actions by the Administration	The Administration's response
	The paper (LC Paper No. CB(1) 2016/03-04(01)) on "Enforcement on Planning and Lands Matters in the Rural New Territories" has been submitted for Members' information.
<p>To make available information relating to appeal in respect of planning applications for public inspection and copy on payment of a prescribed fee. Members suggest that this arrangement be expressly provided in law or put into place by administrative means.</p> <p>(raised at meeting on 20 April 2004)</p>	<p>According to the Administration's legal adviser, the current procedures pertaining to a s.17B appeal are akin to court procedures. An appeal bundle in a court case cannot, without the appellant's consent, be made available to any member of the public. There exists a real risk of challenge to the validity of making information relating to an appeal for public inspection on an administrative basis. Also, the Appeal Board considered that the tightly regulated appeal procedures should not be tempered with by administrative measures.</p> <p>We consider it not appropriate to introduce legislative amendment to the appeal system without consulting the Appeal Board and other stakeholders. For Members' information, the Administration will put up a webpage on planning appeals for notifying the public of the place and hours of appeal hearings and the decisions of the Appeal Board to enhance transparency. Members of the public can attend the appeal hearings as observers.</p>

Housing, Planning and Lands Bureau
 Planning Department
 June 2004

Powers and Functions of the Town Planning Board

Procedure :: Practice**:: Town Planning Board Procedure and Practice ::****:: Appendix I - Powers and Functions of the Town Planning Board****Power and Functions Delegated to the Planning Committees**

TP Ordinance	Description	Remarks
s.3 * s.4(1) *	Prepare new draft plans (that is, Draft Outline Zoning Plans and Draft Development Permission Area Plans).	-Consideration is based more on district factors.
s.4A	Comprehensive Development Area Schemes: approval of Master Layout Plans and subsequent amendments.	-Consideration is based more on district factors.
s.5 *	Exhibition of new draft plans.	
s.7(1)-(3)	Amendments to the draft plans and amendments to the plans referred back under s.9(1)(c).	-Amendments initiated are normally of district significance, and have no territory-wide impact.
s.16	Applications for planning permission.	-Consideration is mainly of local and district nature and has to operate within the Board's guidelines (major development applications can be referred to the Board for consideration).
s.20 (1) *	Designation of Development Permission Areas.	

Remarks:

*** The powers and functions have been delegated by the Board to the two Planning Committees on 7.6.1991 but in practice they are usually taken up by the Full Board.**

**APPLICATION FOR PERMISSION UNDER SECTION 16 OF
THE TOWN PLANNING ORDINANCE (CAP. 131)**

根據城市規劃條例(第131章)第16條
的規定而遞交的規劃許可申請書

For Official Use Only 此欄請勿填寫		District	Planning Area No.	Serial No.
	Application No.			
	Date Received			

1. A total of 20 copies of the completed form (including the original signed copy, location plan and site plan), and 65 copies of supporting documents (if any) should be sent to the Secretary, Town Planning Board, 15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong. The processing of the application may be refused if the required information or the required copies are incomplete.
申請人須把填妥的申請表格一式二十份(包括具簽署的表格正本, 位置圖及地盤平面圖), 送交香港北角渣華道333號北角政府合署十五樓城市規劃委員會秘書收, 倘有其他支持申請的文件, 須具六十五份一併提交。如果申請人所提交的資料或文件不齊全, 城市規劃委員會可拒絕處理有關申請。
2. With this form you will find two separate sheets headed 'Guidance Notes' and 'Supplementary Information to be Provided for Section 16 Application'. Please read them carefully before you fill in this form.
此表格連同一份[申請須知]及一份[根據第16條提出申請須提交的補充資料]的資料單張派發, 請先詳細閱讀, 然後填寫此表格。
3. This form should be typed or completed in block letters. If space provided on the form is insufficient, please give the details on a separate sheet of paper and make a reference to this on the form.
填寫此表格, 請採用打印方式, 或以正楷書寫。如空位不敷填寫, 申請人應另頁詳列有關資料, 並在表格上註明資料載於附頁內。

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1. **Particulars of Applicant and Owner** (see Guidance Notes para. 41-43)
申請人及土地/樓宇擁有人的資料(請參閱[申請須知]第41-43段)

Applicant 申請人

Name (Mr./Mrs./ Ms./ Miss*) 姓名(先生/女士*)	
Address 地址	
Mailing Address (if different from the above) 通訊地址(倘與上述地址不同)	
E-Mail Address 電郵地址	
Tel. No. 電話號碼	
Fax No. 圖文傳真號碼	

* Delete as appropriate
* 請刪去不適用字句

Please fill in 'NA' for inapplicable item
請在不適用的項目上填寫「不適用」

Owner 擁有人

<p>Is the applicant the owner of the site/premises to which this application relates? Yes/ No * If yes, please provide documentary proof. If no, please provide the following information about the owner. 申請人是否本申請書所涉土地/樓宇的擁有人? 是/ 否 * 若是, 請提供書面證明; 若否, 請提供土地/樓宇擁有人的以下資料。</p>	
Name of Owner (Mr./Mrs./Ms./Miss*) 擁有人姓名(先生/女士*)	
Address 地址	
E-Mail Address 電郵地址	
Tel. No. 電話號碼	
Fax. No. 圖文傳真號碼	
Has owner's consent to the applied use been obtained? 是否就所申請的用途徵得擁有人同意?	Yes/ No * If yes, please provide documentary proof. 是/ 否 * 如已徵得擁有人同意, 請提供書面證明。

Agent 代理人

<p>Has the applicant authorized an agent to submit this application? Yes/ No * If yes, please provide the following information about the agent and provide a letter signed by the applicant authorizing the agent to act on his/her behalf. All correspondence related to this application will be sent to the agent. 申請人有沒有授權代理人代表行事? 有/ 沒有* 若有, 請提供代理人的以下資料並提供具申請人簽署的授權書。所有關於本申請的來往信件將會送達代理人。</p>	
Name of Agent 代理人名稱	
Contact Person (Mr./Mrs./ Ms./ Miss*) 聯絡人(先生/女士*)	
Address 地址	
E-Mail Address 電郵地址	
Tel. No. 電話號碼	
Fax. No. 圖文傳真號碼	

Signed by the Applicant/Agent*
申請人/代理人*簽署

Date _____
日期

Name(s) of Person(s) signing _____
簽署人姓名 (block letters) (正楷)

on behalf of _____
簽署人所代表的人士/機構

* Delete as appropriate
* 請刪去不適用字句

Please fill in 'NA' for inapplicable item
請在不適用的項目上填寫「不適用」

2. Application Site 申請地點

Full address/ Location 詳細地址或地點	
Demarcation District and Lot No. 丈量約份及地段號碼	
Area of site/premises (sq.m) 地盤/樓宇面積 (平方米)	
Does the site comprise any Government land? 該地盤有沒有包括政府土地?	Yes/ No * If yes, please specify the area (sq.m) and illustrate on the site plan. _____ 有/ 沒有 * 若有, 請註明面積 (平方米)並在地盤平面圖上顯示。 _____

Lease 契約

Term of lease (specify the starting date and expiry date of lease) 契約種類 (請註明契約生效及屆滿日期)	
Type of lease 契約類別	Renewable/Non-Renewable * 可續期 / 不可續期 *
User description under lease (if any) 契約上訂明的土地用途 (倘有)	
User restriction under lease (if any) 契約上訂明的土地用途限制 (倘有)	
What are the other restrictive conditions with regard to traffic implications in the lease (e.g. car parking requirement)? Please specify. 契約內是否還訂有其他對交通構成影響的限制條文 (例如停車設施規定)? 請說明。	
Does the lease contain a design, disposition and height clause (Yes/ No *), a master layout plan clause (Yes/ No *), a landscaping clause (Yes/ No *) and a tree clause (Yes/ No *)? 契約是否訂有有關設計、布局及高度的條款 (是/ 否) *, 有關總綱發展藍圖的條款 (是/ 否) *, 有關美化環境的條款 (是/ 否) * 及有關植樹/保護樹木的條款 (是/ 否) *?	

Current Conditions 現時情況

Current use of site/ premises (If vacant, or already occupied by the applied use, please specify the previous use) 該地盤/樓宇現時的用途 (如屬空置或已用作所申請的用途, 請說明先前的用途)	
Number of storeys and type of existing building (if any) 現有建築物(倘有)的層數及類別	
Approximate total floor area of existing building (if any) (sq.m) 現有建築物(倘有)的整體樓面面積約為 (平方米)	(see Guidance Notes para.22) (請參閱 [申請須知] 第 22 段)
Number of occupants in residential part of existing building (if any) 居於現有建築物(倘有)住宅部分的人數	
Is there vehicular access to the site? 是否有車路通往該地盤?	Yes/ No * If yes, please illustrate on plan. 是/ 否 * 若是, 請在圖則上顯示。
Any existing parking spaces (including loading/unloading spaces) provided within the application site? 該地盤是否已設有停車位(包括上落客/貨車位)?	Yes/ No * If yes, please illustrate on plan. 是/ 否 * 若是, 請在圖則上顯示。

* Delete as appropriate
* 請刪去不適用字句

Please fill in 'NA' for inapplicable item
請在不適用的項目上填寫「不適用」

3. Zoning and Approval Sought 土地用途地帶及要求批准的事項

The statutory Outline Zoning Plan/ Development Permission Area Plan * to which the application refers 與申請書有關的法定 分區計劃大綱圖 / 發展審批地區圖 *	
Land use zone(s) of the application site 申請地點所屬的土地用途地帶	
Use(s) applied for 申請用途	
Is it an application for temporary use? 是否申請作臨時用途?	(See Guidance Notes para.10-13) (請參閱 [申請須知] 第10至13段) Yes/ No * If yes, please specify the time period to be sought. ____ 是/ 否 * 若是, 請註明擬進行臨時用途的時間。 _____

4. Particulars of Proposal 擬議發展計劃

Does the proposal involve new buildings or conversion of uses of existing buildings? Yes/ No * If yes, please provide the following details. 擬議發展計劃是否包括興建新建築物或改變現有建築物的用途? 是/ 否 * 若是, 請提供以下資料。	
Proposed total floor area (sq.m) 擬建整體樓面面積 (平方米)	(see Guidance Notes para.22) (請參閱 [申請須知] 第22段)
Proposed site coverage 擬建上蓋面積	
Proposed number of blocks 擬建座數	
Proposed number of storeys 擬建層數	
Total building height (m) 建築物總高度(米)	
Proposed use of floors 各樓層的建議用途	Basement(s) 地庫
	Ground Floor 地下
	First Floor 二樓
	Second Floor 三樓
	Third Floor & above 四樓及以上各層
Proposed number of flats 擬建的單位數目	
Proposed flat size 擬建的單位面積	
The proposed use of the uncovered area (if any) 露天地方(倘有)的擬議用途	
Number of parking spaces and loading/unloading spaces proposed (please specify the type e.g. lorry car park, visitor car park) 擬建的車位及上落客/貨車位數目(請說明類別如貨車位、訪客車位)	Please also illustrate the location on plan 請在圖則上顯示
Is vehicular access into the site proposed? 有沒有擬議鋪築車路通往地盤?	Yes/ No * If yes, please illustrate on plan and specify dimension. 有/ 沒有 * 倘有, 請在圖則上顯示, 並註明車路的長度和闊度。

* Delete as appropriate
* 請刪去不適用字句

Please fill in 'NA' for inapplicable item
請在不適用的項目上填寫「不適用」

<p>Proposed provision of other public/ Government, institution or community facilities (if any) 擬設的其他公共/政府、機構或社區設施 (倘有)</p>	<p>Please also illustrate the location on plan 請在圖則上顯示</p>
---	--

<p>Anticipated date of completion of the proposed development 擬議發展計劃的預期完成日期</p>	
---	--

5. Details and Impacts of Proposal 擬議發展計劃的詳情及影響

<p>Does the proposal involve alteration/ extension of existing structure/ building? Yes/ No * If extension is involved, please provide justifications why such increase (particularly in site coverage) is necessary on a separate sheet. 擬議發展計劃是否包括現有構築物/建築物的改動/擴建? 是/ 否 * 若是, 請另頁說明理由(尤其是增加上蓋面積的理由)。</p>

<p>Does the proposal involve pond filling/excavation/diversion of streams/site formation*? Yes/ No * If yes, please describe the extent of site formation, indicate the filling/excavation level and existing ground levels, and the diversion of streams on the site plan. 擬議發展計劃是否需要填塘/挖土/導流/地盤平整*? 是/ 否 * 若是, 請在地盤平面圖上示明地盤平整工程的範圍, 填土/挖土的深度及現時地面高度, 和導流的有關資料。</p>
--

<p>Would the development involve any felling of trees and/or cause damage to branches and roots of trees? Yes/ No * If yes, please state the number, diameter at breast height, the species of the affected trees (if possible) and whether there are any replanting/ landscaping proposals on a separate sheet. 發展計劃是否需要砍伐樹木及/或對樹枝及樹根造成破壞? 是/ 否 * 若是, 請另頁說明受影響樹木的數目、樹幹及胸高度的直徑、品種(倘知)及有沒有重新植樹/美化環境計劃。</p>
--

<p>Any possible adverse impact on environment (Yes/ No *) / on traffic (Yes/ No *) / on drainage (Yes/ No *) on slopes (Yes/ No *) / from slopes (Yes/ No *)? Any adverse landscape and visual impact? (Yes/ No *) If yes, state measures to minimize the impacts on a separate sheet. (Please refer to the information leaflet on "Supplementary Information to be Provided for Section 16 Application") 這項申請是否對環境 (是/ 否)*/ 交通 (是/ 否)*/ 排水 (是/ 否)*/ 斜坡 (是/ 否)* 構成不良影響 或 受斜坡影響 (是/ 否)*? 是否構成景觀及視覺不良影響 (是/ 否)*? 若是, 請另頁註明紓緩影響的措施。(請參閱「根據第 16 條提出申請須提交的補充資料」的資料單張)</p>
--

6. Previous Application 上次遞交的申請書

<p>Has planning permission been sought before in respect of this site/ premises either in whole or in part? Yes/ No * If yes, please give following details. 先前有沒有就該幅土地/樓宇的全部或其中一部分作有關用途申請規劃許可? 有/ 沒有 * 倘有, 請提供以下資料。</p>	
<p>Application No. 申請編號</p>	
<p>Town Planning Board's decision 城市規劃委員會就該項申請所作的決定</p>	
<p>Major differences from the previous submission(s) (Use separate sheet if necessary) 是次申請與上次申請比較的主要差別 (如有需要, 請另頁說明)</p>	

* Delete as appropriate
* 請刪去不適用字句

Please fill in 'NA' for inapplicable item
請在不適用的項目上填寫「不適用」

(DRAFT)

**APPLICATION FOR PERMISSION UNDER SECTION 16
OF THE TOWN PLANNING ORDINANCE**

Current Land Owner's Consent/Notification to "Current Land Owner"

Part I : to be filled in by the applicant or agent

Development Proposal	
Full address/Location	

I hereby declare that:

- (i) according to the record(s) of the Land Registry as at _____ (copy attached), the application involves a total of _____ "current land owner(s); and
- (ii) I have -
- obtained consent(s) of _____ "current land owner(s)" (please provide copy of each consent which must be given in the prescribed form in Part II of this Appendix).
 - given notification to _____ "current land owner(s)" (please complete Part III of this Appendix and provide copy of each notification).
 - taken steps to obtain consent of or give notification to _____ "current land owner(s)" (please complete Part IV of this Appendix and provide copy of the relevant document(s), if any).

Signed by the Applicant/Agent*

Name of Person signing _____
(block letters)

Date _____

on behalf of _____

Tick as appropriate (may tick more than one)

* Delete as appropriate

(DRAFT)

Part II : to be filled in by the owner of the concerned lot/premises

Development Proposal	
Full address/Location	

I hereby declare that:

(a) according to the record(s) of the Land Registry, I am the registered owner of:

Lot No./Nos. _____

_____ in Demarcation District _____ and/or*;

the premises located at _____

_____ and;

(b) I have given consent to the applicant, _____
to make an application for permission under section 16 of the Town Planning Ordinance for the above
development proposal which involves the said lot(s)/premises owned by me.

Signed by the Owner

Date _____

Name of Person signing _____

(block letters)

Tick as appropriate

Note: Please make separate copies if necessary.

Part III : to be filled in by the applicant or agent

I hereby declare that I have given notification to the following "current land owner(s)" before making this application under section 16 of the Town Planning Ordinance:

Name of "current land owner"	Lot/Premises owned	Address at which the notification was served	Means of notification	Date on which the notification was served

Signed by the Applicant/Agent*

Name of Person signing

(block letters)

Date _____

On behalf of _____

* Delete as appropriate

Note: Please make separate copies if necessary.

Part IV : to be filled in by the applicant or agent

I hereby declare that I have taken the following steps to obtain the consent of /give notification to* the following "current land owner(s)":

Name of "current land owner"	Lot/Premises owned	Particulars of the steps taken by the applicant (with dates of action)

Signed by the Applicant/Agent*

Name of Person signing _____
(block letters)

Date _____

On behalf of _____

* Delete as appropriate

Note: Please make separate copies if necessary.

(草稿)

根據《城市規劃條例》第 16 條的規定
而遞交的規劃許可申請

取得「現行土地擁有人」同意／向「現行土地擁有人」發出通知

第 I 部分：由申請人或代理人填寫

發展計劃	
詳細地址／位置	

本人現聲明：

- (i) 根據土地註冊處直至_____年_____月_____日的紀錄（見隨件副本文件），這宗申請牽涉共_____名「現行土地擁有人」；以及
- (ii) 本人-
- 已取得_____名「現行土地擁有人」的同意（請提供每份同意書的副本，而同意書格式須是本附錄第 II 部分所訂明者）。
- 已向_____名「現行土地擁有人」發出通知（請填妥本附錄第 III 部分，並提供每份通知書的副本）。
- 已採取步驟，為取得／向_____名「現行土地擁有人」的同意／發出通知（請填妥本附錄第 IV 部分，並提供相關文件的副本(如有者)）。

申請人／代理人* 簽署

簽署人姓名 _____
(正楷)

日期 _____

簽署人所代表的人士／機構 _____

請在適用的格上填上✓號

* 請刪去不適用字句

第 II 部分：由有關地段／樓字的擁有人填寫

發展計劃	
詳細地址／位置	

本人現聲明：

(a) 根據土地註冊處的記錄，本人是-

丈量約_____號地段_____

_____的註冊業主；以及／或

位於_____

_____的樓宇之註冊業主；以及

(b)

本人已同意讓申請人_____，就上述發展計劃根據《城市規劃條例》第 16 條的規定提出規劃許可申請；有關計劃涉及上述由本人擁有的地段／樓宇。

申請人／代理人* 簽署

簽署人姓名 _____
(正楷)

日期 _____

簽署人所代表的人士／機構 _____

請在適用的格上填上✓號

註：如有需要，請另行複印

第 III 部分：由申請人或代理人填寫

本人現聲明，本人在根據《城市規劃條例》第 16 條的規定提出這宗申請之前，已向下列「現行土地擁有人」發出通知：

「現行土地擁有人」姓名	所擁有的地段／樓宇	通知書送達的地址	通知方式	發出通知日期

申請人／代理人* 簽署

簽署人姓名 _____

(正階)

日期 _____

簽署人所代表的人士／機構 _____

* 請刪去不適用字句

註：如有需要，請另行複印

第 IV 部分：由申請人或代理人填寫

本人現聲明，本人已採取下列幾步驟，為取得下列「現行土地擁有人」的同意，或向他／他們發出通知：

「現行土地擁有人」姓名	所擁有的地段／樓宇	申請人曾經採取的步驟詳情(註明行動日期)

申請人／代理人* 簽署

簽署人姓名 _____

(正階)

日期 _____

簽署人所代表的人士／機構 _____

* 請刪去不適用字句

註：如有需要，請另行複印

Brief Summary of Planning Application

MPC on 4.4.2003

Application No. A/H8/358

Site : 18-24 King's Road, 7-9 Lau Sin Street and 15 Tin Hau Temple Road, North Point (IL 5379RP and Extension)

Site Area : 932 m² (about)

Plan : Draft North Point Outline Zoning Plan No. S/H8/16

Zoning : "Residential (Group A)" ("R(A)")

Application : Proposed Hotel Development

Broad Development Parameters

(a) Total GFA : Domestic : N.A.
Non-domestic : 13,986 m²

(b) No. of Blocks : 1

(c) No. of Storeys : 39


(d) No. of Hotel Rooms : 275

(e) No. of Car Parking Spaces : 5 (Car)
1 (Coach)

(f) No. of Loading/Unloading Bays : 2

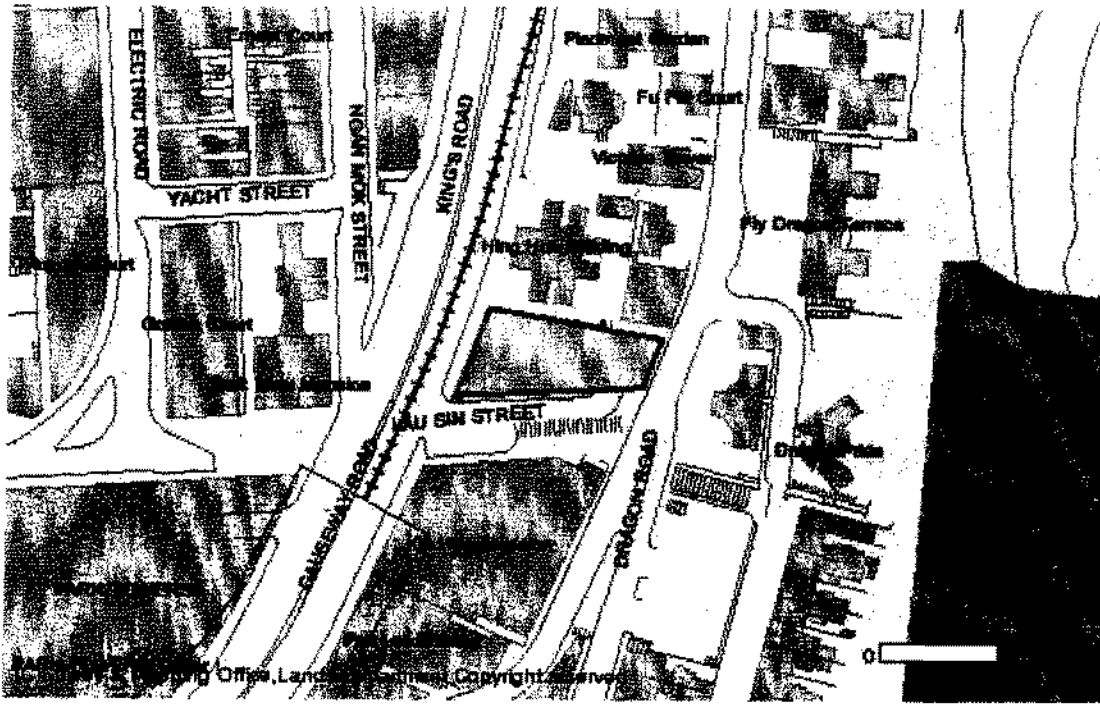
Previous Case : A/H08/332

Decision of Application

Type of decision	Date of Decision (DD/MM/YYYY)	Decision	Decision Authority	Details
PLANNING APPLICATION	4/4/2003	APPROVED WITH CONDITIONS	METRO PLANNING COMMITTEE	

Please refer to the site highlighted in orange in the Map Area





Detailed Information

256 MPC meeting on 4.4.2003:

The application was approved on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the design and provision of the vehicular access to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (b) the permission should cease to have effect on 4.4.2007 unless prior to the said date either the development hereby permitted was commenced or this permission was renewed.

