

For discussion on
4 July 2003

LegCo Panel on Planning, Lands and Works

Town Planning Board – Statutory Powers, Composition and Criteria for Appointment of Members

Purpose

At the Panel meeting on 6 June 2003, Members raised a number of comments about the operation and composition of the Town Planning Board (TPB), as well as the criteria for appointment of Board members. This paper sets out the Administration's response.

The Administration's Response

(a) General concern

Early introduction of the proposed amendments to the Town Planning Ordinance (TPO) in relation to the TPB, including its composition, powers and operation

2. The Administration introduced the Town Planning Bill into LegCo in 2000 proposing an overhaul of the statutory planning system. Due to the complexity of the issues involved, the Bills Committee was not able to complete consideration of the Bill before the LegCo term ended in July 2000. The Committee was dissolved after nine meetings. We have critically examined the views of the Bills Committee and the public and note that it would be difficult to reach consensus on all the legislative proposals without

going through further study and consultation with the stakeholders. We have therefore decided to adopt a phased approach to take forward proposals that would bring about clear immediate benefits to the community. The Stage 1 amendments have been included in the Town Planning (Amendment) Bill 2003 which was introduced into LegCo in May 2003. The issues relating to the function and operation of the TPB would be dealt with in the Stage 2 amendment exercise, which will commence after the passage of the Amendment Bill.

(b) Planning process

To shorten the time taken by the TPB to consider applications under sections 16 and 17 of the TPO

3. Under the TPO, the TPB is required to consider a s.16 application within 2 months of the receipt of the application. The TPB is also required to fix a time for the s.17 review which shall be a day not more than 3 months of the receipt of the review. In processing the application, Planning Department would circulate the submission from the applicant to concerned departments and District Office (DO) for comment and solicit local views. Besides, time should be allowed for the applicant to prepare for the review to address the rejection reasons.

4. Under the Town Planning Amendment Bill 2003, we have proposed to publish all applications and reviews for three weeks for public comments but the statutory periods for consideration remain unchanged. Given the need to allow sufficient time for the public to inspect/comment on the applications and concerned departments to respond to such comments for the consideration of the TPB, there would be little scope in shortening the current statutory time allowed.

To stipulate a statutory timeframe for hearing of an appeal by the Town Planning Appeal Board

5. In general, the duration of hearings by the Town Planning Appeal Board is from one day to over 10 days, depending on the complexity of the case. As for the time required by processing the appeal application, it depends very much on whether the applicants and the Appeal Board members can agree on the dates of hearings. In many cases, it is the applicant who requests for deferred hearing in order to have more time for preparation. Over the last three years, the processing time for an appeal to be heard by the Appeal Board averages between 3 to 6 months.

To enhance the role and participation of District Councils (DCs) in the planning process

6. It is already the existing practice to consult DCs on major planning studies and in the preparation of statutory plans. For planning applications, local views are also solicited through the concerned District Office.

7. To further enhance public participation in the planning process, we have included in the Town Planning Amendment Bill proposals to maximize public awareness by publicizing all planning applications, rezoning requests and representations to draft plans for public comments. DCs are welcome to participate in the process.

(c) Composition of the TPB, criteria for appointment of its members and duration of membership

To ensure that TPB represents the interests of the community, to stipulate clearly the criteria for the appointment of TPB members and to cap the number of members from each sector

8. Apart from the official members, the non-official members of the TPB comprise a wide range of professions, expertise and community interests. At present, a total of 32 non-official members are serving on the TPB. They are appointed in their personal capacity on the basis of their own expertise, experience, integrity, commitment to public service and the relevance of their background to town planning. The issues of whether the appointment should be based on specific sectors and whether there should be a cap on the number from each sector could be considered in the Stage 2 amendment exercise.

Membership of TPB should be changed regularly

9. In the appointment of TPB members, reference has been and will be made to the 6-year rule, i.e. a member should normally not serve more than 6 years unless under special circumstances.

Some TPB members have been serving for over six years, which contravene the 6-year rule

10. The number of TPB members was increased substantially in 2000. To ensure stability and continuity, a number of more experienced members have been retained in the last appointment exercise.

Training or briefing should be provided to TPB members

11. The TPB is assisted by its executive arm, the Planning Department, in performing its duties. Apart from providing technical support to the TPB, the Planning Department would also arrange briefings to the TPB on new planning and development concepts and other planning-related policies/initiatives. Besides, site visits and overseas exchange activities would also be arranged for the TPB. Also, the TPB would be consulted on all territorial and sub-regional planning studies which form the basis for the preparation of statutory plans at district level.

(d) Conduct of meetings

To open up TPB meetings

12. Inappropriate or premature release of sensitive information to the public may undermine the planning objectives or even nullify the effectiveness of the intended planning control. Opening up the meeting may also politicise the decision making process of the TPB. Nevertheless, in the Amendment Bill, proposals have been introduced to enhance the transparency of the planning system, e.g. requiring the applicant to seek consent of or notify the owners before making any application and publish the applications received by the TPB.

To enlarge the quorum for TPB meetings

13. In the Town Planning Bill 2000, we proposed to increase the quorum for a TPB meeting to 9. The Administration is considering to further extend the quorum in the Stage 2 amendment exercise.

Need for clearer and more stringent requirements on declaration of interests

14. At present, there is already an existing mechanism for TPB members to declare interests. The requirements were revised in 2001, in consultation with Department of Justice and the Independent Commission Against Corruption. Whether declaration of interests by TPB Members should be enshrined in the legislation can be reviewed under the Stage 2 amendment exercise.

(e) Other concern

Planning of Tseung Kwan O

15. We will provide the information relating to the planning of Tseung Kwan O in a separate information note.

**Housing, Planning and Lands Bureau
June 2003**