

The Government of the Hong Kong Special Administrative Region

發展局(規劃地政科)

香港花園道美利大廈



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Urgent By Fax

13 May 2008

Clerk to Panel
Panel on Environmental Affairs
Legislative Council
Legislative Council Building
8 Jackson Road
Central, Hong Kong
(Attn.: Miss Becky Yu)

Dear Miss Yu,

**Panel on Environmental Affairs
Special Meeting on 11 April 2008**

At the special meeting of the LegCo Panel on Environmental Affairs on 11 April 2008, Members referred to the letter submitted by the WWF Hong Kong which, among others, enquired about the position on a proposed “clean record system” for the Town Planning Board (TPB) to consider planning applications. Members requested for a written reply on the latest development.


The “clean record system” was a proposal from an environmental concern group advocating that the TPB should not approve a planning or rezoning application submitted by an applicant who did not have a clean record, i.e. with violations or infringement of planning regulations, land lease conditions or environmental regulations. This proposal was considered by the TPB in the context of the draft TPB

Guidelines on “Other Specified Uses” annotated “Rural Use” zone (“OU(RU)”) in October 2005. The TPB did not agree to the proposal mainly for the following reasons :-

- It would not be difficult to get round the test by having someone with a “clean record” to submit the application; and
- Planning considerations should be those relating specifically to the use and development of land. Experience suggests that personal circumstances (such as personal misconduct) are rarely of relevance.

However, to address the concern of the environmental concern group, the TPB Guidelines have stated clearly that any unauthorized development or environmental degradation in hope of getting agreement from the TPB for rezoning the land for “OU(RU)” zone will be subject to enforcement by the relevant authorities, including the Planning Authority, and the TPB will not give sympathetic consideration when assessing the application for rezoning. The TPB Guidelines on “OU(RU)” zone have been promulgated since 2 November 2005. Meanwhile, to help address the landfilling problem, the TPB, since April 2005, has gradually incorporated the landfilling control clause into all the rural Outline Zoning Plans for “Agriculture” zone on top of similar control on all conservation-related zones.

Yours sincerely,



(Miss Diane Wong)
for Secretary for Development

c.c. Secretary for the Environment
Director of Planning
Director of Environmental Protection
Secretary for Justice