

The Government of the Hong Kong Special Administrative Region

發展局(規劃地政科)

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蘇小姐：

立法會議員與鄉議局議員
於 2007 年 11 月 8 日舉行的會議

鄉村地區規劃及檢討新界土地用途
(農地、綠化地帶、康樂用地)

有關十月九日來函，要求本局就上列標題事項作出回應。現隨函附上本局的中、英文回應文本，請轉交有關議員參閱。

謝謝。

發展局局長

(張振聲



代行)

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二〇〇七年十月三十日

**Planning for Rural Areas and
Review of Land Uses in the New Territories
(Agricultural Land, Green Belt and Recreational Land)**

(a) Planning of transport and recreational facilities in rural areas

In planning land uses for rural areas, the Planning Department (PlanD) will reserve adequate land for the provision of appropriate transport and recreational facilities to meet the needs of the local community and residents according to the general guidelines set out in the Hong Kong Planning Standards and Guidelines (HKPSG). The criteria laid down in the HKPSG for providing local transport and recreational facilities are mainly based on the population growth and distribution pattern of individual districts. In the actual planning of such facilities for a particular district, apart from considering the characteristics of the population of that district, relevant Government departments will also take into account various factors such as the actual situation of the district and its local features, development constraints and availability of resources, and apply the HKPSG flexibly. Therefore, at the district planning level, the Government provides sufficient transport and recreational facilities in accordance with the size, mix and distribution of local population as well as other factors such as availability of land, rather than by simply applying the urban criteria to rural areas without paying due regard to the local characteristics. If concerned departments are required to adjust the transport and recreational planning to cater for local needs, the PlanD will facilitate as far as possible from the land use planning front.

The PlanD has been updating and revising the HKPSG regularly to reflect prevailing Government policies, planning of local facilities and the ever changing needs of the community.

(b) The impact of the Town Planning Ordinance on land uses of the New Territories

The Town Planning Ordinance (TPO) was amended in 1991 to extend the statutory planning control to the rural areas. The Town Planning Board (TPB) was empowered to prepare statutory plans for the purpose of controlling land uses in the rural New Territories. In drawing up land use zones, the TPB would consider all relevant factors, such as the needs of the community as a whole, local traffic and environment of the surrounding areas, and advice from relevant departments.

The rights of land owners on the use of their land are governed by the respective lease conditions. The majority of land in the New Territories is for agricultural use, the leases of which do not confer on owners any development rights for uses other than agricultural use. Since agricultural use is always permitted for most of the land use zones on the rural statutory outline zoning plans, there is no

question of land use planning causing freezing of land use. As a matter of fact, the TPO has provided a mechanism under which owners may apply for change of land use. The TPB may give favourable consideration to applications where justified.

We need to point out that it is the responsibility of the owners of private land to manage their own land and the Government has neither the authority nor the obligation to administer or develop any private land.

As regards the issue of compensation, the existing TPO has no provision for compensation to owners whose developments are affected as a result of planning actions. The present system has been operating in Hong Kong for years and is in line with the principle of common law.

In the past, the Government had also set up a special committee* to consider the issue of compensation. The committee considered that imposition of planning restrictions for the purpose of public interest was justified. It also recommended that some adjustments should be introduced to the planning mechanism to allow for more openness in the statutory plan-making process and greater flexibility in the planning application system to achieve a reasonable balance between the public interest and private property rights.

On this premise, the Town Planning (Amendment) Ordinance 2004 (the Amendment Ordinance) which has come into operation since June 2005 aims at, amongst others, enhancing the openness and fairness of the plan-making process. Under the Amendment Ordinance, the public (including the affected land owners) have adequate time to make representations (either supportive or adverse) on draft plans promulgated by the TPB and all representers may attend the hearing. Consent of or notification to the land owner(s) of the application site is also required for all rezoning applications. The applications are also made public by the TPB for comments. This will help ensure to strike a balance between the public interest and private property rights in considering planning applications. The TPB will make all draft plans, application documents and public representations/comments available for public inspection. The draft plan, together with the representations and the decision of the TPB, will ultimately be submitted to the Chief Executive in Council for approval.

* The Special Committee on Compensation and Betterment was set up in July 1991 to consider and make recommendations on the complex issues of compensation and betterment. It comprised members from the legal, surveying, banking and accounting fields.