

香港特別行政區政府  
The Government of the Hong Kong Special Administrative Region

規劃地政局的信頭  
Letterhead of PLANNING and LANDS BUREAU

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27 March 2000

Clerk to Bills Committee on Town Planning Bill  
Legislative Council  
Legislative Council Building  
8 Jackson Road  
Central

(Attn: Ms Sarah Yuen)

Dear Ms Yuen,

**Bills Committee on Town Planning Bill**  
**Invitation to provide written submission**

Thank you for your letter of 2 March 2000 to Professor Yeung Yue-man, JP, Chairman of the Land and Building Advisory Committee (LBAC) on the above.

The LBAC was briefed by the Administration on the Town Planning Bill at its meeting on 20 March 2000. The Committee has agreed that a summary of the discussion should be forwarded to the Bills Committee on Town Planning Bill as the views of the LBAC non-official members on the Bill, which is enclosed for your onward transmission to the Bills Committee please. Mr Andrew Lam, LBAC member, will attend the Bills Committee's meeting tomorrow.

Yours sincerely,

(Anthony Li)  
Secretary, LBAC

## **Land and Building Advisory Committee**

### **Comments on the Town Planning Bill**

#### **I. Overall Comments**

Members in general support the Town Planning Bill and welcome the various proposals to enhance the openness and public accountability of the planning system; to streamline planning procedures; and to improve efficiency and effectiveness. One member, however, has expressed concern about the practicality of some of the proposals in the Bill.

#### **II. Comments on specific areas**

##### Openness and accountability of the Town Planning Board (TPB)

2. Some members have opined that more have to be done to further improve the openness and accountability of the TPB. Some have expressed concern that the TPB might be given too much authority if it is empowered to designate “Designated Development”, “Environmentally Sensitive Area”, “Special Design Area” and also very fine details of development such as number of flats, design and disposition of building, landscaping etc. One member has suggested that all TPB meetings should be open to the public.

##### Enforcement against unauthorized development

3. Members have no objection to impose heavier penalty against unauthorized development in the New Territories. However, some have expressed concern that in the absence of a clear definition of “contractors” in the Bill, the registered contractors would be vulnerable to fines and penalty. They suggested that the Bill should set out more clearly the definition and types of offences for unauthorized development, and the definition of the various parties liable to such offences and their respective liabilities. They consider that clearer definitions can enable the parties concerned to better understand the extent of their liability and facilitate enforcement. Some members have also suggested that the scope of control on unauthorized development should not be confined to the New Territories.

#### Compensation for planning blights

4. Notwithstanding there exists an administrative policy to enable owners of land zoned for “Government/ Institution/ Community” or open space purpose to request the Government to resume their land under certain circumstances, some members have expressed that the issue of compensation for planning blights is not adequately addressed in the Bill. They have remarked that planning blight deprives landowners of their right to develop their land which is unfair. They have requested that provisions should be added in the Bill to enable all land owners affected by planning blights to request the Government to resume their land. One member has also suggested that an independent board should be set up to consider these resumption requests.

#### One stage inquiry on adverse representations and comments

5. Members in general support the proposed one-stage inquiry by TPB on unwithdrawn adverse representations and comments.

#### Publication of Planning Applications

6. Members in general support the publication of planning applications related to “bad neighbour uses” for public comments and consider this would enable the TPB to obtain a wider spectrum of views before approving those environmentally sensitive planning applications. However, some have suggested that public participation should be confined to the plan-making stage except for designated development within the “Environmentally Sensitive Area” so that the pace of development would not be adversely affected.

#### Consequential amendments to the Buildings Ordinance

7. Some members have opined that since it has been the practice of the Building Authority (BA) to seek comments from all relevant departments before approving any building plans, it may not be necessary to introduce legislative amendments to the Buildings Ordinance to require the BA to refuse to approve building plans which contravene the Town Planning Ordinance.