

Date: 10th March 2000

Clerk to the Bills Committee
Town Planning Bill,
3/F, Citibank Tower,
Garden Road,
Hong Kong

Revised Copy

Dear Sirs/Madem,

Friends of the Earth (Hong Kong) would like to submit our views on the Town Planning Bill (the Bill). In addition to our previous submissions, we sincerely wish the Bills Committee to consider the following issues.

On the objectives of the Bill

FoE (HK) fully supports the objectives of making the planning system more open and accountable to the public. As town planning affects every citizen in Hong Kong and they should have the rights to participate in the planning process. Yet there might be conflict between the need to increase public consultation and more comprehensive considerations in the planning process (requires more time in making decision) and the need to “streamline procedures and improve efficiency” (need to shorten the decision making process). In practice, it might be difficult for the Town Planning Board to make decision on planning applications requiring publication within a time limit of three months. A period of three months seems to be too short for the Board to consolidate public views and considering the development proposal submitted by the developers. Since the Bill requires the Town Planning Board to consider the application not to make decision, we believe that most planning applications requiring publications might take more than three months for the Board to make decisions. The composition and mentality of the Board will determine the balance between efficiency and openness.

On the planning structure

Under the Bill, Town Planning Board will still be the major authority to make decisions on planning applications and to approve statutory zoning plans. The requirement of the Board members to declare their interests and be made available for public inspection will provide the public with an opportunity to check on any potential conflict of interest. To make the planning system more open, FoE (HK) suggests that all the Town Planning Board meetings should be open to public. Public and the mass media should be provided with an opportunity to attend the meetings as observers so that they can know the details of the discussions and arguments.

However, under the Bill, the responsibility of Town Planning Board is still limited to making decision on statutory zoning plans and planning applications and could only give advice to the Government relating to overall planning for Hong Kong and any other planning matter. In other words, the Town Planning Board will not have any authority over planning issues such as harbour reclamation, overall urban design and landscape issues, long term territorial development strategy and etc. The Board could make advice but the Government will have the final say on whether they will accept the Board's advice or not. In such a case, the Government is virtually free to do whatever she wants. FoE (HK) therefore suggests that overall planning issues and other planning matters should also be required to be approved by the Town Planning Board.

On the plan-making process

FoE (HK) supports the provisions of publishing planning studies for public comments prior to the preparation of draft plans and publishing all representations. This will provide an opportunity for public opinion to be incorporated in the draft plans. However to make such public consultation more efficient and effective, it is important for the Government to provide more planning education to the public so that ordinary people could be able to understand more about town planning and hence could give more reasonable comments. The Government should consider provide more funding for promoting town planning education to the general public.

On planning application system

The objective of making the planning application system more open is correct. The Bill suggests to publish only planning application for bad neighbour uses for public comment instead of all planning applications is an acceptable compromise between the need for openness and the need for efficiency. However the Town Planning Board must publish the guidelines in determining the bad neighbour uses. The public as well as the developers should be fully consulted on the criteria in determining bad neighbour uses.

The designation of Designated Development (DD), Environmentally Sensitive Area (ESA) and Special Design Area will help to promote urban design and environmental protection. The requirement for planning application requiring publication to be accompanied with environmental statements will ensure that development of bad neighbour uses will not have unacceptable impacts on its surrounding environment. FoE (HK) therefore supports these proposals. However the Town Planning Board must publish the guidelines in determining the designation of DD, ESA and SDA. This will provide more certainty for the developers and property owners.

On enforcement against unauthorized development

FoE (HK) supports the suggestion of increasing maximum fines against unauthorized development and defining who would be liable to the offences. This will help the planning department in carrying out the enforcement. Yet it's important for the Government to ensure that there would be enough manpower to carry out the enforcement against unauthorized development in the rural New Territories. In addition to enforcement measures, FoE (HK) suggests the Government should adopt a more proactive policy. The Government should provide more planning incentives for land owners of the unauthorized uses to convert their land to uses that are more acceptable in planning terms and at the same time be considered by them as more beneficial in terms of financial returns. Such policies might include upzoning, land exchange, comprehensive development area zoning etc.

On composition of the Town Planning Board

Last but not the least, Hong Kong has committed to pursue for sustainable development which comprises of three key elements identified by government as a balanced effort in social, economic and environmental development. The Chief

Executive has also declared the Administration's commitment in his last Policy Address in October 1999, putting environmental protection as one of the major focuses. In this regard, FoE (HK) would like to suggest to the Bills Committee to urge the government to appoint more members with environmental background in the Town Planning Board, so as to balance the existing membership composition to facilitate the pursue of the sustainable development.

Thank you very much for your attention.

Yours sincerely,

Mei Ng

Director

Friends of the Earth (Hong Kong)