



長春社 Since 1968

The Conservancy Association

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**Submission to Legislative Council Bills Committee
Comments on Town Planning Bill
The Conservancy Association
5 April 2000**

1. Introduction

- 1.1. The draft Bill, which targets at meeting the changing aspiration of the Hong Kong people, is very much welcome as it is long overdue. In particular, the emphasis to protect the environment is appreciated.
- 1.2. However, the Bill has not gone far enough to actively conserve the environment so that sustainable development can be achieved.

2. Appointment of Town Planning Board (TPB)

- 2.1. The composition of the TPB should be well-balanced to ensure the interests of the entire community to be represented in the Board. As such, active members of the green groups should be included because the environment is always a major concern in the community (S.3(1)).
- 2.2. Apart from declaration of interests of all the members, information such as the background, discipline and the major business of the members involved in should be made known to the public.
- 2.3. All meetings of TPB should be open to public unless the contrary is well justified (S.6) because all matters dealt in the Board are of great public interest.

3. Preparation of Draft Plans

- 3.1. The creation of environmentally sensitive areas and special design areas is strongly supported. The ESA should be free from all modes of development and be actively conserved.
- 3.2. More stringent planning requirements for developments in ESA, CDA and SDA are supported. (S.9.1(i))

- 3.3. Provisions for public scrutiny on a designated development should be given. Otherwise, the authority's discretion will be exercised unchecked.
 - 3.4. S10(4) is strongly supported because any development should conform with the prevailing planning intention, which in turn should be formed through a public participation process and therefore should meet with current public aspirations. It is ridiculous to allow incompatible developments to go ahead when a new consensus of planning through the OZP process is formed.
 - 3.5. Planning study shall be conducted for all levels of plans, including TDS and Regional Development Strategy and OZP. These planning study reports should be made public. The public shall have the right to make representations on these studies (S11).
 - 3.6. The period of one month for the public to submit their comments on these studies is far too short. A more sensible period, say at least two months, should be allowed (S12(3)).
 - 3.7. S14 is fully supported. However, the consultation should not be limited to related District Councils only. A guidance note should be drawn up to indicate the related sectors in the community to be consulted at each level of planning study. In all situations, the green groups should be consulted as all plans touches upon the environment.
 - 3.8. During consultation period, TPB should actively solicit public representations rather than sit back and wait for aggressive parties to make representations. (S17).
 - 3.9. The TPB should exercise the discretion with great care under S19(5). It will be unfair to other affected parties if the views of one party are not disclosed.
 - 3.10. Six weeks is too short for any responsible party to prepare a good submission (S21(4)). It should be extended to say 3 months.
4. Planning Control
 - 4.1. There should be some guiding principles in defining designated development. The definition given in S9(2) can be a base. However, the authority should issue a list of these developments for public scrutiny and the list should be revised from time to time through a public consultation process.
 - 4.2. The suggestion of shifting Government's responsibility to provide public facilities to developers (S37) is very much in question. These facilities as in a number of existing esteemed buildings are over-managed to such an extent that they are not used for its intended purpose. For example, children are not allowed to run in these open spaces. It is ridiculous and unacceptable.
 5. Unauthorised Development (UD)

- 5.1. UD has been very wide spread especially in the rural areas. They constitute the main threat to the unspoiled natural environment and should be strictly controlled. Parties who execute UD should be heavily penalized.
- 5.2. The control of UD should be extended to all land in the Territory (S49), especially to private lands in the rural areas where natural environment, such as Sha Lo Tung, is severely under threat.
- 5.3. S50 and S51 are strongly supported. In case of the responsible parties refuse to make good/ reinstate the land, the authority should have the full power to execute the reinstatement as soon as possible. The parties who undertake UD shall be liable to heavy penalty in addition to paying the recovery costs to the authority.

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