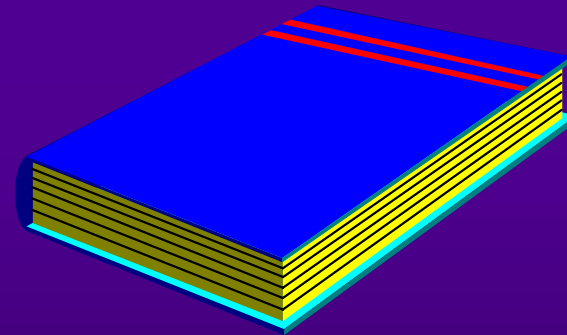


Town Planning Bill





Town Planning Bill

「 To promote health, safety, convenience and general welfare of the community and the betterment of the environment 」

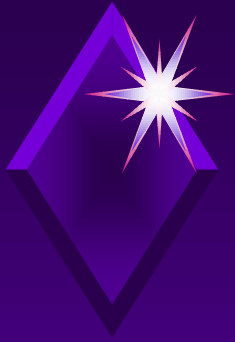




Objectives

- ★ To make the planning system more open and accountable to the public
- ★ To streamline procedures and improve efficiency
- ★ To enable more comprehensive considerations in the planning process (particularly on environmental and urban design aspects)
- ★ To enhance better planning control on building developments
- ★ To enhance effectiveness and efficiency of enforcement actions against unauthorized development



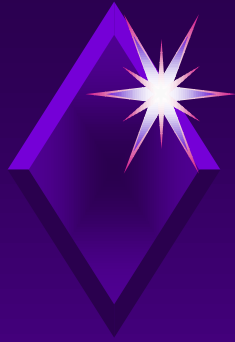


To make the planning system more open and accountable to the public

Propose -

- ★ TPB members are required to **declare their interest** and such a record will be made available for public inspection
- ★ To **publish planning studies** for public comments prior to the preparation of draft plans
- ★ To **publish all representations** to draft plans for public comments
- ★ Applicant for planning permission has to obtain **owner's consent** or to **notify** the owner of the application site concerned
- ★ To publish planning applications for **bad neighbour uses** for public comments



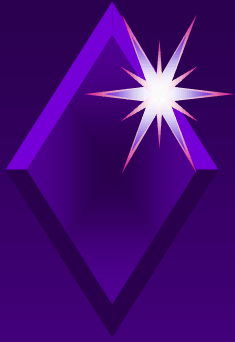


To streamline procedures and improve efficiency

Propose -

- ★ TPB may conduct a **one-stage inquiry** on unwithdrawn adverse representations in which the representers and commenters are entitled to attend
- ★ The power to refer approved plans to TPB for replacement or amendment is **transferred to Chief Executive (CE)**
- ★ Application for minor amendments to planning permission and temporary development or use must be dealt with within **45 days**
- ★ TPB may **delegate** some of its power to the Planning Authority (PA)





To streamline procedures and improve efficiency (cont'd)

- ★ TPB may conduct its business by **circulation of papers**
- ★ Appeal Board (AB) is required to consider an appeal within **3 months**
- ★ AB may determine an appeal on the basis of **written submissions** subject to the consent of concerned parties
- ★ TPB and AB have to give notice of their decisions within **1 month**



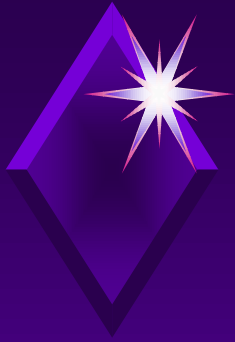


To enable more comprehensive considerations in the planning process

Propose -

- ★ TPB is empowered to designate “Designated Development” (DD), “Environmentally Sensitive Area” (ESA) and “Special Design Area” (SDA)
- ★ All applications for DDs and developments within ESA and SDA require **planning permission** from TPB
- ★ All applications for DDs and developments within ESA must be accompanied by a **report on key environmental and planning issues**, and all applications for developments within SDA must be accompanied by an **urban design plan**, a **master layout plan** and a **landscape plan**
- ★ Planning applications requiring publication must be accompanied by an **environmental statement** (ES)



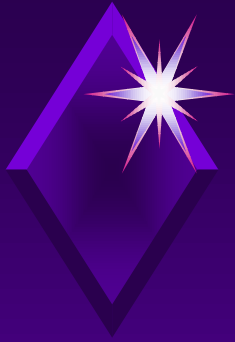


To enhance better planning control on building developments

Propose -

- ★ The Building Authority (BA) shall refuse to approve building plans which **contravene the provisions of the Town Planning Ordinance**
- ★ **TPB** has to consider **appeals** against BA's refusal of building plans made on planning grounds



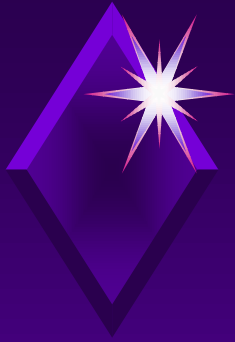


To enhance the effectiveness and efficiency in enforcement actions against unauthorized development

Propose -

- ★ The **maximum fines** against unauthorized development will be **increased** from \$500,000 to \$1,000,000 on a first conviction and \$1,000,000 to \$2,000,000 on a subsequent conviction
- ★ **Managers** registered under s.15 of the New Territories Ordinance, **director of companies, partners** and **contractors** will be made liable to offences for unauthorized development

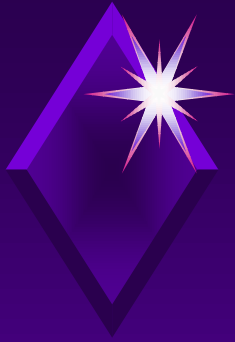




To enhance the effectiveness and efficiency in enforcement actions against unauthorized development (cont'd)

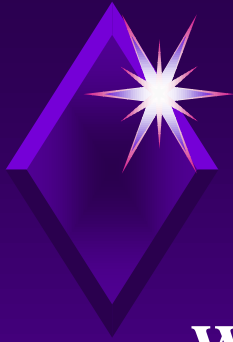
- ★ AB has to consider appeals against the requirements of reinstatement notices issued by PA within **3 months**
- ★ Notices served against unauthorized development will be **binding** on successors of land titles
- ★ Aerial photographs will be made admissible as **evidence in court**





A comparison of the proposals in the White Bill and the Town Planning Bill by objectives





To make the planning system more open and accountable to the public

White Bill

Any person can submit representation to draft plan

Publish all planning applications

TP Bill

Only person **affected** can submit representation

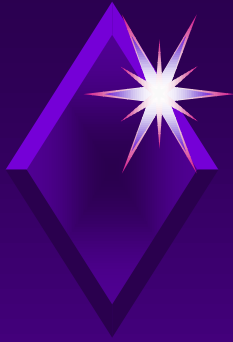
Publish applications for **bad neighbour** uses

Objective

To strike **proper balance** between efficiency and right of participation

To **balance diverse views**: publish only those required for public comments





To make the planning system more open and accountable to the public (cont'd)

White Bill

No express provision for whether TPB's Chairman should be official or non-official

5 members constitute quorums of meeting of TPB and its committee

TP Bill

Same as White Bill

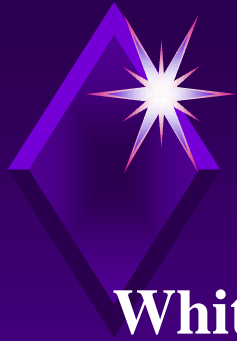
Quorums increased to **9 and 7 members respectively**

Objective

To provide **flexibility** for CE to appoint either official or non-official Chairman

To enhance the **representativeness** of meeting





To streamline procedures and improve efficiency

White Bill

Set time-limits

Publication

- 3 mths (planning study)
- 2 mths (new plan)
- 6 wks (amendment)
- 1 mth (representation)

Consider application

- 3 mths
(planning application)
- No time limit for application for amendment of plan

TP Bill

Shorten time-limits

Publication

- **1 mth**
- **1 mth**
- **1 mth**
- **2 wks**

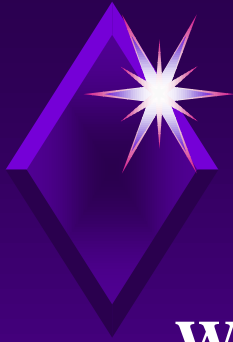
Consider application

- **2 or 3 mths**
- **3 mths**

Objective

To improve **efficiency** without compromising the objective of making the system more **open**





To streamline procedures and improve efficiency (cont'd)

White Bill

CE in Council may refer approved plans to TPB for replacement or amendment

AB to consider appeals within 3 months

TP Bill

The power is transferred to CE

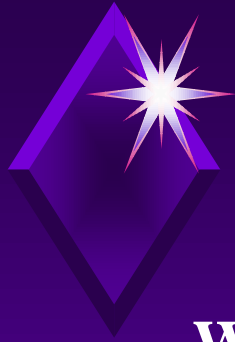
The limit **can be extended** once upon application by any of the parties to the appeal

Objective

To improve **efficiency** in the plan-making process

To improve **efficiency** in processing appeals but maintain **flexibility** for complex cases





To streamline procedures and improve efficiency (cont'd)

White Bill

BA to refuse issue occupation permit if non-compliance with planning conditions

TP Bill

TPB may require provision of a **performance bond**

Objective

To ensure **compliance with planning conditions**





To enable more comprehensive considerations in the planning process

White Bill

All planning applications shall be accompanied by an **ES**

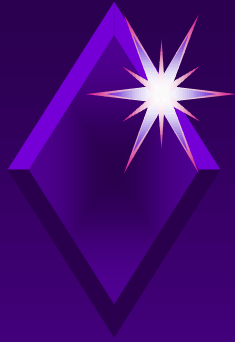
TP Bill

ES is only required for **applications requiring publication**

Objective

To **streamline procedures**, ensuring that an ES is required for those applications for **bad neighbour uses** only





To enhance better planning control on building developments

White Bill

Planning Certificate

TP Bill

Proposal withdrawn.
Consequential amendments to the BO to the effect that BA shall refuse to approve building plans which contravene the TPO

Objective

Respond to public views:
enhance planning control on building developments via another means





To enhance effectiveness and efficiency of enforcement actions against unauthorized development

White Bill

To introduce imprisonment sentence

Apart from land owners, managers, directors and partners will be made liable to offences

TP Bill

Proposal withdrawn but **increase the maximum fines**

Same as White Bill, but contractors will also be made liable to offences

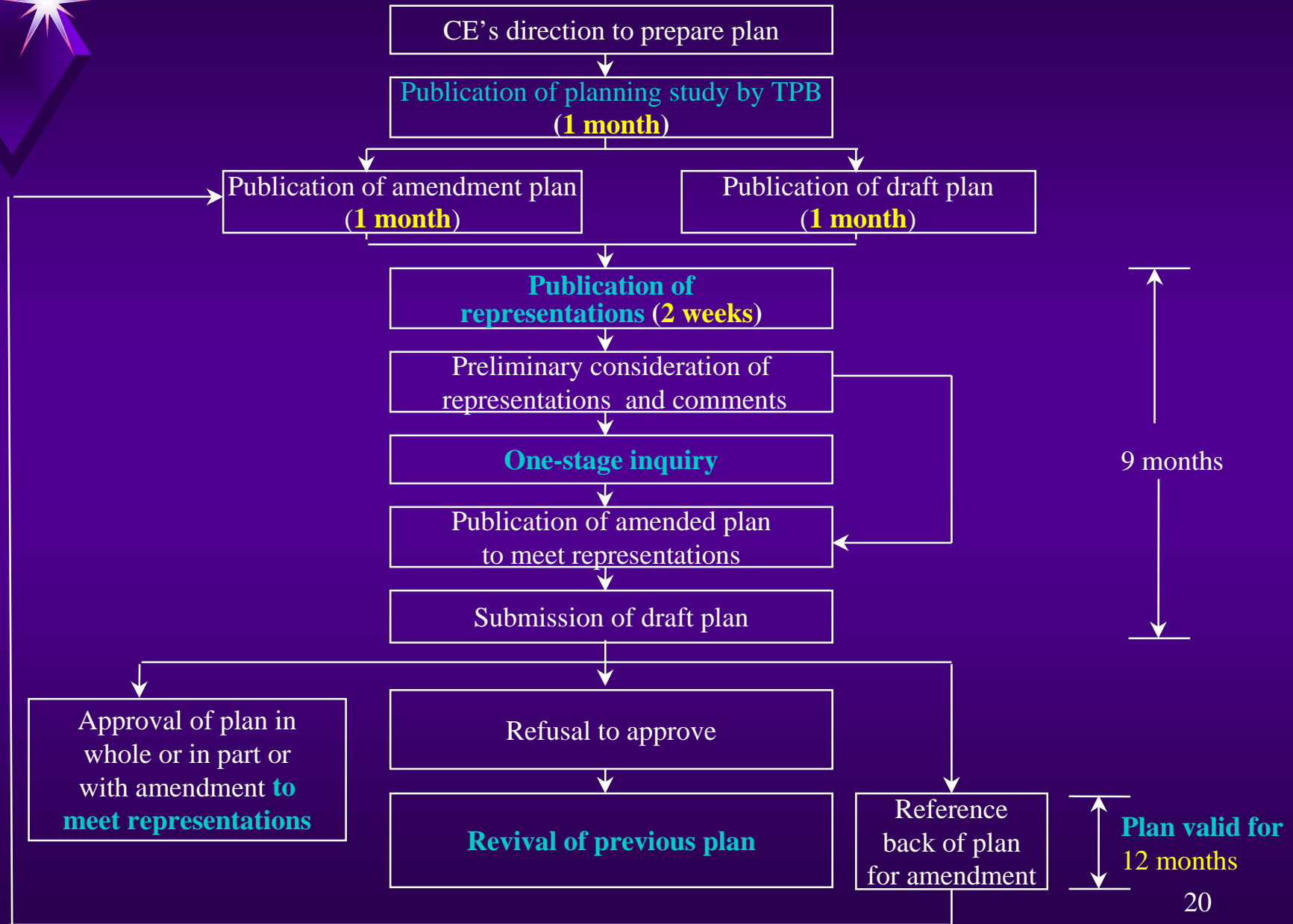
Objective

To **balance** diverse views: provide **stronger deterrent effect** via another means

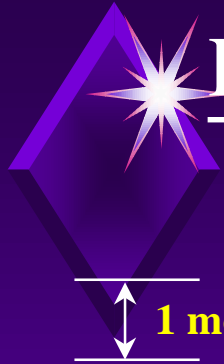
To enhance the effectiveness of enforcement actions



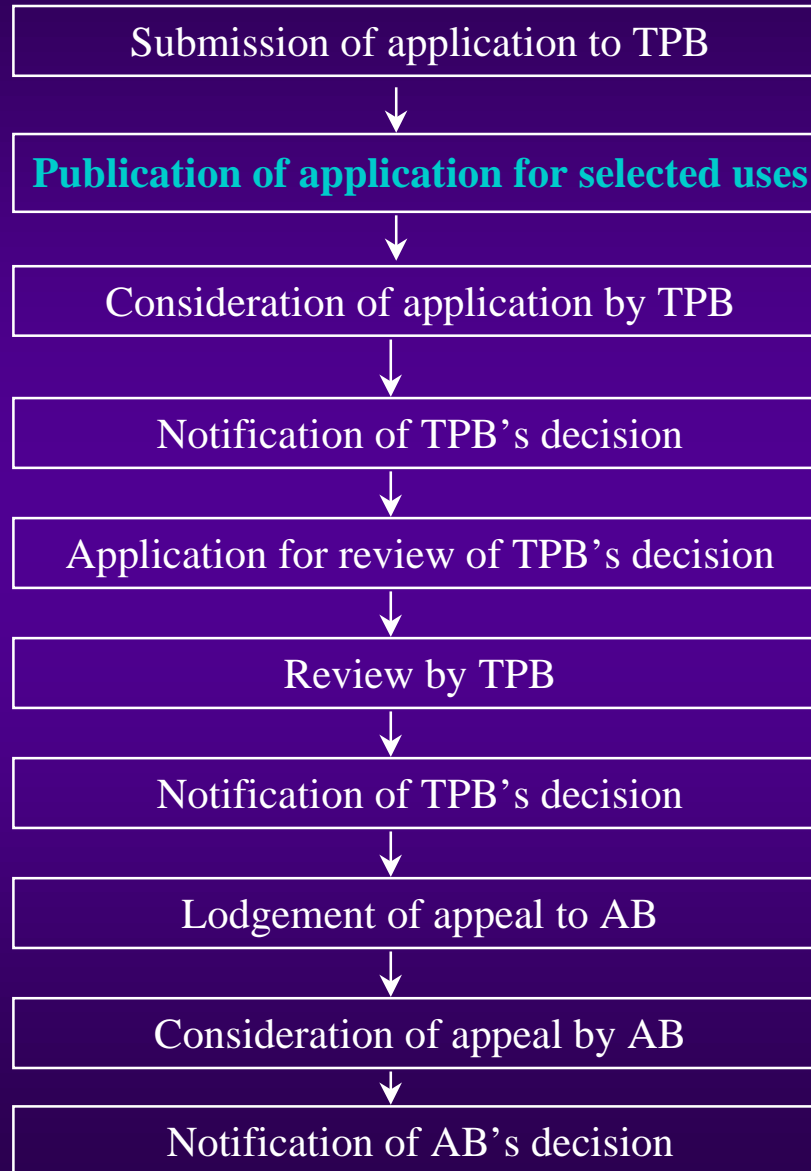
Proposed Plan-making Process



Proposed Planning Application Process



1 month



3 months

(2 months if publication is not required)

1 month

21 days

3 months

1 month

60 days

3 months

1 month

