

HKIP's Written Submission on Town Planning (Amendment) Bill 2003

In the past years, the Hong Kong Institute of Planners (HKIP) has been urging the Government to proceed with the enactment of the Town Planning Bill (the White Bill 2000) which was introduced at the 2000 session of the Legislative Council. The White Bill 2000 had been fully debated with public consultations extensively undertaken and completed at that time. In fact, the Government had also published the final report on the consultation and expressed the views that our planning systems needed to incorporate statutory processes that allow wider participation by the public in plan making as well as in planning application.

The Government announced in November 2002 the plan to put forward amendments to the Town Planning Ordinance over 3 stages.

Stage One amendments will be undertaken in 2003 and they cover the streamlining of the town planning process and enhancement of the openness of the planning system. **Stage Two** amendments will cover issues that need further consideration such as the operation of the Town Planning Board, designation of the Special Design Area and Environmentally Sensitive Area. These issues will be addressed in 2004 after the Stage One amendments have been completed. **Stage Three** amendments will cover controversial proposals such as interim development control and planning control on building development, etc.

With this commitment, the Government introduced the Town Planning (Amendment) Bill 2003 to the Legislative Council on 21 May 2003. HKIP welcomes and supports the determination of the Government to proceed to amend the Town Planning Ordinance. We would like to put forward our views and recommendations for consideration by the Government as follows.

Overhaul of the Statutory Planning System – Time Table and Fundamental Principle

1. The Institute believes strongly that the momentum of overhauling the Town Planning Ordinance should be sustained. Hong Kong's strategic advantage rests with her comprehensive, transparent and fair legal system. The Bill is a major step towards strengthening our city's planning system. In this respect, the Government should specifically **reaffirm the commitment to introduce the Stage Two amendments in 2004.**

2. We further urge the Government to **include the issues covered by Stage Three amendments into Stage Two and streamline the whole amendment process. We advocate a 2-stage amendment process to overhaul the planning system.** This will fast track the overall amendment process and avoid unnecessary further delay. The Government and the community will also be greatly benefited by a comprehensive discussion covering all the issues related to the planning system.
3. Although the HKIP supports in principle the streamlining of the planning procedures, we must emphasize, as a fundamental principle for the overhaul of the planning system over the various stages, that **streamlining of the procedures should not be taken as the reason to compromise the need to promote a fairer, more open planning system and wider public participation.**

Designation of Special Design Area

4. The HKIP is **disappointed that the proposal to designate Special Design Area (SDA) has been included only in Stage Two.** The community and the professional bodies in Hong Kong have been advocating the strengthening of urban design control over development in Hong Kong in order to protect the urban identity, quality and visual attractiveness of those strategically located areas in Hong Kong (such as the waterfront areas, areas of high heritage character, landmark sites as well as visually prominent areas). In fact, the importance of enhancing the urban design quality of our city and strengthening urban design consideration in development control have been well highlighted in the Study “Urban Design Guidelines for Hong Kong” recently completed by the Government. The key consideration is that once development proposals are approved for sites located within an area of design significance or an environmentally sensitive area, any damages and negative impacts will be irreversible. We therefore believe that **the designation of SDA should be considered immediately as part of Stage One** in order to control the potential damages as soon as possible.

Enhancing the Openness of the Planning Approval Process

5. **We support the proposals to publish all planning applications and applications for amendment to statutory plan for consultation through posting on-site notices or publishing notices in newspapers,**

as well as the proposal to allow the public to submit comments during the consultation period. This represents an appropriate strive towards opening up the planning approval process for public participation. The HKIP specifically recommends further that:

6. Based on the proposals, only the applicants will be allowed to make presentation to the Town Planning Board (TPB). We recommend that the public members who have submitted comments for consideration by the Town Planning Board should be given the opportunity to present their views to the TPB and participate in the process as affected parties.

Landowner Participation

7. The proposals require applicants to obtain consent of or notify the landowner of the subject applications. **We support the proposals that the landowners of the application site should be made aware of the development proposals.**
8. We further recommend that the **landowners whose properties are located within the site boundaries of the development proposals should be allowed the right to make presentation to the TPB** together with the applicants. This will allow a full consideration of the impacts of the proposals on the present landowners be heard directly by the TPB. This arrangement will also uphold the principle of fairness to those who are directly affected by the planning applications.

Planning Studies in Support of Major Outline Zoning Plan (OZP) Amendments

9. In the White Bill 2000, the proposals to involve the public more in the plan making process was well received by the community. The intention **to allow for more and direct participation of the public in the plan making process preceding the preparation of OZPs** means the public will be given the opportunity to examine the planning rationales behind the OZP and comment on the planning studies. We encourage the Government to consider incorporating this proposal that is open and effective in encouraging public awareness and minimizing unnecessary objections in the subsequent plan gazettal process.
10. Although the Government has currently been undertaking public consultations on major planning studies through administrative

procedures, we believe a more structured public participation process should be instituted as part of the Town Planning Ordinance.

Consideration of Objections in Plan Making Process

11. The proposals of the Government in Stage One include the adoption of a single objection consideration process. This would replace the current practice that allows for preliminary consideration by TPB, hearing of objections, and hearing of further objections. **We support the proposals to streamline the objection process but would like to suggest the Government to consider retaining the preliminary consideration.** Preliminary consideration by the TPB would provide to the applicants indications of specific concerns expressed by the different Government departments / agencies and also the views and focus of the TPB members in considering the applications.

Operation of the Town Planning Board

12. The HKIP urges the Government to **open up all the TPB meetings for public attendance.** This is the most effective way to strengthen the trust of the public in our planning system and promote transparency in decision-making in our Government. In fact, many other Government advisory committees and judiciary boards are currently opened for public attendance and observation. The holding of open meetings is a very common practice by many planning committees in different countries and cities. Openness, fairness and accountability are the keystones to promote investment and business. The HKIP believes that the incorporation of these fundamental principles into our planning system will strengthen the strategic position of Hong Kong as an international city. In fact, the Town Planning Appeal Board proceeding is a transparent process opened to the public. There is no reason why the Town Planning Board meetings cannot be held as an open process.

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