

### **TOWN PLANNING (AMENDMENT) BILL 2003**

In recent years, civil society in Hong Kong has taken a greater interest in urban design and town planning. This is a positive development because planning involves many interests that span the social, economic, commercial and political spectrums. In the end, the planning process must take into account the interests of society as a whole. Thus, who should decide what is in the best public interest becomes a core issue. The question that the Bills Committee should ask is whether the town planning process is able to determine what is in the public interest and whether there are better ways of doing so.

The Hong Kong town planning model vests that power almost entirely in the executive branch of government. In recent years, the active campaigning by members of the public has forced the government to change many of its plans, which shows that the current process needs fundamental reform. Three recent examples include limiting harbour reclamation, development on Lamma Island, and government plans to build a super prison on Lantau Island.

To enable a better process to be designed for Hong Kong, three principles need to be actualized in law: firstly, the government should no longer continue to have tight control on the town planning process; secondly, the town planning process should be more transparent and independent in the way it operates; and thirdly, the public be informed and involved at a much earlier stage in the consultation process.

The argument that the current set of amendments is the first stage only and that more can be expected is unsatisfactory because the public does not know what other amendments are on the way. The Government has chosen to amend minor aspects of the law in this Bill, which can be done administratively. Legislators may wish to press for more meaningful reform.

There are however two aspects of the Bill that are fundamental:

- (a) It enables the Chief Executive to refer town planning proposals back to the TPB at any time. It is unclear what the true intention of this proposal is. We urge the Bills Committee to evaluate its need against whether it will make the town planning process more open, transparent and independent.
- (b) It reduces the time for the public to prepare submissions from nine to six months. This should be evaluated against the overall context of town planning in Hong Kong and not just that it appears to streamline the process. Thus, the question to ask is whether within the context of town planning today, the time reduction helps or hinders the goals of openness, transparency, independence and public participation.

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Civic Exchange believes that the current checks and balances are inadequate and that the Town Planning (Amendment) Bill 2003 should incorporate the following changes:

1. The TPB to be an independent body from the tight control of the Government with its own independent secretariat. The TPB should be publicly funded however.
2. The Chairman of the Board and the Chairman of any sub-Committees not be civil servants.
3. The Government be regarded as any other applicant when making a new town plan or amending an existing plan – there should be no exception for the Government.
4. Infrastructure developments (roads and railways) should come under the TPB's jurisdiction.

18 September 2003

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