

COMMENTS ON TOWN PLANNING (AMENDMENT) BILL 2003

Prepared by the Association of Architectural Practices (AAP)

After the turn of the century, Hong Kong is realizing its continuing and increasing capacity as an international city. On the one hand, we seek to improve the quality of our living and working environment and the civic image as a whole. On the other hand, the Government control on land and property developments must be carefully exercised to avoid undermining the vibrant and fast-responding character that the city has proudly embraced. We consider that the town planning law in Hong Kong should aim to fulfilling these objectives and with suitable balance between growth and control.

Through progressive amendments in the last couple of decades, we believe the simplicity and efficiency in the planning legislation have kept fading, giving way to increasing layers of Government interference and control on developments. Building developments which used to take 3-4 years to complete now take 5-6 years. Some developments under the "Comprehensive Development Area" zoning even take longer time, or never become materialized at all.

In the light of the above-said, the AAP is of the opinion that an overall review and amendment of the Town Planning Ordinance is much required and, indeed, overdue. However, if this comprehensive review should take further time, we welcome proposals from the Government for interim amendments with a view to restore the simplicity and efficiency in the planning control system. We are making comments on the Town Planning (Amendment) Bill in this context and will supplement our views as the review further proceeds.

Our particular comments on the Bill are set out below:

1.0 Streamlining the Plan-Making Process

We are in support of the proposal of streamlining the plan-making process in order to enhance the efficiency of the system. Our ability to respond quickly to fast-changing market conditions and requirements has always been a crucial factor which underlies the past success of Hong Kong. Curtailing of the overall time frame and procedures of plan-making is definitely a move in the right direction.

Nonetheless, in working towards simplifying the system, we do not agree that this should be at the expense of reducing the time allowed for publication of draft plan and for hearing of representations. For the general public or even the practising professionals, very few of them will be aware of the publication of a draft plan on Day One. If the period of publishing draft plan is reduced from 2 months to 1 month, many people with concern on the plan will not have adequate time to fully understand and formulate a written submission.

We are of the opinion that the streamlining should be achieved by fast-tracking the administration time for handling of the representations and amendments. Without cutting short the period of plan publication and hearing of objections, we believe that the current 9 months + 6 months duration could be significantly reduced through speeding up the administrative procedures.

2.0 Obtaining Consent of Owner for Application of Planning Permission

Under the proposed amendment Bill, there are repeated provisions for notification to the land owner during the planning application stage and subsequently through the gazetting procedure for plan amendment after TPB's approval of the application. The proposed Bill also requires applicant to obtain consent of or notify the owner as one of the pre-conditions for processing the application.

While we fully support the notion of protecting property rights, the proposed amendments are considered an over-dose in duplicating efforts and administrative procedures. Firstly, when the system has already made provision for notification of the owner upon application for planning permission, we do not see the rationale for requiring the applicant to "obtain consent of" the owner as an alternative provision. Given the alternative requirement, some individual officials may at their liberty choose to enforce the need for the owner's consent before processing an application. Secondly, since the Town Planning Board will publish an application by posting site notices or publishing notices in newspaper, there are already adequate measures in place to ensure that the owner of the site can be aware of the application being submitted and processed.

3.0 Setting Up of Committees for Certain Applications

It is noted that one of the proposals in the amendment Bill is to enable the TPB to set up committees to consider reviews of certain applications for planning permission. In principle, we welcome the idea of delegating the relatively minor applications to subsidiary committees so as to fast-track the processing time and procedures. However, at the same time, we have to stress that the committees must comprise of representation from all related fields to ensure that all applications can be fairly and comprehensively considered.