

**POSITION PAPER OF THE HONG KONG INSTITUTE OF ARCHITECTS  
ON THE TOWN PLANNING (AMENDMENT) BILL 2003**

**HKIA  
Recommendations**

**1.0. Expediting the Plan-making Process**

**1.1 Exhibition of plan**

The HKIA does not support that the plan exhibition period for submitting representation to become **one month**. We consider that the present exhibition of two months for new plan or amendment to approved plan is a reasonable period for a concerned party for being notified of the new plan or amendment to approved plan, considering its implication, raising the objection/representation, and preparation of supporting documentation for the objection/representation, particularly when a team of various consultants is to be engaged.

We therefore support retaining of two-month plan exhibition period.

**1.2 Considering of representations**

The HKIA objects to the proposal of adopting a single hearing process. We consider that the present two-staged objections – i.e. objections and further objections, are effective in a more comprehensive public consultation. Adopting the single hearing process shall deprive concerned parties who did not make an objection originally or see no necessity to raise an objection on the plan, from raising their further objections if an amendment made to meet another objection after the Objection Hearing.

We therefore support retaining the procedure for further objection.

**1.3 Submission of draft plan to CE in C and reference back of approved plan for replacement or amendment**

The HKIA does not support the reduction from 9 months to 6 months for submitting the draft plan together with the representations and comments as well as any proposed amendments to CE in C for approval, after the expiration of the plan exhibition period. We understand that this reduction of time was considered possible by the proposal of eliminating the further objection process, which we do not support as in Item 1.2 above. Such reduction of time would render the public consultation process to be less effective and allow insufficient time for objectors to prepare proper response to Amendments or New Plans.

We therefore support retaining the processing period of 9 months.

**2.0 Streamlining the Planning Approval Process**

**2.1 Minor amendments to planning permission**

The HKIA generally supports the proposal that no further application is required for certain minor amendments to planning permission to avoid delays in the development process. However, there should be a clear description of what constitutes “minor amendments” by the Government to the public, which could be issued as Practice Notes.

Practice Notes of what constitutes minor amendments should be issued.

**2.2 Delegation of authority**

With the understanding of the amount of work load for the Town Planning Board, the HKIA has no strong objection to the Board delegating to its committees its powers and functions relating to consideration of applications for amendment of plan, amendment to planning permission and review applications under section 17. Whilst some of our members opined that the

Size of the committee should be reasonable to ensure independence and impartiality. Board

current TPB is probably too large, it is more appropriate for delegating some of its works to committees. However, the size of the committees should not be unreasonably small to ensure a convincing degree of independence and impartiality. It must also be stressed that a written decision of an individual board member should not be accepted as it is important for a board member to attend the hearing in order to make a decision.

Member must attend the hearing to reach a decision while written decision of absented member should not be accepted.

The HKIA also has no strong objection to the Board delegating its power to a public officer to determine acceptance of further information in relation to applications for amendment of plan, planning permission, amendment to planning permission and in relation to review applications under section 17. However, to ensure fairness and impartiality, Practice Notes or guidelines must be available. Provision of appeal against the decision by this public officer should also be made available to ensure equity.

Practice Notes or guidelines to determine acceptance of further information must be available. Provision of appeal against the decision by the public office should be available.

### **3.0 Enhancing the Transparency of the Planning System**

#### **3.1 Application for amendment of plan**

The HKIA supports the proposal to allow the applicant to attend the Board meeting and be heard at the meeting, which is a more open system.

#### **3.2 Owner consent or notification**

The HKIA supports the proposal to obtain consent of or to notify the land owner if an applicant for amendment of plan or for planning permission is not the land owner of the application site. However, there is a concern that it is often not practicable to obtain all land owners' consent particularly for agricultural land in the New Territories or in multiple owners' sites.

#### **3.3 Publication of planning applications for public consultation**

In the light of openness and transparency of the planning system, the HKIA considers that it is fair for the Board to publicize all applications for amendment of plan and for planning permission for three weeks by posting notices on or near the site or publishing notices in local newspaper, and shall make available the applications for public inspection. One concern raised by some of our members is that it could possibly delay the overall development time.

#### **4.0 Recovering costs for processing planning applications**

The HKIA agrees to the recovery of the cost from the applicant in principle, provided that the fee is reasonable. However, provision should be made to allow for exemption of such payment if the applicant is a non-profit making organization, or the proposed land use is for public benefit and is non-profit making. Similar provisions for exemption for payment of plan processing fee exist for plan processing by the Building Authority.

Provision of exemption of payment of plan processing fee should be made for non-profit making organization or proposing land use for public gain. HKIA should be consulted in future on the details of the proposed scale of

prescribed fee.

**5.0 Strengthening Enforcement Control Against Unauthorized developments Not Permitted Under the Ordinance**

The HKIA has no objection to the proposal on this subject.

The HKIA would also take this opportunity to express their views on some fundamental issues relating to the plan-making process. In fact these issues are considered by the HKIA more crucial in moving towards a more open, transparent, fair and equitable plan making process.

**ISSUES OF FUNDAMENTAL**

- 1.0 The Plan Making Process must be led by Professional rather than by administrative measures.

The HKIA believes that planning is a complicated design process for a physical environment that balances the interest of private land owners and the general public at large. The overall planning team must be led by a planning professional and supported by other professionals including, but not limited to urban designers, architects, traffic engineers and environmentalists. The current system of segregating urban planning by Planning Department and traffic planning by Transport Department and Highway Department, which are headed by different Secretaries of the Government structure, has rendered the planning system ineffective and inefficient and often results in an undesirable urban environment.

We support the recent emphasis on urban design by the Planning Department but consider that an early involvement of professional urban designers during the plan making process rather than just leaving urban design criteria as a control on individual sites when the town plan had already been made.

The current problem could only be resolved by a mechanism that the Planning Authority led by a professional has full control over all physical, environmental and traffic issues related to the town plan, and that all social and economical issues are properly included and addressed by an open and transparent public consultation system.

- 2.0 The Chairman of the Town Planning Board should not be a government official. The HKIA opines that the TPB should have a non-official Chairman for both the Board and its sub-committees in order to enhance openness of the Planning System.
- 3.0 The Secretariat of the Town Planning Board must be an independent party to ensure independency. The TPB should be independent from the government.