

**立法會**  
***Legislative Council***

LC Paper No. LS109/02-03

**Paper for the House Committee Meeting  
on 23 May 2003**

**Legal Service Division Report on  
Town Planning (Amendment) Bill 2003**

**I. SUMMARY**

- 1. Objects of the Bill**      To amend the Town Planning Ordinance (Cap. 131) ("the Ordinance") to streamline the town planning process with a view to enhancing public involvement in the town planning process and to strengthen the enforcement powers against unauthorized developments.
- 2. Comments**              The proposed amendments are considered by the Administration as having general consensus and of immediate benefit to society. A new procedure for approval of draft plans is provided in the Bill with the aim of expediting the town planning process. To streamline the planning approval process, the Bill exempts certain minor amendments to planning permission from the requirement of submitting further application. The enforcement powers are sought to be strengthened and managers of a clan, family or t'ong are to be regarded as "land owners" and they will be subject to the obligations under the Ordinance. The Bill also seeks to prescribe fees on cost-recovery basis for expenditure incurred or likely to be incurred by the Town Planning Board and the Government.
- 3. Consultation with LegCo Panel**      Members of the LegCo Panel on Planning, Lands and Works ("PLW Panel") were briefed on the proposed amendments at the meeting on 6 December 2002. Whilst members supported the general direction to streamline the town planning process, some members expressed concerns about some of the detailed provisions of the Bill.
- 4. Public Consultation**      The Administration has consulted major political parties, the Town Planning Board, the Land Building Advisory Committee, the Real Estate Developers Association and concerned professional institutes on the proposed amendments. Most of them generally support the main thrust of the Bill but some have expressed concerns about various aspects of the Bill. Some of these concerns are similar to those raised by members at the meeting of the PLW Panel on 6 December 2002.
- 5. Conclusion**              The principles of the Bill are generally supported by the various parties consulted. However, it would be necessary to look into its detailed provisions as they effect important changes, both in substance and in form, to the town planning process. It is recommended that a Bills Committee be established to scrutinize the Bill in detail.

## **II. REPORT**

### **Objects of the Bill**

To amend the Town Planning Ordinance (Cap. 131) ("the Ordinance") to streamline the town planning process with a view to enhancing public involvement and to strengthen the enforcement powers against unauthorized developments.

### **LegCo Brief Reference**

2. HPLB(CR)(PL)184/02(2003)Pt. 63 issued by the Housing, Planning and Lands Bureau dated 7 May 2003.

### **Date of First Reading**

3. 21 May 2003.

### **Comments**

4. The Town Planning Bill 2000 ("2000 Bill") was introduced into the Legislative Council in 2000 to propose comprehensive reforms to the town planning process and a Bills Committee was formed to examine the 2000 Bill. However, because of the complex issues involved, the Bills Committee was not able to complete scrutiny of the 2000 Bill within that LegCo session and the Bills Committee was dissolved. The Administration now introduces the Town Planning Bill 2003 ("the Bill") to put forward those amendments which the Administration considers as having general consensus and of immediate benefit to society.

5. A new procedure for approval of draft plans is provided in the Bill with the aim of expediting the town planning process as follows :-

- (a) the period of exhibition of draft plans is shortened from 2 months to 1 month and the period of exhibition of amendments to draft plans is extended from 3 weeks to 1 month;
- (b) time is allowed to persons making representations to make further submissions to the Town Planning Board ("the Board") whereby they may furnish the Board with further information within 4 weeks upon expiry of the plan exhibition period;

- (c) representations, instead of mere objections as provided under the Ordinance, may be made on draft plans;
- (d) there will be a single hearing process to consider the representations received by the Board and the period for considering representations is shortened from 9 months to 6 months;
- (e) the extension period for considering representations that may be granted by the Chief Executive is shortened from 6 months to 3 months.

6. To streamline the planning approval process, the Bill exempts certain minor amendments to planning permission from the requirement of submitting further application. The Bill also empowers the existing committees of the Board to consider applications for amendment to plan and amendments to planning permission and empowers the Board to set up committees to consider applications for review of decisions concerning planning permission and amendments to planning permission. The Board may also delegate its power to a public officer to determine acceptance of further information relating to applications for amendment to a plan, planning permission, amendment to planning permission and relating to review applications.

7. With regard to applications to the Board to consider any proposal in relation to an original approved plan, a new formal procedure is provided in the Bill. After the receipt of an application, the Board shall hold a meeting to consider the application within 3 months and may exercise discretion to accept or refuse such application.

8. To recover the costs involved in processing applications for amendment to a plan, planning permission and amendment to planning permission, the Bill seeks to empower the Secretary for Housing, Planning and Lands to make regulations to prescribe fees. The Bill further provides that such fees may be fixed at levels sufficient to effect the recovery of expenditure incurred or likely to be incurred by the Board and the Government.

9. To strengthen enforcement powers, the Bill seeks to provide, amongst other things, the following :-

- (a) to include managers of a clan, family or t'ong within the definition of "land owners" under the Ordinance so as to render them liable to the obligations under the Ordinance;
- (b) to empower the Director of Planning to require any person to provide any information which the Director of Planning may reasonably require for the exercise of any power or the performance of any duty

under certain provisions of the Ordinance and to impose criminal liability for failure to comply with such requirement;

- (c) to streamline the provisions relating to the issue of notices regarding unauthorized developments and prompt registration of such notices in the Land Registry.

### **Consultation with LegCo Panel**

10. Members were briefed on the proposed amendments to the Ordinance at the meeting of the LegCo Panel on Planning, Lands and Works ("PLW Panel") on 6 December 2002. Whilst members supported the general direction of the proposed amendments to streamline the town planning process, some members expressed concerns over the following issues:-

- (a) shortening of the publication period for a new plan or amendment to approved plan from 2 months to 1 month;
- (b) requiring an applicant for planning permission or amendment to plan, who was not the owner of the application site, to obtain the consent of or notify the owner;
- (c) that applications for planning permission and amendment to plan be made subject to a prescribed fee;
- (d) that compliance with an enforcement notice be confined to discontinuing an unauthorized development; and
- (e) that managers of "tso/t'ong" be regarded as land owners and liable to offences in relation to unauthorized development.

### **Public consultation**

11. From August to December 2002, the Administration consulted the major political parties, the Town Planning Board, the Land Building Advisory Committee, the Real Estate Developers Association and concerned professional institutes on the proposed amendments (para. 7 of LegCo Brief). According to the Administration, most of them generally supported the main thrust of the Bill but some expressed concerns about various aspects of the Bill. Some of these concerns are similar to those raised by members at the meeting of the LegCo Panel on PLW Panel on 6 December 2002.

## **Conclusion**

12. The principles of the Bill are generally supported by the various parties consulted. Nonetheless, it is necessary to look into the detailed provisions of the Bill which will no doubt effect important changes, both in substance and in form, to the town planning process. Members may consider it appropriate to set up a Bills Committee to scrutinize the Bill in detail.

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19 May 2003