

**View and concerns raised by Heung Yee Kuk Councillors
at the meeting with LegCo members
held on 2 March 2004**

The Administration's response

Development rights of owners of private land in the New Territories and
compensation for diminution of development rights

- The issue of compensation relating to planning action had been considered in detail by the Special Committee on Compensation and Betterment (SCCB)¹ in 1992. The SCCB recommended that the best approach would be to build on the existing system of providing no compensation for partial loss of development rights due to planning actions.
- The SCCB however, did recommend that the planning process could be improved such that adequate consideration of private rights as well as the public interest could be ensured. Under the existing Town Planning Ordinance, the affected land owners are allowed to raise objections to zoning restrictions on statutory plans. All objections raised would be thoroughly considered by the Town Planning Board under the provisions of the Ordinance. The Town Planning Board would take into account all public interests and strike a proper balance between public interests and private property right in the plan-making process. In the light of SCCB's recommendation, we have also included various proposals in the Town Planning (Amendment) Bill 2003 to enhance the openness and fairness of the plan-making process. In particular, we have expressly allowed for application for amendment of plans which will provide an opportunity for the land owner to submit their case to the Town Planning Board for consideration to address possible planning blight. Further, the applicant is entitled to be heard by the Board. We have also included new provisions in the Amendment Bill which

¹ The SSCB was set up in July 1991 to consider and make recommendations on the complex issues of compensation and betterment. It was chaired by Mr. John Todd and comprised members from the legal, surveying, banking and accounting fields.

require the applicants for amendment of plan or planning permission to seek the consent of or notify the landowners concerned, and the landowners are allowed to submit their comments on these applications to the Town Planning Board for the Board's consideration.

Use of the Frontier Closed Area (FCA)

- The FCA was established to provide a “buffer zone” to help the security forces to maintain the integrity of the land boundary and combat illegal immigration and other cross boundary criminal activities. In view of community concerns and discussion on the FCA policy, the Security Bureau is conducting a review on the coverage of the FCA. Apart from security considerations, the Government would also need to consider various other aspects including planning, transport, environment and infrastructure, etc.
- Separately, the Planning Department is conducting a long-term planning study known as the “Hong Kong 2030 : Planning Vision and Strategy” Study. One of the issues examined in the study is the long-term development of the FCA. Whilst the FCA covers a large area of about 2,800 hectares, it has a number of development constraints² which limit its development potential. These need to be thoroughly taken into account in considering the development potential of the area.

² The constraints include hilly terrain, sites of ecological and conservation value, traditional village and burial grounds, and most importantly, lack of physical infrastructure such as transport and sewerage facilities.