

政府總部
發展局
規劃地政科



Planning and Lands Branch
Development Bureau
Government Secretariat

香港花園道美利大廈

Murray Building, Garden Road,
Hong Kong

本局檔號 Our Ref. L/M(1) to DEVB(PL-P) 50/29/42

電話 Tel.: 2848 2119

來函檔號 Your Ref. CB1/PL/DEV

傳真 Fax : 2868 4530

By Fax and Email

13 October 2009

Secretary General,
Legislative Council Secretariat,
Legislative Council Building,
8 Jackson Road,
Central, Hong Kong
(Attn: Ms Anita Sit)

Dear Ms Sit,

**Referral from Complaints Division
regarding consultation on changes in land use**

I refer to your letter of 23 September 2009 to the Secretary for Development. Our responses regarding part (a) of your letter are provided as follows.

Public consultation on draft plans under the Town Planning Ordinance

The Administration has always valued public views in formulating land use proposals in the course of the planning process and has been adhering strictly to the statutory plan-making requirements laid down in the Town Planning (Amendment) Ordinance (TP(A)O) 2004.

The TP(A)O has brought about enhanced transparency and much greater public participation in the plan-making process. The statutory requirements under the TP(A)O are detailed in **Annex I**.

Non-Statutory consultation on draft plans

Other than the statutory process mentioned above, the Administration has undertaken to brief the concerned District Councils and other relevant bodies on amendments to the draft plans before, during and after the plan exhibition period. Submissions received in the briefing sessions during the plan exhibition period, upon agreement of the consultees, would be relayed to the Town Planning Board (TPB) Secretariat and treated as formal representations under the Town Planning Ordinance.

Public consultation on the Kwai Chung Outline Zoning Plan (OZP) No. S/KC/22

Statutory consultation

In the rezoning of the ex-Kwai Chung Police Married Quarters (ex-KCPMQ) site from “Government, Institution or Community” (“G/IC”) and ‘Road’ to “Residential (Group E)1” (“R(E)1”) use on the Kwai Chung OZP, the Administration has followed the statutory requirements under the TP(A)O to consult the public. The consultation process for the Kwai Chung OZP No. S/KC/22 is detailed in **Annex II**.

After hearing the views of the representers, commenters and their representatives in relation to the subject case at the TPB meeting on 28.8.2009, TPB decided to defer a decision on the representations to the rezoning of the ex-KCPMQ site pending submission by Housing Department (HD) of an update of the preliminary traffic impact assessment and comprehensive information on the provision of open space and other community facilities and assessment of the feasibility to incorporate the needed facilities, if any, into the future development of the ex-KCPMQ site.

Upon receipt of the further submission from HD, TPB will hold another hearing which all representers and commenters will be invited to attend. TPB will then decide on the representations and comments. Upon completion of the representation consideration process, TPB will submit the draft plan together with the representations, comments and further representations (if any) to the Chief Executive in Council for approval.

Non-statutory consultation

Alongside the statutory steps taken to consult the public, a total of eight briefing sessions/meetings before, during and after the exhibition of the OZP had been held to brief interested Legislative Council Members, Kwai Tsing District Councillors, related organizations and the general public regarding the proposed rezoning of the ex-KCPMQ site. Details of the eight briefing sessions/ meetings are summarized at **Annex III**. Some of these briefing sessions are highlighted as follows:

- a briefing session was arranged to consult some Kwai Tsing District Council (K&TDC) Members prior to the gazettal of the OZP amendments on 18.2.2009;
- K&TDC was consulted on 12.3.2009;
- District Officer (Kwai Tsing) (DO(K&T)) issued a consultation paper on 23.3.2009 with a view to introducing to the community the proposed public rental housing (PRH) development and the prerequisite amendments to the OZP for the PRH development. Over 300 stakeholders, including District Councillors, local residents and organizations were consulted; and
- to further enhance the community's understanding of the proposals and to listen to their views, DO(K&T), along with all relevant Government departments viz. the Planning Department, Housing Department, Transport Department and Environmental Protection Department, invited stakeholders to attend two briefing sessions and one Area Committee meeting on 3.4.2009, 17.4.2009 and 16.4.2009 respectively.

Conclusion

The Administration has fully complied with the statutory procedures as laid down in the TP(A)O in consulting the public on the amendment item relating to the ex-KCPMQ site. Apart from the statutory requirements, additional initiatives have also been taken by the Administration to brief the public on the amendment item before, during and after the exhibition period of the Kwai Chung OZP. These briefings sessions/meetings have given attendees a better understanding of the amendment item related to the ex-KCPMQ site.

The Administration is mindful of public opinions in formulating and finalizing land use changes. The Planning Department would continue to conduct formal and informal consultation to facilitate the exchange of views with members of the public.

Yours sincerely,

(Miss Amy Yuen)
for Secretary for Development

C.C.

D of Plan (Attn: Miss Vivian Lai)

Fax: 2877 0245

Statutory plan-making requirements in Town Planning (Amendment) Ordinance 2004

Under the Town Planning (Amendment) Ordinance 2004,

- (a) all new plans, amendments to approved plans or amendments to draft plans will be exhibited for two months for public inspection;
- (b) any person may make representations (either supportive or adverse) to the Town Planning Board (TPB) within the two-month period;
- (c) TPB shall publish the representations for three weeks for public comments and make available all representations for public inspection;
- (d) any person may make comments (either supportive or adverse) on the representations within the three-week period;
- (e) TPB will hold a meeting to consider the representations and comments. Persons who have submitted representations or comments may attend the meeting and be heard by TPB;
- (f) after the hearing, TPB will decide whether to propose amendments to the draft plan to meet the representations. If TPB decides to propose amendments, such proposed amendments will be published again for three weeks for further representations;
- (g) any person, other than the original 'representer' or 'commenter', may submit further representations (either supportive or adverse) to TPB within the three-week period;
- (h) if adverse further representations are received, TPB will hold another meeting to consider all the further representations, at which the original 'representer' or 'commenter' and the 'further representer' may attend and be heard by TPB;
- (i) after the further hearing, TPB will decide whether to make amendments to the draft plan; and
- (j) upon completion of the representation consideration process, TPB is required to submit the draft plan incorporating the amendments together with the representations, comments and further representations to the Chief Executive in Council (CE in C) for approval within nine months after the plan exhibition period.

Statutory consultation process for the Kwai Chung OZP No. S/KC/22

The proposed amendments (including rezoning of the ex-Kwai Chung Police Married Quarters (ex-KCPMQ)) to the draft Kwai Chung OZP were considered by the Metro Planning Committee (MPC) of TPB at its open meeting on 23.1.2009. The subject MPC paper and the relevant minutes of the MPC meeting have been made available for public inspection.

The draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/22 incorporating rezoning of the ex-KCPMQ site was gazetted on 20.2.2009 and exhibited for public inspection and consultation for a period of two months. During the exhibition period, any person may make representation concerning the amendment items to TPB. There were a total of 760 valid representations related to the rezoning of the ex-KCPMQ site. The representations received during the OZP exhibition period were published for public comments for 3 weeks, from 29.5.2009 to 19.6.2009. A total of 39 comments were received in relation to the rezoning of the ex-KCPMQ site.

The representations and comments were heard on 28.8.2009. In accordance with the provisions and requirements of the TP(A)O, all the representers and commenters are entitled to attend the TPB meeting and be heard by TPB. All the representers, commenters and their representatives in this case were thus invited to attend the meeting.

Briefing Sessions/Meetings on Amendment Item C
i.e. Rezoning of Ex-KCPMO Site to “R(E)1”

1.	18.2.2009 :	Meeting arranged by Tsuen Wan and West Kowloon District Planning Office (TWKDPO), PlanD for K&T DC members at Kwai Hing Government Offices
	Government representatives :	HD, TWKDPO, PlanD
	Attendees :	Mr TANG Kwok-kong, MH, JP Mr WONG Yiu-chung, Ms LAM Chui-ling, Nancy, Mr LUI Ko-wai, Mr LEUNG Tsz-wing, Dennis, Mr NG Kim-sing, Mr CHOW Yick-hay, BBS, JP and residents in Kwai Fong area
2.	3.3.2009 :	Meeting arranged by Hon LEE Wing-tat at Legislative Council Building
	Government representatives :	HD, TWKDPO, PlanD
	Attendees :	Hon LEE Wing-tat, Mr NG Kim-sing and general public mainly includes residents of Kwai Fong Terrace and New Kwai Fong Gardens
3.	12.3.2009 :	K&T DC consultation at Kwai Hing Government Offices
	Government representatives :	HD, TWKDPO, PlanD, HAD
	Attendees :	K&T DC members
4.	16.3.2009 :	Meeting arranged by Hon LEE Wing-tat and Mr NG Kim-sing at podium of New Kwai Fong Gardens
	Government representatives :	HD, HAD, TWKDPO, PlanD
	Attendees :	Hon LEUNG Yiu-chung and general public mainly includes residents of Kwai Fong Terrace and New Kwai Fong Gardens
5.	3.4.2009	Briefing session arranged by DO(K&T) at Kwai Fong Community Hall
	Government representatives :	HD, TD, EPD, TWKDPO, PlanD, HAD
	Attendees :	Hon LEE Wing-tat, Mr NG Kim-sing, Hon LEUNG Yiu-chung, Mr WAN Siu-kin, Andrew and general public mainly includes residents of Kwai Fong Terrace and New Kwai Fong Gardens
6.	16.4.2009	Briefing session arranged by Area Committee meeting at Lai King Community Hall
	Government representatives :	HD, TD, EPD, TWKDPO, PlanD, HAD
	Attendees :	Central and South Area Committee members
7.	17.4.2009	Briefing session arranged by DO(K&T) at Kwai Hing Government Offices
	Government representatives :	HD, TD, TWKDPO, PlanD, HAD
	Attendees :	Mr. LEUNG Wai-man and general public mainly includes residents of Kwai Fong Terrace and New Kwai Fong Gardens
8.	31.7.2009	Case Conference held at Legislative Council Building
	Government representatives :	HD, TD, EPD, LandsD, LCSD, SWD, TWKDPO, PlanD, HAD
	Attendees :	Legislative Councillors including Hon James TO Kun-sun, Hon LEE Wing-tat, Hon LEE Cheuk-yan, Hon LEUNG Yiu-chung