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**Paper for the House Committee Meeting
of the Legislative Council
on 18 February 2000**

**Legal Service Division Report on
Town Planning Bill**

Objects of the Bill

To repeal the Town Planning Ordinance (Cap. 131) ("the existing Ordinance") and its subsidiary legislation and to -

- (a) set up a new Town Planning Board ("the Board") (Part II of the Bill) ;
- (b) set out procedures for the making of outline zoning plans and development permission area plans (Part III);
- (c) provide a statutory framework for planning control (Part IV);
- (d) empower the Building Authority to approve plans of building works subject to review by the Board (Part V);
- (e) enable the Director of Planning to carry out enforcement actions against unauthorized development (Part VI);
- (f) set up of a new Appeal Board (Part VII); and
- (g) make miscellaneous provisions, transitional arrangements and consequential amendments (Parts VIII and XI).

LegCo Brief Reference

2. PLB(CR)184/02 issued by the Planning and Lands Bureau in January 2000.

Date of First Reading

3. 16 February 2000.

Comments

4. The LegCo Brief contains a summary table at Annex B comparing the main provisions of the existing Ordinance, the Town Planning White Bill published in 1996 and the Bill. Diagrams comparing the existing and the proposed plan-making process and planning application process are at Annexes C and D to the LegCo Brief.

5. Clause 37 of the Bill proposes that the Board may require a performance bond either in relation to the grant of planning permission in general or in relation to any condition so imposed. The performance bond is a first demand performance bond or bank guarantee in such form and in such sum as shall be determined by the Secretary for Planning and Lands issued by a bank in favour of the Government to secure the compliance with any condition of a grant of planning permission. The proposal is a measure discussed during the proceedings of the public hearings of the Public Accounts Committee of the Legislative Council on Report No. 31 of 1999 of the Director of Audit on the Results of Value for Money Audits in relation to footbridge connections between five commercial buildings in the Central District.

6. Clause 89 of the Bill proposes to amend the Land Development Corporation Ordinance (Cap. 15). This Ordinance would be repealed by virtue of clause 31 of the Urban Renewal Authority Bill. If the Urban Renewal Authority Bill passes before the remaining legislative proceedings on this Bill are completed, the Administration would be advised to move necessary Committee Stage amendments to this Bill to the effect that clause 89 be deleted and similar amendments be made to the Urban Renewal Authority Ordinance.

Public Consultation

7. According to the LegCo Brief, public consultation was carried out after the publication of the Town Planning White Bill in 1996. In 1999, briefing sessions were held with professional institutes and stakeholders. The Town Planning Board was also briefed in April 1999.

Consultation with the LegCo Panel

8. The LegCo Panel on Planning, Lands and Works received a briefing on the Bill on 23 March 1999. Members of the Panel asked questions on the appeal mechanism, aspects of public participation and transparency, sanctions for non-compliance with planning conditions and the way in which the Board would operate.

Conclusion

9. The Legal Service Division is still scrutinising the Bill and will seek clarification from the Administration on certain legal and drafting aspects. Since the Bill introduces a new legislative framework for town planning, Members may wish to set up a Bills Committee to study the Bill in detail.

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