

16th February 2023

Chairman and members

Bill Committee on Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Bill 2022

Legislative Council, Hong Kong

bc_08_22@legco.gov.hk

Re: Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Bill 2022

Dear Chairman and members,

Designing Hong Kong is writing to give comments on the latest proposed amendments to the Town Planning Ordinance (Cap .131).

Enhancement of enforcement-related provisions

Designing Hong Kong supports the amendment. Green groups have continuously reported and raised concerns on environmental damage in many rural areas such as South Lantau, Mai Po, Long Valley and Northeast New Territories. Those activities, including but not limited to land filling, pond filling and dumping of construction waste, led to damage of environment, ecology and agricultural activities in those areas. We believe the designation of ‘regulated area’ can better protect the existing rural areas and effectively control and prevent future damage by unauthorised activities.

However, we highly concern with ‘existing use’ as some rural areas have already damaged and developed as hobby farm, private camping ground or caravan holiday camp before the announcement of the enhancement provisions. We are worried that the term ‘existing use’ sends a wrong message to the land owners and that unauthorised damaging activities in environmentally sensitive areas continue.

Procedures for receiving comments and further representations

Designing Hong Kong opposes limiting comments and further representations under plan making process. These procedures provide a platform and opportunity for the public to clarify and respond for the benefit of the town planners. Further representation creates a dialogue allowing the public to learn and respond, again for the benefit of town planners. The existing limitations on further representations – excluding those who already made representations – is adequate and effective.

The proposed amendment will reduce the ability of the town planners to efficiently gather input and views which can contribute to making sustainable decisions. The time cost – when taking into account the time spent on the entire plan making process, is very small. Based on this cost – benefit analyses we urge the Committee to maintain the existing schedule and procedures for comments and further representations.

Inviting public comments to a Section 12A application

Designing Hong Kong oppose changing the process of inviting public comments regarding Section 12A applications. The procedures ensure case related documents available for public inspection and open for public comments. This allows the public to learn and formulate their concerns and opinions regarding applications, and requires applicants to provide further information. All these will benefit the town planners in making sustainable decisions.

Disallowing the public to comment on s12A applications limits their participation in the town planning process and removes a source of input and opportunities for sustainable decisions by the town planners. On the other hand, the time gain given the entire process of planning and development is negligible. Greater time efficiencies and gains can be derived from expeditious communications between government departments themselves, and conferencing with applicants and stakeholders. Enhancing, not limiting communications, is what is needed.

Limiting section s12 applicants

Designing Hong Kong opposes this amendment. Everyone in the city should have the right to submit a s12A application. We – as well as other members of the public and civic groups – raised concerns over development and environmental issues – and submitted applications, all of which over time resulted in changes to decisions, plan making and implementation for the benefit of the community. Removing this opportunity – which is used sparsely in any case – will remove a source of input which has benefitted sustainable development of the city. Silencing voices ultimately leads to less educated decisions.

There is no reason to limit section 12A applications to Government land and to require consent from the Director of Lands. All land and their use in Hong Kong is of interest to the community.

All documents on-line

Finally, we urge legislators to mandate the town planners to make all relevant documents and information regarding all town planning and development matters available on-line. Currently, the public is highly constrained in their participation as relevant papers are available only to those who have the time and resources to visit the town planning board secretariat during office hours and make photocopies of documents. Let's take Hong Kong forwards.

Here we submit our comments for your consideration.

Yours sincerely,

Paul Zimmerman
CEO, Designing Hong Kong Limited