

**Seventh Meeting of
the Business Facilitation Advisory Committee**

***Agenda Item 3(b) : Report on the work of the
Town Planning Task Force***

Purpose

This paper reports on the work of the Town Planning Task Force (TPTF) since the last Business Facilitation Advisory Committee (BFAC) meeting on 1 November 2007.

Work progress of the TPTF

2. The TPTF was established in November 2005 with a view to developing a review programme for the regulatory framework on planning issues affecting the pre-construction process.

3. The TPTF had met six times, and had fruitful communication with government departments on how to speed up the planning applications, appeals and plan making process. In response to issues raised by the TPTF, major improvement measures implemented by the Government are highlighted below.

Planning applications

4. To address the issue of requiring excessive information by Government departments for planning applications, the Planning Department (PlanD) has focused on the overall development concept and basic development parameters rather than excessive details of the development in accordance with the requirements set out in the promulgated Town Planning Board (TPB) guidelines. These guidelines on the level of details required for planning applications were provided to the public and the Government departments for reference.

5. To facilitate the applicants, the Environmental Protection Department (EPD), PlanD and the Transport Department (TD) had affirmed their commitment to provide pre-submission enquiry services. During the past two years, TD has held more than 360 meetings to provide pre-submission advice. To facilitate the traffic impact assessment, TD has

published the “2006 Demand and supply forecasts of car parking spaces by district” in its web site. The forecasts will be updated annually. To facilitate the consideration of planning applications about noise impact, EPD has initiated a review on the practicability of establishing suitable noise compliance level for sites smaller than 2 ha. Professional bodies will be consulted in due course. However, in the meantime, extra effort is often required to ensure a high noise compliance rate with respect to small sites due to site constraints.

6. To address the Government departments’ differing views on the planning applications and the difficulties encountered in the discharge of planning conditions, PlanD has turned the District Planning Committee (DipCon) into a regular monthly forum to resolve these issues. Stakeholders have also been encouraged to make use of DipCon as a platform to thrash out contentious issues. For major problems such as long-term management and maintenance responsibilities of Government, Institution or Community (GIC) and public open space facilities that might require inter-bureau coordination, cases will be referred to the higher level, e.g. the Working Group on Reviewing Property Development Approval Processes chaired by the relevant Bureau.

7. To further speed up the approval process, TPB has delegated its authority to the Director of Planning for approving “minor amendments to approved development proposals” in accordance with the Town Planning Ordinance (Cap. 131). As part of the Government’s continuous effort to streamline the planning process, PlanD is reviewing the guidelines on definition of minor amendments based on the experience gathered and the feedback from professional bodies and other stakeholders.

8. To allow more time for applicants to respond to public comments on planning applications, PlanD has undertaken to publish public comments at TPB’s web site at the end of the first week during the 3-week statutory period and the comments will be updated on a weekly basis.

Planning appeals

9. The improvement measures implemented by the Secretariat of the Appeal Board Panel (Town Planning) for appointing individual appeal boards and scheduling hearing sessions, coupled with the expanded membership of the Appeal Board Panel since October 2006, have contributed to the reduction in outstanding appeal cases pending the fixing of hearing dates from 24 in August 2006 to 10 (four of the 10 are adjourned/deferred on the request of the appellants) in February 2008. The Appeal Board Panel

Secretariat will closely monitor the progress of processing the appeal cases and will review the need for further improvement measures in due course.

Plan making process of Outline Zoning Plan (OZP)

10. In normal circumstances, a draft plan will be submitted to the Chief Executive in Council (CE in Council) for approval upon completion of the representation consideration process. As required under Cap. 131, the process should be completed within nine months or a further extension of six months upon approval by the Chief Executive.

11. There were concerns on the delay in submission of draft plan to the CE in Council for approval as there is no statutory period for the CE in Council to consider draft OZPs, and the 9-month statutory period would start afresh in case of further amendments introduced to the draft OZP. Development on sites which were the subject of objections/representations in the previous version of the draft OZP would be held up.

12. The Administration is mindful of striking a proper balance between speeding up the planning process and enhancing the transparency and public participation in the process. Given the need to go through a due process of public consultation, as stipulated in Cap. 131, there is limited scope in further shortening the process. Nevertheless, PlanD has taken the initiative to inform the concerned parties of the reasons for delay in the submission of the draft OZPs to the CE in Council.

13. Since the mission of the TPTF has been accomplished and given that the relevant departments are making good progress in taking forward the improvement measures, it is proposed to dissolve the TPTF. The BFAC Secretariat will monitor further progress on the remaining two outstanding recommendations, namely, setting up of noise compliance level for sites smaller than 2 ha, and review on guidelines for minor amendments to planning approvals, and report progress to the PCTF in due course.

Way forward

14. Members are invited to note the work progress of the TPTF and consider whether to disband the TPTF as proposed.

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