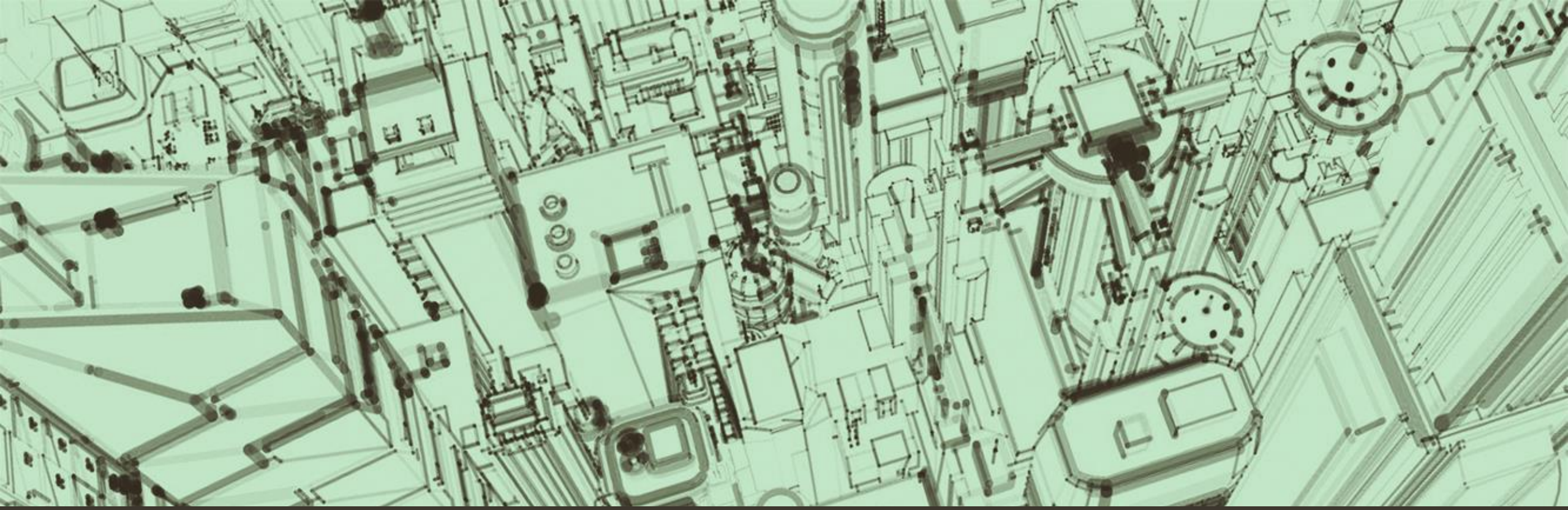


The Never Ending Public Engagement in Town Planning

Andrew Chan



Introduction

- principally confined to public engagement in town planning
- may extend to cover other infrastructural development
- but may not be applicable to other public policy engagement exercises
- for the purpose of this talk, I shall focus more on public engagement in plan making which attracts more public attention in general

Introduction

- people are not happy with Government's public engagement in development planning projects
- Actually the Government has been doing much more than what are required in the Ordinance
- on many occasions, after several rounds of public consultation, some people may turn up and complain that they have not been consulted
- these people may even demand the Government to consult the public all over again
- to some people, public engagement seems to be a never ending exercise

Northeast New Territories New Development Areas



- The proposed development of new towns in the northeastern New Territories has set the government on course for another round of large-scale confrontations, potentially involving thousands of demonstrators.
- That prospect became evident in Sheung Shui on Saturday, when Development Secretary Paul Chan Mo-po's consultation forum on the plan drew 6,000 protesters, many of whom were vehemently opposed to the plan, leading to scuffles with those who were in favour.

SCMP Sept 2012


反對
官商
踢走
地產霸權
捍衛
鄉郊生活
推行新發展
踢走
地產霸權
漠視村
反對

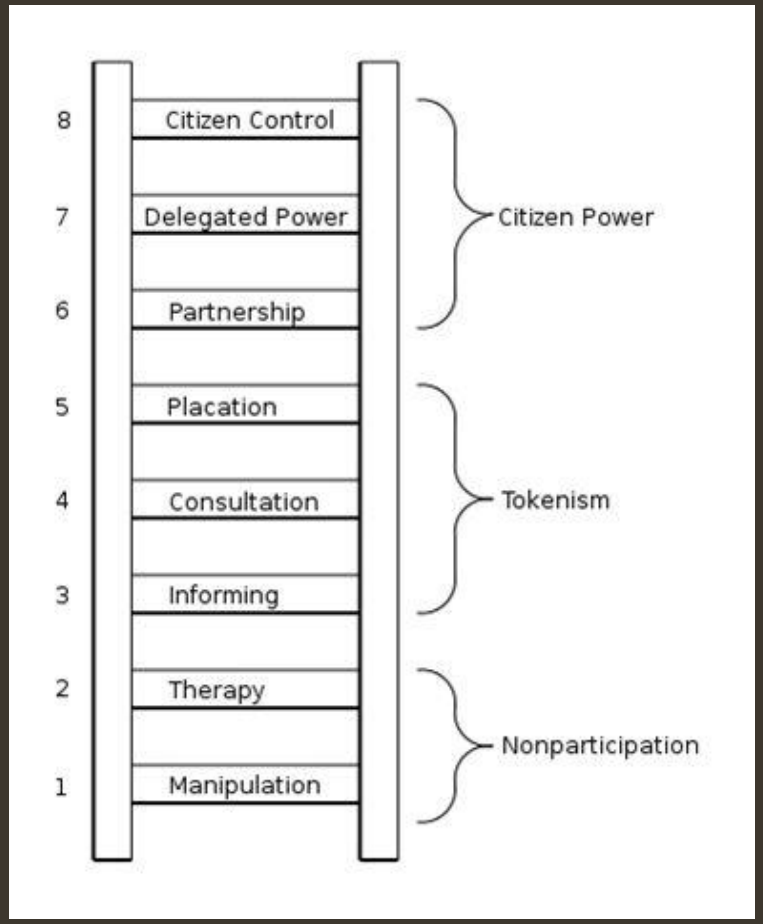

不連不拆
新北保家園反規畫

Introduction

- Concepts of public engagement
- Statutory provisions for public engagement in the Town Planning Ordinance
- Issues
- Efforts in other countries

Concepts of Public Engagement

A Ladder of Citizen Participation (Arnstein, 1969)



IAP2 Spectrum of Public Participation

International Association for Public Participation

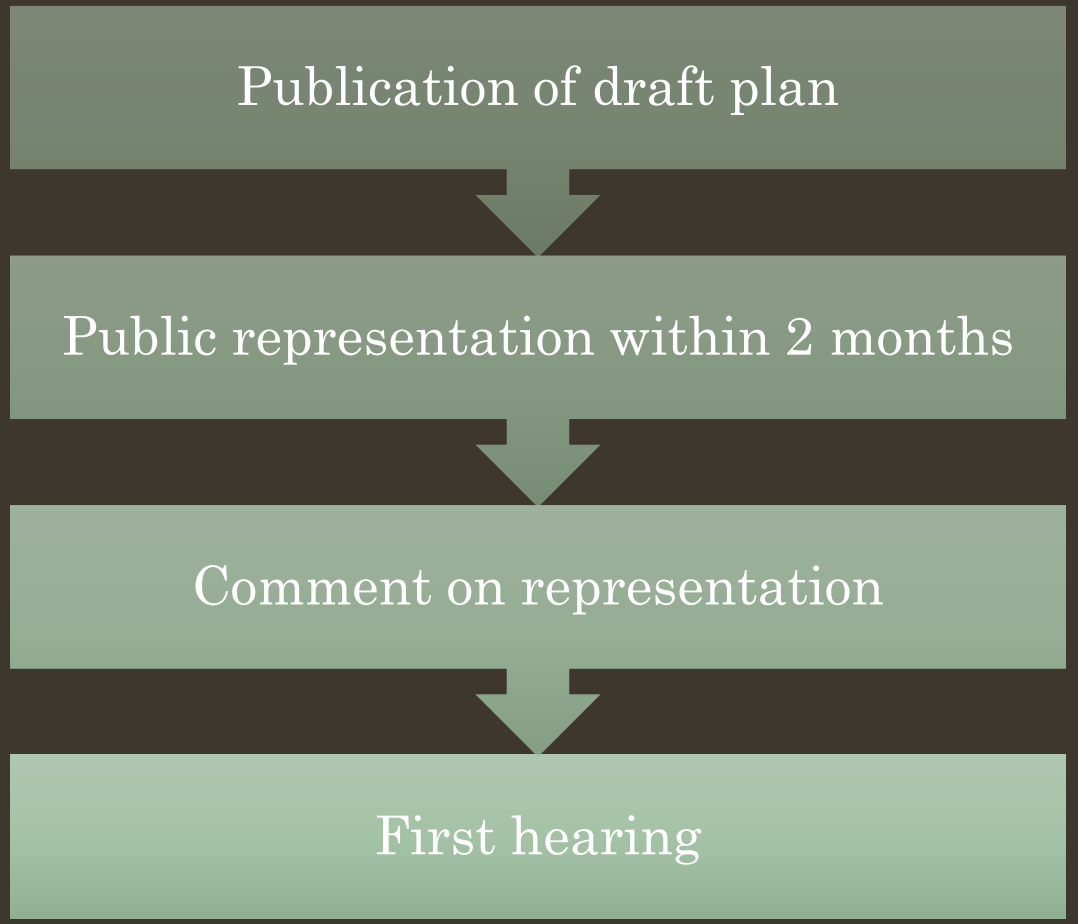
Increasing Level of Public Impact

	Inform	Consult	Involve	Collaborate	Empower
Public participation goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the public	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example techniques	▪ Fact sheets ▪ Web sites ▪ Open houses	▪ Public comment ▪ Focus groups ▪ Surveys ▪ Public meetings	▪ Workshops ▪ Deliberative polling	▪ Citizen advisory committees ▪ Consensus-building ▪ Participatory decision-making	▪ Citizen juries ▪ Ballots ▪ Delegated decision

Let’s see how public views will be treated in Hong Kong’s statutory plan-making process

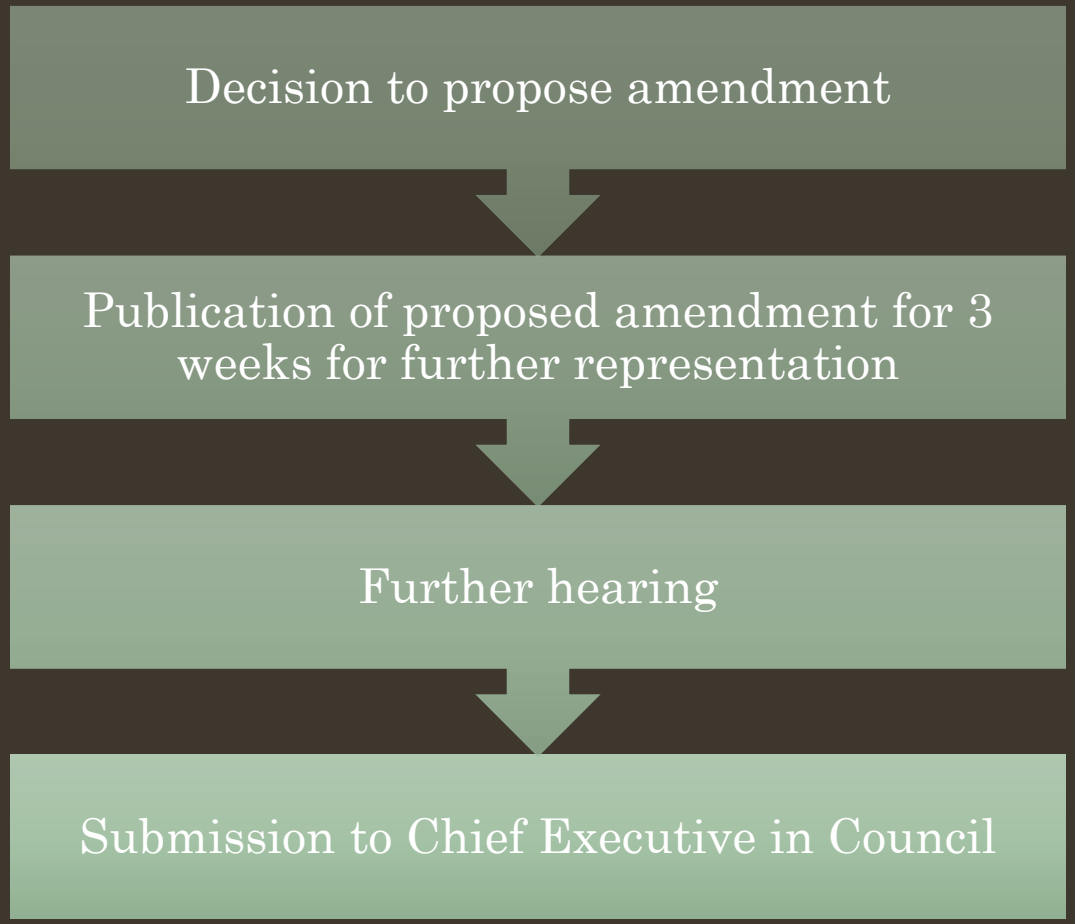
Plan-making Process

- all new plans, amendments to approved plans or amendments to draft plans will be exhibited for two months for public inspection;
- any person may make representations (either supportive or adverse) to the Board within the two-month period;
- the Board shall publish the representations for three weeks for public comments and make available all representations for public inspection;
- any person may make comments (either supportive or adverse) on the representations within the three-week period;
- the Board will hold a meeting to consider the representations and comments. The persons who have submitted representations or comments may attend the meeting and be heard by the Board;



Plan-making Process

- after the hearing, the Board will decide whether to propose amendments to the draft plan to meet the representations. If the Board decides to propose amendments, such proposed amendments will be published again for three weeks for further representations
- any person, other than the original 'representer' or 'commenter' may submit further representations (either supportive or adverse) to the Board within the three-week period
- if adverse further representations are received, the Board will hold another meeting to consider all the further representations, at which meeting the original 'representer' or 'commenter' and the 'further representer' may attend and be heard by the Board
- after the further hearing, the Board will decide whether to make amendments to the draft plan
- upon completion of the representation consideration process, the Board is required to submit the draft plan incorporating the amendments together with the representations, comments and further representations to the Chief Executive in Council for approval within nine months of the expiry of the plan exhibition period (or within a further six-month period as may be extended by the Chief Executive)




1990s年代
於「全港發展策略檢討」內首次提出
First raised in the Territorial Development Strategy Review
Kwu Tung North 古洞北
Fanling North 粉嶺北
Ping Che / TKL 坪輋 / 打鼓嶺
1998
開展「新界東北規劃及發展研究」
Commenced the Planning and Development Study on NENT (the NENT Study)
1999
2000
「新界東北規劃及發展研究」就建議的古洞北、粉嶺北及坪輋/打鼓嶺新發展區發展計劃諮詢公眾意見
Consulted the public on the development proposals of KTN, FLN and PC/TKL for NDAs development identified under the NENT Study
2007
《香港 2030： 規劃遠景與策略》建議落實新發展區的發展，以應付香港長遠的住屋需求
Hong Kong 2030: Planning Vision and Strategy recommended proceeding with the NDAs development to address long-term housing demand
HK 2030
mid 2008 年中
展開「新界東北新發展區研究」
Commissioned the NENT NDAs Study
NDAs Study
end 2008 年底
第一階段公眾參與 (PE1)，徵詢公眾對新發展區的願景及期望
Stage One Public Engagement (PE1) soliciting public views on the vision and aspirations for the NDAs
PE1
end 2009 年底
第二階段公眾參與 (PE2)，就新發展區的「初步發展大綱圖」徵詢公眾意見
Stage Two PE (PE2) consulting the public on the Preliminary Outline Development Plans (PODPs)
PE2
mid 2012 年中
第三階段公眾參與 (PE3)，就新發展區的「建議發展大綱圖」收集公眾意見
Stage Three PE (PE3) gauging public views on the RODPs
PE3
mid 2013 年中
為「建議發展大綱圖」作出修訂和定稿
Revised and finalised the RODPs

Any problem with this process?
What is your experience with this process?
Is it an effective way for the public to express their views on plans?

Participation in Planning in England

- the requirement for every municipality responsible for planning to produce, with local community and stakeholder involvement, an overall ‘Statement of Community Involvement’ (SCI) to guide all its future planning work
- SCI must:
  - include some principles and aims for community involvement;
  - show how involvement in planning links with involvement on related issues;
  - include lists of methods and show how they would be used on different types of plan and at different stages;
  - clarify expectations of what involvement developers/applicants are expected to do; and
  - make clear what resources are to be allocated to involvement work

Participation in Planning in England

- Once drafted at the local level, the SCI must then be approved by central government.
- Nevertheless the need to prepare an SCI and its very existence not only made community
- involvement unavoidable but set standards against which to check it.
- The checking comes at the end of a plan preparation process, when the authority submits its proposed plan to the Inspectorate.
- That submission must be accompanied by a ‘Statement of Compliance’, which must describe the involvement undertaken and make clear where, how and why (or why not) involvement results have been integrated into the plan.
- Because of the robust legislative basis, such evidence becomes what is called (in long established legal terminology) a ‘material consideration’.
- This means, in principle at least, that a whole plan can be rejected (declared ‘unsound’) if it can be shown that the involvement was inadequate or its inputs totally ignored.

The regulations and guidance are grounded in several key principles:

Statement of Community Involvement

- The system is consensus-based.
- There is an emphasis on dialogue and deliberative methods.
- A key process principle (a consensus building principle) is to start the involvement very early – what is now termed ‘front-loading’.
- Involvement is deliberately wide and inclusive – local communities and wider stakeholders.

Statement of Community Involvement

- There is some emphasis on overall processes, not just random assemblies of enjoyable methods.
- There is an emphasis on capacity building for all.
- Processes have a high degree of consistency and transparency.
- There are forms of accountability and means of recourse to ensure things are done properly.

Public Engagement in New South Wales, Australia

- Planning Bill 2013 was introduced into the NSW Parliament on 22 October 2013
- Debate on the Planning Bill deferred
- NSW Parliament will reconsider the Bill in 2014
- Similar provisions are made in the Bill to require the preparation of community participation plans

Planning Inspectorate

Planning Inspectorate

- an executive agency of the Department for Communities and Local Government of the United Kingdom Government
- responsible for determining final outcomes of town planning and public examination of local development plans

The Way Forward

- Concepts of public participation
- Existing statutory/practice in Hong Kong
- Problems encountered
- Practice in other countries
- What could be done in Hong Kong?

Questions

Thank you