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行政规划中的公众参与: 以城乡规划为例

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摘要: 美、英、德、日诸国的城乡规划立法对于公众参与程序均有详细的规定, 信息公开、告知、听证、说明理由、公众参与计划诸建制化与非建制化程序安排贯穿于城乡规划的立项、编制、审议、批准、实施许可与修改全过程。反观我国有关城乡规划立法, 公众参与之信息公开、听证程序基本停留在规划草案编制阶段, 而其余阶段几乎未有任何具体的规定。我国法律关于城乡规划机关承担告知、说明理由义务的规定亦极为狭窄。借鉴上述诸国关于城乡规划中公众参与程序的立法规定, 希冀在检讨我国城乡规划中公众参与立法规定之不足基础上对之进行重构。

关键字: 行政规划; 公众参与; 城乡规划立法

Public participation in the course of administrative planning: taking urban and rural planning for example

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Abstract: The urban and rural planning laws of America, Britain, Germany, and Japan have a minute description on public participation procedure. Transparent information, appraising, hearing, illumination reasons and public participation plan impenetrate all procedures, such as origination, making, discussion, approving, permission and modification of urban and rural planning. While observing urban and rural planning laws in China, the transparency of information and hearing has only been prescribed in the course of making of planning, without any description of the others. At the same time, the scope of description of urban and rural planning laws in China to appraising and illumination reasons is very straight. Through the concrete description of foreign countries, we hope that reconstruction can be made through reviewing shortcomings of laws of China.

KeyWords: administrative planning; public participation; urban and rural planning law