

Existing Town Planning Board Procedures on Conduct of Meetings

Issue Raised

At the meetings of the Bills Committee held on 1.3.2000 and 7.3.2000, Members were concerned that due to unstable attendance at meetings, the Town Planning Board (TPB) Members who examined planning applications may not necessarily be the same group of Members who voted on the applications.

Administration's responses

2. To facilitate the consideration of a planning application or an objection by the TPB, details of the case including the applicant's/objector's arguments and assessments of concerned Government departments would be incorporated in the TPB Paper circulated to all TPB Members one week before the meeting. The time taken for the consideration of a planning application or objection ranges from, say, a few minutes to an hour, depending on the complexity of the case. The arrival and departure of Members during the meeting are recorded in the minutes of meeting.

3. In most cases, the consideration of and deliberation on a planning application or an objection by the TPB takes place at the same meeting. Members who deliberate on the application or objection would normally have heard all or a major part of the presentation at the meeting. The decision on a planning application or an objection is a collective one made by the TPB. Consensus of the TPB Members would normally be reached on the decision with the exception of only very few cases where voting by Members was necessary. In the latter case, those Members who were not present at the earlier part of the presentation or discussion of the case would normally abstain. There is no record showing that Members who have left the meeting during the presentation or discussion will come back and vote on the case.

4. On a few occasions, the TPB may require more time and/or information for deliberation on very complex cases at a separate meeting. In these circumstances, it is inevitable that the Members' attendance could vary at different meetings considering that there are 33 Members altogether on the TPB, who are only part-time Members and all have their own commitments. Since the TPB is not a judicial body, and hence, the credibility of witnesses is not involved, legal advice has confirmed that it is legally proper for those Members who were not present at the presentation and/or hearing of a planning application or objection case to deliberate on the case provided that Members are fully apprised of all the representations the TPB had at the time of deliberation. In order to enable the TPB to make a well-informed decision on the case, all relevant information including the submissions by

the applicant or objector, TPB Papers prepared by the Planning Department and minutes recording the oral presentation and discussions related to the case will be made available to all Members.

5. In the case of objection hearing by an Objection Hearing Committee (OHC) appointed by the TPB, the current practice is that the same OHC would be appointed to consider all objections to the same draft plan. The OHC will exercise the power of the TPB under section 6(6), 6(7), 6(8) and 6(9) of the current Town Planning Ordinance and make decisions on the objections. On some occasions, such as the consideration of objections to the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan, several meetings would have to be conducted to hear the objections and further objections before the OHC could make final decisions on the objections. The same OHC Members were involved throughout the objection consideration procedures. This would ensure continuity and consistency in the decision making process.

Planning Department
March 2000

(TPBmeeting.RTF)