

立法會
Legislative Council

LC Paper No. CB(1)905/03-04

(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/02/2

**Bills Committee on
Town Planning (Amendment) Bill 2003**

**Minutes of ninth meeting held on
Tuesday, 6 January 2004, at 10:45 am
in Conference Room B of the Legislative Council Building**

Members present : Hon James TO Kun-sun (Chairman)
Hon Albert HO Chun-yan
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Hon Cyd HO Sau-lan
Hon Andrew WONG Wang-fat, JP
Hon LAU Wong-fat, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon IP Kwok-him, JP
Hon LAU Ping-cheung

Public officers attending : Mr Thomas TSO
Deputy Secretary for Housing, Planning and Lands
(Planning and Lands)

Miss Christine CHOW
Principal Assistant Secretary for Housing, Planning and
Lands (Planning and Lands)²

Mr Jimmy LEUNG
Assistant Director of Planning (Technical Services)

Ms Sherman CHAN
Senior Assistant Law Draftsman
Department of Justice

Ms Vicki LEE Yuet-ming
Senior Government Counsel
Department of Justice

Ms Betty HO
Assistant Secretary for Housing, Planning and Lands
(Planning and Lands) (Planning)³

Ms Winnie LAU
Senior Town Planner (Ordinance Review)
Planning Department

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (1)⁴

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mr S C TSANG
Senior Council Secretary (1)⁷

Action

I. Confirmation of minutes

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| (LC Paper No. CB(1)570/03-04 | -- | Minutes of sixth meeting on
20 November 2003 |
| LC Paper No. CB(1)618/03-04 | -- | Minutes of seventh meeting on
28 November 2003 |
| LC Paper No. CB(1)654/03-04) | -- | Minutes of eighth meeting on
3 December 2003) |

The minutes of the sixth, seventh and eighth meetings held on 20, 28 November and 3 December 2003 respectively were confirmed.

Action

II. Meeting with the Administration

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|----------------------------------|----|---|
| (LC Paper No. CB(1)678/03-04(01) | -- | List of follow-up actions arising from discussion at the meeting on 3 December 2003 |
| LC Paper No. CB(1)678/03-04(03) | -- | The Administration's response to issues raised at the meeting on 20 November 2003 |
| LC Paper No. CB(1)678/03-04(04) | -- | Information paper provided by the Administration on planning application systems in the United States of America and the United Kingdom |
| LC Paper No. CB(1)700/03-04(01) | -- | Information paper provided by the Administration on proposed amendments to the plan-making system under the Bill |
| LC Paper No. CB(1)54/03-04(01) | -- | Consolidated response of the Administration to concerns/views raised by organizations |
| LC Paper No. CB(1)449/03-04(03) | -- | Updated Administration's response to LC Paper No. CB(1) 54/03-04(01) |
| LC Paper No. CB(1)358/03-04(03) | -- | Supplementary information provided by the Administration on major issues raised at the meeting on 23 October 2003 |
| LC Paper No. CB(1)449/03-04(02) | -- | Information paper provided by the Administration on the Report of the Housing Commission 1935 |
| LC Paper No. CB(1)441/03-04 | -- | Report of the Housing Commission dated 11 October 1938 (without Appendices) |
| LC Paper No. CB(1)2520/02-03(01) | -- | Administration's response to the issue of compensation raised by Heung Yee Kuk at its meeting with LegCo Members on 10 June 2003 |
| LC Paper No. CB(1)2520/02-03(02) | -- | Case law in 1996 concerning the ruling of the Court of Appeal that managers of "tso/t'ong were regarded as |

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	land owners"
LC Paper No. CB(1)678/03-04(05)	-- Summary of concerns/views raised by organizations (as at 2 January 2004)
LC Paper No. CB(1)678/03-04(02)	-- Concerns/views raised by organizations on liability of managers of a clan, family, or "tsos/tongs" for offences in relation to unauthorized developments (as at 2 January 2004)
LC Paper No. CB(1)557/03-04	-- Second submission dated 8 December 2003 from Civic Exchange
LC Paper No. CB(1)608/03-04	-- Second submission dated 15 December 2003 from The Association of Planning Consultants of Hong Kong
LC Paper No. CB(1)537/03-04(01)	-- Submissions from eight "tsos/tongs" in Pat Heung area
LC Paper No. CB(1)537/03-04(02)	-- Submission from a "tso/tong" in Tuen Mun area
LC Paper No. CB(1)625/03-04(01)	-- Submissions from nine "tsos/tongs" in Pat Heung area
LC Paper No. CB(1)625/03-04(02)	-- Submissions from two "tsos/tongs" in Tsuen Wan area)

2. The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

3. Members requested the Administration to take the following actions:

- (a) to provide the names of organizations consulted on its proposed amendments to the plan-making system under the Bill (LC Paper No. CB(1)700/03-04(01));
- (b) to consider relaxing the types of persons who could lodge objections to proposed amendments made by the Town Planning Board (TPB) at the second stage of plan-making. Some members were of the view that if any person could make comments at the first stage of plan-making, the same rule should apply to the second stage as the proposed amendments made by the TPB could be material;

Action

- (c) to provide a paper to explain existing measures and measures contemplated by the Administration to publicize draft plans, amendments to draft plans and approved plans and planning applications after enactment of the Bill. Members quoted many cases which showed inadequacy of the existing measures;
- (d) to provide information on the plan-making systems in the United States (US) and the United Kingdom;
- (e) to reconsider the merits of third party appeal in respect of planning applications. The Chairman considered it inappropriate to perceive development as necessarily either beneficial or detrimental to the community. An applicant for planning permission was not necessarily the owner of the land concerned or even a local resident but he was entitled to a right of appeal. On the same basis, the right of appeal should be extended to third party. To minimize frivolous and vexatious appeals, some conditions might be set to restrict the right of third party appeal as in the case of the US; and
- (f) to keep the Bills Committee informed of the discussion by the Panel on Planning, Lands and Works on the second stage amendment to the Town Planning Ordinance. In this connection, some members called for opening up of TPB meetings and enhanced representation in the composition of the TPB such as by allocating a certain number of seats to directly elected Legislative Council members.

III. Any other business

- 4. Members agreed to hold the next meeting on **Monday, 19 January 2004, at 4:30 pm.**
- 5. The meeting ended at 12:40 pm.

Council Business Division 1
Legislative Council Secretariat
30 January 2004

**Proceedings of the ninth meeting of the
Bills Committee on Town Planning (Amendment) Bill 2003
on Tuesday, 6 January 2004, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000231	Chairman	Confirmation of minutes of the sixth, seventh and eighth meetings held on 20, 28 November and 3 December 2003 respectively	
000232 - 001828	Administration	Briefing on proposed amendments to the plan-making system under the Town Planning (Amendment) Bill 2003 (the Bill) (LC Paper No. CB(1) 700/03-04(01))	
001829 - 004415	Ms Audrey EU Administration	<p>Confirmation from the Administration that it had consulted relevant organizations on proposed amendments to the plan-making system under the Bill</p> <p>Disclosure of information on applications for planning permission made under section 16 of the Town Planning Ordinance (TPO) for public inspection</p> <p>Feasibility of shortening the plan-making process for resubmission of plan if the original plan was rejected by the Chief Executive in Council (CE in C) and referred back to the Town Planning Board (TPB) for further consideration and amendment</p>	<p>The Administration to take action under paragraph 3(a) of the minutes</p> <p>The Clerk to seek views on the Administration's proposed amendments from organizations / individuals which had made written submissions and/or attended the Bills Committee meeting(s) to give views on the Bill</p>
004416 - 004835	Mr Albert CHAN Ms Audrey EU Administration	Time limit for judicial review of decisions on plan-making and planning permission	
004836 - 005650	Mr Albert CHAN Mr Albert HO Chairman Administration	Concern that other than affected persons with landed interests, representers and commenters could not lodge objections to proposed	The Administration to take action under paragraph 3(b) of the minutes

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Time marker	Speaker	Subject(s)	Action Required
		amendments made by TPB at the second stage of plan-making	
005651 - 010600	Ms Emily LAU Mr Abraham SHEK Chairman Administration	Progress of second stage amendment to TPO. Members noted the subject would be discussed by the Panel on Planning, Lands and Works at the meeting on 27 January 2004.	The Administration to take action under paragraph 3(f) of the minutes
010601 - 012029	Mr Albert HO Ms Audrey EU Ms Emily LAU Mr WONG Sing-chi Chairman Administration	Concern about adequacy and effectiveness of existing measures to publicize draft plans, amendments to draft plans and approved plans and planning applications after enactment of the Bill.	The Administration to take action under paragraph 3(c) of the minutes
012030 - 012117	Administration	Briefing on the planning application systems in the United States of America (US) and the United Kingdom (UK) (LC Paper No. CB(1)678/03-04(04))	
012118 - 013988	Ms Emily LAU Mr Albert CHAN Chairman Administration	Composition of the planning authorities in the US and UK Suggestion for more public participation and enhanced role of the District Councils and Legislative Council Members in the plan-making process	The Administration to take action under paragraph 3(d) of the minutes
013989 - 014623	Chairman Ms Emily LAU Administration	Third party appeal in respect of planning applications	The Administration to take action under paragraph 3(e) of the minutes
014624 - 014645	Chairman	Date of next meeting	