

立法會
Legislative Council

LC Paper No. CB(1)1175/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/02/2

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

**Minutes of eleventh meeting held on
Thursday, 19 February 2004, at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)
Hon Andrew WONG Wang-fat, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Albert HO Chun-yan
Hon LAU Wong-fat, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon IP Kwok-him, JP
- Public officers attending** : 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 Jacinta WOO
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. Meeting with the Administration

- (LC Paper No. CB(1)1022/03-04(01) -- List of follow-up actions arising from discussion at the meeting on 3 February 2004
- LC Paper No. CB(1)1022/03-04(02) -- Information paper provided by the Administration on "Existing and Proposed Measures for Publication of Plans and Planning Applications"
- LC Paper No. CB(1)1022/03-04(03) -- Consolidated response of the Administration to concerns/ views raised by organizations (as at 28 January 2004)
- LC Paper No. CB(1)858/03-04 -- Statistics on planning applications and impacts on meeting time if the applicants or the applicants and "commenters" are allowed to attend Town Planning Board meetings
- LC Paper No. CB(1)358/03-04(03) -- Supplementary information

Action

- provided by the Administration on major issues raised at the meeting on 23 October 2003
- 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 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)801/03-04 -- List of follow-up actions arising from previous meetings (as at 30 January 2004)
- LC Paper No. CB(1)1022/03-04(04) -- Summary of views raised by organizations on the Administration's proposed amendments to the plan-making system under the Town Planning (Amendment) Bill 2003 (as at 16 February 2004)
- LC Paper No. CB(1)965/03-04(01) -- Submission dated 9 February 2004 from The Association of Planning Consultants of Hong Kong)

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

Action

Admin 2. Members requested the Administration to take the following actions:

CB(1) 1022/03-04(02)

- (a) to consider specifying in the Bill the minimum size of a notice to be posted in respect of a planning application. Some members considered that the minimum size of a notice should be no less than 3' x 6'. The Administration was asked to provide a sample of notice for members' reference;
- (b) to consider how effective notification could be achieved if proposed new sections 12A(7)(a) and 16(2D)(a) required the posting of notice only but not to require its being kept posted during the specified period and allowed a discretion not to post the notice outdoor on or near the land if notice had been posted indoor on any premises;
- (c) to consider sending a notice to the Legislative Council (LegCo) members and District Council (DC) members of the relevant geographical area;
- (d) to consider making it a standing arrangement to follow up after a notice had been sent to the LegCo members and DC member(s) of the concerned local area(s). Members had different views in this respect. Some members considered that LegCo members and DC members had a responsibility to consult the residents concerned about a planning application. A member opined that the purpose of sending a notice to the LegCo members and DC members had to be made clear. The responsibility for notifying and consulting the general public should rest with the Administration; and
- (e) to consider providing in the Bill a right of any person to obtain copies of planning applications, draft plans and amendments of plans on payment of a prescribed fee.

II. Any other business

3. Members agreed to hold the next meeting on **Thursday, 4 March 2004, at 2:30 pm.**

4. The meeting ended at 12:40 pm.

Council Business Division 1
Legislative Council Secretariat
2 March 2004

**Proceedings of the eleventh meeting of the
Bills Committee on Town Planning (Amendment) Bill 2003
on Thursday, 19 February 2004, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000226	Chairman	Opening remarks	
000227 - 001122	Administration	Briefing on "Statistics on planning applications and impacts on meeting time if the applicants or the applicants and "commenters" are allowed to attend Town Planning Board (TPB) meetings" (LC Paper No. CB(1) 858/03-04)	
001123 - 002327	Ms Audrey EU Mr Albert CHAN Administration Chairman	Suggestion that applicants for planning permission should be given an option to appeal to the Town Planning Appeal Board direct regarding TPB's decisions made under section 16 of the Town Planning Ordinance (TPO) instead of seeking a review under section 17 first The Administration advised that such a request had not been made by the industry so far.	
002328 - 003456	Administration	Briefing on "Existing and Proposed Measures for Publication of Plans and Planning Applications" (LC Paper No. CB(1)1022/03-04(02))	
003457 - 005158	Mr Abraham SHEK Mr Albert CHAN Ms Audrey EU Chairman Administration	Need to specify in the Bill the minimum size of a notice to be posted in respect of a planning application for effective notification Requirements on the size of notice to be posted under other existing legislation Some members considered that the minimum size of a notice should be no less than 3' x 6'	The Administration to take action under paragraph 2(a) of the minutes

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Time marker	Speaker	Subject(s)	Action Required
005159 - 010633	Ms Audrey EU Administration Chairman Mr Albert CHAN	Access to information on planning applications, draft plans and amendments of plans Suggestion that members of the public should be given a right to obtain copies of planning applications, draft plans and amendments of plans on payment of a prescribed fee	The Administration to take action under paragraph 2(e) of the minutes
010634 - 012857	Ms Emily LAU Mr Andrew WONG Mr Albert CHAN Mr WONG Sing-chi Chairman Administration	Suggestion that the Administration should send a notice to the Legislative Council (LegCo) members and District Council (DC) member(s) of the relevant geographical area for consultation with the public on planning applications and take follow-up action such as checking with the members concerned by phone. Expression of different views on the subject: (a) some members considered that LegCo members and DC members had a responsibility to consult residents of the relevant districts; and (b) a member opined that the purpose of sending a notice to the LegCo members and DC members had to be made clear. Responsibility for notifying and consulting the general public on planning applications should rest with the Administration.	The Administration to take action under paragraphs 2(c) & 2(d) of the minutes
012858 - 013623	SALA2 Chairman Ms Emily LAU	Concern on: (a) whether section 16(2D)(a) and section 12A(7)(a) required TPB to post a notice in respect of a	The Administration to take action under paragraph 2(b) of the minutes

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Time marker	Speaker	Subject(s)	Action Required
		<p>planning application only or to ensure that the notice was kept posted during the specified period for public inspection; and</p> <p>(b) whether TPB had a discretion to post the notice indoor on any premises or outdoor on or near the land</p>	
013624 - 013715	Administration	Briefing on consolidated response of the Administration to concerns/views raised by organizations (as at 28 January 2004) (LC Paper No. CB(1)1022/03-04(03))	
013716 - 014127	Ms Emily LAU Clerk Chairman Administration	<p><u>Item 15</u> Proposed exemptions on minor amendments to planning permission from application</p> <p>Clarification that publication of applications for minor amendments would not be required and the present drafting of section 16A achieved the intended purpose with clarity.</p>	
014128 - 014743	Chairman Clerk Administration Ms Emily LAU Mr LAU Ping-cheung Mr Andrew WONG	Concern about progress of scrutiny of the Bill and the need for scheduling more meetings	