

立法會
Legislative Council

LC Paper No. CB(1)1402/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/02/2

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

**Minutes of twelfth meeting held on
Monday, 8 March 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
Dr Hon TANG Siu-tong, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Andrew WONG Wang-fat, JP
Hon LAU Wong-fat, GBS, JP
Hon Abraham SHEK Lai-him, 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

Mr Anthony KWAN
Chief Town Planner/Central Enforcement and
Prosecution, 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

- (LC Paper No. CB(1)1081/03-04 -- Minutes of tenth meeting on
3 February 2004
LC Paper No. CB(1)1175/03-04 -- Minutes of eleventh meeting on
19 February 2004)

The minutes of the tenth and eleventh meetings held on 3 and 19 February 2004 respectively were confirmed.

II. Meeting with the Administration

- (LC Paper No. CB(1)1209/03-04(01) -- List of follow-up actions arising from discussion at the meeting on 19 February 2004
- LC Paper No. CB(1)1209/03-04(02) -- Views of Heung Yee Kuk Councillors raised at meeting with Legislative Council Members on 2 March 2004
- 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)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)1209/03-04(03) -- List of follow-up actions arising from previous meetings (as at 18 February 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)1188/03-04(01) -- Submission dated 2 March 2004 from the Land and Building Advisory Committee)

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

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

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

- (a) to clarify whether the failure of the Town Planning Board (TPB) to cause a notice to be posted in respect of a planning application in accordance with proposed section 16(2D) or to comply with some other statutory requirements or steps would invalidate at law the whole process and the need for a specific provision in this regard;
- (b) to consider putting into place feasible administrative means to display notice about draft plans and amendments of plans in the district concerned. The Chairman was of the view that only basic information be included in the notice which served to alert members of the public. One of the suggested ways was to post such a notice within the boundary of each Area Committee and Rural Committee within the district;
- (c) to consider members' views to improve the form of notices to be posted in respect of planning applications in order to attract public attention. Some members raised the following views:
 - (i) the notice be posted near the land concerned and in areas with residential flats;
 - (ii) different colours be used for the original use and proposed use; and
 - (iii) access to relevant information be made known to the public in or near the site at which the notice was posted.

Item 17 in CB(1) 1022/03-04(03)

- (d) to consider expressly providing in clause 5 (section 2B):
 - (i) the type of businesses which could be transacted by circulation of papers, such as procedural and administrative matters;

- (ii) the statutory provisions which contained matters which should not be transacted by circulation of papers; and
- (iii) that transaction of business by circulation of papers should be subject to the objection being raised by any TPB members.

Item 18 in CB(1) 1022/03-04(03)

- (e) to review the need for introducing in the Stage One amendments the proposal to allow TPB to delegate to its committees powers and functions relating to consideration of review applications under section 17 (clause 4). The Administration was requested to advise the impact of such a proposal if implemented or not implemented. Members were concerned that many organizations had objected to the proposal and the present statutory minimum size of committees was too small.

III. Any other business

- 4. Members agreed to hold the next meeting on **Thursday, 18 March 2004 at 10:45 am.**
- 5. The meeting ended at 12:30 pm.

Council Business Division 1
Legislative Council Secretariat
29 March 2004

**Proceedings of the twelfth meeting of the
Bills Committee on Town Planning (Amendment) Bill 2003
on Monday, 8 March 2004, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000216	Chairman	Confirmation of minutes of the tenth and eleventh meetings held on 3 and 19 February 2004 respectively	
000217 - 000819	Administration	<p>Presentation of samples of notice to be posted in respect of a planning application (LC Paper No. CB(1)1022/03-04(02))</p> <p>Explanation:</p> <ul style="list-style-type: none"> • Intention to specify in the Town Planning Board (TPB) guidelines rather than expressly provide in the law the size and format of notice to be posted in the relevant site to allow more flexibility • Intention to refine the relevant provisions to require the posting of notice at a site which could be clearly seen 	
000820 - 001201	<p>Ms Emily LAU Mr Albert CHAN Dr TANG Siu-tong Chairman Administration</p>	<p>Need for introducing administrative means to display notice on draft plans and amendments of plans in the district concerned</p> <p>Types of information to be included in the notice</p> <p>Members' suggestion to post a notice within the boundary of each Area Committee and Rural Committee within the district</p>	The Administration to take action under paragraph 3(b) of the minutes
001202 - 001548	<p>Mr Albert HO Mr Albert CHAN Chairman Administration</p>	Suggested improvements to the forms of notice to be posted in respect of planning applications to attract public attention which included the	The Administration to take action under paragraph 3(c) of the minutes

Time marker	Speaker	Subject(s)	Action Required
		<p>following:</p> <p>(a) the notice be posted near the land concerned and in areas with residential flats;</p> <p>(b) different colors showing the original and proposed uses of the land be used; and</p> <p>(c) access to relevant information be made known to the public in or near the site at which the notice was posted.</p>	
001549 - 004042	Chairman SALA2 Mr Albert HO Mr Albert CHAN Ms Emily LAU Mr LAU Ping-cheung Administration	Impact of failure of TPB to cause a notice to be posted in respect of a planning application in accordance with proposed section 16(2D) or to comply with some other statutory requirements or steps	The Administration to take action under paragraph 3(a) of the minutes
004043 - 004733	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)) <u>Item 16</u> Proposal to make available applications of review for public inspection and comments - noted by members	
004734 - 005757	Ms Emily LAU Dr TANG Siu-tong Mr Albert HO SALA2 Chairman Administration	<u>Item 17</u> Proposal to allow TPB to transact any of its business by circulation of papers Concern: <ul style="list-style-type: none"> • Justifications for the proposal; • Circumstances which would necessitate circulation of papers; • The authority to decide on what type of TPB businesses to be dealt 	

Time marker	Speaker	Subject(s)	Action Required
		with by circulation of papers	
005758 - 011100	Ms Emily LAU Mr Albert HO Chairman SALA2 Administration	<p>Clarification on the expression "whether any such member is in or outside Hong Kong" under proposed section 2B(1)</p> <p>Concern on whether email fell within the meaning of "in writing" in proposed section 2B(2)</p> <p>Members expressed the following views:</p> <ul style="list-style-type: none"> (i) the types of business which could be transacted by circulation of papers should be limited to procedural and administrative matters; (ii) the need for expressly providing in law matters which should not be transacted by circulation of papers; and (iii) that transaction of business by circulation of papers should be subject to the objection being raised by any TPB members. 	The Administration to take action under paragraph 3(d) of the minutes
011101 - 011743	Administration	<p><u>Item 18</u></p> <p>Proposal to allow TPB to delegate to its committees powers and functions relating to consideration of applications for amendment of plan, amendment to planning permission and review applications under section 17 of the Town Planning Ordinance (TPO)</p>	

Time marker	Speaker	Subject(s)	Action Required
011744 - 013919	Chairman Ms Emily LAU Mr Albert HO Administration	Concern on the size and representation of committees appointed by TPB under the proposed delegated authority to consider review applications under section 17 of TPO Need for introducing in the Stage One amendments the proposal and the impact of the proposal if implemented or not implemented	The Administration to take action under paragraph 3(e) of the minutes
013920 - 014107	Chairman	Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
29 March 2004