

立法會
Legislative Council

LC Paper No. CB(1)1865/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/02/2

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

**Minutes of sixteenth meeting held on
Thursday, 29 April 2004, at 10:45 am
in Conference Room B 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
Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
- Members absent** : Hon Albert HO Chun-yan
Hon LAU Wong-fat, GBS, JP
Hon IP Kwok-him, JP
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, 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. Confirmation of minutes

(LC Paper No. CB(1)1662/03-04 -- Minutes of fourteenth meeting on
2 April 2004)

The minutes of the fourteenth meeting held on 2 April 2004 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1)1655/03-04(01) -- List of follow-up actions
arising from discussion at the
meeting on 20 April 2004

LC Paper No. CB(1)1553/03-04(02) -- Administration's response to
the list of outstanding follow-
up actions arising from
previous meetings

LC Paper No. CB(1)1553/03-04(03) -- Flow chart showing the
revised plan-making process

LC Paper No. CB(1)1465/03-04(01) -- Government's press release on
the appointment of Town
Planning Board members

Action

- LC Paper No. CB(1)1499/03-04(01) -- Draft Committee Stage Amendments to Clauses 1 to 12 of the Bill proposed by the Administration
- LC Paper No. CB(1)1541/03-04(01) -- Marked-up copy of the draft Committee Stage Amendments to Clauses 1 to 12 of the Bill prepared by the Legal Service Division
- LC Paper No. CB(3)626/02-03 -- The Town Planning (Amendment) Bill 2003
- LC Paper No. CB(1)2233/02-03(01) -- Marked-up copy of the Town Planning (Amendment) Bill 2003)

2. The Bills Committee deliberated (Index of proceedings attached at **Appendix**).
3. Members requested the Administration to take the following actions:

CB(1)1553/03-04(02)

- (a) to provide examples of gist of planning applications under the Planning Register System;
- (b) to make an undertaking at the Second Reading Debate on the Bill that where a new planning application made reference to past documents, those documents would be made available for public inspection;
- (c) in the paper to be provided to the Bills Committee concerning the principles underlying the local town planning system, to explain how the objective stipulated in section 3(1) of the Town Planning Ordinance (TPO) could be achieved by the Town Planning Board (TPB) in the discharge of its functions. Some members were concerned about the relative importance accorded to public interest and private interest in the plan making and approval process. The Administration was requested to provide information on how overseas jurisdictions tackled this issue;
- (d) in the paper to be provided to the Bills Committee concerning enforcement actions in relation to planning and land matters, to clarify whether approval was required for permissible existing uses on land which had been zoned for other purposes and for works necessitated for effecting the permissible existing uses. The Administration should explain the differences, if any, in respect of

Action

land which had been zoned as conservation area;

Clause-by-clause examination of the Bill

- (e) to consider whether existing section 2 of TPO and the proposed section 2A concerning appointment of committees should be consolidated. The Administration should provide information on the number, size and functions of existing committees appointed under section 2(3);
- (f) to provide information on the members appointed to the TPB in the latest round of appointment including their background, years of service in TPB and the number of advisory or statutory boards of which they were members;
- (g) to advise verbally at the next meeting of the provisions in relation to which the holding of meeting by TPB was mandatory; and
- (h) to clarify whether TPB had any internal guidelines which prohibited members who had not participated in the deliberation or heard representation from voting on the matter concerned.

III. Any other business

- 4. Members agreed to hold the next meeting on **Tuesday, 4 May 2004, at 2:30 pm.**
- 5. The meeting ended at 12:40 pm.

Council Business Division 1
Legislative Council Secretariat
19 May 2004

**Proceedings of the sixteenth meeting of the
Bills Committee on Town Planning (Amendment) Bill 2003
on Thursday, 29 April 2004, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000109	Chairman	Confirmation of minutes of the fourteenth meeting held on 2 April 2004 (LC Paper No. CB(1)1662/03-04)	
000110 - 001539	Chairman Administration Dr TANG Siu-tong	<p>Briefing on the Administration's response to the list of outstanding follow-up actions arising from previous meetings (LC Paper No. CB(1)1553/03-04(02))</p> <p>Clauses 13, 16 and 18 (Sections 12A, 16 and 17)</p> <p><u>Item (i)</u> Retrospective provisions to make past planning applications available for public inspection</p> <p>Concern that if past documents referred to by a new planning application were not made available for public inspection, it would be difficult to fully understand the application</p> <p>The Administration's clarification that a Planning Register System was put in place to make available the essential information of past applications for public inspection.</p>	The Administration to take action under paragraph 3(a) & (b) of the minutes
001540 - 001838	Administration Chairman	<p><u>Items (j) & (k)</u> Members noted that issues on third party appeal/review in respect of planning applications would be dealt with at a later stage due to complexity of the subjects and the need for consultation.</p>	

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Time marker	Speaker	Subject(s)	Action Required
001839 - 001857	Administration Chairman	<p><u>Clause 20</u> (Section 23(9A))</p> <ul style="list-style-type: none"> - Members noted that the Administration would provide a paper explaining why proposed section 23(9A) was necessary to deter proliferation of unauthorized development. 	
001858 - 003123	Administration Chairman SALA2 Dr TANG Siu-tong	<p>Others</p> <p><u>Item (a)</u></p> <ul style="list-style-type: none"> - Members noted that the Administration would provide a paper on the plan-making systems in the United States and United Kingdom. <p><u>Item (b)</u></p> <ul style="list-style-type: none"> - Members noted that the Stage Two amendments were discussed at the meeting of the Panel on Planning, Lands and Works on 27 January 2004. <p><u>Item (c)</u></p> <ul style="list-style-type: none"> - Members noted that the Administration would provide a paper explaining the underlying principles of the town planning system in Hong Kong. <p>Concern on:</p> <ul style="list-style-type: none"> - the relative importance of interests of landowners, applicants and members of the public in the planning making process; and - how the objective stipulated in section 3(1) of the Town Planning Ordinance (TPO) could be achieved by the Town Planning Board (TPB) in the discharge of its functions. 	<p>The Administration to take action under paragraph 3(c) of the minutes</p>

Time marker	Speaker	Subject(s)	Action Required
		<p><u>Item (d)</u></p> <p>– Members noted that the Administration would provide a paper setting out the respective planning and land matters on which enforcement actions could be taken by the Planning Authority under TPO and/or land authorities under other ordinances.</p>	
003124 - 010130	<p>Mr Andrew WONG Administration Chairman Dr TANG Siu-tong Mr WONG Sing-chi SALA2</p>	<p>Concern on whether approval was required for permissible existing uses on land which had been zoned for other purposes such as conservation area and for works necessitated for effecting the permissible existing uses</p> <p>Enquiry on the criteria for zoning a specific land as conservation area</p> <p>Need for a review of section 3(1) of TPO in due course with reference to practices in overseas jurisdictions</p>	<p>The Administration to take action under paragraph 3(d) of the minutes</p>
010131 - 012300	<p>Administration Chairman Clerk SALA2 Mr WONG Sing-chi Mr Andrew WONG</p>	<p>Clause-by-clause examination of the Bill and examination of Committee Stage Amendments (CSAs) proposed by the Administration (LC Paper No. CB(1) 1541/03-04(01))</p> <p><u>Clause 1</u> The Administration's advice that the Bill, if enacted, would come into operation on 1 October 2004</p> <p>CSA supported by members</p> <p><u>Clause 2</u> CSA supported by members</p> <p><u>Clauses 3 & 4 (Section 2 and proposed Section 2A)</u> Clarification on the differences of</p>	

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Time marker	Speaker	Subject(s)	Action Required
		<p>committees appointed under section 2 and proposed section 2A of TPO</p> <p>The Administration's clarification that committees appointed under section 2(3) were standing committees and those appointed under section 2A were ad hoc committees to deal with plan making matters</p> <p>The Chairman's view that appointment of committees under section 2 and proposed section 2A of TPO should be consolidated. Some members raised concern on the number, size and functions of existing committees appointed under section 2(3) of TPO.</p>	<p>The Administration to take action under paragraph 3(e) of the minutes</p>
012301 - 013116	<p>Ms Emily LAU Administration Chairman Mr Andrew WONG</p>	<p>Enquiry on information on members appointed to TPB in the latest round of appointment, including their background, years of service in TPB and the number of advisory or statutory boards of which they were members</p>	<p>The Administration to take action under paragraph 3(f) of the minutes</p>
013117 - 014527	<p>Chairman Administration Ms Emily LAU Mr Andrew WONG SALA2</p>	<p><u>Clause 5</u> (proposed Section 2B)</p> <ul style="list-style-type: none"> - Members noted that circulation of papers would include circulation by electronic means - Revised CSA supported by members (revised draft CSA to Clause 5 of the Bill subsequently circulated vide LC Paper CB(1)1689/03-04(01)) <p>The Administration's clarification that the term "approved in writing" covered response by electronic means</p> <p>Enquiry on provisions in relation to which the holding of meeting by TPB was mandatory</p>	<p>The Administration to take action under paragraph 3(g) of the minutes</p>

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Time marker	Speaker	Subject(s)	Action Required
014528 - 014753	Mr Albert CHAN Mr Andrew WONG Chairman	Expression of view that TPB members who had not participated in the deliberation or heard representation should be prohibited from voting on the matter concerned	The Administration to take action under paragraph 3(h) of the minutes
014754 - 015055	Chairman	Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
19 May 2004