

立法會
Legislative Council

LC Paper No. CB(1)1915/03-04

(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/02/2

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

**Minutes of seventeenth meeting held on
Tuesday, 4 May 2004, at 2:30 pm
in Conference Room A of the Legislative Council Building**

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

- (LC Paper No. CB(1)1697/03-04(01) -- List of follow-up actions arising from discussion at the meeting on 29 April 2004
- LC Paper No. CB(1)1499/03-04(01) -- Draft Committee Stage Amendments (CSAs) to Clauses 1 to 12 of the Bill proposed by the Administration
- LC Paper No. CB(1)1689/03-04(01) -- Revised draft CSAs to Clause 5 of the Bill proposed by the Administration
- LC Paper No. CB(1)1541/03-04(01) -- Marked-up copy of the draft CSAs 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

Action

2003)

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

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

Clause 7, section 6

- (a) to consider expressly requiring the nature of the representation be indicated in the representation (subsection (2));
- (b) to review whether it was appropriate to treat any representation which did not comply with the requirements made under subsection (2)(b) as not having been made (subsection (3)(b));

Clause 8, section 6A

- (c) to provide a paper to explain the requirements that would be made under subsection (2);
- (d) to review whether it was appropriate to treat any comment which did not comply with the requirements made under subsection (2) as not having been made (subsection (3)(b));

Clause 8, section 6D

- (e) to consider the merits of expressly providing in law that the meeting held by the Town Planning Board (TPB) to hear representation be open to the public;
- (f) to review whether the proposed section 2(6) would confer TPB with sufficient power to regulate meetings conducted to hear representations. A member was concerned about possible abuse of procedure;

Clause 8, section 6E

- (g) to consider the need to require publication of a notice in two local Chinese newspapers and one local English newspaper concerning availability of proposed amendments to a draft plan for public inspection and comment (subsection (2));

Clause 8, section 6H

- (h) to consider the merits of expressly providing in law that the meeting

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held by TPB to hear further representation be open to the public;
and

- (i) to consider revising the wording in subsection (6) in line with section 6D(6).

II. Any other business

3. Members agreed to hold the next meeting on **Thursday, 13 May 2004, at 10:45 am.**

4. The meeting ended at 4:30 pm.

Council Business Division 1
Legislative Council Secretariat
24 May 2004

**Proceedings of the seventeenth meeting of the
Bills Committee on Town Planning (Amendment) Bill 2003
on Tuesday, 4 May 2004, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000151	Chairman	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))	
000152 - 000248	Administration	<u>Clause 6</u> (section 5) CSA supported by members	
000249 - 002657	Administration Chairman Mr Andrew WONG Mr WONG Sing-chi	<u>Clause 7</u> (section 6) Clarification on the meaning of representation be "made in such manner as the Town Planning Board requires" under section 6(2) The Chairman considered it too stringent to treat representations that did not comply with the requirements as not having been made because those representations might have merits for consideration by the Town Planning Board (TPB) (section 6(3)(b)). The Administration's explanation that TPB could initiate amendment of draft plans under section 7 if considered necessary	The Administration to take action under paragraph 2(b) of the minutes
002658 - 003154	SALA2 Administration Chairman	Need to specify the nature of representation under section 6(2)	The Administration to take action under paragraph 2(a) of the minutes
003155 - 004802	Administration Chairman SALA2 Mr Albert HO Mr Andrew WONG	<u>Clause 8</u> (section 6A) Concern on the implications if the requirements on representation under section 6A(2) were not made known to representers for compliance	The Administration to take action under paragraph 2(c) & (d) of the

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Time marker	Speaker	Subject(s)	Action Required
		Adoption of administrative measures to follow up with representer concerned when information concerning a representation was inadequate or missing	minutes
004803 - 004812	Administration Chairman	<u>Clause 8</u> (sections 6B & 6C) CSA supported by members	
004813 - 010322	Administration Mr Albert HO Mr Andrew WONG SALA2	<p><u>Clause 8</u> (section 6D) Concern whether TPB was conferred with sufficient power to regulate meetings conducted to hear representations</p> <p>The Administration's explanation that TPB might determine its practice and procedure at its meetings under section 2(6). A member was concerned about possible abuse of procedure.</p> <p>SALA's advice that practice and procedures for TPB might be in the form of regulations referred to in section 14 which were subsidiary legislation</p>	The Administration to take action under paragraph 2(f) of the minutes
010323 - 013209	Chairman Mr Albert HO Ms Emily LAU Mr Abraham SHEK Mr IP Kwok-him Mr Andrew WONG Administration SALA2	<p>Possibility of expressly providing in section 6D that TPB's meetings for hearing representations be opened to the public</p> <p>The Administration's advice that</p> <ul style="list-style-type: none"> - meetings of TPB for hearing representation would be opened to the public; - TPB had reservation about opening up the deliberation part having regard that such arrangement might create undue pressure on TPB members in expressing views and making decisions; - it was considered more appropriate 	The Administration to take action under paragraph 2(e) of the minutes

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Time marker	Speaker	Subject(s)	Action Required
		to open up part of TPB meetings by administrative means for the time being to allow flexibility; and - the issue of opening up of TPB meetings would be addressed at the Second Stage Amendments.	
013210 - 013614	Ms Emily LAU Administration	Availability of venue for holding TPB meetings to hear representations	
013615 - 014343	Administration Chairman Mr IP Kwok-him	<u>Clause 8</u> (section 6E) The Chairman's suggestion that a notice be published in two local Chinese newspapers and one local English newspaper concerning the availability of proposed amendments to a draft plan for public inspection and comment	The Administration to take action under paragraph 2(g) of the minutes
014344 - 014644	Administration Chairman	<u>Clause 8</u> (sections 6F & 6G) CSA supported by members	
014645 - 014700	Administration Chairman	<u>Clause 8</u> (section 6H) Possibility of expressly providing in section 6H that TPB meetings for hearing representations be opened to the public	The Administration to take action under paragraph 2(h) of the minutes
014701 - 015219	SALA2 Administration Chairman	Need to provide TPB with flexibility to consider some or all further representations at the same meeting under section 6H(6), in like manner as in sections 6D(6)	The Administration to take action under paragraph 2(i) of the minutes
015220 - 015251	Chairman	Date of next meeting	