

立法會
Legislative Council

LC Paper No. CB(1)1967/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/02/2

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

**Minutes of eighteenth meeting held on
Thursday, 13 May 2004, at 10:45 am
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
Dr Hon TANG Siu-tong, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon LAU Wong-fat, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon LAU Ping-cheung
- 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)1782/03-04 -- Minutes of fifteenth meeting on
20 April 2004)

The minutes of the fifteenth meeting held on 20 April 2004 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1)1781/03-04(01) -- List of follow-up actions
arising from discussion at the
meeting on 4 May 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)1725/03-04(01) -- Draft CSAs to Clauses 13 to
18 of the Bill proposed by the

Action

LC Paper No. CB(1)1541/03-04(01)	-- Administration 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(1)1781/03-04(02)	-- Marked-up copy of the draft CSAs to Clauses 13 to 18 of the Bill prepared by the Legal Service Division
LC Paper No. CB(3)626/02-03	-- 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:

Clause 8

Section 6H

(a) to review whether the English and Chinese versions of subsection (8) were consistent;

Section 6J

(b) to consider whether it was appropriate to specify under subsection (2) that the draft plan with amendments should be made available for public inspection for not less than 14 days before the Chief Executive in Council (CE in C) made a decision in respect of the draft plan. Members had different views on the issue;

Clause 9

Section 7

(c) to introduce a Committee Stage amendment to subsection (2) to achieve the effect that the Town Planning Board (TPB) should advertise amendments to a draft plan once a week in two local Chinese newspapers and one local English newspaper;

(d) to note that members had different views on whether TPB should have an independent secretariat;

Clause 10

Action

Section 8

- (e) to provide a paper to explain how the CE in C would consider a draft plan. The paper should include information on whether the CE in C was divided into small groups to consider different subjects and statistics on the time taken by the CE in C in making a decision on a draft plan; and

Clause 12

Section 12

- (f) to review the merits of proposed new subsection (1A). Some members expressed concern that the present drafting would enable the Chief Executive to delegate the power to refer any approved plan to TPB for replacement or amendment to public officers. Given that such power was substantial, the authority for referral of plan should rest with the CE in C.

III. Any other business

- 4. Members agreed to hold the next meeting on **Thursday, 20 May 2004, at 2:30 pm.**
- 5. The meeting ended at 12:40 pm.

Council Business Division 1
Legislative Council Secretariat
28 May 2004

**Proceedings of the eighteenth meeting of the
Bills Committee on Town Planning (Amendment) Bill 2003
on Thursday, 13 May 2004, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 – 000047	Chairman	Confirmation of minutes of the fifteenth meeting held on 20 April 2004 (LC Paper No. CB(1)1782/03-04)	
000048 – 000403	Chairman Administration	<u>Clause 8</u> <i>Section 6H(6)</i> Administration's advice that unlike comments on a draft plan which might touch on different areas, further representations must be related to proposed amendments to a draft plan. The Town Planning Board (TPB) might consider all further representations at the same meeting. Present drafting considered in order	
000404 – 000482	Administration	<i>section 6H(7)</i> CSA supported by members	
000483 – 000523	SALA2 Administration	<i>section 6H(8)</i> Query on consistency on the drafting of the English and Chinese versions	The Administration to take action under paragraph 3(a) of the minutes
000524 – 001817	Chairman Mr Albert HO Mr Emily LAU Administration	<i>section 6H(9)</i> Administration's clarification that further representation would not be heard at TPB meeting if such representation was not made in opposition to the proposed amendments to a draft plan under section 6F(2)(a)(ii)	

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Time marker	Speaker	Subject(s)	Action Required
001818 – 002130	Administration Chairman	<i>section 6I</i> CSA supported by members	
002131 – 004101	Chairman Administration Mr WONG Sing-chi Dr TANG Siu-tong Mr Andrew WONG	<i>section 6J</i> Different views on the need to specify a time frame, for instance, 14 days, before the Chief Executive in Council (CE in C) made a decision in respect of a draft plan under section 6J(2). Chairman considered the specified period necessary to allow time for public inspection of the amendments to a draft plan made by TPB and making petition to CE in C. A member considered the specified period unnecessary as the process of making and hearing representation had been concluded. TPB should be given flexibility to deal with urgent cases.	The Administration to take action under paragraph 3(b) of the minutes
004102 – 010219	Administration SALA2 Mr IP Kwok-him Ms Emily LAU Mr Andrew WONG	<u>Clause 9</u> <i>section 7(1)</i> CSA supported by members <i>section 7(2)</i> The Chairman's suggestion that amendments to a draft plan be advertised once a week in two local Chinese newspapers and one local English newspaper for public inspection and comment CSA to be proposed by the Administration	The Administration to take action under paragraph 3(c) of the minutes

Time marker	Speaker	Subject(s)	Action Required
010220 – 010558	SALA2 Chairman Administration Mr IP Kwok-him Ms Emily LAU Mr Andrew WONG	<p><i>section 7(3)</i> Role of TPB secretariat and administrative procedures relating to the provision of a copy of an amendment to a draft plan by TPB upon payment of fee</p> <p>The Administrations' confirmation that matters such as composition of TPB, independence of TPB secretariat, etc. would be dealt with in the Second Stage Amendments</p> <p>Members had different views on whether TPB should have an independent secretariat. A member expressed reservation on the need for TPB to have a separate budget.</p>	The Administration to take action under paragraph 3(d) of the minutes
010559 – 011100	SALA2 Administration	Clarification on the power of the Secretary for Housing, Planning and Lands to prescribe fees by regulation under section 14 and the role of TPB	
011101 – 012145	Administration Chairman	<p><i>sections 7(4) & 7(5)</i> CSAs supported by members</p>	
012146 – 012300	SALA2 Chairman Mr Andrew WONG Administration	<p><i>section 7(6)</i> Clarification on the expressions of "subject as otherwise provided in this Ordinance" and "unless the context otherwise requires"</p>	
012301 – 012323	Administration Chairman	<p><u>Clause 10</u> <i>section 8(1)</i> CSA supported by members</p>	
012324 – 012603	Administration Chairman Mr Albert HO Mr Andrew WONG	<p><i>section 8(1A)</i> Enquiry on how TPB submitted a draft plan together with representations to CE in C</p> <p>Administration's advice that TPB prepared a digest of representations and submitted all representations to</p>	

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Time marker	Speaker	Subject(s)	Action Required
		<p>CE in C</p> <p>Concerns on how CE in C would consider a draft plan:</p> <ul style="list-style-type: none"> - whether CE in C was divided into groups to consider different subjects; and - the time taken by CE in C in making a decision on a draft plan. <p>Members noted view of a non-official member of the Land and Building Advisory Committee that a time limit should be set for CE in C to consider draft plans submitted by TPB (LC Paper No. CB(1)790/03-04(01)).</p> <p><i>section 8(2)</i> CSA supported by members</p>	<p>The Administration to take action under paragraph 3(e) of the minutes</p>
012604 – 012612	Administration Chairman	<p><u>Clause 11</u> (section 9) CSA supported by members</p>	
012613 – 013939	Administration Chairman Mr Andrew WONG Mr Albert HO Mr IP Kwok-him	<p><u>Clause 12</u> <i>sections 12(1) & (1A)</i></p> <p>Administration's advice that section 12(1A) was intended to streamline procedure</p> <p>Some members' concern that the present drafting of section 12(1A) would enable the Chief Executive to delegate the power to refer any approved plan to TPB for replacement or amendment to public officers</p> <p><i>section 12(2)</i> CSA supported by members</p>	<p>The Administration to take action under paragraph 3(f) of the minutes</p>
013940 – 014453	SALA2 Administration	<p>section 12(3) Clarification on the expressions of “in accordance with the foregoing provisions of this Ordinance in like manner as the plan” and “to this intent</p>	

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Time marker	Speaker	Subject(s)	Action Required
		where the reference is under subsections (1A)(b)” <i>sections 12(3),(4) & (5)</i> CSAs supported by members	
014454 – 015225	Chairman Clerk Ms Emily LAU Mr IP Kwok-him Mr Albert CHAN	Date of next meeting and additional meetings	

Council Business Division 1
Legislative Council Secretariat
28 May 2004