

立法會
Legislative Council

LC Paper No. CB(1)2025/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/02/2

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

**Minutes of nineteenth meeting held on
Thursday, 20 May 2004, at 2:30 pm
in Conference Room B 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 Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon IP Kwok-him, JP
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Hon LAU Wong-fat, GBS, JP
Dr Hon TANG Siu-tong, 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)1865/03-04 -- Minutes of sixteenth meeting on
29 April 2004)

The minutes of the sixteenth meeting held on 29 April 2004 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1)1864/03-04(01) -- List of follow-up actions
arising from discussion at the
meeting on 13 May 2004

LC Paper No. CB(1)1829/03-04(01) -- Administration's response to
the Bills Committee's
suggestion of expressly
providing in law that the
meetings held by the Town
Planning Board to hear
representation be open to the
public

LC Paper No. CB(1)1725/03-04(01) -- Draft Committee Stage
Amendments (CSAs) to

Action

	Clauses 13 to 18 of the Bill proposed by the Administration
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 13 section 12A

Subsection (1)

- (a) to refine the drafting. The Chairman suggested an alternative version of drafting such as "..... any person may apply to the Town Planning Board (TPB) to consider any proposal";
- (b) to consider whether it was appropriate to specify a period after a draft plan had been approved within which an application for amendment of the plan could not be made;

Subsection (7)

- (c) to provide a pledge at the Second Reading Debate on the Bill that TPB would, as far as practicable, cause a notice concerning amendment of plan to be posted in a prominent position and published in newspapers;
- (d) to propose a Committee Stage Amendment to subsection(7)(b) to the effect that a notice should be published in two local Chinese newspapers and one English newspaper;

Subsection (8)

- (e) to provide a written confirmation about the minimum size of notice and the provision of such details in the guidelines/code of practice of TPB;

Subsection (8A)

Action

- (f) to delete the subsection;

Subsection (23)

- (g) to review the definition of "current land owner" to remove uncertainty about legal title. The Chairman was concerned about the legal title of property the assignment of which was pending registration in the Land Registry; and

Clause 14 section 14

- (h) to review how the provision could be amended to allay members' concern that the cost incurred in processing applications made by Government departments would not be shouldered by other applicants. It had been suggested that regulation to prescribe fees under subsection (2) should be made by positive vetting.

III. Any other business

- 4. Members agreed to hold the next meeting on **Tuesday, 25 May 2004, at 2:30 pm.**
- 5. The meeting ended at 4:30 pm.

Council Business Division 1
Legislative Council Secretariat
3 June 2004

**Proceedings of the nineteenth meeting of the
Bills Committee on Town Planning (Amendment) Bill 2003
on Thursday, 20 May 2004, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000128	Chairman	Confirmation of minutes of the sixteenth meeting held on 29 April 2004 (LC Paper No. CB(1)1865/03-04)	
000129 - 000506	Chairman Administration	<u>Clause 13 (section 12A)</u> <i>Subsection (1)</i> The Chairman's suggestion to refine the drafting of subsection (1), such as by using the expression "... any person may apply to the Town Planning Board (TPB) to consider any proposal ..."	The Administration to take action under paragraph 3(a) of the minutes
000507 - 002732	Mr Albert CHAN Mr WONG Sing-chi Administration Chairman	Concern about possible abuse if TPB had to consider proposals made by members of the public at any time in relation to an original approved plan Need to specify a period after a draft plan had been approved within which an application for amendment of the plan could not be made	The Administration to take action under paragraph 3(b) of the minutes
002733 - 003614	SALA2 Administration Chairman	<i>Subsections (2) & (3)</i> CSA supported by members <i>Subsection (4)</i> Need for the requirement for an applicant to verify any matters or particulars set out or included in an application for amendment of plan. No such requirement for representations or comments on representations relating to draft plans	

Time marker	Speaker	Subject(s)	Action Required
003615 - 003812	Administration Chairman	<i>Subsections (5) & (6)</i> CSA supported by members	
003813 - 004209	Mr IP Kwok-him SALA2 Chairman Administration	<i>Subsection (7)</i> Clarification on the expression "on or near the land" Request that a notice concerning amendment of plan be posted in a prominent position and published in newspapers	The Administration to take action under paragraphs 3(c) & 3(d) of the minutes
004210 - 004550	Administration Chairman Mr WONG Sing-chi	<i>Subsection (8)</i> Enquiry on the minimum size of notice. Members considered that relevant details be provided in TPB's guidelines/code of practice.	The Administration to take action under paragraph 3(e) of the minutes
004551 - 004948	SALA2 Chairman Administration Mr Abraham SHEK	<i>Subsection (8A)</i> Agree with deletion of subsection (8A) which was considered unnecessary	The Administration to take action under paragraph 3(f) of the minutes
004949 - 005216	Administration Chairman Mr LAU Ping-cheung Mr Albert HO	<i>Subsections (9) to (11)</i> CSA supported by members Clarification of purpose of subsection (11A), i.e. to make available all comments on applications for amendments of plan for public inspection <i>Subsection (12)</i> CSA supported by members	
005217 - 005316	Mr LAU Ping-cheung Administration	<i>Subsections (13) & (13A)</i>	

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Time marker	Speaker	Subject(s)	Action Required
	Chairman	Confirmation that where further information was minor and technical in nature, no need to regard the date of receiving further information as the date of the application	
005317 - 005735	Administration Chairman	<i>Subsections (14) to (15)</i> CSA supported by members	
005736 - 011155	SALA2 Administration	<i>Subsection (16)</i> Clarification that unlike sections 6D and 6H, only the applicant concerned would be invited to attend a meeting held by TPB to consider an application for amendment of plan	
011156 - 012753	Mr LAU Ping-cheung Chairman Mr WONG Sing-chi SALA2 Mr Albert HO Mr Andrew WONG Administration	Clarification on the expression "the applicant is entitled to attend and to be heard, either in person or by an authorized representative" under subsection (16) Concern whether the applicant and his authorized representative could both attend and present at the meeting Administration's advice that no problems encountered so far. Either the applicant or his authorized representative to present at any one time	
012754 - 013509	Administration Chairman	<i>Subsections (17) to (22)</i> CSA supported by members <i>Subsection (23)</i> Enquiry on the definition of "current land owner". Concern about the legal title of property the assignment of which was pending registration in the Land Registry.	The Administration to take action under paragraph 3(g) of the minutes

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Time marker	Speaker	Subject(s)	Action Required
		Administration's advice that legal owner did not include assignee pending registration	
013510 - 015149	Administration Chairman Ms Emily LAU Mr Albert CHAN Mr Albert HO SALA2	<p><u>Clause 14 (section 14)</u></p> <p>Members' query why Government departments were exempted from payment of fees and concern that the cost incurred in processing applications made by Government departments were shouldered by other applicants</p> <p>Administration's advice that the fee was calculated on unit cost basis and there would be no cross subsidy of government applications by non-government applications. A fee schedule was currently under preparation.</p> <p>Members' suggestion that regulation to prescribe fees under subsection (2) be made by positive vetting.</p>	The Administration to take action under paragraph 3(h) of the minutes
015150 - 015231	Chairman	Date of next meeting	