

立法會
Legislative Council

LC Paper No. CB(1)2397/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/02/2

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

**Minutes of twenty-third meeting held on
Tuesday, 8 June 2004, at 2:30 pm
in the Chamber 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 Albert CHAN Wai-yip
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon LAU Wong-fat, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon WONG Sing-chi
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

Miss CHEUK Hau-kwan, Elsa
Senior Town Planner/Prosecution 2
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)2025/03-04 -- Minutes of nineteenth meeting on
20 May 2004)

The minutes of the nineteenth meeting held on 20 May 2004 were confirmed.

- II. Meeting with the Administration**
(LC Paper No. CB(1)2064/03-04(01) -- List of follow-up actions
arising from discussion at the
meeting on 4 June 2004
LC Paper No. CB(1)2064/03-04(02) -- Administration's response to
follow-up actions arising from
meetings in April and May
2004
LC Paper No. CB(1)2024/03-04(02) -- Information paper provided by
the Administration on

Action

- LC Paper No. CB(1)2024/03-04(03) -- "Notices in relation to applications for amendment of plans and planning permissions"
- LC Paper No. CB(1)2016/03-04(02) -- Information paper provided by the Administration on "Submission of draft plans to the Chief Executive in Council for approval"
- LC Paper No. CB(1)1829/03-04(01) -- Information paper provided by the Administration on "Requirements for submission of representations under Section 6, comments under Section 6A and further representations under 6F"
- 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)

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

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

Section 2

- (a) to review the proposed Committee Stage Amendments (CSAs) to section 2 concerning opening of meetings of the Town Planning Board (TPB). Members raised the following concerns:
- (i) it was unclear whether the present drafting would include meetings of committees of TPB; and
 - (ii) the scope of proposed subsection (5B)(b)(v), in particular the phrase "any investigation carried out under the laws of Hong Kong" was too wide.

A member did not agree with the proposed CSAs. He was of the view that it should expressly provide in law that the deliberation part of TPB meetings should be held in camera.

Action

LC Paper No. CB(1)2064/03-04(02)

- (b) to provide further information concerning appointment and removal of managers of tsos/t'ongs under the first item of the paper. Members were concerned that in appointing or removing managers of tso/t'ong, whether the Secretary for Home Affairs would take into consideration the conviction of managers in relation to unauthorized developments.

III. Any other business

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

Council Business Division 1
Legislative Council Secretariat
15 July 2004

**Proceedings of the twenty-third meeting of the
Bills Committee on Town Planning (Amendment) Bill 2003
on Tuesday, 8 June 2004, at 2:30 pm
in the Chamber of the Legislative Council Building**

| Time marker | Speaker | Subject(s) | Action Required |
|-----------------|--|--|-----------------|
| 000000 - 000159 | Chairman | Confirmation of minutes of the nineteenth meeting held on 20 May 2004 (LC Paper No. CB(1)2025/03-04) | |
| 000200 - 001259 | Administration | Briefing on the draft Committee Stage Amendments (CSAs) to Clause 3 of the Bill (Section 2 of the Town Planning Ordinance) tabled at the meeting (subsequently circulated for members' reference vide LC Paper No. CB(1)2103/03-04(01) on 9 June 2004)) | |
| 001300 - 002103 | Ms Audrey EU Chairman Administration | <u>Clause 3 (section 2)</u> Concern about possible misunderstanding if the meetings of the Town Planning Board (TPB) were partially open to the public because the public might not have a complete picture of the issues. The Administration's advice that misunderstanding could be avoided because the full minutes of the TPB meetings would be made public and uploaded onto the TPB website. Clarification on expression "the meeting or any part or parts of the meeting" under proposed subsection (5B)(b) | |
| 002104 - 002534 | Mr Albert HO Mr Albert CHAN Administration | Administration's confirmation that except TPB's deliberation for making decisions set out under proposed subsection (5B)(a) and the circumstances set out under proposed subsection (5B)(b), all TPB meetings | |

| Time marker | Speaker | Subject(s) | Action Required |
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| | | <p>would be open to the public</p> <p>Administration's advice that as stated in proposed subsection (5B)(a), the deliberation of TPB would commence "after hearing any person who, not being a member of the Board, is entitled or allowed to be heard"</p> | |
| 002535 - 004355 | <p>Mr Albert CHAN Ms Audrey EU Administration Chairman</p> | <p>Members' concern that the scope of the expression "any investigation carried out under the laws of Hong Kong" under proposed subsection (5B)(b)(v) was too wide</p> | <p>The Administration to take action under paragraph 3(a)(ii) of the minutes</p> |
| 004356 - 005052 | <p>SALA2 Administration Ms Audrey EU Chairman</p> | <p>Administration's confirmation that proposed subsection (5B)(a) would cover meetings held more than one day to deliberate the same issue</p> <p>Concern on whether the present drafting of proposed section would be applicable to meetings of TPB's committees</p> | <p>The Administration to take action under paragraph 3(a)(i) of the minutes</p> |
| 005053 - 005715 | <p>Ms Emily LAU Mr Albert CHAN Administration</p> | <p>Administration's confirmation that TPB would review its practice and procedures in relation to conduct of TPB meetings if such meetings were open to the public</p> | |
| 005716 - 010507 | <p>Mr Andrew WONG</p> | <p>Proposed CSAs not supported. The Administration should expressly provide in law that the deliberation part of TPB meetings should be held in camera.</p> | |
| 010508 - 011117 | <p>Chairman Administration Mr Andrew WONG</p> | <p>Administration's response to follow-up actions arising from meetings in April and May 2004 (LC Paper No. CB(1)2064/03-04(02))</p> <p><u>Clause 2 (section 1A)</u> Members were concerned that in</p> | <p>The Administration</p> |

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| Time marker | Speaker | Subject(s) | Action Required |
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| | | appointing or removing managers of tso/t'ong, whether the Secretary for Home Affairs would take into consideration the conviction of managers in relation to unauthorized developments. | to take action under paragraph 3(b) of the minutes |
| 011118 - 011224 | Administration | <p><u>Sections 2 & 2A, Clause 5 (section 2B)</u></p> <p>Administration's response noted by members</p> | |
| 011225 - 011915 | Administration Mr Andrew WONG | <p><u>Clause 7 (section 6)</u></p> <p>Administration's advice that CSA be provided concerning the suggestion of expressly requiring the nature of representation be indicated in the representation (subsection (2))</p> | |
| 011916 - 013413 | Administration | <p><u>Clause 8 (section 6A)</u></p> <p>Briefing on "Requirements for submission of representations under Section 6, comments under Section 6A and further representations under 6F" (LC Paper No. CB(1)2016/03-04(02))</p> <p><u>Clause 8 (sections 6D & 6E)</u></p> <p>Administration's response noted by members</p> <p><u>Clause 8 (section 6H)</u></p> <p>Administration's advice that revised CSAs be provided for members' consideration</p> <p><u>Clause 8 (sections 6J) & Clause 9 (section 7)</u></p> | |

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| Time marker | Speaker | Subject(s) | Action Required |
|--------------------|--|--|------------------------|
| | | Administration's response noted by members | |
| 013414 - 013748 | Administration | <u>Clause 10 (section 8)</u> Briefing on "Submission of draft plans to the Chief Executive in Council (CE in C)" (LC Paper No. CB(1)2024/03-04(03)) | |
| 013749 - 014904 | Ms Emily LAU Administration Mr Andrew WONG Mr Albert CHAN Chairman | Enquiry on the number of draft plans submitted by TPB which were rejected by CE in C Enquiry on the membership of the Lands and Works Sub-committee under CE in C | |
| 014905 - 015229 | Chairman | Date of next meeting and further meetings | |

Council Business Division 1
Legislative Council Secretariat
15 July 2004