

立法會
Legislative Council

LC Paper No. CB(1)2398/03-04

(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-fourth meeting held on
Thursday, 10 June 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 WONG Sing-chi
Hon IP Kwok-him, JP
- Members absent** : Hon Albert HO Chun-yan
Hon LAU Wong-fat, GBS, 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)2099/03-04(01) -- List of follow-up actions arising from discussion at the meeting on 8 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 "Notices in relation to applications for amendment of plans and planning permissions"
- LC Paper No. CB(1)2103/03-04(01) -- Draft Committee Stage Amendments to Clause 3 of the Bill (Section 2 of the Town Planning Ordinance) proposed by the Administration)

The Bills Committee deliberated (Index of proceedings attached at

Action

Appendix).

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

Sections 12A(23) and 16(8)

- (a) to revise the Committee Stage Amendment to the definition of current land owner to include owners pending registration;
- (b) to reconsider how an applicant was deemed to have notified the land owner. Some members suggested that where the land owners were less than a certain number, such as 30 or 50, an applicant should be required to notify the landowners by registered mails;

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

- (c) to report to the Panel on Planning, Lands and Works the implementation of the Bill in respect of the following aspects:
 - (i) posting of site notices. TPB would, as far as practicable, cause a notice concerning planning applications to be posted in a prominent position and published in newspapers. The site for posting of notice should have heavy pedestrian flow in order to attract wider public attention;
 - (ii) definition of current land owner. TPB would, after consulting the trade, publish in the Gazette a period before a planning application was made for the purpose of determining the current land owner as registered in the Land Registry;
 - (iii) ensuring notices about planning applications to be kept posted. The Administration would liaise with the Home Affairs Department on carrying out periodic check of notices to ensure as far as possible that the notices were kept posted;
 - (iv) relationship between Town Planning Ordinance (TPO) and land held by military organizations and consulates. The Administration was requested to provide a paper for the Bills Committee's consideration and later discussion by the Panel on Planning, Lands and Works and/or the Panel on Security;
 - (v) principles underlying the local and overseas town planning systems. Members were concerned how the objective stipulated in section 3(1) of TPO could be achieved by TPB

Action

in the discharge of its functions and about the relative importance accorded to public interest and private interest in the plan-making and approval processes. The Administration was requested to provide a paper to the Bills Committee's consideration and later discussion by the Panel on Planning, Lands and Works;

- (vi) voting by TPB members without hearing all relevant representations. Some members were concerned that a decision made by TPB might be subject to challenge if TPB members voted on a matter without hearing all the relevant representations; and
 - (vii) use of land in areas covered by conservation-related zoning. A member was concerned about the criteria adopted for considering and approving land use in areas covered by conservation-related zoning; and
- (d) to review at the later stages of amendments to TPO the viability of making available information relating to appeal applications for public inspection.

II. Any other business

3. Members agreed to hold the next meeting on **Tuesday, 15 June 2004, at 2:30 pm.**
4. The meeting ended at 2:00 pm.

Council Business Division 1
Legislative Council Secretariat
15 July 2004

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

Time marker	Speaker	Subject(s)	Action Required
000000 - 000433	Chairman	Opening remarks	
000434 - 000905	Administration Chairman	Administration's response to follow-up actions arising from meetings in April and May 2004 (LC Paper No. CB(1)2064/03-04(02)) <u>Clause 12 (section 12)</u> Administration's response noted by members	
000906 - 001200	Administration Chairman	<u>Clause 13 (section 12A)</u> <i>Subsection (1)</i> Administration's advice that it was not appropriate without public consultation at the present stage to specify a period after a draft plan had been approved within which an application for amendment of plan could not be made	
001201 - 002611	Administration Chairman Ms Emily LAU Mr WONG Sing-chi	Briefing on "Notices in relation to applications for amendment of plans and planning permissions" (LC Paper No. CB(1)2024/03-04(02)) Members considered that the Town Planning Board (TPB) should cause a notice concerning planning applications to be posted in a prominent position and published in newspapers. The site for posting of notice should have heavy pedestrian flow in order to attract wider public attention.	The Administration to take action under paragraph 2(c)(i) of the minutes
002612 - 004615	Chairman	<u>Clause 13 (section 12A)</u>	

Time marker	Speaker	Subject(s)	Action Required
	<p>Mr Abraham SHEK SALA2 Ms Emily LAU Administration</p>	<p><i>Subsection (23)</i></p> <p>Clarification on the definition of "current land owner" and the expression "... such period before the application is made as is specified by the Board by notice in the Gazette."</p> <p>Members considered that TPB should after consulting the trade publish in the Gazette a period before a planning application was made for the purpose of determining the current land owner as registered in the Land Registry.</p>	<p>The Administration to take action under paragraph 2(a) of the minutes</p> <p>The Administration to take action under paragraph 2(c)(ii) of the minutes</p>
004616 - 005040	<p>Administration Ms Emily LAU Chairman</p>	<p><u>Clauses 13, 16 and 18 (sections 12A, 16 and 17)</u></p> <p>Members urged the Administration to liaise with the Home Affairs Department to carry out periodic check of notices to ensure as far as possible that the notices were kept posted during the three-week exhibition period.</p>	<p>The Administration to take action under paragraph 2(c)(iii) of the minutes</p>
005041 - 010107	<p>Mr Abraham SHEK Chairman Administration Mr Andrew WONG</p>	<p>Recapitulation of views from the Real Estate Developers Association of Hong Kong (LC Paper No. CB(1)1420/03-04(01)) on the feasibility of waiving the requirement for publishing applications for amendment of plan or planning permission which involved sensitive information.</p> <p>The Administration's response (LC Paper No. CB(1)678/03-04(03)) remained valid, i.e. all applications for amendment of plan or planning permission would be published for enhancing transparency of the planning approval process</p>	

tion

Time marker	Speaker	Subject(s)	Action Required
010108 - 010212	Administration Chairman Ms Emily LAU Mr Abraham SHEK	<u>Clause 14 (section 14)</u> <i>Subsections (3) and (5)</i> Proposed amendments tabled at the meeting noted by members	
010213 - 014901	Administration Chairman Ms Emily LAU Mr Abraham SHEK Dr TANG Siu-tong Mr Andrew WONG SALA2	<u>Clause 16 (section 16)</u> The Chairman's view that section 12A(5)(a) should be amended to read "the applicant does not comply with any of the requirements specified in or made under subsection (3)(b)". The Administration would consider the Chairman's suggestion. Members' concern on how an applicant was deemed to have notified the land owner. Some members suggested that where the land owners were less than a certain number, such as 30 to 50, an applicant should be required to notify the landowners by registered mails. SALA2's remark that section 12A(3) did not require a notification to be given in written form to the land owner. Besides, the Administration might consider amending item (b) on page 2 of the draft form "Application for Permission under section 16 of the Town Planning Ordinance (TPO)" (Annex B to LC Paper No. CB(1)2064/03-04(02)) to read as "I have given consent to the applicant/ I have been notified by the applicant ..."	The Administration to take action under paragraph 2(b) of the minutes
014902 - 021449	Break		

tion

Time marker	Speaker	Subject(s)	Action Required
021450 - 021822	Administration Chairman	<u>Clause 17 (section 16A) and Clause 18 (section 17)</u> Administration's response noted by members	
021823 - 023215	Administration Chairman Mr IP Kwok-him SALA2	<u>Clause 19 (section 22)</u> <i>Subsection (9)</i> Administration's confirmation that subsection (9) would cover both natural person and legal person	
023216 - 025428	Administration Chairman Mr Andrew WONG	Justification on land held by military organizations and consulates not being subject to TPO Administration's advice that when military land was not used for the designated purpose, it had to be returned to Government	The Administration to take action under paragraph 2(c)(iv) of the minutes
025429 - 025834	Administration Mr Andrew WONG Mr WONG Sing-chi	Concern on how the objective stipulated in section 3(1) of TPO could be achieved by TPB in the discharge of its functions and about the relative importance accorded to public interest and private interest in the plan-making and approval processes	The Administration to take action under paragraph 2(c)(v) of the minutes
025835 - 030351	Administration Chairman Mr Andrew WONG Dr TANG Siu-tong	Query that a decision made by TPB might be subject to challenge if TPB members voted on a matter without hearing all the relevant representations	The Administration to take action under paragraph 2(c)(vi) of the minutes
030352 - 030600	Mr Andrew WONG Administration	Clarification on criteria adopted for considering and approving land use in areas covered by conservation-related zoning	The Administration to take action under paragraph 2(c)(vii) of the minutes
030601 - 030629	Mr Andrew WONG	Viability of making available	The Administration

tion

Time marker	Speaker	Subject(s)	Action Required
	Chairman Administration	information relating to appeal applications for public inspection	to take action under paragraph 2(d) of the minutes
030630 - 030652	Chairman	Date of next meeting and the way forward	

Council Business Division 1
Legislative Council Secretariat
15 July 2004