

立法會
Legislative Council

LC Paper No. CB(1)2555/02-03
(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/02/2

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

**Minutes of second meeting held on
Thursday, 18 September 2003, at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Hon James TO Kun-sun (Chairman)
Hon Cyd HO Sau-lan
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 Audrey EU Yuet-mee, SC, JP

Members absent : Hon LAU Wong-fat, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon WONG Sing-chi
Hon IP Kwok-him, JP
Hon LAU Ping-cheung

Public officers attending : Mr Thomas TSO
Acting Permanent Secretary for Housing, Planning
and Lands (Planning and Lands)

Miss Christine CHOW
Principal Assistant Secretary for Housing, Planning
and Lands (Planning and Lands)2

Ms Betty HO
Assistant Secretary for Housing, Planning and Lands
(Planning and Lands) (Planning)3

Mr Jimmy LEUNG
Assistant Director of Planning (Technical Services)

Ms Sherman CHAN
Senior Assistant Law Draftsman
Department of Justice

Attendance by Invitation : Civic Exchange

Ms Christine LOH
Chief Executive Officer

Mr Jeremy KIDNER
Consultant

The Association of Planning Consultants of Hong Kong Limited

Mr Ian BROWNLEE
Chairman

The Hong Kong Institute of Planners

Mr Roger M H TANG
Vice-President

World Wide Fund for Nature Hong Kong

Dr Alan LEUNG
Senior Conservation Officer

Ms Karen WOO
Conservation Officer

Clerk in attendance : Miss Odelia LEUNG
Chief Assistant Secretary (1)4

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mr S C TSANG
Senior Assistant Secretary (1)7

Action

- I. Meeting with the Administration**
(LC Paper No. CB(1)2456/02-03(01) -- The Administration's response to public submissions)
- II. Meeting with deputations**
- (LC Paper No. CB(1)2390/02-03(03) -- Submission from the Association of Planning Consultants of Hong Kong
- LC Paper No. CB(1)2390/02-03(05) -- Submission from the Hong Kong Institute of Planners
- LC Paper No. CB(1)2390/02-03(10) -- Submission dated 22 August 2003 from World Wide Fund for Nature Hong Kong
- LC Paper No. CB(1)2390/02-03(07) -- Submission dated 25 August 2003 from the Law Society of Hong Kong
- LC Paper No. CB(1)2390/02-03(09) -- Submission dated 22 August 2003 from Urban Watch
- LC Paper No. CB(1)2451/02-03(01) -- Submission dated 26 July 2003 from the Advisory Council on the Environment
- LC Paper No. CB(1)2451/02-03(02) -- Submission dated 12 August 2003 from the Hong Kong Institution of Engineers
- LC Paper No. CB(1)2456/02-03(02) -- Summary of concerns/views raised by organizations)

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

Admin 2. Members requested and the Administration agreed to address each point raised by the deputations in its written response, in particular the following major issues:

- (a) Independence and impartiality of the Town Planning Board (TPB) - whether the Chairmen, Vice-Chairmen and secretaries of TPB and of its committees should be public officers;

Action

- (b) Power of the Chief Executive - the difference between Town Planning (Amendment) Bill 2003 and Town Planning Bill 2000 in terms of the power of the Chief Executive (CE) and CE in Council in the planning process;
- (c) Availability of judicial review - whether the shift of decision-making powers to the CE in Council under the Bill would have the effect of limiting the opportunity to seek judicial review of the decisions of TPB;
- (d) Application of the Bill - reasons for a disparity of treatment between Government and the private sector in the plan making and plan amendment process. According to a deputation, over 95% of amendments of plans were initiated by Government; and
- (e) Stages of amendments to the Town Planning Ordinance (TPO) - whether amendments to other aspects of TPO should be expedited and fundamental issues such as independence and transparency of TPB be included in the present stage of amendments.

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Members also requested the Administration to provide a paper to compare the powers given to CE and CE in Council under the 2000 Bill and 2003 Bill and the implications of the relevant provisions in the 2003 Bill on the transparency of the town planning process.

III. Any other business

3. Members agreed to hold the next meeting on **Wednesday, 24 September 2003, at 2:30 pm** to meet with the Administration and deputations.

4. The meeting ended at 12:47 pm.

Council Business Division 1
Legislative Council Secretariat
7 October 2003

**Proceedings of the second meeting of the
Bills Committee on Town Planning (Amendment) Bill 2003
on Thursday, 18 September 2003, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000234	Chairman	Opening remarks	
000235 - 002433	Administration	Briefing on the Town Planning (Amendment) Bill 2003 (2003 Bill)	
002434 - 003256	Civic Exchange	Presentation of views (submission tabled at the meeting and circulated vide LC Paper No. CB(1)2481/02-03(01) on 19 September 2003)	
003257 - 005332	The Association of Planning Consultants of Hong Kong Limited (APCHK)	Presentation of views (LC Paper No. CB(1)2390/02-03(03))	
005333 - 005817	The Hong Kong Institute of Planners (HKIP)	Presentation of views (LC Paper No. CB(1)2390/02-03(05))	
005818 - 010915	World Wide Fund for Nature Hong Kong (WWF)	Presentation of views (LC Paper No. CB(1)2390/02-03(10))	
010916 - 010918	Chairman	Administration's response to deputations' views / concerns	The Administration to provide a written response to address each point raised by deputations
010919 - 011302	Ms Cyd HO APCHK Chairman	Rationale for the proposal of conferring power to the Chief Executive (CE) to amend the draft plans submitted by the Town Planning Board (TPB) (clause 11) under the 2003 Bill. Concern on the differences between the 2003 Bill and the Town Planning Bill 2000 (2000	

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Time marker	Speaker	Subject(s)	Action Required
		Bill) in respect of the power of CE in the town planning process	
011303 - 012445	Ms Emily LAU WWF APCHK HKIP Chairman	Concern on whether amendments to other aspects of the Town Planning Ordinance (TPO) should be expedited and fundamental issues such as independence and transparency of Town Planning Board (TPB) should be included in the present stage of amendments under the 2003 Bill	
012446 - 013724	Mr Albert HO APCHK	Chairmanship, openness and accountability of TPB	
013725 - 014324	Mr Abraham SHEK HKIP APCHK Chairman	Implications of staged amendments to TPO	
014325 - 020200	Administration	Clarification on the town planning process including the role of the Government and TPB and the objective of the proposals under the 2003 Bill	
020201 - 020234	Ms Cyd HO Chairman Administration	Comparison of the 2000 Bill and 2003 Bill on powers given to CE and CE in Council and the implications of the relevant provisions in the 2003 Bill on transparency of the town planning process	The Administration to provide a paper on the subject
020235 - 020239	Chairman	Date of next meeting	