

立法會
Legislative Council

LC Paper No. CB(1)22/03-04
(These minutes have been
seen by the Administration)

Ref : CB1/BC/12/02/2

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

**Minutes of third meeting held on
Wednesday, 24 September 2003, at 2:30 pm
in the Chamber of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)
Hon Emily LAU Wai-hing, JP
Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon IP Kwok-him, JP
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon Andrew WONG Wang-fat, JP
Hon LAU Wong-fat, GBS, JP
Hon WONG Sing-chi
- 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 Betty HO
Assistant Secretary for Housing, Planning and Lands
(Planning and Lands) (Planning)3

Attendance by Invitation : The Real Estate Developers Association of Hong Kong

Mr Keith KERR
Chairman, Executive Committee

Mr Louis LOONG
Secretary General

Mr Ian BROWNLEE
Planning Consultant

The Hong Kong Institute of Architects

Mr Vincent NG
Chairman, Planning & Lands Committee

Mr Michael CHIANG
Member, Planning & Lands Committee

The Hong Kong Institute of Surveyors

Mr Tony TSE
Senior Vice-President

Mr Bernard CHAN
Chairman, Town Planning & Development Committee

Town Planning Board

Dr W K CHAN
Member, Town Planning Board
(also Vice-Chairman of the Board's Metro Planning Committee)

Professor Anthony M J COORAY
Member, Town Planning Board

Heung Yee Kuk New Territories

Mr LAM Kwok-cheong, JP
Ex-officio Executive Councillor

Mr Kingsley SIT Ho-yin
Co-opted Councillor

The Association of Architectural Practices Ltd.

Mr Dennis LAU, JP
Chairman

Hong Kong Institute of Real Estate Administration

Mr CHAN Yiu-chung
Vice President

Mr Stanley WONG
Vice President

Hong Kong Real Estate Agencies General Association Ltd.

Mr LUN Chi-yim
Chairman

The Association of the New Territories Open Storage Operators Limited

Mr TANG Kwan-shing
Chairman

Mr LAM Chor-keung
Member

Kadoorie Farm & Botanic Garden

Mr Mike KILBURN
Public Policy Analyst

Individual

Mr Edwin C L TSANG

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 deputations

- (LC Paper No. CB(1)2390/02-03(08) -- Submission from the Real Estate Developers Association of Hong Kong
- LC Paper No. CB(1)2390/02-03(04) -- Submission dated 20 August 2003 from the Hong Kong Institute of Architects
- LC Paper No. CB(1)2390/02-03(06) -- Submission from the Hong Kong Institute of Surveyors
- LC Paper No. CB(1)2451/02-03(04) -- Submission dated 10 September 2003 from Town Planning Board
- LC Paper No. CB(1)2484/02-03(01) -- Submission dated 20 September 2003 from Heung Yee Kuk New Territories
- LC Paper No. CB(1)2390/02-03(02) -- Submission from the Association of Architectural Practices Ltd.
- LC Paper No. CB(1)2451/02-03(03) -- Submission dated 8 September 2003 from the Hong Kong Institute of Real Estate Administration
- LC Paper No. CB(1)2483/02-03(01) -- Submission from the Association of the New Territories Open Storage Operators Limited
- LC Paper No. CB(1)2494/02-03(01) -- Submission from Kadoorie Farm & Botanic Garden
- LC Paper No. CB(1)2483/02-03(02) -- Submission dated 15 August 2003 from Mr Edwin TSANG addressed to the Chief Executive
- LC Paper No. CB(1)2494/02-03(02) -- Second submission dated 19

Action

- September 2003 from Mr Edwin TSANG
- LC Paper No. CB(1)2494/02-03(03) -- Submission from the Land and Building Advisory Committee
- LC Paper No. CB(1)2494/02-03(04) -- Extract of confirmed minutes of the 54th Planning Subcommittee of the Land and Building Advisory Committee meeting held on 27 August 2003
- LC Paper No. CB(1)2456/02-03(02) -- Summary of concerns/views raised by organizations)

II. Meeting with the Administration

- (LC Paper No. CB(1)2484/02-03(02) -- Major issues raised at the meeting on 18 September 2003
- LC Paper No. CB(1)2456/02-03(01) -- The Administration's response to public submissions)

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

- Admin. 2. Members reiterated their request to the Administration for the provision of a written response to address each of the points raised by deputations and in their written submissions and a paper to compare the powers given to the Chief Executive (CE) and CE in Council under the Town Planning Bill 2000 and the Town Planning (Amendment) Bill 2003 (2003 Bill) as well as the implications of the relevant provisions in the 2003 Bill on the transparency of the town planning process.

(Post-meeting note : The Administration's paper on comparison of the powers of CE and CE in Council in the town planning process was circulated for members' reference vide LC Paper No. CB(1)2527/02-03 on 30 September 2003.)

- Admin. 3. In the light of the issues raised by the deputations, the Chairman asked the Clerk to request the Administration to provide the following information:
- (a) To provide a breakdown of the number of members attending the Town Planning Board (TPB) meetings over the past three years;
- (b) To advise whether all TPB members received agendas and papers for all TPB meetings irrespective of whether they would attend the

Action

meetings; and

- (c) To advise the circumstances under which the Government would or would not notify the owner(s) of the land which was the subject of application or amendment of plans or planning permission under the existing arrangement/practice.

LSD 4. Members requested the Legal Service Division (LSD) to provide legal advice on the liability of managers of a clan, family or t'ong under the existing law.

III. Any other business

5. Members agreed to hold the next meeting on **Monday, 13 October 2003, at 2:30 pm.**

6. The meeting ended at 5:40 pm.

Council Business Division 1
Legislative Council Secretariat
10 October 2003

**Proceedings of the third meeting of the
Bills Committee on Town Planning (Amendment) Bill 2003
on Wednesday, 24 September 2003, at 2:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000311	Chairman	Opening remarks	
000312 - 001250	The Real Estate Developers Association of Hong Kong (REDA)	Presentation of views (LC Paper No. CB(1)2390/02-03(08))	
001251 - 002153	The Hong Kong Institute of Architects (HKIA)	Presentation of views (LC Paper No. CB(1)2390/02-03(04))	
002154 - 003709	The Hong Kong Institute of Surveyors (HKIS)	Presentation of views (LC Paper No. CB(1)2390/02-03(06))	
003710 - 004451	Town Planning Board (TPB)	Presentation of views (LC Paper No. CB(1)2451/02-03(04))	
004452 - 005609	Heung Yee Kuk New Territories (HYK)	Presentation of views (LC Paper No. CB(1)2484/02-03(01)) (letter dated 24 September 2003 tabled at the meeting and circulated vide LC Paper No. CB(1)2512/02-03(05) on 25 September 2003))	
005610 - 010117	The Association of Architectural Practices Ltd. (AAP)	Presentation of views (LC Paper No. CB(1)2390/02-03(02)) (executive summary of views dated 24 September 2003 tabled at the meeting and circulated vide LC Paper No. CB(1)2512/02-03(03))	
010118 - 010438	Hong Kong Institute of Real Estate Administration (HKIREA)	Presentation of views (LC Paper No. CB(1)2451/02-03(03))	
010439 - 010625	Hong Kong Real	Presentation of views	

Time marker	Speaker	Subject(s)	Action Required
	Estate Agencies General Association Ltd. (HKREAGA)		
010626 - 011853	The Association of the New Territories Open Storage Operators Limited (ANTOSOL)	Presentation of views (LC Paper No. CB(1)2483/02-03(01)) (supplementary submission dated 24 September 2003 tabled at the meeting and circulated vide LC Paper No. CB(1)2512/02-03(04))	
011854 - 013145	Kadoorie Farm & Botanic Garden (KFBG)	Presentation of views (LC Paper No. CB(1)2494/02-03(01))	
013146 - 013820	Mr Edwin TSANG	Presentation of views (LC Papers Nos. CB(1)2483/02- 03(02) and 2494/02-03(02))	
013821 - 014804	Ms Audrey EU REDA HKIA AAP HKIREA KFBG	Whether fundamental issues such as independence and transparency of the Town Planning Board (TPB) should be dealt with first before considering the proposed amendments in the Town Planning (Amendment) Bill 2003 (the 2003 Bill) Concern that some proposals in the Bill went against the spirit to enhance public participation in the town planning process, e.g.: (a) the proposal to standardize the plan exhibition period for submitting representations to one month (Clauses 6 and 9(b)(i) - Sections 5 and 7(2)); and (b) the proposal to reduce the processing time of objections by TPB from nine to six months, after expiry of the plan exhibition period (Clause 10 - Section 8(2))	
014805 - 015846	ANTOSOL	Concern about the lack of public consultation and transparency in	

Time marker	Speaker	Subject(s)	Action Required
		<p>formulating TPB's guidelines, in particular the guidelines on "Application for Open Storage and Port Back-up Uses under Section 16 of the TPO" (TPB PG-No.13C)</p> <p>Consider it unfair to impose liability on managers of a clan, family or t'ong for offences in relation to unauthorized developments as they managed the land on a voluntary basis.</p>	
015847 - 020918	Ms Emily LAU TPB Chairman	Composition and chairmanship of TPB; feasibility of opening up TPB's meetings; need to review the quorum for meetings; and appropriateness of introducing staged amendments to TPO	
020919 - 021309	Mr LAU Ping-cheung HKIA AAP HKIREA REDA	Concern about the burden placed on applicants for notifying land owners involved in urban renewal projects and for amendments of plans and planning permission.	
021310 - 022145	HKIS KFBG	Distinction between the concepts of land ownership and land use	
022146 - 022233	HKREAGA	Suggestion to categorize applications for amendment of plans and planning permission according to their scale which should be handled differently by TPB	
022234 - 023100	Mr Abraham SHEK TPB	Concern about the lack of independent professional advice given to TPB at present	
023101 - 023559	Mr Abraham SHEK Ms Emily LAU Chairman TPB REDA	Concern about the impact of the proposal of conferring on CE the discretion to accept or discard proposed amendments by TPB under new Section 9(1A) on independence and authority of TPB in the town	

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Time marker	Speaker	Subject(s)	Action Required
		planning process	
023600 - 024558	Administration	<p>Preliminary response to deputations' views / concerns which covered the following issues:</p> <ul style="list-style-type: none"> (a) rationale for staged amendments to the TPO; (b) role of TPB and the Government; (c) on-going review on guidelines and practice notes issued by TPB; (d) statistics on planning applications rejected by TPB; (e) notification to land owners; and (f) power of CE in the 2000 Town Planning (Amendment) Bill and the 2003 Bill 	<p>The Administration to provide a written response to address each point raised by deputations</p> <p>The Administration to provide a paper on the subject</p>
024559 - 024645	Administration Chairman SALA ANTOSOL	Liability of managers of a clan, family or t'ong under the existing law	The Legal Service Division to provide legal advice on the subject
024646 - 024750	Mr Abraham SHEK Chairman	Availability of judicial review in relation to CE's decisions on plans and amendments to plans under the Bill	
024751 - 030109	Chairman Mr Albert CHAN Mr Abraham SHEK	Date of next meeting and the way forward	