

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 222/03-04  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/12/02/2

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

**Minutes of fourth meeting held on  
Thursday, 23 October 2003, at 2:30 pm  
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 LAU Wong-fat, GBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Albert CHAN Wai-yip  
Hon WONG Sing-chi  
Hon IP Kwok-him, JP  
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Emily LAU Wai-hing, JP  
Dr Hon TANG Siu-tong, JP  
Hon LAU Ping-cheung
- Public officers attending** : Miss Christine CHOW  
Principal Assistant Secretary for Housing, Planning  
and Lands (Planning and Lands)<sup>2</sup>
- Ms Betty HO  
Assistant Secretary for Housing, Planning and Lands  
(Planning and Lands) (Planning)<sup>3</sup>
- Mr Jimmy LEUNG  
Assistant Director of Planning (Technical Services)

Mr Wilson SO  
Chief Town Planner/Town Planning Board 2  
Planning Department

Ms Jacinta WOO  
Senior Town Planner/Ordinance Review  
Planning Department

Ms Sherman CHAN  
Senior Assistant Law Draftsman  
Department of Justice

Ms Vicki LEE Yuet-ming  
Senior Government Counsel  
Department of Justice

**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

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Action

**I. Confirmation of minutes**

(LC Paper No. CB(1)2555/02-03 -- Minutes of second meeting on 18  
September 2003

LC Paper No. CB(1)22/03-04 -- Minutes of third meeting on 24  
September 2003)

The minutes of the second and third meetings held on 18 & 24 September 2003 were confirmed.

**II. Meeting with the Administration**

(LC Paper No. CB(1)54/03-04(01) -- Consolidated response of the  
Administration to  
concerns/views raised by  
organizations

Action

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|----------------------------------|---|
| LC Paper No. CB(1)52/03-04       | -- Information paper provided by the Administration on "Attendance of Town Planning Board Meetings and Notification to Land Owners"   |
| LC Paper No. CB(1)2527/02-03     | -- Information paper provided by the Administration to compare the powers of the Chief Executive in Council and the Chief Executive in the planning process under the Town Planning Bill 2000 and Town Planning (Amendment) Bill 2003 |
| LC Paper No. CB(1)2520/02-03(01) | -- Administration's response to the issue of compensation raised by Heung Yee Kuk at its meeting with LegCo Members on 10 June 2003   |
| LC Paper No. CB(1)2520/02-03(02) | -- Case law in 1996 concerning the ruling of the Court of Appeal that managers of "tso/t'ong were regarded as land owners"  |
| LC Paper No. CB(1)2456/02-03(02) | -- Summary of concerns/views raised by organizations (as at 2 October 2003))  |

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

Discussion on the way forward

3. The Chairman said that many deputations had expressed concern that the Town Planning (Amendment) Bill 2003 (2003 Bill) had not addressed fundamental issues such as operation and composition of the Town Planning Board (TPB) and transparency of the town planning process. Without knowing how these fundamental issues would be dealt with, many deputations would prefer not to go ahead with the amendments in the 2003 Bill. In view of the concern of many deputations, the Bills Committee should discuss how to go forward.

Action

4. The Principal Assistant Secretary for Housing, Planning and Lands (Planning and Lands)<sup>2</sup> reiterated the objectives of the 2003 Bill. She appealed to members to continue with the scrutiny of the 2003 Bill. She suggested that in parallel with the work of the Bills Committee, issues to be addressed in Stage Two Amendments such as operation of the TPB could be discussed at the Panel on Planning, Lands and Works.

5. Mr Abraham SHEK Lai-him said that it was a matter of principle and in the public interest to consider the whole package of amendments to the Town Planning Ordinance (TPO). He considered it inappropriate to scrutinize the piece-meal amendments in the 2003 Bill then and leave the fundamental issues such as independence and composition of the TPB at a later stage of amendments. In his view, to proceed with the scrutiny work of the 2003 Bill would not be to the benefit of Hong Kong.

6. Mr WONG Sing-chi said that the Democratic Party supported continuation of the scrutiny of the 2003 Bill and urged the Administration to devise a timetable to address the fundamental issues.

7. Mr Albert CHAN Wai-yip opined that he supported the objectives of the 2003 Bill to enhance public participation in the town planning process, which was long overdue. To discontinue with the scrutiny of the 2003 Bill would not be in the interest of the public but of developers and building professionals.

8. Mr IP Kwok-him and Mr Albert HO Chun-yan considered that although the 2003 Bill could not address all the deficiencies of the present town planning process, some proposed amendments in the Bill had their merits and should be pursued. They both indicated support to continue with the scrutiny of the 2003 Bill.

9. Mr LAU Wong-fat said that the proposed amendments in the 2003 Bill concerning enforcement against unauthorized developments were not necessarily in the public interest.

10. Mr Andrew WONG Wang-fat said that the Administration should advise how and when it would address the various issues raised by the deputations and members before the Bills Committee decided whether or not to proceed with its work.

11. Mr Abraham SHEK Lai-him proposed and Mr LAU Wong-fat seconded to move the following motion:

"That the Bills Committee should suspend the scrutiny of the 2003 Bill pending the Administration's proposal to include the "Stage Two Amendments" in the Bill."

Action

12. The Chairman put the motion to vote. Mr Andrew WONG Wang-fat, Mr LAU Wong-fat and Mr Abraham SHEK Lai-him voted for and Mr Albert HO Chun-yan, Mr Albert CHAN Wai-yip, Mr WONG Sing-chi and Mr IP Kwok-him voted against the motion. The Chairman declared that the motion was not passed.

Follow-up actions to be taken by the Administration

Admin

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

- (a) to provide a breakdown of the number of official and non-official members attending each TPB meeting in 2002/03;
- (b) to advise on the number of items on which voting by TPB members was held in 2002/03 and the number of members who voted for and against and abstained on each occasion;
- (c) to advise on the sanctions, if any, on TPB members for breaching rules concerning declaration of interests;
- (d) to advise on the liability of and sanctions on TPB members, if any, for disclosing contents of restricted or confidential documents;
- (e) in connection with (d) above, to advise whether TPB members were required to sign an undertaking for non-disclosure of restricted or confidential information obtained in the course of performing functions of the TPB;
- (f) to provide a copy of the practice and procedure governing the operation of the TPB;
- (g) to provide the report of the review on guidelines for declaration of interests by TPB members carried out in 2001;
- (h) to advise on the legislative intent of section 9 of TPO when the TPO was enacted. Members were concerned whether the proposed amendment to section 9 would change the role of the Chief Executive in Council (CE in C) in the town planning process and the legislative intent of the existing section; and
- (i) to review the proposed section 9(1A) to confine the power of the CE in C to amend the draft plan in minor technical aspects only.

Action

**III. Any other business**

14. Members agreed to hold the next meeting on **Tuesday, 4 November 2003, at 2:30 pm.**

15. The meeting ended at 5:40 pm.

Council Business Division 1  
Legislative Council Secretariat  
3 November 2003

**Proceedings of the fourth meeting of the  
Bills Committee on Town Planning (Amendment) Bill 2003  
on Thursday, 23 October 2003, at 2:30 pm  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000446	Chairman	Confirmation of minutes of the second and third meetings held on 18 & 24 September 2003 (LC Paper Nos. CB(1)2555/02-03 and 22/03-04)	
000447 - 002124	Administration	Recapitulation of the objectives of the Town Planning (Amendment) Bill 2003 (the 2003 Bill)  The Administration suggested to discuss the Stage Two Amendments at the Panel on Planning, Lands and Works.	
002125 - 004300	Chairman Mr Abraham SHEK Mr WONG Sing-chi Mr Albert CHAN Mr LAU Wong-fat Mr IP Kwok-him Mr Andrew WONG Mr Albert HO Administration	Discussion on whether the Bills Committee should continue with the scrutiny of the 2003 Bill	
004301 - 004317	Administration Chairman	Implication of suspension of the scrutiny of the 2003 Bill	
004318 - 010454	Mr Abraham SHEK Mr Albert HO Mr IP Kwok-him Mr Albert CHAN Mr Andrew WONG Mr WONG Sing-chi Mr LAU Wong-fat SALA2 Chairman	Motion moved by Mr Abraham SHEK and seconded by Mr LAU Wong-fat: "That the Bills Committee should suspend the scrutiny of the 2003 Bill pending the Administration's proposal to include the "Stage Two Amendments" in the Bill."  Mr Andrew WONG, Mr LAU	

Time marker	Speaker	Subject(s)	Action Required
		Wong-fat and Mr Abraham SHEK voted for and Mr Albert HO, Mr Albert CHAN, Mr WONG Sing-chi and Mr IP Kwok-him voted against the motion. The motion was not passed.	
010455 - 011819	Administration	Briefing on the "Attendance of TPB Meetings and Notification to Land Owners" (LC Paper No. CB(1)52/03-04)	
011820 - 012833	Mr Abraham SHEK Chairman Mr Andrew WONG Administration	Concern on the attendance of official and non-official members at TPB meetings and whether attendance was recorded on a meeting basis or an item basis	The Administration to provide information under paragraph 9(a) of the minutes
012834 - 012953	Mr WONG Sing-chi Administration	Discussion on frequency of voting by TPB members; stance of official and unofficial members in voting; and how voting results were recorded	The Administration to provide information under paragraph 9(b) of the minutes
012954 - 013302	Mr Albert HO Mr Abraham SHEK Chairman Mr LAU Wong-fat Mr Andrew WONG Mr WONG Sing-chi Administration	Concern about declaration of interests by TPB members and liability and sanctions for breaching the relevant rules  Concern about disclosure of restricted or confidential information obtained by TPB members and liability and sanctions for breaching the relevant rules	The Administration to take action under paragraphs 9(c) to (f) of the minutes
013303 - 014502	Administration Chairman	Comparison on the powers of the Chief Executive in Council (CE in C) and the Chief Executive in the town planning process under the Town Planning Bill 2000 and the 2003 Bill (LC Paper No. CB(1)2527/02-03)	



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<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
014503 - 020424	Chairman Administration Mr IP Kwok-him Ms Audrey EU	Concern about frequency of the CE in Council exercising its power to refuse or refer amendments to draft plans to the TPB for further consideration and amendment to section 9 of the TPO  Concern whether the proposed amendment to section 9 (clause 11) would change the role of the CE in C in the town planning process and the legislative intent of the existing section.	The Administration to take action under paragraphs 9(g) & (h) of the minutes
020425 - 020538	Chairman	Date of next meeting	

Council Business Division 1  
Legislative Council Secretariat  
3 November 2003