

立法會  
*Legislative Council*

LC Paper No. CB(1)361/03-04  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/12/02/2

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

**Minutes of fifth meeting held on  
Tuesday, 4 November 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 Emily LAU Wai-hing, JP  
Dr Hon TANG Siu-tong, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Albert CHAN Wai-yip  
Hon WONG Sing-chi  
Hon IP Kwok-him, JP  
Hon LAU Ping-cheung  
Hon Audrey EU Yuet-mee, SC, JP

**Member absent** : Hon LAU Wong-fat, GBS, JP

**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)

Ms Jacinta WOO  
Senior Town Planner/Ordinance Review  
Planning Department

Ms Sherman CHAN  
Senior Assistant Law Draftsman  
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)222/03-04 -- Minutes of fourth meeting on  
23 October 2003)

The minutes of the fourth meeting held on 23 October 2003 were confirmed.

**II. Meeting with the Administration**

(LC Paper No. CB(1)221/03-04(01) -- Major issues raised at the  
meeting on 23 October 2003

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

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)207/03-04(01) -- Submission dated 22 October

Action

		2003 from "屏山鄧輯伍祖"
LC Paper No. CB(1)207/03-04(02)	--	Submission dated 23 October 2003 from Tai Po Tsat Yeuk Rural Committee
LC Paper No. CB(1)207/03-04(03)	--	Submission dated 28 October 2003 from Heung Yee Kuk New Territories
LC Paper No. CB(1)243/03-04(01)	--	Submissions from four "tsos/tongs" in 元朗厦村鄉鳳降村
LC Paper No. CB(1)243/03-04(02)	--	Submission dated 23 October 2003 from Pat Heung Rural Committee
LC Paper No. CB(1)243/03-04(03)	--	Submissions from five "tsos/tongs" in Kam Tin area
LC Paper No. CB(1)2456/02-03(02)	--	Summary of concerns/views raised by organizations (as at 31 October 2003))

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

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

- (a) to reconsider the proposal to standardize the plan exhibition period to one month for amendment to draft plans, new plans and amendments to approved plans. The Administration should provide justification for the proposal if it decided to propose Committee Stage Amendment (CSA) to the plan exhibition period;
- (b) to reconsider the proposal to make available representations for public inspection and comments for three weeks after expiry of the plan exhibition period. The Administration should provide justification for the proposal if it decided to propose CSA to the period of three weeks;
- (c) to consider how to address the concern about the absence of any further opportunity to respond to important/substantial information not disclosed until at the hearing of the Town Planning Board (TPB) to consider representations if the single hearing mode was adopted;
- (d) to provide the rationale for reducing the processing time of objections by TPB to six months, after expiry of the plan exhibition period, and the extension period that might be granted by the Chief Executive to three months;

Action

- (e) to advise on the consequences and liability in the event that TPB could not complete consideration of all representations within the statutory period; and
- (f) to provide a written response to the submission dated 3 November 2003 from the Real Estate Developers Association of Hong Kong tabled at the meeting.

**III. Any other business**

- 4. Members agreed to hold the next meeting on **Thursday, 20 November 2003, at 2:30 pm.**
- 5. The meeting ended at 4:30 pm.

Council Business Division 1  
Legislative Council Secretariat  
19 November 2003

**Proceedings of the fifth meeting of the  
Bills Committee on Town Planning (Amendment) Bill 2003  
on Tuesday, 4 November 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 - 000447	Chairman	Confirmation of minutes of the fourth meeting held on 23 October 2003 (LC Paper No. CB(1)222/03-04)	
000448 - 000647	Administration	Briefing on the consolidated response of the Administration to concerns/views raised by organizations (LC Paper No. CB(1) 54/03-04(01))	
000648 - 001125	Ms Emily LAU Ms Audrey EU Chairman Clerk Administration	<u>Exhibition of plans</u>  Item 1 - Justification for the proposal to standardize the plan exhibition period to one month for submitting representations on amendments to draft plans, new plans or amendments to approved plans  Concern on what measures to be taken to fast-track administrative procedures for handling representations or objections with a view to expediting the plan-making process	
001126 - 001734	Ms Cyd HO Mr WONG Sing-chi Administration Chairman	Concern on whether there was a change in circumstances which justified a reduction of the plan exhibition period	
001735 - 002710	Mr Andrew WONG Mr WONG Sing-chi Chairman Administration	Rationale for the retention of the two-month plan exhibition period after taking into consideration deputations' and members' views / concerns	
002711 - 004947	Mr Andrew WONG Administration Chairman	Fairness of the plan-making process	The Administration to take action under paragraph 3(a) of the minutes

Time marker	Speaker	Subject(s)	Action Required
004948 - 005325	Mr WONG Sing-chi Administration	Rationale for and feasibility of changing the period for raising objections to amendment to draft plans from three weeks to one month	
005326 - 005636	Mr Andrew WONG Mr IP Kwok-him Mr WONG Sing-chi Chairman Administration	<u>Making of representations</u>  Item 2 - Noted by members  Item 3 - Justification for the proposal to make available representations for public inspection and comments for three weeks after expiry of the plan exhibition period	
005637 - 005848	Administration	Comparison between the existing and proposed plan-making processes (Annex B to LegCo Brief)	
005849 - 005850	Mr Andrew WONG	Concern that the three-week period was too short for public inspection and comments on representations made. Suggestion to extend the period from three weeks to two months	
005851 - 005900	Mr WONG Sing-chi Ms Audrey EU Administration Chairman	Concern that a further extension of the period for public inspection and comments on representations might run contrary to the objective of streamlining the plan-making process. A member raised the possibility of extending the period to four weeks.	
005901 - 010122	Chairman Mr WONG Sing-chi Mr Andrew WONG Administration	Impact on the overall planning process if there was a change in the period for public inspection and comments on representations	The Administration to take action under paragraph 3(b) of the minutes
010123 - 010309	Administration Chairman Mr Andrew WONG	Item 4 - Depending on how the plan exhibition period and the period for public inspection of representations would be changed, the four-week period for "representers" to furnish	

Time marker	Speaker	Subject(s)	Action Required
		the Town Planning Board (TPB) with further information to supplement representations upon expiry of the plan exhibition period would be reviewed later	
010310 - 010509	Administration Chairman Clerk	<u>Consideration of representations</u>  Item 5 - Justification for the proposal to adopt a single hearing process to consider representations received by TPB	
010510 - 011529	Dr TANG Siu-tong Mr WONG Sing-chi Administration Mr Albert HO Chairman	Concern about the absence of any further opportunity to respond to important/substantial information not disclosed until at the hearing of TPB if a single hearing mode was adopted  Whether TPB would and could defer a decision on representations in view of new and critical information provided at hearing  Concern on the need to uphold the principle of fair hearing	The Administration to take action under paragraph 3(c) of the minutes
010530 - 011549	Ms Emily LAU Administration Chairman Clerk	Concern about the viability of opening up TPB meeting for public participation at the present stage of amendment and the administrative measures required for the purpose	
011550 - 012210	Administration Mr Albert HO Mr IP Kwok-him Chairman	Items 6 & 7 - Justification for the proposal to reduce the processing time of objections by TPB from nine to six months after expiry of the plan exhibition period, and the extension period that might be granted by the Chief Executive (CE) from six to three months  Concern on the rationale for the proposal and need to provide TPB with flexibility and adequate time in	The Administration to take action under paragraph

Time marker	Speaker	Subject(s)	Action Required
		processing objections  Past cases in which CE in C needed to extend time for TPB to consider objections	3(d) of the minutes
012211 - 012855	Mr WONG Sing-chi Mr IP Kwok-him Chairman Administration	Consequences and liability in the event that TPB could not complete consideration of all representations within the statutory period	The Administration to take action under paragraph 3(e) of the minutes
012856 - 013843	Administration Chairman	Item 8 –Justification for the proposal to confer CE in Council (CE in C) with discretion to accept or discard proposed amendments by TPB  Submission from the Real Estate Developers Association of Hong Kong (tabled at the meeting and subsequently issued vide LC Paper No. CB(1)269/03-04)	The Administration to take action under paragraph 3(f) of the minutes
013844 - 014149	Ms Emily LAU Mr Albert HO Mr WONG Sing-chi Ms Emily LAU Administration Chairman	Concern on the implications of accepting only part of the TPB's proposed amendments by CE in C  Concern that the purpose of hearing representations would be defeated if CE in C could choose which amendments proposed by TPB be accepted	
014150 - 014543	Administration Chairman	Item 9 – Justification for the proposal to empower CE instead of CE in C to refer an approved plan to TPB for replacement or amendment	
014544 - 014840	Mr LAU Ping-cheung Mr Albert HO Administration Chairman	Clarification on the role of CE and CE in C in the plan-making process	
014841 - 015444	Administration Chairman	Concern that since an applicant could not withdraw its plan after making an application to TPB, there would be implications if CE in C was given the	



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<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
		power to accept only part of the amendments by TPB	
015445 - 015627	Chairman	Date of next meeting	

Council Business Division 1  
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19 November 2003