

**立法會**  
**Legislative Council**

LC Paper No. CB(1)618/03-04  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/12/02/2

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

**Minutes of seventh meeting held on  
Friday, 28 November 2003, at 4:30 pm  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon James TO Kun-sun (Chairman)  
Hon Andrew WONG Wang-fat, JP  
Dr Hon TANG Siu-tong, JP  
Hon Albert CHAN Wai-yip  
Hon IP Kwok-him, JP  
Hon LAU Ping-cheung

**Members absent** : Hon Cyd HO Sau-lan  
Hon Albert HO Chun-yan  
Hon LAU Wong-fat, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Abraham SHEK Lai-him, JP  
Hon WONG Sing-chi  
Hon Audrey EU Yuet-mee, SC, JP

**Public officers** : Ms Betty HO  
**Attending** 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

Ms Jacinta WOO  
Senior Town Planner/Ordinance Review  
Planning Department

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. Meeting with the Administration**
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| (LC Paper No. CB(1)449/03-04(01) | -- List of follow-up actions arising from discussion at the meeting on 20 November 2003                              |
| LC Paper No. CB(1)449/03-04(02)  | -- Information paper provided by the Administration on the Report of the Housing Commission 1935                     |
| LC Paper No. CB(1)441/03-04      | -- Report of the Housing Commission dated 11 October 1938 (without Appendices)                                       |
| LC Paper No. CB(1)449/03-04(03)  | -- Updated Administration's response to LC Paper No. CB(1) 54/03-04(01)  |
| LC Paper No. CB(1)358/03-04(03)  | -- Supplementary information provided by the Administration on 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  |

Action

- LC Paper No. CB(1)2520/02-03(02) -- raised by Heung Yee Kuk at its meeting with LegCo Members on 10 June 2003
- LC Paper No. CB(1)2456/02-03(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)373/03-04 -- Summary of concerns/views raised by organizations (as at 19 November 2003)
- LC Paper No. CB(1)417/03-04 -- Submissions from five "tsos/t'ongs" in Pat Heung area
- LC Paper No. CB(1)451/03-04 -- Submissions from two "tsos/t'ongs" in Pat Heung area
- LC Paper No. CB(1)451/03-04 -- Submissions from 19 "tsos/t'ongs" in Pat Heung area)

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

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

Item 10 in LC Paper No. CB(1) 54/03-04(01)

- (a) to consider the merits and practicality of requiring applicants for amendments of plans and planning permission to seek the consent of manager of tso/tong where the land was owned by tso/tong;

Item 11 in LC Paper No. CB(1) 54/03-04(01)

- (b) to consider providing administrative measures to make available for public inspection and comments amendments of plans or new plans initiated by the Town Planning Board (TPB) which did not contain sensitive information;

Item 12 in LC Paper No. CB(1) 54/03-04(01)

- (c) to assess the qualitative and quantitative impact if applicants and commenters were given the opportunity to be heard by TPB concerning applications for amendments of plans; and

Item 13 in LC Paper No. CB(1) 54/03-04(01)

Action

- (d) to advise whether similar overseas legislation adopted the same criterion of "material change" in considering acceptance or otherwise of further information relating to applications for amendments of plans and planning permission and whether many cases arose on its interpretation. At members' request, the Administration would provide case law, if any, on the interpretation of "material change".

3. Members also agreed to seek further view from the Hong Kong Institute of Planners regarding the Administration's response to its proposals to allow commenters and landowners whose properties were within the boundary of development proposals to be heard by TPB concerning applications for amendments of plans.

**II. Any other business**

4. Members agreed to hold the next meeting on **Wednesday, 3 December 2003, at 10:45 am.**

5. The meeting ended at 5:20 pm.

Council Business Division 1  
Legislative Council Secretariat  
18 December 2003

**Proceedings of the seventh meeting of the  
Bills Committee on Town Planning (Amendment) Bill 2003  
on Friday, 28 November 2003, at 4:30 pm  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000153	Chairman	Opening remarks  Consolidated response of the Administration to concerns/views raised by organizations (LC Paper No. CB(1) 54/03-04(01))	
000154 - 000330	Chairman Mr LAU Ping-cheung Administration	<u>Planning approval process</u>  Item 10 – Proposal under clauses 13 and 16 to obtain the consent of or notify the land owner if the applicant for amendment of plan and planning permission was not the land owner of the application site  Impact of the proposal on the following cases:  (a) where the application for amendment of plan or planning permission was made by a non-profit making body in the public interest; and  (b) where the application involved sensitive information.	As agreed at the last meeting, the Administration undertook to consider the merit of providing an exemption clause to clauses 13 and 16 to address the cases raised by member.
000331 - 001610	Mr Andrew WONG Mr Albert CHAN Dr TANG Siu-tong Chairman	Difficulty to obtain consent from the land owners due to multiple ownership of land in rural area	
001611 - 002415	Mr Andrew WONG	Suggestion that applicants for amendments of plans and planning permission had to seek the consent of manager of tso/tong where the land was owned by tso/tong	The Administration to take action under paragraph 2(a) of the minutes
002416 - 002512	Administration	Item 11 – Justification for proposal	

Time marker	Speaker	Subject(s)	Action Required
		under clause 13 to make applications for amendment of plans available for public inspection and comments	
002513 - 005610	Chairman Administration	Impact of the proposal on applications for amendment of plans or new plans which contained or did not contain sensitive information  Concern on whether the proposal would be applicable to amendments of plans or new plans initiated by the Town Planning Board (TPB)	The Administration to take action under paragraph 2(b) of the minutes
005611 - 005723	Administration	Item 12 - Justification for the proposal under clause 13 to allow applicants to attend TPB meetings and be heard at the meetings	
005724 - 005820	Mr IP Kwok-him Administration	Clarification that under the current practice, applicants would be given an opportunity to exchange views with TPB members after making their representation at TPB meetings	
005821 - 005955	Chairman Mr Andrew WONG Dr TANG Siu-tong Administration	Concern on fairness in considering representations if only applicants were allowed to be heard by TPB concerning applications for amendments of plans	
005956 - 010200	Chairman Administration	Impact if applicants and commenters were given the opportunity to be heard by TPB concerning applications for amendments of plans  Suggestion to invite further view from the Hong Kong Institute of Planners (HKIP) on the Administration's response to its proposals to allow commenters and landowners whose properties were within the boundary of development proposals to be heard by TPB concerning applications for amendments of plans	The Administration to take action under paragraph 2(c) of the minutes  The Clerk to issue letter to invite further view from HKIP

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Time marker	Speaker	Subject(s)	Action Required
010201 - 010323	Administration	Item 13 - Justification for proposal to allow provision of further information relating to applications for amendment of plans and planning permission	
010324 - 010400	Chairman Administration	<p>Circumstances under which an applicant would be allowed to submit further information to substantiate or clarify particulars included in the application; meaning of "material changes" in information provided by an applicant</p> <p>Concern about whether similar overseas legislation adopted the same criterion of "material change" in considering acceptance or otherwise of further information relating to applications for amendments of plans and planning permission and whether many cases arose on its interpretation.</p> <p>Availability of case law on interpretation of "material change"</p>	The Administration to take action under paragraph 2(d) of the minutes
010401 - 010415	Chairman	Date of next meeting	