

立法會
Legislative Council

LC Paper No. CB(1)654/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/02/2

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

**Minutes of eighth meeting held on
Wednesday, 3 December 2003, at 10:45 am
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 Abraham SHEK Lai-him, 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 WONG Sing-chi
Hon Audrey EU Yuet-mee, SC, JP

Public officers attending : Mr Jimmy LEUNG
Assistant Director of Planning (Technical Services)

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

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

Action

I. Meeting with the Administration

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| (LC Paper No. CB(1)483/03-04(01) | -- | List of follow-up actions arising from discussion at the meeting on 28 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 |

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| | 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)2456/02-03(02) | -- | Summary of concerns/views raised by organizations (as at 19 November 2003)) |

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

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

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

- (a) to consider the need for proposing amendments to the Bill to provide discretion to the Town Planning Board (TPB) to decide whether the statutory time for processing applications for amendment of plans or planning permission should be extended because of the submission of further information by the applicants. Members requested that the following factors be considered:
 - (i) the meaning of "further information" should be clearly defined; and
 - (ii) the opportunity for public inspection and comment on further information, except those which were editorial in nature, should not be compromised;
- (b) to provide a breakdown by nature of further information submitted by applicants to TPB to supplement applications for amendment of plans or planning permission under the present mechanism;

Action

Item 14 in LC Paper No. CB(1) 54/03-04(01)

- (c) to assess the impact in terms of the processing/meeting time that might be increased and the resources required -
 - (i) if applicants for planning permission were provided with a right to be heard by TPB;
 - (ii) if applicants for planning permission were allowed to attend TPB meetings at which their applications were considered; and
 - (iii) if objectors were provided with a right of review of planning permission approved by TPB;
- (d) to compile statistics on the number and percentage of applications for planning permission which were approved by TPB with conditions and of which a review was lodged under section 17 of the Town Planning Ordinance in 2002; and
- (e) to provide information on the town planning system in the United States and the United Kingdom in respect of planning permission and third party review.

II. Any other business

- 3. Members agreed to the proposed schedule of meetings of the Bills Committee in 2004 tabled at the meeting.

(Post-meeting note: The agreed schedule of meetings of the Bills Committee in 2004 was subsequently circulated for members' reference vide LC Paper No. CB(1)508/03-04 on 4 December 2003.)

- 4. Members also agreed to hold the next meeting on **Tuesday, 6 January 2003, at 10:45 pm.**
- 5. The meeting ended at 12:40 pm.

**Proceedings of the eighth meeting of the
Bills Committee on Town Planning (Amendment) Bill 2003
on Wednesday, 3 December 2003, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000136	Chairman	Opening remarks Consolidated response of the Administration to concerns/views raised by organizations (LC Paper No. CB(1) 54/03-04(01))	
000137 - 000515	Administration	<u>Planning approval process</u> Item 13 - Justification for the proposal under clauses 13 and 16 to allow provision of further information relating to applications for amendment of plans and planning permission	
000516 - 002119	Mr LAU Ping-cheung Mr Albert CHAN Mr Abraham SHEK Dr TANG Siu-tong Chairman	Meaning and nature of "further information" submitted by applicants to supplement applications for amendment of plans and planning permission under the existing mechanism Need to provide the Town Planning Board (TPB) with the discretion to decide whether the statutory time for processing applications for amendments of plans or planning permission should be extended due to submission of further information by the applicants Concern that public inspection and comment on further information, except those editorial in nature, should not be compromised	The Administration to take action under paragraph 2(b) of the minutes The Administration to take action under paragraph 2(a) of the minutes

Time marker	Speaker	Subject(s)	Action Required
002120 - 002235	Administration	Item 14 - Justification for the proposal under clause 16 to make available applications for planning permission for public inspection and comments	
002236 - 003209	Mr LAU Ping-cheung Mr Albert CHAN Mr Abraham SHEK Mr IP Kwok-him Chairman	Provision for the right of applicants for planning permission to be heard by TPB and/or to attend TPB meetings and their implications on the processing time of applications and manpower resources	
003210 - 003335	Mr LAU Ping-cheung	Suggestion that whether TPB meetings should or should not be open to the public depended on the commercial sensitivity of the applications	
003336 - 004103	Chairman Mr Abraham SHEK Administration	Statistics on applications for planning permission approved by TPB under section 16 of TPO in 2002 and review cases lodged under section 17 of TPO	The Administration to take action under paragraph 2(d) of the minutes
004104 - 004349	Mr Abraham SHEK Chairman Administration	Right of review of planning permission rejected by TPB under section 17 of TPO	
004350 - 004640	Administration	Policy intent behind and relationship between sections 16 and 17 of TPO	
004641 - 005987	Mr Andrew WONG Mr Abraham SHEK Mr IP Kwok-him Mr Albert CHAN Dr TANG Siu-tong Mr LAU Ping-cheung Administration	Concern about whether objectors should be provided with a right of review of planning permission approved by TPB Pros and cons of providing for third party review under the three-tier town planning system	The Administration to take action under paragraph 2(c) of the minutes

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Time marker	Speaker	Subject(s)	Action Required
005988 - 010451	Mr Andrew WONG Administration	Enquiry on the town planning system in the United States and the United Kingdom in respect of town planning permission and third party review	The Administration to take action under paragraph 2(e) of the minutes
010452 - 011000	Administration	Item 15 - Justification for the proposal under clause 17 to exempt certain minor amendments to planning permission from application	
011001 - 014524	Mr IP Kwok-him Mr Andrew WONG Dr TANG Siu-tong Mr LAU Ping-cheung Administration Chairman Clerk SALA2	Categories of minor amendments under TPB Guidelines for Minor Amendments to Approved Development Proposals (TPB PG No.19B) (Annex to LC Paper No.CB(1) 2456/02-03(01)) Concern that notice made by TPB and published in the Gazette about minor amendments was not subsidiary legislation	
014525 - 014557	Mr Andrew WONG Administration Chairman	Clarification on <ul style="list-style-type: none"> the validity of planning permission in respect of multiple applications on the same site and change in land ownership; and the effective period of planning permission. 	
014558 - 014650	Chairman	Date of next meeting and proposed schedule of meetings in 2004	