

Bills Committee on Town Planning (Amendment) Bill 2003

**Concerns/views raised by organizations on
liability of managers of a clan, family or "tsos/tongs" for offences in relation to unauthorized developments
(as at 2 January 2004)**

Subject	Organization	Concern / view
<p>Proposal to expressly provide that managers of a clan, family or t'ong shall be regarded as land owners to be liable to offences in relation to unauthorized developments</p> <p>Clause 2(a) Section 1A</p>	<p>HKIA WWF</p>	<p>Support the proposal</p>
	<p>HKIS</p>	<p>Concern that managers may be different persons at different times</p>
	<ul style="list-style-type: none"> • HYK • 屏山鄧輯伍祖 • TPTYRC • 4 "tsos/tongs" from 元朗廈村鄉鳳降村 • PHRC • 5 "tsos/tongs" in Kam Tin area • 36 "tsos/tongs" in Tsuen Wan area • 63 "tsos/tongs" in Pat 	<p>Strongly object the proposal. Reasons given included:</p> <ul style="list-style-type: none"> - managers of a clan, family or tong only act as agents on a voluntary basis and do not have full control over use of the land; - managers have practical difficulty in inspecting tso/tong's lands which may be plenty and scattered; - the existing law provides adequate sanction against non-compliance with land use; - the relevant case law is unclear; and

Subject	Organization	Concern / view
	<p>Heung area</p> <ul style="list-style-type: none"> • 1 "tso/tong" in Tuen Mun area • 上水鄉門口村廖新全祖 • STRC 	<p>- many managers may resign because of the proposal which may result in confusion.</p> <p>Disagree with the Administration's response that under the New Territories Ordinance (NTO), the manager of "tso/tong" has full power to dispose of or in any way deal with the land as he were the sole owner. Reasons are that decisions on rents collected and land use , particularly in relation to covenants made, rest with the members of a clan, family or "tso/tong" holding the land rather than the manager concerned. Besides, under the NTO, the Secretary for Home Affairs may on good cause replace the appointment of any manager upon request. The powers of the manager are considered restrictive.</p>

Submissions from organizations

Organization	Reference
Heung Yee Kuk (HYK)	LC Paper No. CB(1)2390/02-03(11) - Extract from minutes of the meeting between Legislative Council Members and Councillors of Heung Yee Kuk on 10 June 2003; LC Paper No. CB(1)2484/02-03(01) LC Paper No. CB(1)2512/02-03(05) LC Paper No. CB(1)207/03-04(03)
屏山鄧輯伍祖	LC Paper No. CB(1)207/03-04(01)
Tai Po Tsat Yeuk Rural Committee (TPTYRC)	LC Paper No. CB(1)207/03-04(02)
4 "tsos/tongs" from 元朗廈村鄉鳳降村	LC Paper No. CB(1)243/03-04(01)
Pat Heung Rural Committee (PHRC)	LC Paper No. CB(1)243/03-04(02)
5 "tsos/tongs" in Kam Tin area	LC Paper No. CB(1)243/03-04(03)
36 "tsos/tongs" in Tsuen Wan area	LC Paper No. CB(1)271/03-04 LC Paper No. CB(1)307/03-04(01) LC Paper No. CB(1)336/03-04(01) LC Paper No. CB(1)347/03-04(04) LC Paper No. CB(1)360/03-04(02) LC Paper No. CB(1)625/03-04(02)
63 "tsos/tongs" in Pat Heung area	LC Paper No. CB(1)307/03-04(02) LC Paper No. CB(1)336/03-04(02) LC Paper No. CB(1)347/03-04(02)

Organization	Reference
	LC Paper No. CB(1)347/03-04(03) LC Paper No. CB(1)360/03-04(01) LC Paper No. CB(1)373/03-04 LC Paper No. CB(1)417/03-04 LC Paper No. CB(1)451/03-04 LC Paper No. CB(1)537/03-04(01) LC Paper No. CB(1)625/03-04(01)
1 "tso/tong" in Tuen Mun area	LC Paper No. CB(1)537/03-04(02)
上水鄉門口村廖新全祖	LC Paper No. CB(1)307/03-04(03)
San Tin Rural Committee (STRC)	LC Paper No. CB(1)347/03-04(01)