

Bills Committee on Town Planning (Amendment) Bill 2003

**List of follow-up actions arising from discussion
at the meeting on 4 June 2004**

The Administration was requested:

Clause 20 section 23

- (a) to advise the legislative intent of subsections (3) and (4). Members are of the view that the notice recipient should only be required to reinstate the land to the permissible uses under the development permission area and not to the conditions specified by the Planning Authority (PA). The present provisions confer the PA with excessive discretionary power to specify the conditions to which the land should be reinstated;
- (b) to confirm whether there was a revision of fines under subsection (6) in 1995/96;
- (c) to convey members' view to the Department of Justice that the fines imposed for contravention of offences under section 23 should be sufficient to have deterrent effect;
- (d) to consider the need to retain the word "gross" in subsection (7B). Members consider that the standard for gross negligence is too high;
- (e) to propose Committee Stage Amendments to subsection (8A)(b) and new Regulation 6A(b) in Town Planning (Taking Possession and Disposal of Property) Regulation to replace "where" with "if";
- (f) to confirm in writing public access to information referred to in subsection (11);
- (g) to provide a sample of notice concerning unauthorized development;

Clause 21 section 24

- (h) to review the new provision. Members are concerned that the present drafting only includes images of the photographs but not information shown on the photographs. The Administration is also requested to consider whether the photographs should be signed or initialled by an officer at a specified rank or above; and

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- (i) to reconsider whether it should expressly provide in law that meetings of Town Planning Board (TPB) be open to the public. Members raise four options:
 - (i) to provide in law that all meetings of TPB be open to the public;
 - (ii) to provide in law that the hearing part of TPB be open to the public;
 - (iii) to provide in law that all meetings of TPB be open to the public, except where TPB considers it inappropriate to do so on grounds of sensitivity of information, premature release of information or others; and
 - (iv) to use administrative means to adopt either one of the above three options.

Council Business Division 1
Legislative Council Secretariat
7 June 2004