

For information

Bills Committee on Town Planning (Amendment) Bill 2003
Attendance of Town Planning Board Meetings and
Notification to Land Owners

Purpose

Following the Bills Committee meeting held on 24.9.2003, the Chairman requested the Administration to provide following information for the Committee's reference:-

- (a) a breakdown of the number of members attending Town Planning Board (TPB) meetings over the past three years;
- (b) whether all TPB members receive agenda and papers for all TPB meetings irrespective of whether they will attend the meetings; and
- (c) the circumstances under which Government will or will not notify the owner(s) of the land which is the subject of application for amendment of plans or planning permission under the existing arrangement/practice.

This paper provides the requested information.

Attendance of TPB Meetings

2. A breakdown of the average number of members attending TPB meetings over the past three years is as follows:

<u>Year</u>	<u>Average no. of attendance (Total no. of members)</u>	<u>Attendance rate</u>
2000/01	33(44)	74%
2001/02	29(44)	67%
2002/03	29(40)	72%

Issue of Agenda and Papers for TPB meetings

3. At present, TPB agenda and papers are sent to members at least five days before the meetings, whether or not they will attend the meeting. The Secretariat of the TPB will check the register of members' declaration of interest before the issue of papers. Where a substantial direct conflict of interest is found, the Secretary would withhold issue of the relevant papers or documents to the concerned members.

4. Upon receipt of agenda and papers, if Members or their spouses have any interests (pecuniary or otherwise) in any matter under consideration by the TPB, the Members should as soon as practicable disclose to the Chairman or the Secretary prior to the meeting, or at the meeting prior to the discussion of the concerned matter. Any papers or other information relating to the matter which the Members may have received are required to be returned to the Secretary. All cases of declaration of interests will be recorded in the minutes of meetings. The procedures of TPB meetings, including those relating to the declaration of interests, are set out in the "TPB Procedure and Practice", which is available in the TPB's Website (at <http://www.info.gov.hk/tpb/>).

Notification of owners for application for amendment of plans or planning permission

5. Under the existing Town Planning Ordinance (the Ordinance), there is no provision for notification of owner of the land which is the subject of a planning application. The applicant, however, will be asked to indicate in the application form whether owner's consent has been obtained, if he is not the owner of the application site or premises. Should the planning application be eventually approved by the TPB, the applicant will be advised in the approval letter to inform the owner of the application site or premises of the planning approval and conditions. But such notification is not a statutory requirement.

6. At present, there is no provision in the Ordinance for application for amendment of plans. These applications are processed administratively. Under the current practice, there is no requirement for notification of owner. Having said that, should the proposed amendment of plan be accepted by the TPB, the concerned statutory plan will be amended and published for public inspection under section 5 or section 7 of the Ordinance. During the publication of the amendment, any person, including the owner of the site, may raise objection to the TPB under section 6 of the Ordinance. Besides, under section 6(7) of the Ordinance, the TPB shall notify the affected land owners if it decides to propose

an amendment to a draft plan to meet an objection. The affected land owners may raise further objection to the proposed amendment which shall be considered under s.6(8) of the Ordinance.

**Housing, Planning and Lands Bureau
October 2003**