



Clerk to Bills Committee on Town Planning  
(Amendment) Bills 2003

Dear Sirs,

Town Planning (Amendments) Bills 2003

We had called up our Executives Meeting on 18 October 2003 for the caption matter. We feel quite unfair that the Amendment Bill suggests New Territories Tso Tong Managers be treated as landowners. Because:

1. The Status of Tso Tong Managers

Tso Tong's properties in fact are jointly owned by its members. The amount of Tso Tong's members, taking our District's "Tung Yick Tong" as an example, has more than a million members. A manager is merely one of them.

2. The Managers' System & Purpose

Every Tso Tong has one or more managers. The purpose for Government to set up this system is simply for better administration. For example, when there's land resumption or public works required on Tso Tong properties, Government could easily contact the Tso Tong Manager(s), saving a lot of time to notify all their members.

3. The power between Managers & Landowners

Practically, Government laws indicate Managers have no right to sell Tso Tong properties. On the contrary, a real Landowner could freely sell or give his registered properties. There's an obvious difference in their executable power.

4. The Tradition of Indigenous Villager

In tradition, when a Tso Tong manager deceases or retires, there's no regulation for his son to succeed his manager position. The vacancy will be filled up by election from all their members. It is strictly different from a private succession.

Basing on the above points. One could see that a Tso Tong Manager is only a person to look after Tso Tong's properties. They have nothing in common like a landowner no matter how you say from laws, facts, and personal interest or even on indigenous villagers' tradition.

Another unreasonable point of the Amendment Bill is, Tso Tong Managers must legally responsible for all unauthorized development.

Many New Territories Tso Tongs own lots of lands, most of them scattered in all parts of the New Territories. Some situate in a remote area. Even they might not locate in an unreachable hillside but already difficult enough for Managers to take frequent inspections. Moreover, Manager has no right to enter the site whenever he likes after it is rented. If a Manager in an unaware condition, turn up to be the one to be prosecuted when non-discipline tenants fail to comply with the Town Planning Ordinance no matter by intention or not. The case will be as uncivilized as the Chinese ancient days that a son has to pay for his father's debt.

According to the present Town Planning Ordinance, Managers are required to discontinue the unauthorized development before deadline. Further, in the case of a first conviction, he is liable to a fine of \$500,000; and in addition, to a fine of \$50,000 for each day during which the offence is proved to have continued; and in the case of a second or subsequent conviction; to a fine of \$1,000,000; and in addition of that; to a fine of \$100,000 for each day during which the offence is proved to have continued. Let's step back and say these lands' rental income are merely a few thousand dollars per month only. Such severe ordinance are already unreasonable, unfair, and absolutely tyranny.

When Government amends the Town Planning (Amendment) Bill, it is not right to prosecute Managers for the sake of convenience or easy administration. On the contrary, Bills should be amended to protect the interest of Managers & Tso Tongs. At present, Government has no system to counter-check Managers or Landowners' statue quo in general Town Planning Applications, this might offer chances for illegal applications, but eventually Managers and Landowner are the one to face legal prosecution. It is hoped that your Committee could realize the real definition of Tso Tong Managers, and not to act hurriedly to avoid villagers' anger.

Regards.

Yours truly,  
PAT HEUNG RURAL COMMITTEE



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TSANG Hin-keung (Chairman),  
KWOK Chun-pong (Vice Chairman),  
CHOI Yuet-wing (Vice Chairman)  
With All Members Of The Committee

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(In case of queries the Chinese version of this letter will be final)