



6 December 2003

The Secretary
Bills Committee on the Town Planning (Amendment) Bill
Legislative Council
8 Jackson Road
Central, Hong Kong

(By Fax : 2869 6794 & By Post)

Dear Members of the Bills Committee,

Re: Town Planning (Amendment) Bill

Thank you for giving us a chance to address you on the issue of the TP(A)B as it relates to the ability to institute judicial reviews(JR).

We understand that the Administration has advised the Members of the Bills Committee that a decision of the Chief Executive in Council (CEC) is judicially reviewable. In this connection, we would like to point out the following:-

1. First, the usefulness or effectiveness of a JR is rather limited because, generally speaking, in JR proceedings one can only challenge the decision-making process but not the merits of the decision.
2. Second, Members may also wish to note that CEC meetings are held *in camera*, the minutes of these meetings are seldom if ever made public, reasons for its decisions are hardly ever given and discovery of documents are never allowed as CEC discussions are privileged. As such, it is in practice virtually impossible to successfully challenge a decision of the CEC by JR.

Therefore, we urge Members to ensure that this aspect of the TP(A)B is dropped.

Yours sincerely,

Christine Loh
Chief Executive Officer

CL/el

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