

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1672/04-05  
(These minutes have been seen  
by the Administration)

Ref: CB1/SC/5/04/1

**Subcommittee on  
Town Planning (Amendment) Ordinance 2004 (Commencement) Notice**

**Minutes of second meeting on  
Thursday, 5 May 2005, at 8:30 am  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Alan LEONG Kah-kit, SC (Chairman)  
Hon James TIEN Pei-chun, GBS, JP  
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP  
Hon Emily LAU Wai-hing, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Albert CHAN Wai-yip  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Hon LEE Wing-tat  
Hon CHEUNG Hok-ming, SBS, JP  
Hon CHIM Pui-chung
- Public officers attending** : Miss Christine CHOW  
Principal Assistant Secretary for Housing, Planning and  
Lands (Planning and Lands) 2
- Miss Ophelia WONG  
Deputy Director of Planning/District
- Mr P Y TAM  
Assistant Director of Planning/Board
- Ms Jacinta WOO  
Senior Town Planner/Ordinance Review  
Planning Department

**Attendance by invitation** : The Real Estate Developers Association of Hong Kong

Mr Louis LOONG  
Secretary General

Mr Ian BROWNLEE  
Planning Consultant

Mr Kenneth KWOK  
Member

**Clerk in attendance** : Miss Odelia LEUNG  
Chief Council Secretary (1)4

**Staff in attendance** : Ms Bernice WONG  
Assistant Legal Adviser 1

Mrs Mary TANG  
Senior Council Secretary (1)2

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Action

**I Confirmation of minutes**

(LC Paper No. CB(1)1441/04-05 -- Minutes of meeting on 29 April 2005)

The minutes of the meeting held on 29 April 2005 were confirmed.

**II Meeting with the Real Estate Developers Association of Hong Kong and the Administration**

(LC Paper No. CB(1)1412/04-05(01) -- Administration's response to the letter of Hon Abraham SHEK Lai-him dated 21 April 2005 to the House Committee

LC Paper No. CB(2)1351/04-05 -- Letter dated 21 April 2005 from Hon Abraham SHEK Lai-him to the House Committee

LC Paper No. CB(1)557/04-05(01) -- Submission from The Real Estate Developers Association of Hong Kong on the Town Planning (Amendment) Ordinance)

2. The Subcommittee deliberated (Index of proceedings attached at the **Appendix**).

3. The Administration was requested to review the following after the Town Planning (Amendment) Ordinance 2004 had been in operation for six months-

(a) submission of additional information in the plan-making process;  
and

(b) processing of Class B amendment applications.

4. Members agreed that a report on the deliberations of the Subcommittee would be submitted to the House Committee for consideration at its meeting on 13 May 2005.

### **III Any other business**

5. The meeting ended at 10:05 am.

Council Business Division 1  
Legislative Council Secretariat  
31 May 2005

**Proceedings of the second meeting of the  
Subcommittee on Town Planning (Amendment) Ordinance 2004 (Commencement) Notice  
on Thursday, 5 May 2005, at 8:30 am  
in Conference Room A of the Legislative Council Building**

| <b>Time marker</b> | <b>Speaker</b>   | <b>Subject(s)</b>   | <b>Action required</b> |
|--------------------|--|---|------------------------|
| 000000 –<br>000030 | Chairman   | Confirmation of minutes of the meeting held on 29 April 2005<br>(LC Paper No. CB(1)1441/04-05)  |                        |
| 000031 –<br>001626 | Chairman<br>Real Estate<br>Developers<br>Association of<br>Hong Kong<br>(REDA) | REDA's explanation on its concerns over the Town Planning Board (TPB) Guidelines (the Guidelines) for the implementation of the Town Planning (Amendment) Ordinance 2004 (the Amendment Ordinance) as set out in Mr Abraham SHEK's letter to the House Committee dated 21 April 2005 (LC Paper No. CB(2)1351/04-05)   |                        |
| 001627 –<br>002409 | Administration   | Administration's response to REDA's concerns<br>(LC Paper No. CB(1)1412/04-05(01))  |                        |
| 002410 –<br>002959 | Chairman<br>REDA   | REDA's position-<br><br>(a) acceptance of the Administration's proposal of reviewing the restriction on submission of additional information based on operational experience six months after the commencement of the Amendment Ordinance;<br><br>(b) acceptance of the arrangements for deferment of decision on applications as provided in the relevant Guideline; and<br><br>(c) reservations against circulating Class B amendments to District Offices for consultation as this ran contrary to the intention of streamlining the planning approval process |                        |
| 003000 –<br>003248 | Chairman REDA<br>Ms Audrey EU<br>Administration                                | Reference to paragraph 2.2 of TPB PG-No.33 regarding the deferment of decision on applications  |                        |

| Time marker     | Speaker                                     | Subject(s)  | Action required |
|-----------------|---|---|-----------------|
| 003249-004637   | Ms Audrey EU REDA                           | <p>Discussion on the type of additional information to be submitted, the adequacy of the two-month statutory period for representations and how the plan-making process would be affected</p> <p>REDA's explanation-</p> <p>(a) the statutory two-month period was not sufficient for the appointment of consultants and preparation of complex technical submissions such as traffic impact assessments, as in the cases of South East Kowloon Development and Central Reclamation Project; and</p> <p>(b) submission of additional information should be allowed until four weeks before the hearing</p> <p>Administration's response-</p> <p>(a) the transparency of the planning process would enable the public to be made aware of the planning proposals at an early stage;</p> <p>(b) assessment reports of a technical nature would not normally be provided by members of the public;</p> <p>(c) where technical reports were provided by professional bodies such as REDA, they should be made available for public inspection at the time when public comments on representations were invited; and</p> <p>(d) TPB could consider allowing more time to study the additional information provided at the hearing,</p> |                 |
| 004631 - 005321 | Ms Audrey EU Administration Chairman        | Reference to paragraph 2.2 of TPB PG-No.33 regarding the deferment of decision on applications  |                 |
| 005322--010956  | Mr Albert CHAN REDA Chairman Administration | <p>Discussion on the adequacy of the two-month statutory period for representations and the propriety of submitting additional information at the hearing</p> <p>REDA's comments-</p> <p>While the two-month statutory period for representations was adequate, additional information in response to comments on the representation should be allowed to be submitted up until four weeks before</p>   |                 |

| <b>Time marker</b> | <b>Speaker</b>                                      | <b>Subject(s)</b>   | <b>Action required</b> |
|--------------------|---|---|------------------------|
|                    |   | <p>the hearing.</p> <p>Administration's response-</p> <p>(a) Committee Stage amendments had been made to extend the statutory period for making representations from one month to two months;</p> <p>(b) under the new section 6(3)(a) of the Town Planning Ordinance, representations which were made after the expiration of the statutory period would be treated as not having been made; and</p> <p>(c) additional information could be presented by the relevant parties at the hearing in response to other parties' submissions.</p>  |                        |
| 010957 -<br>011200 | Mr Abraham SHEK<br>Chairman<br>Mr Albert CHAN       | Discussion on need for transparency of representations and practicability of provisions   |                        |
| 011201 -<br>012417 | Chairman<br>Mr James TIEN<br>Administration<br>REDA | <p>Discussion on Class B amendments</p> <p>REDA's concerns-</p> <p>District consultation for Class B amendments would defeat the intention of streamlining the planning approval process and as such specific reference should be made in the relevant guideline to the effect that no local views should be sought by District Offices on Class B amendments.</p> <p>Administration's response-</p> <p>(a) it was essential for TPB or its delegated authority to take into account all relevant planning considerations in assessing applications; and</p> <p>(b) under the Amendment Ordinance, TPB was required to consider a Class B amendment application within two months after receipt of the application.</p> |                        |

| <b>Time marker</b> | <b>Speaker</b>                                | <b>Subject(s)</b>  | <b>Action required</b> |
|--------------------|---|--|------------------------|
| 012618 -<br>012845 | Mr Abraham SHEK<br>Administration<br>Chairman | Deliberation on Mr Abraham SHEK's suggestion of reviewing the processing of Class B amendments after the Amendment Ordinance had been in operation for six months<br><br>The Administration's agreement to review the situation six months after operation of the Amendment Ordinance. |                        |
| 012846 -<br>013221 | Mr Albert CHAN                                | Need for district consultation as exemption from such would carry serious implications   |                        |
| 013222 -<br>013250 | Mr James TIEN                                 | Support for review of the situation after the Amendment Ordinance had been in operation for six months   |                        |
| 013251 -<br>013734 | Chairman                                      | Legislative time table   |                        |