

**Legislative Council**  
**Panel on Planning, Lands and Works**

**Progress Report on the**  
**Establishment of the Urban Renewal Authority**

**Introduction**

The purpose of this paper is to report on the progress of the establishment of the Urban Renewal Authority (URA).

**Background**

2. The Urban Renewal Authority Bill was passed by the Legislative Council on 27 June 2000. A copy of the Urban Renewal Authority Ordinance (Ord. No. 63 of 2000) is at the Annex.

3. The main objects of the Ordinance are:

- (a) to establish the URA as a statutory corporation to replace the Land Development Corporation (LDC) for the purpose of improving the built environment of Hong Kong by undertaking urban renewal;
- (b) to provide for the structure, purposes and powers of the URA; and
- (c) to set out procedures for planning and land resumption for development projects and development schemes to be implemented by the URA.

4. To arrest the problem of urban decay and to improve the living conditions of residents in dilapidated areas, the URA will implement a 20-year urban renewal programme consisting of 200 urban redevelopment projects and 25 uncompleted projects of the LDC. Urban renewal will include the redevelopment of dilapidated buildings, the rehabilitation of older buildings and the preservation of buildings of historical, cultural and architectural interest.

5. The Government's policy is based on a people-oriented approach to urban renewal. In accordance with this policy, the Government will ensure that:

- (a) property owners whose properties are resumed for urban renewal projects are fairly and reasonably compensated;
- (b) domestic tenants affected by land resumption are properly rehoused; and
- (c) the community as a whole will benefit from the replanning and restructuring of the area as a result of urban renewal.

### **The Tasks Ahead**

6. The tasks ahead for the Administration are:

- (a) to review the current ex gratia allowances for property owners and tenants affected by land resumption;
- (b) to establish the URA;
- (c) to finalize the rehousing arrangements for affected tenants; and
- (d) to prepare a draft urban renewal strategy for public consultation.

### **Review of Ex gratia Allowances**

7. The Administration has made a commitment to review the current ex gratia allowances for property owners and tenants before bringing the Urban Renewal Authority Ordinance into operation. The scope of the review includes:

- (a) the ex gratia allowance (i.e. Home Purchase Allowance) for owners of domestic properties;
- (b) the ex gratia allowance for owner-occupiers and tenants of commercial properties; and

- (c) the ex gratia allowance for owner-occupiers and tenants of industrial properties.

8. The Administration is now reviewing these ex gratia allowances and the Legislative Council Panel on Planning, Lands and Works will shortly be consulted on the proposed package.

9. The Administration plans to make a submission to the Finance Committee for funding approval of the proposals by the end of this year.

## **URA**

10. The Government intends to set up the URA early next year to implement the 20-year urban renewal programme. The initial task of the URA will be to prepare its first draft five-year Corporate Plan and its first draft annual Business Plan.

## **Rehousing Arrangements**

11. The Government has made a commitment that no one affected by a URA project will be made homeless. Sufficient rehousing resources will be made available to the URA to help it accommodate people affected by its projects.

12. Both the Housing Authority (HA) and the Housing Society (HS) have agreed to be rehousing agents for the URA. Draft Memoranda of Understanding in respect of the agreed arrangements between the URA and the HA and between the URA and the HS have been prepared. The URA will sign these Memoranda of Understanding with the HA and the HS separately after the URA is established.

## **Urban Renewal Strategy**

13. Under section 20 of the Urban Renewal Ordinance, the Secretary for Planning and Lands has to prepare a draft urban renewal strategy and to consult the public before finalizing it. Section 21(3) of the Ordinance requires the URA to follow any guidelines set out in the urban renewal strategy when it prepares its five-year Corporate Plan.

14. The Planning and Lands Bureau is in the process of drafting the urban renewal strategy. The public will be consulted on the draft after the Ordinance has come into operation.

### **The Way Forward**

15. The Administration's intention is to make a submission on the proposed ex gratia allowances for property owners and tenants affected by land resumption to the Finance Committee by the end of this year and to establish the URA in early 2001. The public will be consulted on the draft urban renewal strategy shortly after the Urban Renewal Authority Ordinance has come into operation.

Planning and Lands Bureau  
October 2000

《市區重建局條例》

URBAN RENEWAL  
AUTHORITY ORDINANCE

## 《市區重建局條例》

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香港特別行政區  
2000年第63號條例



行政長官  
董建華  
2000年7月6日

本條例旨在為進行市區重建及有關目的而設立市區重建局。

[ ]

由立法會制定。

第 I 部

導言

1. 簡稱及生效日期

- (1) 本條例可引稱為《市區重建局條例》。
- (2) 本條例自規劃地政局局長以憲報公告指定的日期起實施。

2. 釋義

在本條例中，除文意另有所指外——

“土地”(land)指任何類別的土地(不論是否被水淹蓋)，並包括建於該土地上的建築物；凡批租土地權益的不分割份數附帶有建於該土地上的建築物或其任何部分的獨有使用權及佔用權，則亦包括該土地的不分割份數及其附帶的一切權利，以及土地的任何產業權、權利、份數或權益；

HONG KONG SPECIAL ADMINISTRATIVE REGION  
ORDINANCE No. 63 OF 2000



TUNG Chee-hwa  
Chief Executive  
6 July 2000

An Ordinance to establish the Urban Renewal Authority for the purpose of carrying out urban renewal and for connected purposes.

[ ]

Enacted by the Legislative Council.

PART I

PRELIMINARY

1. Short title and commencement

- (1) This Ordinance may be cited as the Urban Renewal Authority Ordinance.
- (2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Planning and Lands by notice in the Gazette.

2. Interpretation

In this Ordinance, unless the context otherwise requires—

“auditor”(核數師) shall be construed in accordance with section 43 of the Professional Accountants Ordinance (Cap. 50);  
 “Authority”(市建局) means the Urban Renewal Authority established under section 3;  
 “building”(建築物) has the same meaning as “building” in section 2(1) of the Buildings Ordinance (Cap. 123);  
 “business plan”(業務計劃) means a business plan prepared by the Authority and approved by the Financial Secretary under section 22;  
 “corporate plan”(業務綱領) means a corporate plan prepared by the Authority and approved by the Financial Secretary under section 21;



“土發公司”(Land Development Corporation)指根據已廢除條例第3(1)條設立的土地發展公司；

“已廢除條例”(repealed Ordinance)指根據第36條被廢除的《土地發展公司條例》(第15章)；

“市建局”(Authority)指第3條所設立的市區重建局；

“局長”(Secretary)指規劃地政局局長；

“非執行董事”(non-executive director)指憑藉第4條成為市建局董事會成員但並非執行董事的人；

“城規會”(Town Planning Board)指根據《城市規劃條例》(第131章)第2條委出的城市規劃委員會；

“建築物”(building)的涵義與《建築物條例》(第123章)第2(1)條中“建築物”的涵義相同；

“財政年度”(financial year)指由每年4月1日開始至翌年3月31日為止的期間；

“核數師”(auditor)須按照《專業會計師條例》(第50章)第43條解釋；

“執行董事”(executive director)指憑藉第4條成為市建局董事會成員及執行董事的人；

“項目”(project)指包括在業務計劃內並根據第22條獲財政司司長批准實施的——

(a) 第25條所述種類的發展計劃；

(b) 第26條所述種類的發展項目；

(c) 按照已廢除條例第5(2)(b)條擬備的發展提案；或

(d) 按照已廢除條例第13(1)條擬備的發展計劃；

“提案”(proposal)指項目的提案；

“業務計劃”(business plan)指根據第22條由市建局擬備並經財政司司長批准的業務計劃；

“業務綱領”(corporate plan)指根據第21條由市建局擬備並經財政司司長批准的業務綱領；

“董事會”指第4(1)條所設立的市區重建局董事會；

“擁有人”(owner)的涵義與《建築物條例》(第123章)第2(1)條中“擁有人”的涵義相同。

## 第II部

### 市區重建局

#### 3. 市建局的設立

(1) 現設立一個名為市區重建局的法人團體，該法人團體具有由本條例或憑藉本條例授予的權力以及由本條例或憑藉本條例委予的職責。

“executive director”(執行董事) means a person who, by virtue of section 4, is a member and an executive director of the Board of the Authority;

“financial year”(財政年度) means the period commencing on 1 April each year and ending on 31 March the year after;

“land”(土地) means land, whether covered by water or not, of whatever description and includes a building erected thereon and where an undivided share of a leasehold interest in land has appurtenant to it rights to the exclusive use and occupation of a building or part thereof erected thereon, includes such share in the land and all rights appurtenant thereto, and any estate, right, share or interest in land;

“Land Development Corporation”(土發公司) means the Land Development Corporation established by section 3(1) of the repealed Ordinance;

“non-executive director”(非執行董事) means a person who, by virtue of section 4, is a member of the Board of the Authority who is not an executive director;

“owner”(擁有人) has the same meaning as “owner” in section 2(1) of the Buildings Ordinance (Cap. 123);

“project”(項目) means—

(a) a development scheme of the description mentioned in section 25;

(b) a development project of the description mentioned in section 26;

(c) a development proposal prepared in accordance with section 5(2)(b) of the repealed Ordinance; or

(d) a development scheme prepared in accordance with section 13(1) of the repealed Ordinance,

which is included in a business plan and approved by the Financial Secretary for implementation under section 22;

“proposal”(提案) means a proposal for a project;

“repealed Ordinance”(已廢除條例) means the Land Development Corporation Ordinance (Cap. 15) repealed under section 36;

“Secretary”(局長) means the Secretary for Planning and Lands;

“Town Planning Board”(城規會) means the Town Planning Board appointed under section 2 of the Town Planning Ordinance (Cap. 131).

## PART II

### URBAN RENEWAL AUTHORITY

#### 3. Establishment of Authority

(1) There shall be established a body corporate to be named the Urban Renewal Authority which shall have such powers and duties as are conferred and imposed on it by, or by virtue of, this Ordinance.

- (2) 市建局是一個永久延續的法人團體，須備有一個法團印章，並且可以本身名義起訴和被起訴。
- (3) 市建局不得被視為政府的僱員或代理人，亦不得被視為享有政府的地位、豁免權或特權。
- (4) 除非本條例的文意另有所指，否則《釋義及通則條例》(第 1 章) 第 VII 部適用於市建局及市建局成員的委任。

#### 4. 市建局董事會的設立

- (1) 現設立一個名為市區重建局董事會的董事會，該董事會由以下成員組成——
- (a) 董事會主席(“主席”)1名，他同時是非執行董事，須不是公職人員；
- (b) 市建局行政總監(“行政總監”)1名，他同時是執行董事，須不是公職人員；
- (c) 2名其他執行董事，須不是公職人員；
- (d) 最少7名其他非執行董事，須不是公職人員；及
- (e) 4名其他非執行董事，須屬公職人員。
- (2) 所有董事會的成員，包括主席在內，均須由行政長官委任，任期不得超過3年。
- (3) 行政總監憑藉擔任該職位即同時出任董事會副主席。
- (4) 董事會是市建局的決策及執行機構，並據此須以市建局的名義行使由本條例或憑藉本條例授予該局的權力，以及執行由本條例或憑藉本條例委予該局的職責。
- (5) 行政總監是市建局的最高行政人員。在董事會的指示下，行政總監連同其他執行董事負責管理市建局的事務，並在該等指示下，負有董事會所指派的其他職責。
- (6) 附表對董事會及其成員均具效力。

#### 5. 市建局的宗旨

市建局的宗旨為——

- (2) The Authority shall have perpetual succession and a common seal and shall in its own name be capable of suing and of being sued.
- (3) The Authority shall not be regarded as a servant or agent of the Government or as enjoying any status, immunity or privilege of the Government.
- (4) Part VII of the Interpretation and General Clauses Ordinance (Cap. 1) shall apply to the Authority and appointments to the Authority except where the context of this Ordinance otherwise requires.

#### 4. Establishment of Board of Authority

- (1) There shall be established a Board to be named the Board of the Urban Renewal Authority comprised of the following members—
- (a) a Chairman of the Board of the Authority (“the Chairman”), who is at the same time a non-executive director and is not a public officer;
- (b) a Managing Director of the Authority (“the Managing Director”), who is at the same time an executive director and is not a public officer;
- (c) 2 other executive directors, not being public officers;
- (d) not less than 7 other non-executive directors, not being public officers; and
- (e) 4 other non-executive directors who are public officers.
- (2) All members of the Board of the Authority, including the Chairman, shall be appointed by the Chief Executive for a term not exceeding 3 years.
- (3) The Managing Director is, by virtue of holding that office, the Deputy Chairman of the Board of the Authority.
- (4) The Board of the Authority shall be the governing and executive body of the Authority and as such shall, in the name of the Authority, exercise and perform the powers and duties as are conferred and imposed on the Authority by, or by virtue of, this Ordinance.
- (5) The Managing Director is the administrative head of the Authority. Together with the other executive directors, the Managing Director is responsible, subject to the direction of the Board of the Authority, for administering the affairs of the Authority and, subject to that direction, has such other responsibilities as may be assigned by the Board of the Authority.
- (6) The Schedule shall have effect with respect to the Board of the Authority and its members.

#### 5. Purposes of Authority

The purposes of the Authority are to—

- (a) 作為一個依法設立的法人團體而取代土發公司，負責透過進行、鼓勵、推廣及促進市區重建，改善香港的住屋水平及已建設環境；
- (b) 透過將老舊失修區重建成經妥善規劃，並(如適當的話)設有足夠交通設施、其他基礎建設及社區設施的新發展區，從而改善香港的住屋水平及已建設環境，以及已建設區的布局；
- (c) 更良好地利用香港已建設環境中失修地區的土地，並騰出土地以應付各種發展需要；
- (d) 透過促進對個別建築物的結構穩定性、外部修飾的完整性以及消防安全方面的保養和改善，以及促進改善香港已建設環境的外觀及狀況，從而防止該已建設環境頹敗；
- (e) 保存有歷史、文化或建築學價值的建築物、地點及構築物；及
- (f) 從事行政長官在諮詢市建局後藉憲報刊登的命令而准許的其他活動，以及執行該等命令指派予市建局的其他職責。

#### 6. 市建局的一般權力

(1) 市建局有權進行任何有利於或有助於達到第5條所指或准許或賦予的宗旨、或為了達到該等宗旨而附帶引起的事情，並且須行使該等權力以改善香港的住屋水平及已建設環境。

(2) 在不損害第(1)款的一般性的原則下，市建局有權而且可——

- (a) 與任何人訂立合約(包括僱用合約)或其他協議；
- (b) 為市建局的運作而擬備業務綱領草案及業務計劃草案；
- (c) 租用、購買或以其他方式獲取和持有在香港的任何類別的土地，作為進行發展、為市建局設置辦事處或為因貫徹市建局宗旨而被遷徙的人提供居所之用；

- (a) replace the Land Development Corporation as the body corporate established by statute having the responsibility of improving the standard of housing and the built environment of Hong Kong by undertaking, encouraging, promoting and facilitating urban renewal;
- (b) improve the standard of housing and the built environment of Hong Kong and the layout of built-up areas by replacing old and dilapidated areas with new development which is properly planned and, where appropriate, provided with adequate transport and other infrastructure and community facilities;
- (c) achieve better utilization of land in the dilapidated areas of the built environment of Hong Kong and to make land available to meet various development needs;
- (d) prevent the decay of the built environment of Hong Kong by promoting the maintenance and improvement of individual buildings as regards their structural stability, integrity of external finishes and fire safety as well as the improvement of the physical appearance and conditions of that built environment;
- (e) preserve buildings, sites and structures of historical, cultural or architectural interest; and
- (f) engage in such other activities, and to perform such other duties, as the Chief Executive may, after consultation with the Authority, permit or assign to it by order published in the Gazette.

#### 6. General power of Authority

(1) The Authority shall have power to do anything which is expedient for or conducive or incidental to the attainment of the purposes declared in or permitted or assigned under section 5 and shall exercise that power so as to improve the standard of housing and the built environment of Hong Kong.

(2) Without prejudice to the generality of subsection (1), the Authority shall have power to and may—

- (a) enter into contracts, including employment contracts, or other agreements with any person;
- (b) prepare draft corporate plans and draft business plans for the operation of the Authority;
- (c) lease, purchase or otherwise acquire and hold land of any description in Hong Kong for the purpose of either undertaking development, providing accommodation for the Authority, or for providing residential accommodation for persons displaced by the carrying out of the purposes of the Authority;

- (d) 藉以下方式實施各種項目——
- (i) 根據第 25 條發展計劃方式；
  - (ii) 根據第 26 條發展項目方式；
  - (iii) 第 36(4) 條所指的繼續進行和完成發展提案；
  - (iv) 第 36(7) 條所指的繼續進行和完成發展計劃；
- (e) 改建、建造、拆卸、保養、修葺、保存或修復任何建築物、處所或其任何附屬構築物；
- (f) 提供道路、行人徑、公園、康樂設施及同類空地、橋樑、排水渠、污水渠及水道，並於適當情況下加以改建、保養或修葺，但由政府或其他公共機構負責保養者及政府或其他公共機構決定由其負責保養者，則不包括在內；
- (g) 在顧及有關租戶、擁有人或佔用人的權益、福利及舒適狀況下，管理由市建局所租用、購買、獲取或以其他方式持有的任何建築物、處所或構築物，以及該等建築物、處所或構築物的公共部分，包括其任何附屬土地，並可就與上述管理有關的服務收取費用；
- (h) 管理任何由市建局擁有或持有的道路、行人徑、公園、停車場、車位、康樂設施及同類空地、橋樑、排水渠、污水渠及水道，以及其他交通及康樂設施，並可就該等服務的提供收取費用；
- (i) 預留市建局持有的任何土地作停車場之用，指定車位、控制停車場及車位的使用，並可將停車場或停車處的任何地方分配給任何類別或任何特定類型或組別車輛使用，或給任何人或任何特定組別的人使用；
- (j) 在市建局所獲取或控制的建築物內提供固定附着物、裝置或家具，並可按市建局在收費或其他方面認為合適的條款及條件，將該等固定附着物、裝置或家具出租或借出，或以其他方式處置；
- (k) 在符合第 30 條的規定下，按市建局認為合適的條款及條件，將該局當時擁有或持有的任何土地、建築物、宅院、物業單位、船隻、貨品及資產批給、出售、轉易、轉讓、退回、交出、批租、出租、特許他人使用、移轉或以其他方式處置；
- (l) 與任何人訂立協議，由該人管理市建局所擁有或持有的任何土地；
- (d) implement projects by way of—
- (i) a development scheme under section 25;
  - (ii) a development project under section 26;
  - (iii) the continuation and completion of a development proposal under section 36(4);
  - (iv) the continuation and completion of a development scheme under section 36(7);
- (e) alter, construct, demolish, maintain, repair, preserve or restore any building, premises or structure ancillary thereto;
- (f) provide and where appropriate alter, maintain or repair roads, footways, parks, recreational facilities and similar open spaces, bridges, drains, sewers and water courses other than those the maintenance of which the Government or other public body has undertaken or decides to undertake;
- (g) manage any building, premises, or structures which it has leased, purchased, acquired or otherwise holds and any common parts thereof including any land ancillary thereto, having regard to the interests, welfare and comfort of the tenants, owners or occupiers thereof and may charge fees for its services in connection with such management;
- (h) manage any roads, footways, parks, car parks, parking spaces, recreational facilities and similar open spaces, bridges, drains, sewers and water courses and other transport and recreational facilities owned or held by the Authority and may charge fees for the provision of such services;
- (i) set aside as use for car parks any land held by the Authority, designate parking spaces, control the use of car parks and parking spaces and may allocate any place in a car park or parking place for the use of vehicles of any description or any particular type or class or for the use of any person or persons or any particular class;
- (j) provide fixtures, fittings or furniture in buildings acquired by or under the control of the Authority and may let, lend, hire or otherwise dispose of such fixtures, fittings or furniture on such terms and conditions as to payment or otherwise as the Authority may think fit;
- (k) subject to section 30, grant, sell, convey, assign, surrender, yield up, demise, let, license, transfer or otherwise dispose of any land or building, messuages, tenements, vessels, goods and chattels for the time being owned or held by the Authority on such terms and conditions as the Authority thinks fit;
- (l) enter into agreements with any person for the management by such person of any land owned or held by the Authority;

- (m) 為擬備任何方案以及為確定市建局任何項目所引致在人口重新安置方面的承擔，而進行該局認為合適的任何調查及普查；
- (n) 放棄租賃，或申請及同意修改租用條件，或進行任何交換；
- (o) 承擔及執行任何以推動市區重建為目標的信託，或目標與市建局任何宗旨相近或有連帶關係的信託；
- (p) 接受屬財產或其他項目的饋贈及捐贈，不論該等饋贈或捐贈是否受任何信託所規限；
- (q) 按市建局認為合適的條款及條件（包括津貼的支付、福利及薪酬）委任該局所決定委任的僱員；
- (r) 支付或提供特惠款項予任何僱員、任何去世僱員的遺產代理人或該僱員去世時受其供養的任何其他人；
- (s) 成立任何法團以進行市建局可進行的一切事情，並可將市建局認為旨在利便達致本條例所訂的市建局宗旨的目標及權力，賦予任何如此成立的法團；
- (t) 單獨或聯同任何其他人行使市建局的任何權力。

### 第 III 部

#### 向公眾負責

#### 7. 成員須申報利害關係

(1) 董事會成員（包括主席及行政總監）須於獲委任為成員後在切實可行範圍內，盡快以市建局當其時用常規或其他方法所訂定的方式，向該局申報他所擁有而屬於該局如此訂定的類別的任何利害關係，並須在其後因應情況所需而以該方式向該局申報該等利害關係。

(2) 市建局須為本條的施行，設立並維持一份登記冊（“登記冊”）。

- (m) conduct any survey and census as it thinks fit for the purpose of drawing up any plans and for the purposes of ascertaining a rehousing commitment resulting from any project of the Authority;
- (n) surrender any lease or apply for and agree to the modification of lease conditions or enter into any exchange;
- (o) undertake and execute any trust which has for its object the furtherance of urban renewal or any other object similar or incidental to any of the purposes of the Authority;
- (p) accept gifts and donations, whether of property or otherwise and whether subject to any trust or not;
- (q) appoint such employees as it may determine on such terms and conditions as the Authority thinks fit including the payment of allowances, benefits and remuneration;
- (r) make or provide ex gratia payments to any employee, or to the personal representative of a deceased employee or to any other person who was dependent on such employee at his death;
- (s) establish any body corporate for the purpose of doing all such things which the Authority may do and may vest in any such body corporate so established such objects and powers as in the opinion of the Authority are calculated to facilitate the attainment of the purposes of the Authority under this Ordinance;
- (t) exercise any of its powers either alone or in association with any other person or persons.

### PART III

#### PUBLIC ACCOUNTABILITY

#### 7. Members to declare interests

(1) As soon as is practicable after appointment to membership or as and when the occasion may thereafter require, a member of the Board of the Authority, including the Chairman and the Managing Director, shall declare to the Authority in such manner as is for the time being determined by the Authority, whether by standing orders or otherwise, any interest of his which is of a class or description so determined.

(2) The Authority shall establish and maintain a register (“the register”) for the purposes of this section.

(3) 凡任何董事會成員作出第(1)款規定的申報，市建局須安排將該成員的姓名連同申報內所載詳情記入登記冊，如任何成員其後按照該項規定作出申報，已記入登記冊的詳情須以該局認為適當的方式作增補或修訂。

(4) 市建局須將登記冊放置在其主要辦事處內，供公眾人士在任何合理時間查閱。

(5) 如董事會的任何成員(包括主席及行政總監)在提交給董事會考慮的合約內有任何直接或間接的利害關係，而該合約是由或建議由市建局訂立，或是由或建議由該局的受僱人、代理人、合夥人或合作夥伴訂立，或是由或建議由該局設立的法人團體訂立的，則該成員須在董事會會議上披露其利害關係的性質，而該項披露須記入董事會會議紀錄。該成員如未經主席許可(在該成員是主席的情況下，則他如未經出席該次會議的過半數成員許可)，不得參與董事會就該合約而進行的商議，且無論如何不得就有關該合約的任何問題投票。

(6) 凡有人根據第(5)款作出披露，而該人在有關的會議中無須避席，則在該次會議討論或考慮與該項披露有關的事宜期間，不得將該人計算在會議的法定人數內。

(7) 市建局的任何程序的有效性，不因董事會任何成員沒有遵守本條而受影響。

(8) 董事會成員如採取合理步驟確保在市建局會議上以提出和宣讀書面通知的方式作出披露，則無須親自出席該局會議以作出第(5)款規定他須作出的披露。

(3) Where a member of the Board of the Authority makes a declaration required under subsection (1), the Authority shall cause the name of the member to be entered in the register together with the particulars contained in the declaration, and if, in accordance with such a requirement, a member subsequently makes any such declaration, the particulars already so entered shall be added to or otherwise amended in such manner as the Authority considers appropriate.

(4) The Authority shall make the register available for public inspection at its principal office at any reasonable time.

(5) A member of the Board of the Authority, including the Chairman and the Managing Director, who is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority, or in a contract made or proposed to be made by a servant or an agent or a partner of the Authority, or, by a body corporate established by the Authority which is brought up for consideration by the Board, shall disclose the nature of his interest at a meeting of the Board; and the disclosure shall be recorded in the minutes of the meeting of the Board, and the member shall not without the permission of the Chairman, and in the case of the Chairman, the permission of the majority of the members present at the meeting, take any part in any deliberation of the Board with respect to that contract and shall not in any event vote on any question concerning it.

(6) Where a disclosure is made under subsection (5) and the person concerned is not required to withdraw from the relevant meeting, then for so long as the matter to which the disclosure relates is being discussed or otherwise considered at such meeting, the presence of the person by whom the disclosure was made shall be disregarded for the purposes of forming a quorum for the meeting.

(7) The validity of any proceedings of the Authority shall not be affected by the failure by a member of the Board of the Authority to comply with this section.

(8) A member of the Board of the Authority need not attend in person at the meeting of the Authority in order to make a disclosure which he is required to make under subsection (5) if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

#### 8. 公職人員述明公眾利益的責任

在董事會的會議中，任何出席的身為公職人員的成員，如認為市建局將會或正在考慮、決定或訂定的任何事宜，違反或可能違反公眾利益，或引起或可能引起公眾利益問題，或使公眾利益問題或可能使該問題成為爭論點，則——

#### 8. Duty of public officers to state public interest

Where at a meeting of the Board a member who is a public officer and is present considers that any matter whatsoever which is to be or is being considered, decided or determined by the Authority, is or could be contrary to, or otherwise raises or puts in issue, or could so raise or put in issue, the public interest as perceived by him, the following shall apply—

- (a) 他須向與會者述明他對公眾利益與有關事宜之間的關係的意見；如適當的話，他亦須述明以他的意見，與公眾利益發生實際或潛在衝突的情況怎樣產生或會怎樣產生；及
- (b) 除非他已根據第7(1)或(5)條作出與該事宜有關的申報或披露，否則第7(5)條就該事宜而言並不適用，而何謂公眾利益，則以該成員所理解者為準。

#### 9. 向立法會作出回答

立法會轄下的委員會及小組委員會均可要求主席及執行董事出席立法會委員會及小組委員會的會議，而他們須遵從該等要求。主席及執行董事須回答立法會議員在會議上提出的問題。

#### 第IV部

#### 財政條文

#### 10. 市建局的資源

- (1) 市建局的資源計有——
- (a) 經立法會撥給市建局使用並由政府付給該局的所有款項；
- (b) 市建局為其宗旨而收取的所有其他款項及財產，包括費用、租金、利息及累積收入。
- (2) 市建局獲付給或所收取的所有款項，須存入獲香港金融管理局發牌的銀行。
- (3) 庫務局局長可就市建局在任何財政年度內可支出的款額，向市建局作出一般性或具體性的書面指示，而市建局須遵從該等指示。
- (4) 市建局須以應有的謹慎和盡其應盡的努力處理其財政。

#### 11. 借款權力

- (1) 市建局可按財政司司長批准的條款及條件，向政府借取該局為根據本條例執行職責而需要的款項。

- (a) he shall state to the meeting his opinion regarding the relation between the public interest, as so perceived, and the matter, and, where appropriate, he shall also state how, in his opinion, an actual or potential conflict with that interest, as so perceived, arises or could arise; and
- (b) unless he has made a declaration or disclosure under section 7(1) or (5) which is relevant to the matter, section 7(5) shall not apply as regards the matter.

#### 9. Answer to Legislative Council

The committees and subcommittees of the Legislative Council may request the Chairman and the executive directors to attend its meetings and they shall comply. The Chairman and the executive directors shall answer questions raised by the Members of the Legislative Council at the meetings.

#### PART IV

#### FINANCIAL PROVISIONS

#### 10. Resources of Authority

- (1) The resources of the Authority shall consist of—
- (a) all money paid by the Government to the Authority and appropriated for that purpose by the Legislative Council;
- (b) all other money and property, including fees, rent, interest and accumulations of income received by the Authority for its purposes.
- (2) All money paid to or received by the Authority shall be deposited with banks licensed by the Hong Kong Monetary Authority.
- (3) The Secretary for the Treasury may give directions in writing of a general or specific character to the Authority in relation to the amount of money which may be expended by the Authority in any financial year and the Authority shall comply with those directions.
- (4) The Authority shall exercise due care and diligence in the handling of its finances.

#### 11. Borrowing powers

- (1) The Authority may borrow from the Government, such money as may be required for the performance of the duties of the Authority under this Ordinance, on such terms and conditions as may be approved by the Financial Secretary.

(2) 在符合第(3)款的規定下，市建局可向政府以外的渠道以透支方式借取該局為根據本條例履行責任或執行職責而需要的款項。

(3) 庫務局局長可就市建局根據第(2)款可借取的款額，向市建局作出一般性或具體性的書面指示，而市建局須遵從該等指示。

(4) 市建局在財政司司長批准下，可向政府以外的渠道以透支以外的方式借取該局為根據本條例履行責任或執行職責而需要的款項。

(5) 貸款予市建局的人無須查究該局借取該款項是否合法或合乎規定，或所借款項是否已由該局正當運用，亦無須因有任何不合法或不合乎規定的事，或因該局將該款項運用不當或不予運用而蒙受不利。

(6) 市建局在財政司司長批准下，可將其全部或任何部分的財產作出押記，作為所借取款項的償還保證。

## 12. 貸款權力

(1) 在符合第(2)款的規定下，市建局可為實施其任何項目而按該局認為合適的條款及條件向任何人貸款。

(2) 市建局在行使第(1)款的權力時，須考慮——

(a) 因項目的實施而被遷徙的人士對在原地區居住的需求；及

(b) 因項目的實施而業務被遷徙的人士對繼續經營其正營運中的業務的需求。

(3) 庫務局局長可就市建局根據第(1)款可貸出的款額，向市建局作出一般性或具體性的書面指示，而市建局須遵從該等指示。

## 13. 由政府作出擔保

(1) 立法會可不時藉決議授權財政司司長代政府就以下事項作出擔保——

(2) Subject to subsection (3), the Authority may borrow by way of overdraft from sources other than the Government such money as it may require for meeting its obligations or performing its duties under this Ordinance.

(3) The Secretary for the Treasury may give directions in writing of a general or specific character to the Authority in relation to the amount of money which may be borrowed under subsection (2) and the Authority shall comply with those directions.

(4) The Authority may with the approval of the Financial Secretary borrow, otherwise than by way of overdraft from sources other than the Government, such money as it may require for meeting its obligations or performing its duties under this Ordinance.

(5) A person lending money to the Authority shall not be concerned to inquire whether the borrowing of the money by the Authority is legal or regular or whether the money lent has been properly applied by the Authority and shall not be prejudiced by any illegality or irregularity or by misapplication or non-application by the Authority of the money.

(6) The Authority may with the approval of the Financial Secretary charge all or any part of its property as security for the repayment of money borrowed.

## 12. Power to lend money

(1) Subject to subsection (2), the Authority may lend money on such terms and conditions as the Authority thinks fit to any person or persons for the purposes of implementing a project of the Authority.

(2) The Authority, when exercising the power under subsection (1), shall consider—

(a) the needs of those persons who will be displaced by the implementation of a project for residential accommodation in the same locality; and

(b) where there is a business which will be displaced by the implementation of a project, the needs of those persons to operate the business as a going concern.

(3) The Secretary for the Treasury may give directions in writing of a general or specific character to the Authority in relation to the amount of money which may be lent under subsection (1) and the Authority shall comply with those directions.

## 13. Guarantee by Government

(1) The Legislative Council may from time to time by resolution authorize the Financial Secretary on behalf of the Government to grant guarantees in respect of—



- (a) 償還市建局的借款或清償該局的其他債項，以及支付借款或債項的利息、加付款或其他收費；及
- (b) 贖回或償還該局所發行的債券、票據或其他證券，以及支付該等債券、票據或證券的利息、溢價或其他收費，

但擔保總額不得超過決議所指明的款額，並須受決議所指明的條款或條件所規限。

(2) 根據第(1)款作出的擔保如包括利息、因任何價格變動條款的實施而須付的款額、加付款或其他收費，則不得僅以授權作出擔保的決議雖有指明該等利息、款額、加付款或收費，但沒有列出該等項目的總款額，或所列出的款額不包括該等項目為理由，而使擔保無效。

(3) 政府為履行根據第(1)款作出的擔保而需要的款項，須由政府一般收入撥出和支付，而政府就如此支付的款項所收取的還款或利息，須撥入政府一般收入。

(4) 如政府依據一項根據第(1)款作出的擔保，就任何以按揭、特定押記或浮動押記作保證的債項而付款給市建局的債權人，則該局須向政府連利息償還該筆款項，利率則由財政司司長訂定；而自付款時起，政府即擁有憑藉該項按揭或押記而歸屬債權人的所有補救的利益，並無須經債權人轉讓，即可以本身名義自由行使根據該項按揭或押記而產生的權利及權力。

#### 14. 盈餘資金的運用

(1) 市建局可將在任何財政年度中非即時需要支用的款項，以財政司司長批准的投資方式進行投資。

(2) 如在任何財政年度中，市建局的收入超過就以下項目作支出所需的總額——

- (a) 支付該局可恰當地從收入帳支付的總開支；及
- (b) 使該局能——
  - (i) 將該局合理地認為足夠的款項撥作儲備；
  - (ii) 支付該局所欠款項，不論當其時是否在法律上到期應付，

- (a) the repayment of loans made to, or the discharge of other indebtedness of, the Authority and the payment of interest, premium or other charge thereon; and
- (b) the redemption or repayment of, and the payment of interest, premium or other charge on, any bonds, notes or other securities issued by the Authority,

up to an amount not exceeding in total that specified in the resolution and subject to any terms or conditions specified therein.

(2) A guarantee granted under subsection (1) which includes interest, amounts payable in consequence of the operation of any price variation clause, premium or other charges, shall not be invalid by reason only of the fact that such interest, amounts, premiums or charges, although specified in the resolution authorizing the granting of the guarantee, are not quantified as to total amount or included in the amount quantified in such resolution.

(3) Any sum required for fulfilling a guarantee granted under subsection (1) by the Government shall be charged on and paid out of the general revenue and any sum received by the Government by way of repayment of a sum so paid out, or for interest thereon, shall be paid into the general revenue.

(4) If, pursuant to a guarantee granted under subsection (1), the Government makes a payment to a creditor of the Authority in respect of a debt secured by a mortgage or a specific or floating charge, such sum shall be repayable to the Government by the Authority, together with interest thereon at such rate as the Financial Secretary may determine, and the Government shall as from the time of payment have the benefit of all the remedies vested in the creditor by virtue of such mortgage or charge with liberty to exercise the rights and powers arising thereunder in its own name and without any assignment by the creditor.

#### 14. Use of surplus funds

(1) The Authority may invest money that in any financial year is not immediately required to be expended in such forms of investment as the Financial Secretary may approve.

(2) If in any financial year there is an excess of revenue of the Authority over the total sum required by it to be expended—

- (a) to meet the total outgoings of the Authority properly chargeable to revenue; and
- (b) to enable the Authority to—
  - (i) make such allocations to reserve as it may reasonably consider adequate;
  - (ii) pay any moneys owing by it, whether or not payment is legally due at the time,

則財政司司長在諮詢該局後，可向該局作出指示，規定該局將全部或部分超額款項付予政府，而該局須遵從該等指示。

(3) 除根據第(2)款作出的指示另有規定外，市建局可將該款所述的任何超額款項——

- (a) 運用於該局所決定的該局宗旨上；或
- (b) 撥作儲備，不論是作一般用途或特別用途，

或將部分作上述其中一項用途，部分則作另一項用途。

(4) 政府根據第(2)款收取的任何款項，須撥入政府一般收入。

#### 15. 市建局的債項

(1) 市建局欠政府的債項相等於——

- (a) 該局根據第 10(1)(a)條收取的所有款項；
- (b) 政府為該局的利益而直接或間接招致的所有開支。

(2) 財政司司長須藉其親自簽署的證明書，釐定該債項及其利息的款額，並可基於充分因由而調低或提高經如此證明的款額。

(3) 第(1)及(2)款所指的市建局債項及其利息，須按財政司司長指示的方式清償。

#### 16. 市建局須備存妥善的會計紀錄和擬備財務報表

(1) 市建局須備存正確地說明其財務往來及財政狀況的會計紀錄，以使——

- (a) 真實而中肯的財務報表得以不時擬備；及
- (b) 該等報表得以方便而妥善地按照第 18 條審計。

(2) 市建局須確保於每一財政年度終結後，在切實可行範圍內盡快(但無論如何須在該年度終結後 3 個月內)擬備以下財務報表——

- (a) 真實而中肯地反映該局在該年度的收支情況的收支結算表；
- (b) 截至該年度終結時並真實而中肯地反映該局在該年度終結時的財政狀況的資產負債表。

the Financial Secretary may, after consultation with the Authority, give the Authority directions requiring it to pay the whole or part of the excess to the Government and the Authority shall comply with those directions.

(3) Subject to any directions given under subsection (2), the Authority may deal with any such excess as is mentioned in that subsection—

- (a) by applying it for such of the purposes of the Authority as the Authority may determine; or
- (b) by allocating it to reserve, whether generally or for a particular purpose,

or partly in one of those ways and partly in another.

(4) Any sum received by the Government under subsection (2) shall be paid into the general revenue.

#### 15. Debt of Authority

(1) The Authority shall be indebted to the Government in a sum equal to—

- (a) all money received by the Authority under section 10(1)(a);
- (b) all expenditure directly or indirectly incurred by the Government for the benefit of the Authority.

(2) The Financial Secretary shall determine the amount of such indebtedness and any interest thereon by certificate under his hand and may for sufficient cause reduce or increase any amount so certified.

(3) The indebtedness of the Authority under subsections (1) and (2) and any interest thereon shall be discharged in such manner as the Financial Secretary directs.

#### 16. Authority to keep proper accounting records and to prepare financial statements

(1) The Authority shall keep such accounting records as correctly explain its financial transactions and financial position and so that—

- (a) true and fair financial statements can be prepared from time to time; and
- (b) those statements can be conveniently and properly audited in accordance with section 18.

(2) The Authority shall ensure that the following financial statements are prepared as soon as practicable and in any case not later than 3 months after the end of each financial year—

- (a) an income and expenditure account that gives a true and fair view of the Authority's income and expenditure for that year;
- (b) a balance sheet as at the end of that year that gives a true and fair view of the Authority's financial position as at the end of that year.

(3) 市建局須確保該等財務報表符合財政司司長以書面通知該局的所有會計標準。

#### 17. 市建局須委任核數師

(1) 市建局須委任一名核數師審計該局的帳目。

(2) 當核數師職位出缺時，市建局須在切實可行範圍內盡快委任另一名核數師填補該空缺。

#### 18. 市建局的財務報表須予審計

(1) 市建局須於每一財政年度終結後的3個月內，將就該年度擬備的財務報表呈交該局的核數師進行審計。

(2) 在接獲市建局所呈交的財務報表後，該局的核數師須在切實可行範圍內盡快審計該等報表，並擬備該等報表的審計報告。

(3) 核數師報告須述明根據該局的核數師的意見，該等財務報表是否妥善擬備，以致能真實而中肯地反映第16(2)條所述的事宜，以及符合根據第16(3)條通知的會計標準(如有的話)，如屬否者，則該報告須述明核數師得出該意見的理由。

(4) 市建局的核數師有權——

(a) 在任何合理時間取用該局的會計紀錄；及

(b) 要求行政總監、執行董事及該局任何職員向該核數師提供他認為為進行審計而需要的解釋及資料。

(5) 在完成審計和擬備核數師報告後，市建局的核數師須在切實可行範圍內盡快——

(a) 將報告附連於或註明於經審計的財務報表；並

(b) 將該等報表及該報告送遞市建局。

(6) 市建局須於每一財政年度終結後，在切實可行範圍內盡快(但無論如何須在該年度終結後6個月內)向財政司司長提交——

(a) 該局該年度的事務報告；

(b) 該局該年度經審計的財務報表一份；及

(c) 核數師就該等報表擬備的審計報告，

而財政司司長須安排將該等報告及報表提交立法會省覽。

(3) The Authority shall ensure that the financial statements comply with any accounting standards notified to the Authority in writing by the Financial Secretary.

#### 17. Authority to appoint auditor

(1) The Authority shall appoint an auditor to audit the accounts of the Authority.

(2) As soon as practicable after a vacancy occurs in the office of auditor, the Authority shall appoint another auditor to fill the vacancy.

#### 18. Authority's financial statements to be audited

(1) Not later than 3 months after the end of each financial year, the Authority shall submit the financial statements prepared for that year to the Authority's auditor for auditing.

(2) As soon as practicable after receiving the financial statements submitted by the Authority, the Authority's auditor shall audit those statements and prepare an auditor's report on audit of those statements.

(3) The auditor's report shall state whether or not the financial statements are, in the opinion of the Authority's auditor, properly drawn up so as to give a true and fair view of the matters referred to in section 16(2) and in compliance with the accounting standards, if any, notified under section 16(3) and, if not, the reasons for that opinion.

(4) The Authority's auditor is entitled—

(a) to have access at all reasonable times to the Authority's accounting records; and

(b) to require the Managing Director, the executive directors and any member of the staff of the Authority to provide the auditor with such explanations and information as the auditor considers necessary for the purpose of conducting the audit.

(5) As soon as practicable after completing the audit and preparing the auditor's report, the Authority's auditor shall—

(a) attach the report to, or endorse the report on, the financial statements that were audited; and

(b) deliver those statements and the report to the Authority.

(6) The Authority shall, as soon as practicable and in any case not later than 6 months after the end of each financial year, furnish—

(a) a report of the affairs of the Authority for that year;

(b) a copy of the audited financial statements thereof; and

(c) the auditor's report on audit of those statements,

to the Financial Secretary who shall cause the same to be tabled in the Legislative Council.

**19. 豁免納稅**

市建局獲豁免而無需繳交《稅務條例》(第112章)下的徵稅。

## 第V部

## 規劃程序

**20. 市區重建策略**

- (1) 為施行本部，局長可不時就進行市區重建而擬備市區重建策略。
- (2) 局長須在根據第(1)款擬備的市區重建策略定案前以其決定的方式諮詢公眾。在修改或修訂該策略前，局長如認為該等修改或修訂的性質是屬輕微、技術性或微不足道的，則無需諮詢公眾。
- (3) 在根據第(2)款進行諮詢的過程中，局長如認為披露某項資料並不符合公眾利益，則無需披露該項資料。

**21. 業務綱領**

- (1) 市建局須於每個財政年度終結前的3個月開始之日或該日之前，將一份自下個財政年度首日起計的5年期業務綱領草案呈交財政司司長批准，該草案須涵蓋該期間內——
  - (a) 市建局將予實施的提案計劃，包括開始實施的日期，並就每項提案述明該提案是根據第25條藉發展計劃方式或是根據第26條藉發展項目方式而實施的；
  - (b) 市建局的第6(2)(d)(iii)及(iv)條所述種類的發展提案及發展計劃的實施計劃，包括開始實施的日期，並就每個項目述明該項目是根據已廢除條例第13(1)條藉發展計劃方式或是根據已廢除條例第5(2)(b)條藉發展提案方式而實施的；
  - (c) 市建局為完成(a)段所述計劃而擬備的財政計劃，包括——

**19. Exemption from taxation**

The Authority shall be exempt from taxation under the Inland Revenue Ordinance (Cap. 112).

## PART V

## PLANNING PROCEDURES

**20. Urban renewal strategy**

- (1) The Secretary may prepare from time to time an urban renewal strategy for the purposes of this Part relating to the carrying out of urban renewal.
- (2) The Secretary shall consult the public before finalizing the urban renewal strategy prepared under subsection (1) in such manner as he may determine. The Secretary need not consult the public before revising or amending the urban renewal strategy prepared under that subsection if he considers that such revision or amendment is of a minor, technical or insignificant nature.
- (3) In the course of consultation under subsection (2), the Secretary need not disclose information which, in his opinion, would not be in the public interest to disclose.

**21. Corporate plan**

- (1) The Authority shall not later than 3 months before the end of each financial year submit to the Financial Secretary for approval a draft corporate plan for a period of 5 years beginning on the first day of the next financial year covering in relation to that period—
  - (a) its programme of proposals to be implemented including commencement dates of implementation, and for each proposal, whether it is to be implemented by way of a development scheme under section 25 or by way of a development project under section 26;
  - (b) its programme of implementation for development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv), including commencement dates and for each project, whether it is to be implemented by way of a development scheme under section 13(1) of the repealed Ordinance or by way of a development proposal under section 5(2)(b) of the repealed Ordinance;
  - (c) its financial plan to achieve the programme mentioned in paragraph (a), including——

- (i) 下列各項的預計收支——
- (A) 已開始實施的項目；
  - (B) 將於該期間開始實施的提案；
  - (C) 已開始實施的第 6(2)(d)(iii) 及 (iv) 條所述種類的发展提案及发展計劃；
  - (D) 將於該期間實施的第 6(2)(d)(iii) 及 (iv) 條所述種類的发展提案及发展計劃；
- (ii) 為提供資金予提案及已開始實施或將於該財政年度終結前開始實施的項目而需要從政府或政府以外的渠道借取的款額，以及該等貸款的償還時間表；及
- (iii) 該局實施該計劃所需的人手。
- (2) 市建局須於成立後，在切實可行範圍內盡快將其首個業務綱領草案呈交財政司司長批准。
- (3) 市建局在擬備其提案計劃及項目實施計劃時——
- (a) 須依循就該等提案及項目的實施而根據第 20(1) 條擬備的市區重建策略中列明的指引；
  - (b) 須在切實可行範圍內，將第 6(2)(d) 條所述種類的項目 (但僅限於在該市區重建策略中列明的範圍內) 的提案包括在內；
  - (c) 可提議將該局認為適合包括在業務綱領內的任何其他提案或任何其他項目的實施包括在業務綱領內，讓財政司司長批准。
- (4) 財政司司長對市建局所呈交的業務綱領草案，可——
- (a) 予以批准；或
  - (b) 不予批准。

## 22. 業務計劃

- (1) 市建局於呈交第 21(1) 條所述的業務綱領草案時，須同時將下個財政年度的業務計劃草案呈交財政司司長批准，該業務計劃草案須涵蓋該年度內——

- (i) the projected income and expenditure for—
- (A) the projects that have already commenced;
  - (B) the proposals to be commenced during that period;
  - (C) the development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv) that have already commenced;
  - (D) the development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv) to be commenced during that period;
- (ii) the amount of any money required to be borrowed from the Government or from sources other than the Government for financing the implementation of the proposals and projects that have already commenced or are to be commenced before the end of the financial year and the repayment schedule for any such loan; and
- (iii) the staffing requirements of the Authority to implement such programme.
- (2) The Authority shall submit its first draft corporate plan to the Financial Secretary for approval as soon as is practicable after the Authority is established.
- (3) The Authority, when preparing its programme of proposals and its programme of implementation for projects—
- (a) shall follow any guidelines set out in an urban renewal strategy prepared under section 20(1) in relation to the implementation of those proposals and projects;
  - (b) shall, as far as is practicable, include proposals of projects of the description mentioned in section 6(2)(d) to the extent as may be set out in such an urban renewal strategy;
  - (c) may suggest, for the approval of the Financial Secretary, for inclusion in its corporate plan any other proposal or the implementation of any other project as it thinks fit.
- (4) Upon submission of a draft corporate plan the Financial Secretary may—
- (a) approve it; or
  - (b) refuse to approve it.

## 22. Business plan

- (1) At the same time as the submission of the draft corporate plan mentioned in section 21(1), the Authority shall submit to the Financial Secretary for approval a draft business plan for the next financial year covering in relation to that financial year——

- (a) 該局將予實施的提案的計劃，包括開始實施的日期，並就每項提案述明該提案是根據第 25 條藉發展計劃方式或是根據第 26 條藉發展項目方式而實施的；
- (b) 該局的第 6(2)(d)(iii) 及 (iv) 條所述種類的發展提案及發展計劃的實施計劃，包括開始實施的日期，並就每個項目述明該項目是根據已廢除條例第 13(1) 條藉發展計劃方式或是根據已廢除條例第 5(2)(b) 條藉發展提案方式而實施的；
- (c) 實施下列各項所需的資源——
- 已開始實施的項目；
  - 將於下一財政年度開始實施的提案；
  - 已開始實施的第 6(2)(d)(iii) 及 (iv) 條所述種類的發展提案及發展計劃；
  - 將於下一財政年度內開始實施的第 6(2)(d)(iii) 及 (iv) 條所述種類的發展提案及發展計劃；
- (d) 市建局的收支預算；
- (e) 為提供資金予提案及已開始實施或將於該財政年度終結前開始實施的項目而需要從政府或政府以外的渠道借取的款額，以及該等貸款的償還時間表；及
- (f) 為收容因各提案及項目而將被遷徙的人而需要提供的居所的預計數目。
- (2) 市建局須於成立後，在切實可行範圍內盡快將其首個業務計劃草案呈交財政司司長批准。
- (3) 除非獲得財政司司長事先批准，否則市建局不得根據第 25 條藉發展計劃方式或根據第 26 條藉發展項目方式，實施沒有包括在業務綱領或業務計劃內的提案或該等計劃沒有涵蓋的提案。
- (4) 除非獲得財政司司長事先批准，否則市建局不得根據已廢除條例第 13(1) 條藉發展計劃方式或根據已廢除條例第 5(2)(b) 條藉發展提案方式，實施沒有包括在業務

- (a) its programme of proposals to be implemented including commencement dates of implementation, and for each proposal, whether it is to be implemented by way of a development scheme under section 25 or by way of a development project under section 26;
- (b) its programme of implementation for development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv), including commencement dates and for each project, whether it is to be implemented by way of a development scheme under section 13(1) of the repealed Ordinance or by way of a development proposal under section 5(2)(b) of the repealed Ordinance;
- (c) the resources required to implement—
- the projects that have already commenced;
  - the proposals to be commenced in the next financial year;
  - the development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv) that have already commenced;
  - the development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv) to be commenced in the next financial year;
- (d) the estimated revenue and expenditure of the Authority;
- (e) the amount of any money required to be borrowed from the Government or from sources other than the Government for financing the implementation of the proposals and projects that have already commenced or are to be commenced before the end of the financial year and the repayment schedule for any such loan; and
- (f) an estimate of the number of residential accommodations that need to be made available to receive persons who will be displaced by the proposals and projects.
- (2) The Authority shall submit its first draft business plan to the Financial Secretary for approval as soon as is practicable after the Authority is established.
- (3) The Authority shall not implement any proposal not included in or covered by the corporate plan or the business plan, whether it is to be implemented by way of a development scheme under section 25 or by way of a development project under section 26, except with the prior approval of the Financial Secretary.
- (4) The Authority shall not implement any development proposal or development scheme of the description mentioned in section 6(2)(d)(iii) and (iv) not included in or covered by the corporate plan or the business plan, whether it is to be implemented by way of a development scheme under section

綱領或業務計劃內或沒有為該等計劃所涵蓋的第6(2)(d)(iii)及(iv)條所述種類的發展提案及發展計劃。

- (5) 財政司司長對市建局所呈交的業務計劃草案，可——
- (a) 予以批准；或
  - (b) 不予批准。

### 23. 項目的公布

(1) 為實施某個項目，市建局須於兩個月的期間（“公布期”）內在每期憲報刊登公告，公布該項目開始實施的日期、第(3)(a)款所述種類的資料的摘要以及關於該項目的資料將於何時何地展示和讓公眾查閱，並須於公布期內每星期一次在一份中文及一份英文的本地報章公布該等日期、摘要、時間及地點。

(2) 項目開始實施的日期，是關於該項目的公告首次在憲報刊登的日期。

(3) 市建局須展示以下與項目有關的資料讓公眾查閱——

- (a) 項目的一般性質及影響的說明；及
- (b) 劃定項目的土地界線的圖則。

(4) 在不損害《收回土地條例》(第124章)的原則下，市建局可參照憲報所公布的項目開始實施的日期，或參照根據第24(8)或25(8)條(視屬何情況而定)所決定的項目有關部分開始實施的日期，以按照市建局不時公布的政策，決定某人因市建局實施該項目而可收取補償、款項或其他利益(包括在有需要情況下獲提供其他居所)的資格。

(5) 就本條而言，“項目”(project)視乎情況而指——

- (a) 第25條所述種類的發展計劃；或
- (b) 第26條所述種類的發展項目。

13(1) of the repealed Ordinance or by way of a development proposal under section 5(2)(b) of the repealed Ordinance, except with the prior approval of the Financial Secretary.

(5) Upon submission of a draft business plan the Financial Secretary may—

- (a) approve it; or
- (b) refuse to approve it.

### 23. Publication of project

(1) For the purpose of the implementation of a project, the Authority shall publish in each issue of the Gazette within the space of a period of 2 months (“the publication period”), and once a week during the publication period in a Chinese language and an English language local newspaper, notice of the commencement date of the implementation of the project, together with a summary of the information of the description mentioned in subsection (3)(a) and the times and places where information on the project shall be exhibited and be available for public inspection.

(2) The commencement date of the implementation of the project shall be the date on which notice of the project is first published in the Gazette.

(3) The Authority shall exhibit for public inspection the following information related to the project—

- (a) a description of the general nature and effects of the project; and
- (b) a plan delineating the boundaries of the project.

(4) Without prejudice to the Lands Resumption Ordinance (Cap. 124), the Authority may make reference to the commencement date of the implementation of the project notified in the Gazette or, the commencement date for the implementation of the part of the project determined under section 24(8) or 25(8), as the case may be, for determining, in accordance with the Authority’s policies as published from time to time, the eligibility of any person to receive compensation, payments or other benefits including the provision of alternative residential accommodation where necessary as a result of the Authority’s implementation of the project.

(5) For the purposes of this section, “project” (項目) means—

- (a) a development scheme of the description mentioned in section 25; or
- (b) a development project of the description mentioned in section 26,

as the case may be.

**24. 反對擬議發展項目方式實施的項目**

- (1) 任何人如認為他將會受根據第23(1)條刊登的公告所提述的擬根據第26條藉發展項目方式實施的項目所影響，並欲反對該項發展項目的實施，可於公布期內將一份他反對該項目的陳述書送交市建局。
- (2) 第(1)款所述的陳述書須列明——
- 反對的性質及理由；
  - (凡對發展項目作出修訂則該項反對即會消除)建議作出的修訂。
- (3) 市建局須考慮所有反對書，並須於公布期屆滿後3個月內，將下述項目呈交局長考慮——
- 有關發展項目；
  - 市建局對該等反對書所作的評議；
  - 任何沒有撤回的反對書；及
  - 市建局對因實施該發展項目而相當可能會帶來的影響作出的評估，包括評估就因該項目的實施而被遷徙的人的居所而言，如並無現存的適當居所提供給該等人士，則能否在實施該項目所引致的上述遷徙發生前作出安排提供該等居所。
- (4) 局長須考慮有關發展項目及沒有撤回的反對書，並須因應該等反對書決定——
- 是否在不對該發展項目作出修訂的情況下授權市建局着手進行該項目；
  - 是否因應根據第(1)款提出的反對而修訂該發展項目；或
  - 是否拒絕授權進行該發展項目。
- (5) 若公布期屆滿而無人提出反對，則局長可授權市建局着手進行有關發展項目。
- (6) 如局長因應根據第(1)款提出的反對而根據第(4)(b)款修訂某發展項目，他須下令市建局於憲報刊登關於該項修訂的公告。如局長覺得該項修訂影響任何並非屬於反對者的土地，局長須向該土地的擁有人送達關於該項修訂的書面通知，或以廣告

**24. Objections to projects to be implemented by way of development project**

- (1) Any person who considers that he will be affected by a project to be implemented by way of a development project under section 26 referred to in a notice published under section 23(1) and who wishes to object to the implementation of the development project may, within the publication period, send to the Authority a written statement of his objections to the project.
- (2) The written statement mentioned in subsection (1) shall set out—
- the nature and reasons for the objection;
  - where the objection would be removed by an amendment of the development project any amendment proposed.
- (3) The Authority shall consider all objections and shall, not later than 3 months after the expiration of the publication period, submit—
- the development project;
  - the Authority's deliberations on the objections;
  - any objections which are not withdrawn; and
  - an assessment by the Authority as to the likely effect of the implementation of the development project including, in relation to the residential accommodation of persons who will be displaced by the implementation of the development project, an assessment as to whether or not, insofar as suitable residential accommodation for such persons does not already exist, arrangements can be made for the provision of such residential accommodation in advance of any such displacement which will result as the development project is implemented,
- to the Secretary for his consideration.
- (4) The Secretary shall consider the development project and any objections which are not withdrawn and determine, consequent upon those objections, whether—
- to authorize the Authority to proceed with the development project without any amendment;
  - to make an amendment to the development project to meet an objection raised under subsection (1); or
  - to decline to authorize the development project.
- (5) The Secretary may authorize the Authority to proceed with the development project if after the expiration of the publication period no objections have been lodged.
- (6) Where the Secretary makes an amendment to a development project under subsection (4)(b) to meet an objection raised under subsection (1), he shall order the Authority to publish in the Gazette notice of the amendment to the development project. Where the amendment appears to the Secretary to affect any land, other than that of the objector, the Secretary shall serve notice



或以其他方式向該擁有人發出局長認為適宜及切實可行的其他通知，以將該項修訂告知該擁有人。

(7) 第(6)款所述的其他土地的擁有人如欲反對根據第(4)(b)款作出的修訂——

- (a) 如該擁有人屬根據第(3)款呈交的原有發展項目所包含的土地的擁有人，則他須在局長根據第(6)款送達或發出通知後的14天內，將一份提出該項反對的陳述書送交局長；或
- (b) 如該擁有人屬根據第(3)款呈交的原有發展項目所沒有包含的土地的擁有人，而其土地是受該項修訂影響的，則他須在局長根據第(6)款送達或發出通知後的兩個月內，將一份提出該項反對的陳述書送交局長，

而局長須考慮該陳述書，並鑑於該項反對而決定是否授權市建局着手進行該發展項目(授權時可修訂該項目，亦可不修訂該項目)，或是否拒絕授權進行該發展項目，並須向該擁有人送達關於該項決定的書面通知。

(8) 凡局長根據第(4)(b)款修訂某發展項目，而有關修訂是包括擴大該項目的土地界線的，則就該項目中涉及根據第(3)款呈交的原有發展項目所沒有包含的土地的部分而言，其開始實施的日期是根據第(6)款於憲報刊登公告的日期。而就該項目中涉及根據第(3)款呈交的原有發展項目所包含的土地的部分而言，其開始實施的日期依然是第23(2)條所規定的日期。

(9) 凡局長根據第(4)(a)或(7)款(視屬何情況而定)授權市建局着手進行某發展項目，不論授權時有否對該項目作出修訂，他須下令該局將關於授權進行該項目的公告，連同關於該獲授權進行的項目並屬第23(3)(a)及(b)條所述種類的資料的摘要，於憲報刊登。如任何人要求市建局提供關於該獲授權進行的項目的屬第23(3)(a)及(b)條所述種類的資料讓其查閱，該局須向該人提供該等資料。

(10) 凡局長根據第(4)(c)或(7)款拒絕授權進行某發展項目，他須下令市建局於憲報刊登關於撤回該項目的公告。市建局須向該土地的擁有人送達關於該項決定的書面通知，或以廣告或其他方式向該擁有人發出該局認為適宜及切實可行的其他通知，

in writing of that amendment on the owner of that other land or give such other notice by advertisement or otherwise as he deems desirable and practicable to the owner of that other land to inform that owner of the amendment.

(7) The owner of the other land mentioned in subsection (6) who wishes to object to the amendment made by the Secretary under subsection (4)(b) shall send to the Secretary a written statement of that objection within—

- (a) 14 days in the case of an owner of the land included in the original development project submitted to the Secretary under subsection (3); or
- (b) 2 months in the case of an owner of the land affected by the amendment made by the Secretary under subsection (4)(b) and not included in the original development project submitted to the Secretary under subsection (3),

after the service or giving of notice by the Secretary under subsection (6). The Secretary shall consider the written statement to determine, in view of that objection, whether to authorize the Authority to proceed with the development project with or without the amendment made by the Secretary or, whether to decline to authorize the development project and shall serve notice in writing of that determination on the owner who made the objection.

(8) Where the Secretary makes an amendment to a development project under subsection (4)(b) with amendments which include an expansion of the boundaries of the project, the commencement date of the implementation of the part of the project concerning the land not included in the original development project submitted to the Secretary under subsection (3) shall be the date when notice was published in the Gazette under subsection (6). The commencement date of the implementation of the part of the project concerning the land included in the original development project submitted to the Secretary under subsection (3) shall remain as provided under section 23(2).

(9) Where the Secretary authorizes the Authority to proceed with a development project under subsection (4)(a) or (7), as the case may be, with or without amendments, he shall order the Authority to publish in the Gazette notice of authorization of the project, together with a summary of the information of the description mentioned in section 23(3)(a) and (b) concerning the project as authorized by the Secretary. The Authority shall, upon request made to it by any person in that behalf, make available for inspection information of the description mentioned in section 23(3)(a) and (b) concerning the authorized project.

(10) Where the Secretary declines to authorize a development project under subsection (4)(c) or (7), he shall order the Authority to publish in the Gazette notice of withdrawal of the project. The Authority shall serve notice in writing of that decision on the owner of the land or give such other notice by advertisement or otherwise as the Authority deems desirable and practicable to

以將該項決定告知該擁有人。任何該等撤回不會影響任何新項目的擬備及根據第23條作出的關於該等項目的公布。

## 25. 發展計劃

- (1) 市建局可按照本條藉發展計劃方式實施任何項目。
- (2) 就擬根據本條藉發展計劃方式實施的項目而提出的反對，將不予以受理或考慮，而第24條所列明的反對程序，對於任何該等項目及對於該等項目藉發展計劃方式實施一事，均不適用。
- (3) 發展計劃須載有市建局認為有關的事宜，並須——
  - (a) 包括一份圖則，而該份圖則可載有根據《城市規劃條例》(第131章)第3或4條草圖可載有的任何內容；
  - (b) 列明該局擬如何實施該項發展計劃，包括列明該項計劃是由該局單獨實施，或是由該局聯同他人實施；並須列明在該項計劃所訂範圍內的土地，哪部分是由該局擁有或租用的；至於並非由該局擁有或租用的土地，則須列明該局為獲取該等土地而已作出或打算作出的安排；
  - (c) 載有該局對因實施該項發展計劃而相當可能會帶來的影響作出的評估，包括就因該項計劃的實施而被遷徙的人的居所而言，如並無現存的適當居所提供給該等人士，則評估能否在實施該項計劃所引致的上述遷徙發生前作出安排提供該等居所。
- (4) 在不影響第(3)(a)款的一般性的原則下，根據該款擬備的圖則，可規定須就所有或任何目的根據《城市規劃條例》(第131章)第16條取得許可的批給，並可禁止任何與根據該款擬備的發展計劃不相容的發展。
- (5) 市建局可將根據第(3)(a)款擬備的圖則呈交城規會供其根據第(6)款考慮。

the owner of the land to inform that owner of the decision. Any such withdrawal shall be without prejudice to the preparation of a new project and the publication thereof under section 23.

## 25. Development schemes

- (1) The Authority may, in accordance with this section, implement a project by way of a development scheme.
- (2) No objection shall be entertained or considered in respect of a project which is to be implemented by way of a development scheme under this section and the objection procedures set out in section 24 shall not be applicable in respect of any such project or in respect of the implementation of that project by way of a development scheme.
- (3) A development scheme shall contain such matters as the Authority considers relevant and shall—
  - (a) comprise a plan which may contain any thing that a draft plan may contain under section 3 or 4 of the Town Planning Ordinance (Cap. 131);
  - (b) set out how the Authority intends that the development scheme will be implemented, including whether implementation will be by the Authority alone or the Authority in association with another person and in relation to land within the boundaries of the development scheme, what portion of the land is owned or leased by the Authority and what arrangements have been made or are contemplated by the Authority for the acquisition of any land not so owned or leased;
  - (c) contain an assessment by the Authority as to the likely effect of the implementation of the development scheme including, in relation to the residential accommodation of persons who will be displaced by the implementation of the development scheme, an assessment as to whether or not, insofar as suitable residential accommodation for such persons does not already exist, arrangements can be made for the provision of such residential accommodation in advance of any such displacement which will result as the development scheme is implemented.
- (4) Without affecting the generality of subsection (3)(a), a plan prepared under that subsection may provide for the grant of permission under section 16 of the Town Planning Ordinance (Cap. 131), for all purposes or for any purpose, and may prohibit any development not compatible with any development scheme prepared under that subsection.
- (5) The Authority may submit any plan prepared under subsection (3)(a) to the Town Planning Board for consideration under subsection (6).

- (6) 在有任何根據第(3)(a)款擬備的圖則呈交城規會時，城規會可——
- 認為該圖則適宜公布；
  - 認為該圖則在作出城規會所指明的修訂後適宜公布；或
  - 拒絕認為該圖則適宜公布。
- (7) 城規會根據第(6)(a)或(b)款認為適宜公布的圖則，須當作是由城規會為施行《城市規劃條例》(第131章)而擬備的草圖，該條例的條文亦據此適用。
- (8) 凡任何根據第(7)款被當作是城規會擬備的草圖的發展計劃草圖，由城規會根據《城市規劃條例》(第131章)第6或7條修訂，而該修訂是包括擴大圖則內的土地界線的，則就該發展計劃涉及在擴大了的土地界線內的新增土地的那一部分而言，其開始實施日期是根據該條例第6(7)條首次發出通知的日期，或是該修訂根據該條例第7條首次展示供公眾查閱的日期(視屬何情況而定)。而就該發展計劃涉及城規會根據第(6)款公布的原有發展計劃所包含的土地的那一部分而言，其開始實施日期則依然是第23(2)條所規定的日期。
- (9) 凡任何憑藉第(7)款當作是草圖的圖則根據《城市規劃條例》(第131章)第5條而展示，則由該圖則的展示首次在憲報公布的日期開始，該圖則即取代或按照該圖則的意旨而修訂該條例所指與該份圖則所劃定及描述的地區有關的任何草圖或核准圖。
- (10) 凡任何憑藉第(7)款當作是草圖的圖則遭行政長官會同行政會議根據《城市規劃條例》(第131章)第9條拒絕核准，該項拒絕須在憲報公布，該條例所指而根據第(9)款曾被該份圖則取代或修訂的任何草圖或核准圖，即因該項拒絕而恢復有效。

## 26. 發展項目須符合《城市規劃條例》

- 在符合第(2)款的規定下，市建局可藉發展項目方式實施任何項目。
- 在將任何項目作為發展項目實施時，市建局須確保該項目是一個可憑藉為施行《城市規劃條例》(第131章)而擬備的任何草圖或核准圖而合法實施的項目；如根據

(6) Upon the submission to it of a plan prepared under subsection (3)(a), the Town Planning Board may—

- deem the plan as being suitable for publication;
  - deem the plan as being suitable for publication subject to such amendments as the Town Planning Board shall specify; or
  - refuse to deem the plan as being suitable for publication.
- (7) A plan which the Town Planning Board deems suitable for publication under subsection (6)(a) or (b) shall be deemed to be a draft plan prepared by the Town Planning Board for the purposes of the Town Planning Ordinance (Cap. 131) and the provisions of that Ordinance shall apply accordingly.

(8) Where a draft plan of a development scheme deemed to be a draft plan prepared by the Town Planning Board under subsection (7) is amended by the Town Planning Board under section 6 or 7 of the Town Planning Ordinance (Cap. 131) and such amendment includes an expansion in the boundaries of the plan, the commencement date of the implementation of the part of the development scheme concerning the additional land within the expanded boundaries shall be the date when a notice is first given under section 6(7) of that Ordinance or the date when the amendment is first exhibited for public inspection under section 7 of that Ordinance, as the case may be. The commencement date of the implementation of the part of the development scheme concerning the land included in the original development scheme published by the Town Planning Board under subsection (6) shall remain as provided under section 23(2).

(9) Where under section 5 of the Town Planning Ordinance (Cap. 131) a plan which is deemed to be a draft plan by virtue of subsection (7) is exhibited, such plan shall, from the date that the exhibition of the plan is first notified in the Gazette, replace or amend according to its tenor, any draft or approved plan under that Ordinance relating to the area delineated and described therein.

(10) Where under section 9 of the Town Planning Ordinance (Cap. 131) the Chief Executive in Council refuses to approve a plan which is deemed to be a draft plan by virtue of subsection (7), such refusal shall be notified in the Gazette and shall revive any draft or approved plan under that Ordinance which, under subsection (9), was replaced or amended thereby.

## 26. Development projects to accord with Town Planning Ordinance

- Subject to subsection (2), the Authority may implement a project by way of a development project.
- In implementing a project as a development project, the Authority shall ensure that the project is a project that may be lawfully implemented by

該草圖或核准圖的規定，須取得該條例第 16 條所指的許可方可實施該項目，則該局須確保所規定的許可已經取得。

## 27. 上訴委員會

- (1) 行政長官可委出一個由他認為適宜擔任上訴委員會成員的人組成的委員會（“上訴委員會”），負責聆訊根據第 28 條提出的上訴。
- (2) 行政長官不得委任以下人士為上訴委員會成員——
  - (a) 董事會的成員；
  - (b) 市建局的僱員；及
  - (c) 公職人員。
- (3) 在第 (2) 款中，“公職人員”（public officer）不包括原訟法庭法官、原訟法庭特委法官、原訟法庭暫委法官或區域法院法官。
- (4) 行政長官可委任一名上訴委員會成員為委員會主席，並可視其認為合適而委任一名或多於一名成員為委員會副主席。
- (5) 行政長官可委任一名公職人員為上訴委員會秘書，他同時出任上訴委員會秘書。
- (6) 上訴委員會的成員的任期不得超過 3 年，但有資格再獲委任。
- (7) 上訴委員會的成員可隨時向行政長官發出書面通知而辭職。
- (8) 在收到上訴通知書後，上訴委員會秘書須通知委員會主席，而在符合第 (9)、(10)、(15) 及 (20) 款的規定下，委員會主席須提名一個上訴委員會以聆訊該宗上訴。
- (9) 上訴委員會主席如在某宗上訴中有直接或間接的利害關係，則不得提名上訴委員會以聆訊該宗上訴或出任該上訴委員會主席。
- (10) 在上訴委員會主席不在時，或如他在某宗上訴中有直接或間接的利害關係，則一名由他為此目的而指定的上訴委員會副主席須提名一個上訴委員會以聆訊該宗上訴。
- (11) 第 (9) 款適用於上訴委員會副主席，一如其適用於委員會主席。
- (12) 上訴委員會的成員如在某宗上訴中有直接或間接的利害關係，則不得被提名出任上訴委員會成員以聆訊該宗上訴或出任該上訴委員會的成員。

virtue of any draft or approved plan for the purposes of the Town Planning Ordinance (Cap. 131) and, in the case where by virtue of such plan, permission under section 16 of that Ordinance is required for that implementation, the permission required has been obtained.

## 27. Appeal Board

- (1) The Chief Executive may appoint a panel of persons (“the Appeal Board panel”) whom he considers suitable to sit as members of an Appeal Board to hear an appeal under section 28.
- (2) The Chief Executive shall not appoint—
  - (a) a director of the Board of the Authority;
  - (b) an employee of the Authority; or
  - (c) a public officer,
 to the Appeal Board panel.
- (3) In subsection (2), “public officer” (公職人員) does not include a judge of the Court of First Instance, a recorder of the Court of First Instance, a deputy judge of the Court of First Instance or a District Judge.
- (4) The Chief Executive may appoint a member of the Appeal Board panel as Chairman of the panel and may appoint one or more members as Deputy Chairmen of the panel as he thinks fit.
- (5) The Chief Executive may appoint a public officer to be the secretary to the Appeal Board panel who at the same time serves as the secretary to an Appeal Board.
- (6) Members of the Appeal Board panel shall be appointed for a term not exceeding 3 years but shall be eligible for reappointment.
- (7) Members of the Appeal Board panel may resign at any time by notice in writing given to the Chief Executive.
- (8) On receipt of a notice of appeal, the secretary to the Appeal Board panel shall notify the Chairman of the panel who shall, subject to subsections (9), (10), (15) and (20), nominate an Appeal Board to hear the appeal.
- (9) The Chairman of the Appeal Board panel shall not nominate an Appeal Board to hear an appeal or act as its Chairman if he has a direct or indirect interest in the appeal.
- (10) A Deputy Chairman of the Appeal Board panel designated for the purpose by the Chairman of the panel shall, in the absence of the Chairman of the panel, or if the Chairman of the panel has a direct or indirect interest in an appeal, nominate an Appeal Board to hear the appeal.
- (11) Subsection (9) shall apply to a Deputy Chairman of the Appeal Board panel as it applies to the Chairman of the panel.
- (12) A member of the Appeal Board panel shall not be nominated to an Appeal Board to hear an appeal or act as its member if he has a direct or indirect interest in the appeal.

(13) 在符合第(9)、(10)、(12)、(15)及(20)款的規定下，上訴委員會主席或一名副主席加上4名其他成員即組成一個上訴委員會以聆訊上訴。

(14) 在符合第(9)、(10)、(15)及(20)款的規定下，上訴委員會主席或副主席須出任上訴委員會主席。

(15) 如上訴委員會主席及根據第(10)款獲指定的副主席在某宗上訴中有直接或間接的利害關係，行政長官可委任另一名在該宗上訴中沒有直接或間接利害關係的委員會副主席或成員，由其提名一個上訴委員會以聆訊該宗上訴和出任該上訴委員會主席。

(16) 須有至少3名成員(其中一名須為上訴委員會主席)出席上訴聆訊和就上訴作出裁定。

(17) 上訴委員會須聆訊上訴，而有待上訴委員會所裁定的問題須由聆訊上訴的成員以過半數票裁定。

(18) 如聆訊上訴的成員就任何待上訴裁定的問題所投的票出現票數均等，則上訴委員會主席除原有的一票外，還可投決定票。

(19) 除非成員曾出席所有就有關上訴所舉行的上訴委員會聆訊，否則他不得參與裁定上訴委員會所面對的問題。

(20) 如上訴委員會主席因傷病或不在香港而不能行使其職能——

(a) 則根據第(10)款獲指定的副主席須署理主席一職；或

(b) 而根據第(10)款獲指定的副主席亦不能署理主席一職，則行政長官可委任另一名副主席或成員署理主席一職。

(21) 上訴委員會主席及其成員可獲由財政司司長決定的薪酬及津貼。

## 28. 上訴

(1) 對某發展項目提出反對的人如因局長根據第24(4)(a)或(7)條作出的決定而感到受屈，可在該決定根據第24(9)條公布後30天內，藉向上訴委員會秘書提交上訴通知書(副本須送交局長)而提出上訴。

(2) 第(1)款所指的上訴通知書須載有下述資料——

(13) Subject to subsections (9), (10), (12), (15) and (20), the Chairman or a Deputy Chairman and 4 other members of the Appeal Board panel shall constitute an Appeal Board to hear an appeal.

(14) Subject to subsections (9), (10), (15) and (20), the Chairman or a Deputy Chairman of the Appeal Board panel shall act as the Chairman of an Appeal Board.

(15) If the Chairman of the Appeal Board panel and the Deputy Chairman designated under subsection (10) have a direct or indirect interest in an appeal, the Chief Executive may appoint another Deputy Chairman or another member of the panel, who does not have a direct or indirect interest in the appeal, to nominate an Appeal Board to hear the appeal and to act as the Chairman of the Appeal Board.

(16) At least 3 members, one of whom must be the Chairman of the Appeal Board, shall be present to hear and determine an appeal.

(17) The Appeal Board shall hear the appeal and a majority of the members hearing the appeal shall determine questions before it.

(18) Where there is an equality of votes in respect of any question to be determined in an appeal, the Chairman of the Appeal Board shall have a casting vote in addition to his original vote.

(19) A member shall not take part in determining the questions before the Appeal Board unless he has been present at all the Appeal Board hearings held in respect of the appeal concerned.

(20) If the Chairman of the Appeal Board panel is precluded by illness or absence from Hong Kong from exercising his functions—

(a) the Deputy Chairman designated under subsection (10) shall act as Chairman; or

(b) if the Deputy Chairman designated under that subsection is unable to act as Chairman, the Chief Executive may appoint another Deputy Chairman or another member to act as Chairman.

(21) The Chairman and the members of an Appeal Board may be paid such remuneration and allowances as the Financial Secretary may determine.

## 28. Appeals

(1) An objector to a development project who is aggrieved by a decision of the Secretary under section 24(4)(a) or (7) may appeal by lodging a notice of appeal with the secretary to the Appeal Board panel, with a copy to the Secretary, within 30 days after notification of the Secretary's decision under section 24(9).

(2) A notice of appeal under subsection (1) shall contain the following information—

- (a) 上訴人及其授權代表(如有的話)的姓名或名稱、地址及電話號碼;
  - (b) 上訴所針對的決定的細節;
  - (c) 上訴理由;
  - (d) 所有擬傳召的證人的姓名、地址及電話號碼;及
  - (e) 證人將提供的證據的詳情及將由上訴人或代表上訴人交出的文件及任何其他東西的詳情,該等詳情須足以確保上訴委員會及局長對上訴理由有全面而中肯的了解。
- (3) 在收到第(1)款所指的通知書後,上訴委員團秘書須編定聆訊上訴的日期、時間及地點。聆訊的日期須在他收到該通知書後的30天至60天內。他並須就聆訊的日期、時間及地點給予上訴人及局長不少於14天的通知。
- (4) 局長須在收到第(1)款所指的通知書副本後的30天內,向上訴委員團秘書及上訴人送達載有下述資料的通知書——
- (a) 局長的授權代表的姓名或名稱、地址及電話號碼;
  - (b) 反對上訴的理由;
  - (c) 所有擬傳召的證人的姓名、地址及電話號碼;及
  - (d) 證人將提供的證據的詳情及將由局長或代表局長交出的文件及任何其他東西的詳情,該等詳情須足以確保上訴人及上訴委員會對反對上訴的理由有全面而中肯的了解。
- (5) 在為聆訊上訴所定出的日期前的7天或之前,上訴人及局長須——
- (a) 向上訴委員團秘書提交將在上訴聆訊中提供或交出作為證據的證人陳述書、文件及任何其他東西的副本;及
  - (b) 互相向對方送達將在上訴聆訊中提供或交出作為證據的證人陳述書及文件的副本,並須提供關於將在上訴聆訊中提供或交出作為證據的已提交上訴委員團秘書的任何其他東西的細節。
- (6) 上訴人可在所定出的聆訊日期或任何押後聆訊的日期前放棄整宗上訴或其任何部分,方法是就其擬放棄整宗上訴或其任何部分一事給予上訴委員團秘書及局長不少於7天的書面通知。

- (a) the name, address and telephone number of the appellant and of the appellant's authorized representative, if any;
  - (b) details of the decision appealed against;
  - (c) the grounds of the appeal;
  - (d) the name, address and telephone number of all proposed witnesses; and
  - (e) particulars of the evidence to be given by the witnesses and documents and any other thing to be produced by or on behalf of the appellant sufficient to ensure that the Appeal Board and the Secretary are fully and fairly informed of the grounds of appeal.
- (3) On receipt of a notice under subsection (1), the secretary to the Appeal Board panel shall fix a date, time and place for the hearing of the appeal, which shall be a date not sooner than 30 days but not more than 60 days of receipt of such notice and shall give at least 14 days' notice thereof to the appellant and the Secretary.
- (4) The Secretary shall, within 30 days of receipt of a copy of a notice under subsection (1), serve on the secretary to the Appeal Board panel and on the appellant a notice containing the following information—
- (a) the name, address and telephone number of the Secretary's authorized representative;
  - (b) the grounds for opposing the appeal;
  - (c) the name, address and telephone number of all proposed witnesses; and
  - (d) particulars of the evidence to be given by the witnesses and documents and any other thing to be produced by or on behalf of the Secretary sufficient to ensure that the appellant and the Appeal Board are fully and fairly informed of the grounds of opposing the appeal.
- (5) Not less than 7 days prior to the date set for the hearing of the appeal, the appellant and the Secretary shall—
- (a) lodge with the secretary to the Appeal Board panel a copy of witness statements, documents and any other thing to be given or produced in evidence at the hearing of the appeal; and
  - (b) serve on each other a copy of witness statements and documents and shall give details of any other thing lodged with the secretary to the Appeal Board panel, which statement, document or thing is to be given or produced in evidence at the hearing of the appeal.
- (6) The appellant may abandon the whole or any part of his appeal before the date set for hearing or any adjourned date by giving the secretary to the Appeal Board panel and the Secretary not less than 7 days' notice in writing of his intention to abandon the whole or part of the appeal.

- (7) 上訴聆訊須公開進行。
- (8) 上訴人及局長可親自出席或由授權代表代為出席上訴委員會的聆訊。
- (9) 在聆訊上訴前或聆訊上訴時，上訴委員會可——
- 考慮和裁定某方應否可取用該方聲稱與上訴有關並由另一人管有或控制的文件、紀錄、帳簿或其他證物，並可命令該另一人讓該方取用上訴委員會認為合適的文件、紀錄、帳簿或其他證物；
  - 聽取經宣誓作出的證供，並可為證人監督；
  - 接納或考慮任何陳述、文件、紀錄、帳簿、其他證物、資料或事項，不論它們可否在法庭獲接納為證據；及
  - 藉送達書面通知（“傳票”）傳召任何人出席於其席前，以提供證據和交出該傳票所指明的文件、紀錄、帳簿或其他證物。
- (10) 被傳召在上訴中提供證據的證人，具有在原訟法庭民事訴訟中的證人所具有的一切權利及特權。
- (11) 任何人——
- 根據第(9)(d)款獲送達傳票，而他——
    - 沒有充分因而而拒絕出席或忽略出席或拒絕交出或忽略交出任何規定交出的文件、紀錄、帳簿或其他證物；或
    - 拒絕宣誓或提供證據；或
  - 拒絕遵守上訴委員會根據第(9)款作出的命令；
- 即屬犯罪，可處第5級罰款。
- (12) 上訴委員會如認為任何事宜與上訴有關，則不論該事宜曾否由任何一方提出，亦須予以查訊。
- (13) 上訴委員會的決定不得因其任何成員在上訴聆訊時缺席而受質疑，但該成員須無參與上訴委員會的最終決定。
- (14) 在完成上訴聆訊後，上訴委員會——
- 可按其認為合適而確認、推翻或更改上訴所針對的決定；
  - 在符合(c)段的規定下，可命令上訴的任何一方只須繳交上訴委員會因聆訊上訴及作出裁定而招致的費用及開支。而該費用及開支的數額，須由上訴委員會在考慮以下數額後釐定——

- (7) The hearing of an appeal shall be in public.
- (8) The appellant and the Secretary may appear before an Appeal Board in person or by an authorized representative.
- (9) Prior to or at the hearing of an appeal, an Appeal Board may—
- consider and determine whether a party should have access to documents, records, books of account or other exhibits which the party claims are relevant to the appeal and which are in the possession or control of another person and order that other person to give the party access to such documents, records, books of account or other exhibits as it may think fit;
  - hear evidence on oath and administer any oath necessary to swear in a witness;
  - admit or take into account any statement, document, record, book of account, other exhibit, information or matter whether or not it would be admissible as evidence in a court of law; and
  - by notice in writing (a “summons”), summon any person to appear before it to give evidence and to produce any document, record, book of account or other exhibit specified in the summons.
- (10) A witness who is called to give evidence at an appeal shall have all of the rights and privileges of a witness in a civil action in the Court of First Instance.
- (11) Any person who—
- is served with a summons under subsection (9)(d) and who—
    - refuses or neglects without sufficient cause to appear or to produce any document, record, book of account or other exhibit required to be produced; or
    - refuses to be sworn or give evidence; or
  - refuses to comply with an order of the Appeal Board under subsection (9),
- commits an offence and is liable to a fine at level 5.
- (12) The Appeal Board shall inquire into any matter which it may consider relevant to the appeal, whether or not it has been raised by a party.
- (13) No decision of an Appeal Board shall be questioned by virtue of the absence of a member of the Appeal Board during the hearing of an appeal provided that member does not participate in the final decision of the Appeal Board.
- (14) At the completion of the hearing of an appeal, the Appeal Board—
- may confirm, reverse or vary the decision appealed against as it thinks fit;
  - may, subject to paragraph (c), order any party to the appeal to pay only the costs and expenses incurred by the Appeal Board in hearing and determining the appeal, and the amount of such costs and expenses shall be determined by the Appeal Board having regard to—

- (i) 根據第 27(21) 條付予上訴委員會主席及成員的薪酬及津貼的數額；及
- (ii) 上訴委員會因聆訊上訴及作出裁定而招致的行政或其他費用及開支的數額；
- (c) 上訴委員會不得根據 (b) 段作出命令，規定上訴人繳交費用及開支，除非其信納由上訴人支付聆訊的費用及開支是合理和公平的。
- (15) 上訴委員會如根據第 (14) 款作出關於費用及開支的命令，則須在命令內指明——
- (a) 繳交款項的時限，該時限不得早於該命令日期後的 14 天；及
- (b) 款項須繳交予何人，如上訴委員會根據本條命令——
- (i) 上訴人繳交費用及開支，該等費用及開支可作為民事債項向其追討；或
- (ii) 局長繳交費用及開支，該等費用及開支須自政府一般收入中支付。
- (16) 如第 (8) 款所述的人沒有在所定出的聆訊上訴的日期出席聆訊，上訴委員會——
- (a) 若信納缺席是出於合理原因，則可將聆訊押後至其認為合適的日期、時間及地點；
- (b) 可就上訴進行聆訊；或
- (c) (如上訴人及上訴人的授權代表均缺席) 可駁回上訴。
- (17) 如上訴委員會根據第 (16)(c) 款駁回上訴，上訴人可在駁回上訴的命令作出的 14 天內，以書面向上訴委員會秘書申請要求上訴委員會覆核其決定。
- (18) 在進行第 (17) 款所指的覆核時，上訴委員會如信納缺席是出於合理原因，則可撤銷有關命令，並編定一個其認為合適的日期、時間及地點以進行聆訊，而除非各方同意，該日期不得早於覆核日期後的 14 天。
- (19) 上訴委員會秘書須為每宗上訴就以下事項備存書面紀錄——
- (a) 上訴人的姓名或名稱；
- (b) 上訴理由；
- (c) 上訴人的授權代表(如有的話)的姓名或名稱；
- (d) 局長的授權代表的姓名或名稱；
- (e) 上訴每一方所傳召的證人的姓名；
- (f) 每名證人所提供的證據的概要；

- (i) the amount of remuneration and allowances payable to the Chairman and the members of the Appeal Board under section 27(21); and
- (ii) the amount of administrative or other costs and expenses incurred by the Appeal Board in relation to the hearing and determination of an appeal;
- (c) shall not make an order under paragraph (b) against the appellant unless it is satisfied that it is reasonable and just for the appellant to bear the costs and expenses of the hearing.
- (15) Where an Appeal Board makes an order for costs and expenses under subsection (14), the Appeal Board shall specify in the order—
- (a) the time limit for making payment, not being earlier than 14 days from the date of the order; and
- (b) the person to whom payment shall be made. Where an order for costs and expenses under this section is made against—
- (i) the appellant, the amount of the costs and expenses shall be recoverable as a civil debt; or
- (ii) the Secretary, the amount of the costs and expenses shall be paid out of the general revenue.
- (16) If a person mentioned in subsection (8) fails to appear on a date set for the hearing of an appeal, an Appeal Board may—
- (a) if it is satisfied that the failure to appear is due to reasonable cause, adjourn the hearing to a date, time and place that it thinks fit;
- (b) proceed to hear the appeal; or
- (c) dismiss the appeal, if the person who fails to appear as stated above is the appellant or the appellant's authorized representative.
- (17) If an Appeal Board dismisses an appeal under subsection (16)(c), an appellant may, within 14 days of the making of the order dismissing the appeal, apply in writing to the secretary to the Appeal Board for the Appeal Board to review its decision.
- (18) On a review under subsection (17), the Appeal Board may, if it is satisfied that the failure to appear was due to reasonable cause, set aside the order and fix a date, time and place as it thinks fit for the hearing, and, unless the parties agree, the date shall be not less than 14 days from the date of the review.
- (19) The secretary to the Appeal Board shall keep a written record for each appeal of—
- (a) the name of the appellant;
- (b) grounds of appeal;
- (c) the name of the appellant's authorized representative, if any;
- (d) the name of the Secretary's authorized representative;
- (e) the name of any witness called by either party to the appeal;
- (f) an outline of the evidence of each witness;



- (g) 上訴委員會的決定及作出該決定的理由；及
- (h) 上訴委員會作出的命令。
- (20) 上訴委員會秘書須將上訴委員會的決定、作出該決定的理由及上訴委員會作出的命令送達上訴人及局長。
- (21) 上訴委員會秘書須就上訴委員會所作的下述決定在憲報刊登公告——
- (a) 第(14)款所提述的決定(如無人根據第(17)款申請覆核該決定)；或
- (b) 上訴委員會經考慮第(17)款所指的覆核後作出的決定。
- (22) 上訴委員會的任何通知或命令須由該上訴委員會的主席簽署發出。
- (23) 如本條及第27條並無就某事宜的實務或程序訂定條文，則上訴委員會主席可決定關於該事宜而適用於一般情況的實務或程序。
- (24) 如本條及第27條並無就某事宜的實務或程序訂定條文，則上訴委員會主席可就個別聆訊決定關於該事宜的實務或程序。

## 第VI部

### 土地的收回及處置

#### 29. 局長建議收回土地的權力

- (1) 市建局可向局長提出書面申請，要求他向行政長官會同行政會議建議——
- (a) 就業務綱領及業務計劃內所載或根據第22條獲財政司司長批准的發展計劃而言，在根據《城市規劃條例》(第131章)第9條取得行政長官會同行政會議對憑藉本條例第25(7)條當作是草圖的圖則的核准後，根據《收回土地條例》(第124章)收回該圖則範圍內的任何土地；或

- (g) the decision of the Appeal Board and the reasons for the decision; and
- (h) any orders made by the Appeal Board.
- (20) The secretary to the Appeal Board shall serve on both the appellant and the Secretary the decision of the Appeal Board, the reasons for the decision and any orders made by the Appeal Board.
- (21) The secretary to the Appeal Board shall publish in the Gazette notice of decision of the Appeal Board concerning—
- (a) any decision referred to in subsection (14), in the case where no review of the decision is applied under subsection (17); or
- (b) any decision of the Appeal Board after consideration of the review under subsection (17).
- (22) Any notice or order of an Appeal Board shall be issued under the hand of the Chairman of the Appeal Board.
- (23) The Chairman of the Appeal Board panel may, as regards the general application by all, determine the practice or procedure in relation to a matter if provision has not been made under this section and section 27 for the practice or procedure in respect thereof.
- (24) The Chairman of an Appeal Board may, as regards a particular hearing, determine the practice or procedure in relation to a matter if provision has not been made under this section and section 27 for the practice or procedure in respect thereof.

## PART VI

### RESUMPTION AND DISPOSAL OF LAND

#### 29. Power of Secretary to recommend resumption

- (1) The Authority may apply in writing to the Secretary requesting him to recommend to the Chief Executive in Council the resumption, under the Lands Resumption Ordinance (Cap. 124)—
- (a) in relation to a development scheme contained in a corporate plan and a business plan or approved by the Financial Secretary under section 22, of any land within the area of a plan which is deemed to be a draft plan by virtue of section 25(7) of this Ordinance, after the approval of such plan by the Chief Executive in Council under section 9 of the Town Planning Ordinance (Cap. 131); or

- (b) 就業務綱領及業務計劃內所載或根據第 22 條獲財政司司長批准的發展項目而言，在根據第 24(4)(a)、(5) 或 (7) 條取得局長對發展項目的授權後，根據《收回土地條例》(第 124 章) 收回市建局為實施該發展項目所需的任何土地。
- (2) 就——
- (a) 發展計劃而言，除非市建局的申請是在行政長官會同行政會議根據《城市規劃條例》(第 131 章) 第 9 條核准根據第 25(3)(a) 條擬備的圖則後 12 個月內向局長提出的，否則局長不得根據第 (1) 款作出建議；
- (b) 發展項目而言，除非市建局的申請是在局長根據第 24(4)(a)、(5) 或 (7) 條授權着手進行該項目後 12 個月內向局長提出的，否則局長不得根據第 (1) 款作出建議。
- (3) 第 (1) 款所指的申請須列明下述資料以供局長考慮——
- (a) 市建局會自行或聯同其他人實施該項發展計劃或發展項目，還是會將如此收回的土地售予其他人；
- (b) 就發展計劃而言，該局對因實施該計劃而相當可能會帶來的影響作出的評估，包括就因該計劃的實施而被遷徙的人的居所而言，如並無現存的適當居所提供給該等人士，則評估能否在實施該計劃所引致的上述遷徙發生前作出安排提供該等居所；
- (c) 就發展項目而言，該局對因實施該項目而相當可能會帶來的影響作出的評估，包括就因該項目的實施而被遷徙的人的居所而言，如並無現存的適當居所提供給該等人士，則評估能否在實施該項目所引致的上述遷徙發生前作出安排提供該等居所。
- (b) in relation to a development project contained in a corporate plan and a business plan or approved by the Financial Secretary under section 22, of any land that the Authority requires to implement such development project, after the authorization of such development project by the Secretary under section 24(4)(a), (5) or (7).
- (2) The Secretary shall not make a recommendation under subsection (1) unless—
- (a) in the case of a development scheme, application is made to him not later than 12 months after the approval by the Chief Executive in Council under section 9 of the Town Planning Ordinance (Cap. 131) of the plan prepared under section 25(3)(a);
- (b) in the case of a development project, application is made to him not later than 12 months after the authorization by the Secretary under section 24(4)(a), (5) or (7) for the project to proceed.
- (3) The Authority shall set out in the application under subsection (1) the following information for consideration of the Secretary—
- (a) whether the Authority will implement the development scheme or development project on its own, in association with any other person or persons, or sell the land so resumed to any other person or persons;
- (b) for a development scheme, an assessment by the Authority as to the likely effect of the implementation of the development scheme including, in relation to the residential accommodation of persons who will be displaced by the implementation of the development scheme, an assessment as to whether or not, insofar as suitable residential accommodation for such persons does not already exist, arrangements can be made for the provision of such residential accommodation in advance of any such displacement which will result as the development scheme is implemented;
- (c) for a development project, an assessment by the Authority as to the likely effect of the implementation of the development project including, in relation to the residential accommodation of persons who will be displaced by the implementation of the development project, an assessment as to whether or not, insofar as suitable residential accommodation for such persons does not already exist, arrangements can be made for the provision of such residential accommodation in advance of any such displacement which will result as the development project is implemented.

(4) 依據局長根據本條所作建議而進行的土地收回，須當作《收回土地條例》(第124章)所指的收回作公共用途。

### 30. 根據《收回土地條例》收回的土地的處置

(1) 除非行政長官會同行政會議已事先批准，否則市建局不得出售或處置為某發展計劃或發展項目而根據《收回土地條例》(第124章)收回的土地。

(2) 行政長官會同行政會議在根據第(1)款給予批准時，如認為為公眾利益而有此需要，可就市建局可出售或處置所有收回的土地還是只可出售或處置部分的收回的土地，作出決定。

### 31. 進入及視察的權力

(1) 為擬備第25(3)(c)及29(3)(b)及(c)條所規定的評估及為有關連的目的，局長或他以書面授權的人，可在合理的時間進入和視察任何位於某發展計劃或發展項目的範圍內的土地或任何其上的處所。

(2) 局長可將第(1)款所訂定的進入及視察的權力轉授予市建局。

(3) 根據第(1)款發出的授權書，可授權市建局或該局在該授權書發出之前已由書面授權的人為達到發出該授權書的目的，而在所需的情況下及在所需的時間進入有關土地或任何其上的處所。

(4) 如局長、市建局、局長以書面授權的人或市建局根據獲轉授的權力書面授權的人未能按照第(1)款進入有關土地或任何其上的處所，他可向擁有人及佔用人送達書面通知，要求准予如此進入和視察；在自通知書送達起計的48小時屆滿後，他即可於日間任何合理時間，使用所需的合理武力進入和視察該土地或處所，並錄取他認為合適的詳情。

(5) 凡市建局、局長以書面授權的人或市建局根據獲轉授的權力書面授權的人根據一份根據本條發出的授權書進入任何土地或處所，均須出示其授權書，並可要求任何在該土地上或在該處所內的人——

resumption in pursuance of a recommendation by the Secretary under this section shall be deemed to be a resumption for a public purpose within the meaning of the Lands Resumption Ordinance (Cap. 124).

### 30. Disposal of land resumed under Lands Resumption Ordinance

(1) The Authority shall not sell or dispose of land resumed under the Lands Resumption Ordinance (Cap. 124) that has been resumed for the purpose of a development scheme or a development project, unless prior approval for such sale or disposal has been granted by the Chief Executive in Council.

(2) The Chief Executive in Council may, if he considers the public interest so requires, in granting approval under subsection (1), determine whether the Authority may sell or dispose of all of the resumed land or only part of it.

### 31. Power to enter and inspect

(1) The Secretary or any person authorized by him in writing may, at a reasonable time, enter and inspect any land or any premises on it situated within the boundaries of a development scheme or a development project for the purpose of preparing an assessment required by sections 25(3)(c) and 29(3)(b) and (c) and for connected purposes.

(2) The Secretary may delegate to the Authority the powers to enter and inspect as provided under subsection (1).

(3) An authorization issued under subsection (1) may authorize the Authority or any person authorized by the Authority in writing before the issue of the authorization to enter the land or any premises on it on such occasions and at such times as may be necessary for the purpose for which the authorization was issued.

(4) Where the Secretary, the Authority or any person authorized in writing by the Secretary or the Authority under delegated authority is unable to effect an entry to the land or into any premises on it in accordance with subsection (1), he may serve on the owner and occupier a notice in writing requiring permission to so enter and inspect and after the expiry of 48 hours from the service of the notice he may, at any reasonable time during daylight, enter, using such reasonable force as is necessary therefor, and inspect such land or premises and take such particulars as he thinks fit.

(5) Where the Authority or any person authorized in writing by the Secretary or the Authority under delegated authority enters any land or premises under an authorization issued under this section he shall produce his authorization and may require any person present on that land or in those premises—

- (a) 提供其身分、姓名及地址的詳情，以及出示其根據《人事登記條例》(第177章)獲發的身分證以供查閱；或
- (b) (如該人當時看來是該土地或處所的負責人或主管人) 提供就施行本條而言屬必需的資料，或給予就施行本條而言屬必需的協助。
- (6) 根據第(3)款發出的授權繼續有效，直至需要進入有關土地或處所所為的目的已達到為止。
- (7) 任何人如——
- (a) 妨礙局長、市建局、局長以書面授權的人或市建局獲轉授的權力書面授權的人根據本條進入或視察任何土地或任何其上的處所；
- (b) 在根據第(5)(a)款被要求提供其身分、姓名及地址的詳情及出示其根據《人事登記條例》(第177章)獲發的身分證以供查閱時，無合理辯解而拒絕提供該等詳情或拒絕出示其身分證；
- (c) 提供他知道或理應知道在要項上屬虛假的資料；或
- (d) 在根據第(5)(b)款被要求提供資料或給予協助時，無合理辯解而拒絕提供該等資料或拒絕給予該等協助，
- 即屬犯罪——
- (i) 如屬首次定罪，可處第1級罰款；
- (ii) 如屬再次定罪，可處第3級罰款。

## 第VII部

### 雜項

#### 32. 局長可取得資料

市建局須在局長提出要求時，給予他充分的便利，讓他取得與該局的財產及事務有關的資料，並須按局長所規定的方式及時間，向他提供與該局的財產及事務有關的申報表、帳目及其他資料，並給予他核實所提供資料的便利。

- (a) to give details of his identity, name and address and produce his identity card issued under the Registration of Persons Ordinance (Cap. 177) for inspection; or
- (b) who appears at the time to be a person responsible for or in charge of that land or those premises to give such information or render such assistance as may be necessary for the purposes of this section.
- (6) An authorization issued under subsection (3) shall continue in force until the purpose for which the entry is necessary has been satisfied.
- (7) Any person who—
- (a) obstructs the Secretary, the Authority or any person authorized in writing by the Secretary or the Authority under delegated authority from entering or inspecting any land or any premises on it under this section;
- (b) without reasonable excuse, refuses to give details of his identity, name and address and produce his identity card issued under the Registration of Persons Ordinance (Cap. 177) for inspection when so required under subsection (5)(a);
- (c) gives such information which he knows or reasonably ought to know to be false in a material particular; or
- (d) without reasonable excuse, refuses to give such information or render such assistance as may be necessary for the purposes of this section when so required under subsection (5)(b),
- commits an offence and is liable—
- (i) on first conviction to a fine at level 1;
- (ii) on second or subsequent conviction to a fine at level 3.

## PART VII

### MISCELLANEOUS

#### 32. Secretary may obtain information

The Authority shall upon request by the Secretary afford to him sufficient facilities for obtaining information with respect to the property and affairs of the Authority and shall, in such manner and at such times as the Secretary may require, furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished.

**33. 行政長官可作出指示**

行政長官如認為為了公眾利益有此需要，可就市建局權力的行使或職責的執行而向該局作出書面指示，而該局須遵從該等指示。

**34. 市建局可訂立附例**

- (1) 市建局可訂立附例，規管各人在以下地方的行為——
  - (a) 該局所租用、購買、獲取或以其他方式擁有或持有的土地、建築物、處所或構築物，以及其公共部分；
  - (b) 該局所擁有或持有的道路、行人徑、公園、停車場、車位、康樂設施及同類空地、橋樑、排水渠、污水渠及水道，以及其他交通及康樂設施。
- (2) 以下條文適用於根據第(1)款訂立的附例——
  - (a) 如此訂立的附例可訂定，凡違反附例中指明的條文，即屬犯罪，並可為此訂明不超過第3級罰款的罰則；
  - (b) 在不損害任何與刑事罪行的檢控有關的條例或律政司司長與刑事罪行的檢控有關的權力的原則下，根據任何如此訂立的附例而提出的檢控，可用市建局名義提出；
  - (c) 所有如此訂立的附例均須經立法會批准；
  - (d) 市建局須安排為所有如此訂立的附例印製副本，並將副本備存於該局的主要辦事處，可供以合理價錢出售給任何人。

**35. 通知書的送達**

根據本條例須予送達的通知書，可用以下方式送達——

- (a) 將通知書面交送達；
- (b) 將通知書以掛號郵遞寄往送達對象的最後為人所知的業務地址或住址；

**33. Chief Executive may give directions**

The Chief Executive may, if he considers the public interest so requires, give directions in writing to the Authority in relation to the exercise of its powers or the performance of its duties and the Authority shall comply with those directions.

**34. Authority may make bylaws**

- (1) The Authority may make bylaws regulating the conduct of persons within any—
  - (a) land, building, premises or structure which it has leased, purchased, acquired or otherwise owns or holds and any common parts thereof;
  - (b) roads, footways, parks, car parks, parking spaces, recreational facilities and similar open spaces, bridges, drains, sewers and water courses and other transport and recreational facilities owned or held by the Authority.
- (2) The following provisions shall apply in relation to bylaws made by the Authority under subsection (1)—
  - (a) any bylaw so made may provide that a contravention of specified provisions thereof shall be an offence and may prescribe penalties therefor not exceeding a fine at level 3;
  - (b) without prejudice to any Ordinance relating to the prosecution of criminal offences or to the powers of the Secretary for Justice in relation to the prosecution of criminal offences, prosecutions under any bylaw so made may be brought in the name of the Authority;
  - (c) all bylaws so made shall be subject to the approval of the Legislative Council;
  - (d) the Authority shall cause to be printed copies of all bylaws so made which shall be kept at its principal office and be available for sale to any person at a reasonable cost.

**35. Service of notices**

A notice to be served under this Ordinance may be served by serving a copy—

- (a) personally;
- (b) by registered post addressed to the last known place of business or residence of the person to be served;

- (c) 如通知書是關乎任何處所或其部分的，可將通知書留交該處所或該部分的成年佔用人，或將通知書張貼在該處所的某個顯眼位置或該處所附近的某個顯眼位置，或張貼在該處所或該部分的顯眼部分；或
- (d) 凡通知書是關乎土地的，可將該通知書張貼在該土地的某個顯眼位置或該土地附近的某個顯眼位置。

## 第 VIII 部

## 過渡性條文

## 36. 《土地發展公司條例》的廢除

(1) 在本條例第 II 至 VIII 部開始實施的日期當日(在本條中稱為“有關日期”)，《土地發展公司條例》(第 15 章)即予廢除，而土發公司即予解散。

(2) 自有關日期起，根據已廢除條例批予土發公司並在緊接該日之前有效的任何租契、租賃、許可證或牌照，須自該日起按相同的條款、契諾及條件繼續有效，猶如該租契、租賃、許可證或牌照(視屬何情況而定)是批予市建局的一樣。

(3) 自有關日期起，凡任何文件提述已廢除條例，在為保留該文件的效力所需的範圍內，須解釋為提述本條例或解釋為包括提述本條例。

(4) 在符合第(5)及(6)款的規定下，在有關日期，凡有任何發展提案已按照已廢除條例第 5(2)(b) 條擬備，該提案可由市建局繼續進行和完成，猶如已廢除條例未被廢除一樣，而土發公司的權力及職責均由市建局行使及執行。

(5) 在市建局為此向局長以書面提出請求下，局長可將已廢除條例第 15(4)(c) 及(5) 條視為不適用於依據第(4) 款所述種類的发展提案而作的收回，而已廢除條例第

- (c) where the notice relates to any premises or part thereof, by leaving the same with an adult occupier of the premises or part thereof to which the notice relates or by posting the same in a prominent position upon or near such premises or upon a conspicuous part of such premises or part thereof; or
- (d) where the notice relates to land, by posting the same in a prominent position upon or near such land.

## PART VIII

## TRANSITIONAL PROVISIONS

## 36. Repeal of Land Development Corporation Ordinance

(1) On the same date when Parts II to VIII of this Ordinance come into operation, the Land Development Corporation Ordinance (Cap. 15) shall be repealed and the Land Development Corporation shall be dissolved.

(2) With effect from the date mentioned in subsection (1), any lease, tenancy, permit or licence granted to the Land Development Corporation under the repealed Ordinance and in force immediately before the commencement of Parts II to VIII of this Ordinance shall, on the date when Parts II to VIII of this Ordinance come into operation, continue to be in force and have effect upon the same terms, covenants and conditions as if that lease, tenancy, permit or licence, as the case may be, were granted to the Authority.

(3) With effect from the date mentioned in subsection (1), any document referring to the repealed Ordinance shall, so far as may be necessary for preserving its effect, be construed as referring to or as including a reference to this Ordinance.

(4) Subject to subsections (5) and (6), where at the date of commencement of Parts II to VIII of this Ordinance, a development proposal has been prepared in accordance with section 5(2)(b) of the repealed Ordinance, the development proposal may be continued and completed by the Authority as if the repealed Ordinance had not been repealed and the powers and duties of the Land Development Corporation shall be exercised and performed by the Authority.

(5) Upon the request in writing of the Authority to the Secretary in that behalf, the Secretary may treat section 15(4)(c) and (5) of the repealed Ordinance as having no application to a resumption in pursuance of a development proposal of the description mentioned in subsection (4), and the circumstances specified in section 15(2)(b) of the repealed Ordinance may be construed as being such that the land in respect of which the recommendation

15(2)(b) 條所指明的情況，則可被解釋為被建議收回的有關土地，是土發公司為實施根據已廢除條例第 5(2)(b) 條授權擬備及實施的有關發展提案而需用的。

(6) 局長可要求市建局提供他認為為支持該局根據第 (5) 款提出的請求而需提供的資料。

(7) 在符合第 (8) 及 (9) 款的規定下，在有關日期，凡有任何發展計劃已按照已廢除條例第 13(1) 條擬備，該發展計劃可由市建局繼續進行和完成，猶如已廢除條例未被廢除一樣，而土發公司的權力及職責均由市建局行使及執行。

(8) 在市建局為此向局長以書面提出請求下，局長可將已廢除條例第 15(3)(b) 及 (5) 條視為不適用於依據第 (7) 款所述種類的發展計劃而作的收回，而已廢除條例第 15(2)(a) 條所指明的情況，則可被解釋為被建議收回的有關土地，是在憑藉已廢除條例第 14(3) 條當作是草圖的圖則所劃地區內的。

(9) 局長可要求市建局提供他認為為支持該局根據第 (8) 款提出的請求而需提供的資料。

### 37. 財產、資產、合約等的移轉

(1) 在本條例第 II 至 VIII 部生效日期當日(在本條中稱為“有關日期”)由土發公司擁有的所有不動產，均須自該日起憑藉本條例由市建局擁有，年期為各別政府租契設定的年期所餘部分，但須受各別政府租契所載和所保留的契諾、條件、約定條件、原權益保留條款、新權益保留條款、但書及權力規限。

(2) 土發公司從城規會、局長、財政司司長或行政長官會同行政會議取得並且在緊接有關日期之前有效的許可及批准，均須於該日按相同的條款及條件移轉予市建局。

(3) 任何歸屬土發公司的可移動財產、權利及特權，均須於有關日期按相同的條

for resumption is made is required by the Land Development Corporation to implement such development proposal authorized under section 5(2)(b) of the repealed Ordinance.

(6) The Secretary may request the Authority to furnish him with such information as he considers necessary to justify a request made under subsection (5).

(7) Subject to subsections (8) and (9), where at the date of commencement of Parts II to VIII of this Ordinance, a development scheme has been prepared in accordance with section 13(1) of the repealed Ordinance, the development scheme may be continued and completed by the Authority as if the repealed Ordinance had not been repealed and the powers and duties of the Land Development Corporation shall be exercised and performed by the Authority.

(8) Upon the request in writing of the Authority to the Secretary in that behalf, the Secretary may treat section 15(3)(b) and (5) of the repealed Ordinance as having no application to a resumption in pursuance of a development scheme of the description mentioned in subsection (7), and the circumstances specified in section 15(2)(a) of the repealed Ordinance may be construed as being such that the land in respect of which the recommendation for resumption is made is within the area of a plan which is deemed to be a draft plan by virtue of section 14(3) of the repealed Ordinance.

(9) The Secretary may request the Authority to furnish him with such information as he considers necessary to justify a request made under subsection (8).

### 37. Transfer of properties, assets, contracts, etc.

(1) All immovable property owned by the Land Development Corporation at the date of commencement of Parts II to VIII of this Ordinance shall, at that date, be owned by the Authority by virtue of this Ordinance for the residue of the term of years created by the respective Government leases, subject to the covenants, conditions, stipulations, exceptions, reservations, provisos and powers contained in and reserved by those respective Government leases.

(2) All permissions and approvals obtained by the Land Development Corporation from the Town Planning Board, the Secretary, the Financial Secretary, or the Chief Executive in Council which were in force immediately before the commencement of Parts II to VIII of this Ordinance shall, on the commencement of Parts II to VIII of this Ordinance, be transferred to the Authority on the same terms and conditions.

(3) Any movable property, right and privilege vested in the Land Development Corporation shall, on the commencement of Parts II to VIII of this Ordinance, be vested in the Authority on the same terms and conditions,

款及條件歸屬市建局，而市建局亦須履行土發公司在該日所須履行的義務及法律責任。

(4) 在有關日期，與土發公司有關以及與土發公司在已廢除條例下的運作有關的所有簿冊、文據、文件、會議紀錄、設備、收據及帳目，均須交付市建局。

(5) 每份由土發公司訂立並在緊接有關日期之前屬有效的合約，自該日起須猶如是市建局取代了土發公司一樣而具有效力，而該等合約可由該局強制執行，亦可針對該局而強制執行。

(6) 在緊接有關日期之前既有的由土發公司提出或是針對該公司而提出的法律申索，包括現有的、未來的、實有的及或有的申索，以及由該公司提起或是針對該公司提起的司法程序，不得僅因《土地發展公司條例》(第15章)被廢除的事實而中止；任何仍待法院或審裁處進行的法律程序，均以市建局取代土發公司作為當事人。

(7) 土發公司在緊接有關日期之前所擁有的財產，連同所附帶的任何既有申索或法律責任一併轉歸市建局；任何據法權產如是憑藉本款轉歸市建局的，則該局可就該等據法權產提起訴訟、進行追討或採取法律行動，而無須將該等據法權產已轉歸該局一事通知受該等據法權產約束的人；而且在沒有限制下，現規定土發公司所持有的保險單以及商標、版權及其他知識產權權利的利益，均轉歸該局。

(8) 在緊接有關日期之前既有的任何土發公司僱員公積金供款或非供款計劃，自該日起繼續運作，猶如該等計劃是本市建局所設的。受該等計劃的安排保障的土發公司僱員，須視為是市建局的僱員，而該局亦在該等計劃的一切安排中取代土發公司。

(9) 就任何與土發公司訂立並在緊接有關日期之前有效的僱傭合約而言，第(5)及(8)款的效力只是自該日期起在由市建局取代土發公司這一方面修改該合約，據

and the Authority shall be subject to the same obligations and liabilities to which the Land Development Corporation was subject at the date of commencement of Parts II to VIII of this Ordinance.

(4) At the date of commencement of Parts II to VIII of this Ordinance, all books, papers, documents, minutes, equipment, receipts and accounts relating to the Land Development Corporation and to its operation under the repealed Ordinance shall be delivered to the Authority.

(5) Every contract entered into by the Land Development Corporation which was in force immediately before the commencement of Parts II to VIII of this Ordinance shall, as from that date, have effect as if the Authority is substituted for the Land Development Corporation, and the contract may be enforced by or against the Authority.

(6) The legal claims including present, future, actual and contingent claims by or against the Land Development Corporation and judicial proceedings instituted by or against the Land Development Corporation that existed immediately before the commencement of Parts II to VIII of this Ordinance, do not abate by reason only of the fact of the repeal of the Land Development Corporation Ordinance (Cap. 15), and the Authority is substituted for the Land Development Corporation in any proceedings pending before any court or tribunal.

(7) The property of the Land Development Corporation owned by it immediately before the commencement of Parts II to VIII of this Ordinance is transferred to and is owned by the Authority subject to any existing claim or liability, and the Authority may sue on, recover or enforce a chose in action transferred by this subsection without having to give notice of the transfer to a person bound by the chose in action, and without limitation it is provided that the insurance policies and any benefit of trade marks, copyright and other intellectual property rights held by the Land Development Corporation are transferred to the Authority.

(8) Any contributory or non-contributory scheme for payment of provident funds to the employees of the Land Development Corporation which was in place immediately before the commencement of Parts II to VIII of this Ordinance shall, as from that date, continue to operate as if the scheme had been put in place by the Authority. The employees of the Land Development Corporation under the arrangements of such a scheme shall be taken to be the employees of the Authority, and the Authority shall replace the Land Development Corporation in all the arrangements of such a scheme.

(9) The effect of subsections (5) and (8) in relation to any employment contract with the Land Development Corporation which was in force immediately before the date of commencement of Parts II to VIII of this Ordinance is merely to modify that contract, as from that date, by substituting the Authority for the Land Development Corporation and, accordingly, employment with the Land Development Corporation and the Authority



此，根據第(5)及(8)款適用的僱傭合約而受僱於土發公司及市建局，在各方面均當作單一項連續受僱。

(10) 自有關日期起，市建局須按土發公司與政府在該日之前訂定的條款及條件，付還土發公司尚欠政府的《貸款基金》(第2章，附屬法例)附表第1部第1(k)段所提及的貸款。

### 38. 相應修訂

- (1) 《防止賄賂條例》(第201章)附表1現予修訂，廢除第51項而代以——  
“51. 市區重建局。”。
- (2) 《保障投資者條例》(第335章)的附表第IVA部現予修訂，廢除第8項而代以——  
“8. 市區重建局。”。
- (3) 《申訴專員條例》(第397章)附表1第I部現予修訂，廢除“土地發展公司”而代以——  
“市區重建局”。

附表

[第4條]

關於董事會及其成員的條文

#### 1. 委任及解除委任的條款及條件

- (1) 行政長官須決定委任主席的條款及條件。
- (2) 執行董事(包括行政總監)按照行政長官不時決定的執行董事委任條款及條件(包括薪酬及津貼)任職。
- (3) 並非公職人員的非執行董事，須按照其委任條款而任職和離職，並在不再是董事會成員時仍有資格再獲委任。
- (4) 並非公職人員的非執行董事，可隨時以書面通知行政長官而辭職。
- (5) 獲委任為非執行董事的公職人員，其任免由行政長官酌情決定。
- (6) 如行政長官信納任何根據本條例第4條獲委任的董事會成員——
- 未經董事會許可而連續3次沒有出席董事會會議；
  - 已破產或已與其債權人作出任何債務償還安排；
  - 因身體或精神上的疾病以致無行為能力；或
  - 因其他理由不能夠或不適宜執行成員的職責。

under an employment contract to which those subsections apply is deemed for all purposes to be a single continuing employment.

(10) On the commencement of Parts II to VIII of this Ordinance, the Authority is to repay any outstanding balance of the loan referred to in paragraph 1(k) of Part I of the Schedule to the Loan Fund (Cap. 2 sub. leg.) of the Land Development Corporation to the Government under the same terms and conditions as was determined between the Land Development Corporation and the Government prior to that commencement.

### 38. Consequential amendments

- (1) Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201) is amended by repealing item 51 and substituting—  
“51. Urban Renewal Authority.”.
- (2) Part IVA of the Schedule to the Protection of Investors Ordinance (Cap. 335) is amended by repealing item 8 and substituting—  
“8. Urban Renewal Authority.”.
- (3) Part I of Schedule 1 to The Ombudsman Ordinance (Cap. 397) is amended by repealing “Land Development Corporation” and substituting—  
“Urban Renewal Authority”.

SCHEDULE

[s. 4]

PROVISIONS WITH RESPECT TO BOARD OF  
AUTHORITY AND ITS MEMBERS

#### 1. Terms and conditions of appointment and dismissal

- (1) The Chief Executive shall determine the terms and conditions of appointment of the Chairman.
- (2) An executive director, including the Managing Director, shall hold office on such terms and conditions of appointment, including remuneration and allowances, as the Chief Executive may from time to time determine in respect of an executive director.
- (3) A non-executive director not being a public officer shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for reappointment.
- (4) A non-executive director not being a public officer may at any time resign his office by notice in writing to the Chief Executive.
- (5) A public officer appointed as a non-executive director shall hold office at the discretion of the Chief Executive.
- (6) If the Chief Executive is satisfied that a member of the Board of the Authority appointed under section 4 of this Ordinance—
- has been absent from 3 consecutive meetings of the Board of the Authority without the permission of the Board of the Authority;
  - has become bankrupt or made an arrangement with his creditors;
  - is incapacitated by physical or mental illness; or
  - is otherwise unable or unfit to perform the duties of a member,

行政長官可宣布其成員席位懸空，並須以行政長官認為適當的方式就該事實作出通知，而宣布一經作出，該席位即告懸空。

## 2. 須支付予董事會成員的費用及津貼

- (1) 董事會可向其非執行董事支付財政司司長所釐定的費用及津貼。
- (2) 第(1)款不適用於身為公職人員的董事會成員。

## 3. 會議法定人數

- (1) 董事會會議的法定人數為不少於當其時董事會成員的半數。如有任何成員就某事宜被取消資格參與董事會的決定或商議，則就董事會決定或商議該事宜所需的法定人數而言，該成員不得被計算在內。
- (2) 董事會會議上決定的一切事宜，須由出席會議並表決的成員以過半數票決定；如票數均等，主席或其他主持會議的成員除其原有票外，亦有權投決定票。

## 4. 董事會的程序

- (1) 在符合本附表的規定下，董事會有權規管其本身的程序，包括由符合會議法定人數的成員在不召開會議的情況下作出董事會的決定的方式。
- (2) 市建局可藉在董事會各成員之間傳閱文件的方式處理其任何事務，不論任何該等成員是否身在香港；而由過半數成員以書面通過的決議，具有猶如是在董事會會議上通過一樣的效力及作用。

## 5. 董事會可成立委員會

- (1) 為更有效地貫徹市建局的宗旨及行使該局的權力，董事會可成立董事會認為合適的委員會，並委任委員會的成員。
- (2) 並非董事會成員的人有資格獲委任為根據第(1)款成立的委員會的成員。
- (3) 根據第(1)款成立的委員會的主席由董事會委任，而其成員人數亦由董事會訂定。
- (4) 在符合董事會作出的轉授的條款或董事會的指示的規定下，委員會——
  - (a) 可行使獲轉授的權力及執行獲轉授的職責，效力猶如委員會即為董事會本身一樣；
  - (b) 在無相反認明的情況下，須被推定為按照轉授條款行事；
  - (c) 可規管其本身的程序。
- (5) 根據第(1)款成立的委員會的程序，不得因委員會任何成員的委任有欠妥之處，或因任何該等成員在進行該項程序的會議上缺席，或因該等成員的席位懸空而致無效。

## 6. 董事會權力的轉授

- (1) 除第(2)款另有規定外，董事會可用書面將其任何權力轉授予任何根據第5(1)條成立的委員會，並可按董事會認為合適與否而附加或不附加限制或條件。

Executive may declare his office as a member of the Board of the Authority to be vacant, shall notify the fact in such manner as the Chief Executive thinks fit; and upon such declaration, the office shall become vacant.

## 2. Fees and allowances payable to members of Board of Authority

- (1) The Board of the Authority may pay its non-executive directors such fees and allowances as the Financial Secretary may determine.
- (2) Subsection (1) shall not apply to any member of the Board of the Authority who is a public officer.

## 3. Quorum

- (1) The quorum of the Board of the Authority shall not be less than half the members thereof for the time being and, while a member is disqualified from taking part in a decision or deliberation of the Board of the Authority in respect of a matter, he shall be disregarded for the purpose of constituting a quorum of the Board of the Authority for deciding, or deliberating on, that matter.
- (2) All matters for determination at a meeting of the Board of the Authority shall be decided by a majority of votes of the members present and voting and where there is an equality of votes the Chairman or other member presiding shall have a casting vote in addition to his original vote.

## 4. Procedure of Board of Authority

- (1) Subject to this Schedule, the Board of the Authority shall have power to regulate its own procedure including the manner in which decisions of the Board of the Authority may be made by a quorum of its members otherwise than at a meeting of the Board of the Authority.
- (2) The Board of the Authority may transact any of its business by circulation of papers amongst members whether any such member is in or outside Hong Kong, and a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Board of the Authority.

## 5. Board of Authority may establish committees

- (1) The Board of the Authority may create, and appoint the members of, such committees for the better carrying out of the purposes and powers of the Authority as it thinks fit.
- (2) Persons who are not members of the Board of the Authority are eligible for appointment to committees.
- (3) The chairman of a committee created under subsection (1) shall be appointed by the Board of the Authority and the number of members of a committee shall be determined by the Board of the Authority.
- (4) Subject to the terms of any delegation by the Board of the Authority, or to any directions of the Board of the Authority, a committee—
  - (a) may exercise and perform the delegated powers and duties with the same effect as if it were the Board of the Authority itself;
  - (b) shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary;
  - (c) may regulate its own procedure.
- (5) The proceedings of any committee created under subsection (1) shall not be invalidated by any defect in the appointment of any member thereof, the absence of any such member from the meeting at which any such proceedings occurred or any vacancy among such members.

## 6. Delegation of Board of Authority's powers

- (1) Subject to subsection (2), the Board of the Authority may, with or without restrictions or conditions as it thinks fit, delegate in writing any of its powers to any committee created under section 5(1).

- (2) 董事會不得將進行以下事項的權力轉授——
- 成立委員會；
  - 對與市建局僱員的薪酬及僱用條款和條件有關的事宜作出決定；
  - 設立、管理及掌管或訂立安排以設立、管理及掌管任何基金或計劃，以便向市建局僱員提供退休金、酬金及退休利益；
  - 於任何財政年度終結後，提供市建局該年度的事務報告、該局該年度的帳目一份及核數師就該等帳目作出的報告；
  - 將發展計劃的圖則呈交城規會；及
  - 要求局長向行政長官會同行政會議建議收回任何土地。

#### 7. 市建局的文件

- 董事會在行使其權力或執行其職責時，可訂立和簽立任何文件；而在任何與行使其權力或執行其職責時合理附帶或相應引起的事宜有關方面，亦可訂立和簽立任何文件。
- 任何文件如看來是以市建局的法團印章簽立的，須予接納為證據，而非相反證明成立，否則該文件須當作已妥為簽立。
- 凡有一份由行政總監簽署的證明書，證明一份看來是由市建局或代該局訂立或發出的文書是由該局或代該局訂立或發出的，該證明書即為該事實的確認。
- 任何合約或文書若由不屬法人團體的人士訂立或簽立即無須加蓋印章而訂立或簽立，則該合約或文書可由行政總監或任何獲董事會為此舉以書面一般授權或特別授權的執行董事代表該局訂立或簽立。

#### 8. 市建局僱員

- 董事會須訂定——
  - 市建局僱員的薪酬以及僱用條款和條件；及
  - 市建局僱員的工作及行為標準，以及關於該等僱員停職或解僱的事項。
- 董事會須訂定技術顧問及專業顧問的薪酬、延聘條款和條件及延聘方式。
- 董事會可——
  - 發放或提供資金以備發放退休金、酬金及退休利益予市建局僱員；
  - 為市建局僱員及受他們供養的人的福利，提供其他利益；及
  - 授權付款予市建局已故僱員的遺產代理人，或在該僱員去世時受他供養的任何人，不論該款項是否在法律上應付的。
- 為提供資金作第(3)款所提述的退休金、酬金、退休利益及付款之用，董事會可——
  - 設立、管理和掌管任何基金或計劃；或
  - 與政府、任何公司或組織作出安排，由政府、該公司或組織單獨或聯同市建局設立、管理和掌管任何基金或計劃。
- 董事會可向第(4)款所提述的任何基金或計劃供款，亦可規定市建局僱員向該等基金或計劃供款。

- (2) The Board of the Authority shall not delegate the power—
- to create any committee;
  - to determine matters relating to the remuneration, and the terms and conditions of employment, of the employees of the Authority;
  - to establish, manage and control, or enter into an arrangement for the establishment, management and control of any fund or scheme for the purpose of providing for the pensions, gratuities, and retirement benefits to the employees of the Authority;
  - to furnish after the expiry of the financial year a report on the affairs of the Authority for that year, a copy of its accounts therefor, and the auditor's report on the accounts;
  - to submit a plan of a development scheme to the Town Planning Board; or
  - to request the Secretary to recommend to the Chief Executive in Council the resumption of any land.

#### 7. Documents of Authority

- The Board of the Authority may make and execute any document in the exercise of its powers or the performance of its duties or in connection with any matter reasonably incidental to or consequent upon the exercise of its powers or the performance of its duties.
- Any document purporting to be executed under the common seal of the Authority shall be admitted in evidence and shall, unless the contrary is proved, be deemed to have been duly executed.
- A certificate signed by the Managing Director that an instrument of the Authority purporting to be made or issued by or on behalf of the Authority was so made or issued shall be conclusive evidence of that fact.
- Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be entered into or executed under seal, may be entered into or executed on behalf of the Authority by the Managing Director or any of its executive director generally or specifically authorized in writing by the Board of the Authority for that purpose.

#### 8. Employees of Authority

- The Board of the Authority shall determine—
  - the remuneration, and the terms and conditions of employment, of the employees of the Authority; and
  - the standards of work and conduct of the employees of the Authority, and matters relating to their suspension or dismissal from office.
- The Board of the Authority shall determine the remuneration and the terms and conditions of engagement of technical and professional advisers, and the manner of their engagement.
- The Board of the Authority may—
  - grant, or make provision for the grant of, pensions, gratuities and retirement benefits to the employees of the Authority;
  - provide other benefits for the welfare of the employees of the Authority and their dependants; and
  - authorize payments, whether or not legally due, to the personal representatives of a deceased employee of the Authority or to any person who was dependent on such employee at his death.
- The Board of the Authority may—
  - establish, manage and control; or
  - enter into an arrangement with the Government, any company or association for the establishment, management and control by the Government, that company or association either alone or jointly with the Authority of,
 any fund or scheme for the purpose of providing for the pensions, gratuities, retirement benefits and payments referred to in subsection (3).
- The Board of the Authority may make contributions to and may require employees to make contributions to any fund or scheme referred to in subsection (4).