

**Bills Committee on the
Urban Renewal Authority Bill**

**Proposed Establishment of an Appeal Mechanism
to Consider the Determination of the
Secretary for Planning and Lands
on Objections to Proposed Development Projects**

Issue

Members of the Bills Committee have asked the Administration to consider including in the Urban Renewal Authority Bill (the Bill) a provision for an appeal mechanism against the decision of the Secretary for Planning and Lands (SPL) to authorize the Urban Renewal Authority (URA) to proceed with a development project under clause 21(4) or clause 21(7) of the Bill after consideration of objections.

Proposal

2. We consider that there is merit in providing an appeal channel against SPL's decision. We propose that an appeal mechanism should be established to consider the determination of SPL on objections to proposed development projects.

Background and Argument

3. A development project of the URA would require no amendment to the zoning of the project site on the relevant outline zoning plan.

4. Before implementing a development project, the URA is required under clause 20 of the Bill to publish in the Government Gazette the commencement date of the implementation of the project and to exhibit general information about the project for public inspection. The URA will have to provide the following material for public information -

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

5. Under clause 21 of the Bill, any person who considers that he will be affected by a proposed development project may raise objections after the proposed project is published in the Government Gazette. The URA has to consider all objections and to discuss with the objectors the issues involved. The URA will then submit the proposed project, its deliberations on the objections and any objections which are not withdrawn to SPL for his consideration.

6. Under clause 21(4) of the Bill, after considering the proposed project and the objections, SPL may either –

- (a) make an amendment to the proposed project to meet an objection; or
- (b) authorize the URA to proceed with the development project with or without any amendment; or
- (c) decline to authorize the proposed project.

7. Members have suggested that there should be an appeal mechanism against SPL's decision if he decides to authorize a project when there are objections. Having reconsidered the matter, we propose to appoint an Appeal Board Panel to consider SPL's determination on objections to proposed projects.

Proposed Arrangements

8. The proposed arrangements for the appeal mechanism are as follows:

- (a) an Appeal Board Panel would be appointed by the Chief Executive to sit as members of an Appeal Board to hear an appeal against SPL's decision;
- (b) an objector to a proposed project who is aggrieved by SPL's decision under clause 21(4) or 21(7) of the Bill could appeal by lodging a notice of appeal with the secretary to the Appeal Board Panel;
- (c) a notice of appeal could be lodged within 30 days after notification of SPL's decision;
- (d) upon receipt of a notice of appeal, the Chairman of the Appeal Board Panel would nominate an Appeal Board to hear an appeal;
- (e) the appellant and SPL could appear before an Appeal Board in person or by an authorized representative;
- (f) the hearing would be conducted in public unless ordered by the Appeal Board otherwise;
- (g) the hearing would be conducted in an informal manner; and
- (h) the secretary to the Appeal Board would publish the decision of the Appeal Board in the Government Gazette and serve on both the appellant and SPL the decision of the Appeal Board, the reasons for the decision and any orders made by the Appeal Board.

The Way Forward

9. We intend to move the necessary amendments to the Bill at Committee Stage.

Planning and Lands Bureau
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