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Planning and Lands Bureau
Urban Renewal and Buildings Division
9th Floor, Murray Building
Garden Road
Hong Kong
(Attn. : Mr Stephen Fisher
Deputy Secretary)

12 June 2000

BY FAX
Fax No. : 2905 1002
Total no. of page(s) : 7

Dear Mr Fisher,

Urban Renewal Authority Bill

I. Members' Committee Stage amendment

I refer to the instructions of the Chairman of the Bills Committee at the meeting on 10 June 2000 to prepare a Committee Stage amendment specifying that the order under clause 5(f) is a subsidiary legislation. I propose that a new clause be added along similar line as section 62 of the Mass Transit Railway Ordinance (13 of 2000) (see attached). To enable me to prepare the amendment, please confirm as soon as possible that the following are not subsidiary legislation :

- (a) notice of commencement date of the implementation of the development project under clause 20(1);
- (b) notice of an amendment to such project under clause 21(6);
- (c) notice of authorization of such project under clause 21(9);
- (d) notice of withdrawal of such project under clause 21(9A); and
- (e) notice of decision of the Appeal Board under clause 23B(23).

II. Administration's Committee Stage amendment (CB(1)1802/99-00(04))

To facilitate a full discussion of the draft Committee Stage amendments of the Administration at the coming Bills Committee meetings, set out below are my comments on the legal and drafting aspects for your consideration :

1. Clause 16B

You mentioned in your letter dated 25 April 2000 that the current appointment of auditor of the Land Development Corporation ("LDC") would continue until it expires. Is it intended that the appointment would expire when LDC dissolves, and that the Urban Renewal Authority would appoint an auditor on its establishment?

2. Clause 17A(2)

Under what circumstances would an urgent need to prepare, revoke or amend the urban renewal strategy arise?

3. Clause 21(9A)

Is it possible that the withdrawal of a development project would be without prejudice to the preparation of a new development scheme as well as a development project?

4. Clause 23A

Has the Administration considered-

- (a) whether the appointment of the Appeal Board panel be notified in the Gazette?
- (b) providing where the term of appointment expires during a hearing?

5. Clause 23B

Has Administration considered-

- (a) creating an offence if a person publishes or discloses evidence contrary to the direction given by the Appeal Board under Clause 23B(9) and providing a defence if he proves that he does not know and has no reason for knowing such direction?
- (b) awarding to a party such costs reasonably incidental to the preparation and presentation of an appeal, apart from the costs and expenses incurred by the Appeal Board?

- (c) whether the decision of the Appeal Board is final?
- (d) specifying in Clause 23B(18)(b) that the Appeal Board may make its decision without hearing the absent party?
- (e) providing in Clause 23B(24) that a notice or order may be issued by a Deputy Chairman?

6. Schedule, items (a) and (b)

Reference to section 1 should be made in items (a) and (b). Please explain the reason for the different provisions relating to the appointment of the Chairman and that of the executive directors, particularly when the Administration has agreed that the Chairman would be entitled to remuneration and allowances.

III. Administration's Chinese version of amendment

I enclose pages 1, 15 and 18 of the Chinese version of Committee Stage amendments with my comments marked up.

Yours sincerely,

(Bernice Wong)
Assistant Legal Adviser

Encl.

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