

TOWN PLANNING (AMENDMENT) BILL 2003

COMMITTEE STAGE

Amendments to be moved by the Secretary for Housing,  
Planning and Lands

Clause

Amendment Proposed

- 1 (a) In the heading, by adding "**and commencement**"  
after "**Short title**".
- (b) By renumbering the clause as clause 1(1).
- (c) By adding -
- "(2) This Ordinance shall come into  
operation on a day to be appointed by the  
Secretary for Housing, Planning and Lands  
by notice published in the Gazette.".

2                   By deleting paragraph (a).

3

By deleting paragraph (a) and substituting -

"(a) in subsection (5) -

(i) in paragraph (a) -

(A) by repealing "16" and  
substituting "8, 12A, 16,  
16A";

(B) by repealing "and" at the  
end;

(ii) in paragraph (b) -

(A) by repealing "an  
application for";

(B) by repealing subparagraph  
(i) and substituting -

"(i) an application  
made under  
section 16A(2);  
and";

(C) in subparagraph (ii) -

(I) by adding "an  
application for"  
before  
"permission  
for";

(II) by repealing the

full stop and  
substituting "  
and";

(iii) by adding -

"(c) under sections  
12A(12) and (13A),  
16(2I) and (2JA) and  
17(2G) and (2HA) to  
the secretary of the  
Board." ; ".

4                   By deleting "and 17" and substituting ", 6E, 6F,  
6G, 6H, 6I and 6J".

5

In the proposed section 2B -

(a) in subsection (2), by deleting "A" and substituting "Subject to subsections (3) and (4), a";

(b) by adding -

"(3) Any member of the Board or of a committee appointed under section 2(3) or 2A may require any business which is being transacted by the circulation of papers under subsection (1) to be transacted at a meeting of the Board or of the committee, as the case may be, by giving a notice in writing to the chairman of the Board or of the committee, as the case may be, within the period specified in the papers.

(4) Where, in respect of any business being transacted by the circulation of papers, a notice is given to the chairman of the Board or of a committee appointed under section 2(3) or 2A, any resolution

approved in writing under subsection  
(2) in respect of the business shall  
be void.".

6                   By deleting the clause.



7

In the proposed section 6 -

- (a) in subsections (1) and (3)(a), by deleting "1 month" and substituting "2 months";
- (b) in subsection (4) -
  - (i) by deleting "1 month" and substituting "2 months";
  - (ii) by deleting "the representations have been considered at a meeting under section 6D(1)" and substituting "the Chief Executive in Council has made a decision in respect of the draft plan in question under section 9";
- (c) in subsection (6)(a), by adding "and" at the end;
- (d) in subsection (6)(b), by deleting "; and" and substituting a full stop;
- (e) by deleting subsection (6)(c).

8

(a) In the proposed section 6A(4), by deleting "the comments have been considered at a meeting under section 6D(1)" and substituting "the Chief Executive in Council has made a decision in respect of the draft plan in question under section 9".

(b) By deleting the proposed sections 6B and 6C.

(c) In the proposed section 6D -

(i) in subsection (1), by deleting everything after "after" and substituting "the expiration of the period of 3 weeks referred to in section 6A(1).";

(ii) in subsection (6), by deleting everything before paragraph (a) and substituting -

"(6) The Board may direct that all or some of the representations made in respect of the draft plan in question under section 6(1) shall be considered at the same meeting, whereupon such representations, as well as any comment made in

respect of any of such  
representations -";

- (iii) in subsection (8), by deleting  
"consider and take a view as to  
whether it will propose amendments  
to the draft plan to which the  
representation and the comment (if  
any) relate" and substituting  
"decide whether to propose  
amendments to the draft plan in  
question".

(d) By adding -

**"6E. Proposed amendments under  
section 6D(8) to be made  
available for public  
inspection**

(1) Where the Board proposes any  
amendments under section 6D(8), the Board  
shall, as soon as reasonably practicable  
after the amendments are proposed, make  
the proposed amendments available for  
public inspection at reasonable hours,  
and shall continue to do so until the  
Chief Executive in Council has made a  
decision in respect of the draft plan in  
question under section 9.

(2) During the first 3 weeks of the

period during which any proposed amendments are available for public inspection under subsection (1), the Board shall, in respect of the proposed amendments, cause to be published once a week in a local newspaper a notice that complies with subsection (3).

(3) A notice referred to in subsection (2) shall -

- (a) specify the place and hours at which the proposed amendments to which the notice relates are available for public inspection under subsection (1); and
- (b) indicate that further representations may be made to the Board in respect of the proposed amendments under section 6F(1) and specify the place and hours at which any further representations so made

will be available for  
public inspection under  
section 6F(4).

**6F. Further representations  
in respect of proposed  
amendments**

(1) Where the Board proposes any amendments under section 6D(8), within the first 3 weeks of the period during which the proposed amendments are available for public inspection under section 6E(1), any person, other than that who has made any representation or comment after consideration of which the proposed amendments are proposed under section 6D(8), may make further representation to the Board in respect of the proposed amendments.

(2) A further representation referred to in subsection (1) shall -

(a) indicate -

(i) the proposed  
amendments to  
which the  
further

representation

relates;

(ii) whether the

further

representation

is made in

support of, or

in opposition

to, the proposed

amendments; and

(iii) the reasons for

the further

representation;

and

(b) be made in such manner as

the Board requires.

(3) Where a further representation  
referred to in subsection (1) -

(a) is made to the Board after

the expiration of the

period of 3 weeks referred

to in subsection (1); or

(b) does not comply with any

of the requirements

specified in or made under

subsection (2),  
it shall be treated as not having been  
made.

(4) The Board shall, as soon as  
reasonably practicable after the  
expiration of the period of 3 weeks  
referred to in subsection (1), make all  
further representations made to it under  
that subsection available for public  
inspection at reasonable hours, and shall  
continue to do so until the Chief  
Executive in Council has made a decision  
in respect of the draft plan in question  
under section 9.

**6G. Withdrawal of representations,  
etc.**

(1) Any person who makes any  
representation under section 6(1), or  
makes any comment in respect of any such  
representation under section 6A(1), may  
by notice in writing to the Board  
withdraw the representation or comment,  
as the case may be, at any time before  
the representation or comment, as the  
case may be, has been considered at a

meeting under section 6D(1).

(2) Any person who makes any further representation under section 6F(1) may by notice in writing to the Board withdraw the further representation at any time before the further representation has been considered at a meeting under section 6H(1).

(3) Where any representation, comment or further representation is withdrawn under subsection (1) or (2) -

(a) the representation, comment or further representation, as the case may be, shall thereafter be treated as not having been made; and

(b) in the case of the withdrawal of any representation, any comment made under section 6A(1) in respect of the representation shall thereafter be treated as not having been made.



**6H. Consideration of further  
representations in respect  
of proposed amendments**

(1) Where any further representation is made under section 6F(1), the Board shall hold a meeting to consider the further representation as soon as reasonably practicable after the expiration of the period of 3 weeks referred to in that section.

(2) The Board shall, in respect of any meeting to be held under subsection (1), give reasonable notice of particulars of the meeting (including the date, time and place of the meeting) to -

(a) the person who made the further representation to which the meeting relates under section 6F(1); and

(b) the person who made any representation or comment after consideration of which the proposed amendments in question are proposed under section

6D(8).

(3) At a meeting held under subsection (1) -

- (a) the person who made the further representation to which the meeting relates under section 6F(1); and
- (b) the person who made any representation or comment after consideration of which the proposed amendments in question are proposed under section 6D(8),

are entitled to attend and to be heard, either in person or by an authorized representative.

(4) If, at a meeting held under subsection (1), any of the persons entitled to attend and to be heard at the meeting under subsection (3) fails to attend, either in person or by an authorized representative, the Board may -

- (a) proceed with the meeting

in his absence; or

- (b) adjourn the meeting to  
such date as it considers  
appropriate.

(5) Without prejudice to subsection (4), where the Board is satisfied that there are reasonable grounds to do so, it may adjourn any meeting held or to be held under subsection (1) to such date as it considers appropriate.

(6) The Board may direct that all further representations made in respect of the proposed amendments in question under section 6F(1) shall be considered at the same meeting, whereupon any such further representations -

- (a) shall be considered at the  
same meeting; and
- (b) may be considered by the  
Board either individually  
or collectively as it may  
determine.

(7) Where -

- (a) any meeting is adjourned  
under subsection (4) or

(5); or

(b) the Board makes a  
direction under subsection  
(6),

the provisions of this section also  
apply, with necessary modifications, to  
the meeting so adjourned or the meeting  
held in accordance with the direction, as  
the case may be, save to the extent that  
the Board otherwise directs.

(8) Upon consideration of any  
further representation at a meeting under  
subsection (1), the Board shall decide  
whether to amend the draft plan in  
question, either by the proposed  
amendments in question, or by the  
proposed amendments as further varied in  
such manner as it considers appropriate.

(9) Where, in respect of any  
proposed amendments proposed under  
section 6D(8), any further representation  
is made under section 6F(1) but no such  
further representation indicates under  
section 6F(2)(a)(ii) that it is made in  
opposition to the proposed amendments -

- (a) subsections (3) and (4)  
shall not have application  
to any meeting to be held  
under subsection (1) in  
respect of any such  
further representation,  
and the other provisions  
of this section shall,  
with necessary  
modifications, be  
construed and have  
application accordingly;  
and
- (b) subsection (8) shall be  
construed as requiring the  
Board, upon consideration  
of any such further  
representation, to amend  
the draft plan in question  
by the proposed  
amendments.

**6I. Cases where there are no  
further representations  
in respect of proposed  
amendments**

Where, in respect of any proposed

amendments proposed under section 6D(8), no further representation is made under section 6F(1) within the period of 3 weeks referred to in that section, the Board shall, as soon as reasonably practicable after the expiration of the period, amend the draft plan in question by the proposed amendments.

**6J. Effect of amendments under section 6H or 6I**

(1) Where the Board amends a draft plan under section 6H(8) (whether with or without application of section 6H(9)) or 6I, the draft plan shall thereafter be read as including the amendments, and, for the avoidance of doubt, any reference to the draft plan (however described) in this or any other Ordinance shall, unless the context otherwise requires, be construed accordingly.

(2) Where any draft plan is read as including any amendments under subsection (1), the Board shall, as soon as reasonably practicable thereafter, make the amendments available for public

inspection at reasonable hours, and shall  
continue to do so until the Chief  
Executive in Council has made a decision  
in respect of the draft plan under  
section 9.".

9(a) By deleting "6B, 6C and 6D" and substituting "6D, 6E, 6F, 6G, 6H, 6I and 6J".

9(b)(i) By deleting "1 month" and substituting "2 months".

9(c) (a) In the proposed section 7(4) -

(i) by deleting everything before  
paragraph (b) and substituting -

"(4) Where the Board makes  
any amendments to a draft plan  
under subsection (1) -

(a) subject to  
paragraph (b),  
sections 6, 6A,  
6D, 6E, 6F, 6G,  
6H, 6I and 6J  
shall apply,  
with necessary  
modifications,  
to and in  
relation to the  
amendments as  
they apply to  
and in relation



to a draft plan  
exhibited under  
section 5; and";

- (ii) in paragraph (b), by deleting "(2),  
(3), (4), (5) and (6), 6A, 6B, 6C  
and 6D" and substituting ", 6A, 6D,  
6E, 6F, 6G, 6H, 6I and 6J";
- (iii) by adding before paragraph (b)(i) -  
"(ia) the reference to "the  
period of 2 months during  
which a draft plan is  
exhibited under section 5"  
in section 6(1) were a  
reference to the period of  
2 months during which the  
amendments are exhibited  
under subsection (2);";
- (iv) in paragraph (b)(i), by deleting  
"(2)(a) were a reference to the  
amendment in question" and  
substituting "(1) and (2)(a) were a  
reference to any of the amendments";
- (v) by deleting paragraph (b)(ii) and  
substituting -  
"(ii) the reference to "the

representations made in  
respect of the draft plan  
in question under section  
6(1)" in section 6D(6)  
were a reference to the  
representations made in  
respect of any of the  
amendments under section  
6(1) (as having  
application in the manner  
described in this  
subsection);";

(vi) in paragraph (b)(iii) -

(A) by deleting "to which the  
representation and the comment  
(if any) relate" and  
substituting "in question";

(B) by deleting "amendment in  
question." and substituting  
"amendments to which the  
representation in question and  
the comment in question (if  
any) relate";

(vii) in paragraph (b), by adding -

"(iv) each of the references to

"draft plan in question"  
in sections 6H(8) and  
(9)(b) and 6I, the first  
and second references to  
"draft plan" in section  
6J(1) and the first  
reference to "draft plan"  
in section 6J(2) were a  
reference to the part or  
parts of the draft plan to  
which section 6D(8) (as  
having application in the  
manner described in this  
subsection) has  
application; and

- (v) each of the references to  
"draft plan in question"  
in sections 6(4), 6A(4),  
6E(1) and 6F(4), the third  
reference to "draft plan"  
in section 6J(1) and the  
second reference to "draft  
plan" in section 6J(2)  
remained a reference to  
the draft plan."

(b) In the proposed section 7(5), by deleting  
"(2), (3), (4), (5) and (6), 6A, 6B, 6C and  
6D" and substituting ", 6A, 6D, 6E, 6F, 6G,  
6H, 6I and 6J".

9(d) In the proposed section 7(6), by deleting "Where"  
and substituting "Subject as otherwise provided in  
this Ordinance, where".

10(a) By deleting the proposed section 8(1A)(a) and (b) and substituting -

- "(a) a schedule of the representations (if any) made under section 6(1) in respect of the draft plan (whether with or without any amendments made under this Ordinance) or any of the amendments made under section 7 to the draft plan (whether with or without any amendments made under this Ordinance), and the comments (if any) made under section 6A(1) in respect of any of such representations;
- (b) a schedule of the further representations (if any) made under section 6F(1) in respect of any proposed amendments to the draft plan (whether with or without any amendments made under this Ordinance); and
- (c) a schedule of the amendments (if any) made by the Board under this Ordinance to the draft plan (whether with or without any amendments made under this Ordinance).".

- 10(b)
- (a) In subparagraph (iii)(B), by deleting "1 month;" and substituting "2 months".
  - (b) By deleting subparagraphs (iv), (v) and (vi).

11                   By deleting the clause.

- 12(c)(iv)
- (a) In the proposed section 12(3)(a), by deleting "6B, 6C, 6D" and substituting "6D, 6E, 6F, 6G, 6H, 6I, 6J".
  - (b) In the proposed section 12(3)(b) -
    - (i) by deleting "6B, 6C, 6D" and substituting "6D, 6E, 6F, 6G, 6H, 6I, 6J";
    - (ii) by deleting subparagraph (ii) and substituting -
      - "(ii) the reference to "the representations made in respect of the draft plan in question under section 6(1)" in section 6D(6) were a reference to the representations made in respect of any of the amendments under section 6(1) (as having application in the manner described in this subsection);";
    - (iii) in subparagraph (iii) -
      - (A) by deleting "plan to which the



representation and the comment  
(if any) relate" and  
substituting "plan in  
question";

(B) by deleting "and the comment  
(if any) relate." and  
substituting "in question and  
the comment in question (if  
any) relate; and";

(iv) by adding -

"(iv) each of the references to  
"draft plan in question"  
in sections 6H(8) and  
(9)(b) and 6I, the first  
and second references to  
"draft plan" in section  
6J(1) and the first  
reference to "draft plan"  
in section 6J(2) were a  
reference to the part or  
parts of the plan to which  
section 6D(8) (as having  
application in the manner  
described in this  
subsection) has

application.".

12(d) In the proposed section 12(3A), by deleting "6B, 6C, 6D" and substituting "6D, 6E, 6F, 6G, 6H, 6I, 6J".