

TOWN PLANNING (AMENDMENT) BILL 2003

COMMITTEE STAGE

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

Clause

Amendment Proposed

13

In the proposed section 12A -

(a) in subsection (3)(a) -

(i) by deleting "where the
applicant is not the current
land owner,";

(ii) by deleting "given notification
to, the" and substituting
"given notification to, each
person (other than himself) who
is a";

(iii) in subparagraph (ii), by
deleting "the current land
owner" and substituting "such
person";

(b) in subsection (4), by deleting "At any
time after" and substituting "Where";

(c) in subsection (5)(b) -

(i) in subparagraph (i), by
deleting "to, the" and

substituting "to, each person
(other than the applicant) who
is a";

(ii) in subparagraph (ii), by
deleting "the current land
owner" and substituting "such
person";

(d) by deleting subsection (7) and
substituting -

"(7) In respect of any
application referred to in
subsection (6), the Board -

(a) shall cause a notice
that complies with
subsections (8) and
(8A) to be posted in
a prominent position
on or near the land
to which the
application relates,
or on any premises or
structure on the
land, at the
beginning of the
period during which

the application is
available for public
inspection under
subsection (6); or

(b) shall cause a notice
that complies with
subsection (8) to be
published once a week
in a local newspaper
during the first 3
weeks of the period
referred to in
paragraph (a).";

(e) in subsection (8) -

(i) by adding "(a) or (b)" after
"(7)";

(ii) in paragraph (b), by adding
"and specify the place and
hours at which any comments so
made will be available for
public inspection under
subsection (11A)" before the
full stop;

(f) by adding -

"(8A) A notice referred to in

subsection (7)(a) shall be printed
in a visible and legible form.";

(g) by adding -

"(11A) The Board shall, as soon
as reasonably practicable after the
expiration of the period of 3 weeks
referred to in subsection (9), make
all comments made to it under that
subsection available for public
inspection at reasonable hours, and
shall continue to do so until the
application in question has been
considered at a meeting under
subsection (14).";

(h) in subsection (13) -

(i) in paragraph (b) -

(A) by deleting "subsections
(6), (7), (8), (9), (10)
and (11)" and substituting
"subsection (6)";

(B) by deleting "they apply"
and substituting "it
applies";

(ii) in paragraph (c), by adding
before "for" -

"subject to any exemption
under subsection (13A) -

(i) subsections (7),
(8), (8A), (9),
(10), (11) and
(11A) shall
further apply,
with necessary
modifications,
to and in
relation to the
further
information as
they apply to
and in relation
to the
application; and
(ii)";

(i) by adding -

"(13A) Where the Board is
satisfied that there are reasonable
grounds to do so, it may exempt any
further information accepted by it
for the purposes of an application
under subsection (12) from

subsection (13)(c).";

(j) in subsection (23) -

(i) in the definition of "current land owner", by deleting "the person who immediately before the application is made is the land" and substituting "any person who immediately before the application is made appears from the records at the Land Registry to be an";

(ii) in the definition of "relevant approved plan", by adding "(b) or" before "(c)".

14(c)

By adding -

"(4A) The Secretary for Financial Services and the Treasury, and any public officer authorized by the Secretary in that behalf, may in any particular case waive or reduce any fees prescribed under subsection (2) as the Secretary or the public officer, as the case may be, thinks fit.".

- 16(a) In the proposed section 16(2)(a) -
- (a) by deleting "where the applicant is not the current land owner,";
 - (b) by deleting "given notification to, the" and substituting "given notification to, each person (other than himself) who is a";
 - (c) in subparagraph (ii), by deleting "the current land owner" and substituting "such person".
- 16(b) (a) In the proposed section 16(2A), by deleting "At any time after" and substituting "Where".
- (b) In the proposed section 16(2B)(b) -
- (i) in subparagraph (i), by deleting "to, the" and substituting "to, each person (other than the applicant) who is a";
 - (ii) in subparagraph (ii), by deleting "the current land owner" and substituting "such person".
- (c) By deleting the proposed section 16(2D) and substituting -
- "(2D) In respect of any application

referred to in subsection (2C), the
Board -

(a) shall cause a notice that
complies with subsections
(2E) and (2EA) to be posted
in a prominent position on
or near the land to which
the application relates, or
on any premises or
structure on the land, at
the beginning of the period
during which the
application is available
for public inspection under
subsection (2C); or

(b) shall cause a notice that
complies with subsection
(2E) to be published once a
week in a local newspaper
during the first 3 weeks of
the period referred to in
paragraph (a).".

(d) In the proposed section 16(2E) -

- (i) by adding "(a) or (b)" after "(2D)";
- (ii) in paragraph (b), by adding "and

specify the place and hours at which
any comments so made will be
available for public inspection under
subsection (2HA)" before the full
stop.

(e) By adding -

"(2EA) A notice referred to in
subsection (2D)(a) shall be printed in a
visible and legible form.".

(f) By adding -

"(2HA) The Board shall, as soon as
reasonably practicable after the
expiration of the period of 3 weeks
referred to in subsection (2F), make all
comments made to it under that subsection
available for public inspection at
reasonable hours, and shall continue to do
so until the application in question has
been considered under subsection (3).".

(g) In the proposed section 16(2J) -

(i) in paragraph (b) -

(A) by deleting "subsections (2C),
(2D), (2E), (2F), (2G) and (2H)"
and substituting "subsection
(2C)";

- (B) by deleting "they apply" and substituting "it applies";
- (ii) in paragraph (c), by adding before "for" -
 - "subject to any exemption under subsection (2K) -
 - (i) subsections (2D), (2E), (2EA), (2F), (2G), (2H) and (2HA) shall further apply, with necessary modifications, to and in relation to the further information as they apply to and in relation to the application; and
 - (ii)".

- (h) By adding -

"(2K) Where the Board is satisfied that there are reasonable grounds to do so, it may exempt any further information accepted by it for the purposes of an application under subsection (2I) from subsection (2J)(c).".

16

By adding -

"(ba) in subsection (3), by repealing "in the
absence of the applicant";".

16(e)

In the proposed section 16(8), by deleting "the
person who immediately before the application is
made is the land" and substituting "any person who
immediately before the application is made appears
from the records at the Land Registry to be an".

17

In the proposed section 16A -

- (a) by deleting subsection (1) and substituting -

"(1) Where any permission is granted under section 16, the permission may, apart from being read as it is, be read as having effect subject to any amendments which are Class A amendments.";

- (b) in subsection (2), by deleting "permission to have effect subject to certain amendments which are Class B amendments" and substituting "Board to accept any amendments which are Class B amendments in relation to the permission for the purposes of this section";

- (c) by deleting subsections (5) and (6);

- (d) in subsection (7), by deleting "in the absence of the applicant";

- (e) by deleting subsection (9) and substituting -

"(9) Where the Board has under subsection (7) accepted any application or applications in

respect of any permission granted under section 16, the permission may, apart from being read as it is, be read as having effect subject to the amendments which are the subject of -

(a) where only one such application has been accepted, the application; or

(b) where two or more such applications have been accepted, any one of the applications.";

(f) by deleting subsection (11) and substituting -

"(11) Notwithstanding anything in this section, in construing any reference in this section to a permission granted under section 16 (however described), any amendments taking effect in relation to the permission under this section shall be disregarded.".

18(b)

(a) By deleting the proposed section 17(2B) and substituting -

"(2B) In respect of any application referred to in subsection (2A), the Board -

(a) shall cause a notice that complies with subsections (2C) and (2CA) to be posted in a prominent position on or near the land to which the application relates, or on any premises or structure on the land, at the beginning of the period during which the application is available for public inspection under subsection (2A); or

(b) shall cause a notice that complies with subsection (2C) to be published once a week in a local newspaper during the first 3 weeks of the period referred to in

paragraph (a).".

(b) In the proposed section 17(2C) -

- (i) by adding "(a) or (b)" after "(2B)";
- (ii) in paragraph (b), by adding "and specify the place and hours at which any comments so made will be available for public inspection under subsection (2FA)" before the full stop.

(c) By adding -

"(2CA) A notice referred to in subsection (2B)(a) shall be printed in a visible and legible form.".

(d) By adding -

"(2FA) The Board shall, as soon as reasonably practicable after the expiration of the period of 3 weeks referred to in subsection (2D), make all comments made to it under that subsection available for public inspection at reasonable hours, and shall continue to do so until the decision in question has been reviewed under this section.".

(e) In the proposed section 17(2H) -

- (i) in paragraph (b) -

- (A) by deleting "subsections (2A),
(2B), (2C), (2D), (2E) and (2F)"
and substituting "subsection
(2A)";
- (B) by deleting "they apply" and
substituting "it applies";
- (ii) in paragraph (c) -
 - (A) by adding before "for" -
"subject to any exemption
under subsection (2I) -
 - (i) where the
application is an
application for a
review of the
Board's decision
under section 16,
subsections (2B),
(2C), (2CA),
(2D), (2E), (2F)
and (2FA) shall
further apply,
with necessary
modifications, to
and in relation
to the further

information as
they apply to and
in relation to
the application;
and

(ii)";

(B) by deleting "(i) the" and
substituting "(A) the";

(C) by deleting "(ii) anything done
under that subsection" and
substituting "(B) anything done
under subsection (2)".

(f) By adding -

"(2I) Where the Board is satisfied
that there are reasonable grounds to do
so, it may exempt any further information
accepted by it for the purposes of an
application under subsection (2G) from
subsection (2H)(c)".