

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

(a) 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 (2K) and
17(2G) and (2I)
to the secretary
of the Board,

and, for the
avoidance of doubt,
the provisions of
this Ordinance shall,
with necessary
modifications, be
construed and have
application

accordingly."-".

(b) By deleting paragraph (b).

4 By deleting "and 17" and substituting ", 6E, 6F, 6G, 6H, 6I and 6J, and, for the avoidance of doubt, the provisions of this Ordinance shall, with necessary modifications, be construed and have application accordingly".

5 In the heading, by deleting "**Section**" and
substituting "**Sections**".

5 By deleting "is added" and substituting "are
added".

5 In the proposed section 2B -

(a) in subsection (1), by adding ", unless
the holding of a meeting for the purpose
is required either by any express
provision of this Ordinance or by
necessary implication from any provision
of this Ordinance" after "Hong Kong";

(b) in subsection (2), by deleting "A" and
substituting "Subject to subsections (3)
and (4), upon the circulation of papers
under subsection (1), a";

(c) 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 under subsection (3) 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.

(5) For the avoidance of doubt, a reference to circulation of papers in this section includes circulation of information by electronic means, and the reference to the papers in this section shall be construed accordingly."

(1) Subject to subsection (2), all meetings of the Board or of any committee appointed under section 2(3) or 2A shall be open to the public.

(2) Subsection (1) does not apply to -

(a) in the case of any meeting held under or for the purposes of section 6D, 6H, 12A, 16, 16A or 17, such part or parts of the meeting that are held for deliberation by the Board or the committee, as the case may be, for making any decision under section 6D(8), 6H(8) (whether with or without application of section 6H(9)), 12A(21), 16(3), 16A(7) or 17(6), after hearing any person who, not being a member of the Board or the committee, as the case may be, is entitled or allowed to be heard or otherwise has an opportunity of making representations or providing information at the

meeting; and

(b) in the case of any other meeting, the meeting or any part or parts of the meeting if in the opinion of the Board or the committee, as the case may be, it is likely that-

(i) the application of subsection (1) to such meeting or such part or parts of the meeting, as the case may be, would not be in the public interest;

(ii) the application of subsection (1) to such meeting or such part or parts of the meeting, as the case may be, would result in premature release of information that would prejudice the position of the

Board, the
Government, the Chief
Executive or the
Chief Executive in
Council or, in the
case of a meeting of
the committee, the
committee in carrying
out its or his
functions under this
Ordinance;

(iii) the application of
subsection (1) to
such meeting or such
part or parts of the
meeting, as the case
may be, would result
in a disclosure of
information in breach
of any duty of
confidentiality owed
to any person by the
Board or the
Government or, in the
case of a meeting of

the committee, the
committee, or owed to
the Government by the
Board or, in the case
of a meeting of the
committee, the
committee, by virtue
of any law or any
requirement under any
law, or in
contravention of any
prohibition by any
order of a magistrate
or a court or by any
law or any
requirement under any
law;

- (iv) the application of
subsection (1) to
such meeting or such
part or parts of the
meeting, as the case
may be, would result
in a disclosure of
information in

respect of which a
claim to legal
professional
privilege could be
maintained in law; or
(v) any matter transacted
at such meeting or
such part or parts of
the meeting, as the
case may be, would be
relevant to the
institution or conduct
of any legal
proceedings.

(3) Subject to the provisions of this Ordinance, the Board or any committee appointed under section 2(3) or 2A may determine its practice and procedure at its meeting."

6 By deleting everything after "repealing" and substituting "a local newspaper" and substituting "2 daily Chinese language local newspapers and 1 daily English language local newspaper".

7

In the proposed section 6 -

- (a) in subsection (1), by deleting "1 month" and substituting "2 months";
- (b) in subsection (2)(a)(ii), by adding "nature of and" before "reasons";
- (c) in subsection (3) -
 - (i) in paragraph (a) -
 - (A) by deleting "1 month" and substituting "2 months";
 - (B) by adding ", it shall be treated as not having been made" after "(1)";
 - (ii) by deleting everything after "(2)" and substituting ", it may be treated as not having been made.";
- (d) 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";

- (e) by deleting subsection (5) and
substituting -

"(5) In respect of any
representations which are available
for public inspection under
subsection (4), the Board shall
cause a notice that complies with
subsection (6) to be published in 2
daily Chinese language local
newspapers and 1 daily English
language local newspaper once a week
during the first 3 weeks of the
period during which the
representations are so available for
public inspection.";

- (f) in subsection (6)(a), by adding "and" at
the end;
- (g) in subsection (6)(b), by deleting "; and"
and substituting a full stop;
- (h) by deleting subsection (6)(c).

8

- (a) In the proposed section 6A(3) -
 - (i) in paragraph (a), by adding ", it shall be treated as not having been made" after "(1)";
 - (ii) by deleting everything after "(2)" and substituting ", it may be treated as not having been made."
- (b) 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".
- (c) By deleting the proposed sections 6B and 6C.
- (d) 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 or not to propose amendments to the draft plan in question".

(e) 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) In respect of any proposed amendments which are available for public inspection under subsection (1), the Board shall cause a notice that complies with subsection (3) to be published in 2 daily Chinese language local newspapers and 1 daily English language local newspaper once a week during the first 3 weeks of the period during which the proposed amendments are so available for public inspection.

(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), it shall be treated as not having been made; or

(b) does not comply with any of the requirements specified in or made under subsection (2), it may 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 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 or not 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) (a) In subparagraph (i), by deleting "1 month" and substituting "2 months".
- (b) In the Chinese text, by deleting subparagraph (ii) and substituting -
- "(ii) 廢除 "twice" 而代以 "once";".
- (c) By adding -
- "(iia) by repealing "a local newspaper" and substituting "2 daily Chinese language local newspapers and 1 daily English language local newspaper";".
- 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 By deleting paragraphs (a) and (b).

12(c) (a) By deleting subparagraph (i).

(b) In subparagraph (iv) -

(i) by deleting "is under subsection"
and substituting "(1)(b)(ii)";

(ii) in the proposed section 12(3), by
deleting "(1A)(b)";

(iii) in the proposed section 12(3)(a), by
deleting "6B, 6C, 6D" and
substituting "6D, 6E, 6F, 6G, 6H, 6I,
6J";

(iv) in the proposed section 12(3)(b) -

(A) by deleting "6B, 6C, 6D" and
substituting "6D, 6E, 6F, 6G,
6H, 6I, 6J";

(B) 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);";

(C) in subparagraph (iii) -

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

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

and";

(D) 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".

13

In the proposed section 12A -

(a) in subsection (1) -

(i) by deleting "who wishes the Board to consider" and substituting "may apply to the Board for consideration of";

(ii) by deleting "may apply to the Board for that purpose";

(b) by deleting subsection (3)(a) and substituting -

"(a) set out -

(i) whether the applicant considers he has within a reasonable period before the application is made -

(A) obtained the consent of, or otherwise given notification to, each person (other than himself) who is a current land

owner in respect
of the
application; or

(B) taken all
reasonable steps
in the
circumstances in
order to so
obtain the
consent of, or
give
notification to,
such person; and

(ii) particulars of such
consent or
notification or such
steps, as the case
may be;"

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

(d) in subsection (5)(b) -

(i) by adding "within a reasonable
period before the application
is made" after "has";

(ii) in subparagraph (i) -

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

(B) by deleting "before the application is made";

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

(e) 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 subsection (8) 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 in 2 daily
Chinese language
local newspapers and
1 daily English
language local
newspaper once a week
during the first 3
weeks of the period
referred to in
paragraph (a).";

(f) 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;

(g) in subsection (11) -

(i) in paragraph (a), by adding "
it shall be treated as not
having been made" after "(9)";

(ii) by deleting everything after
"(10)" and substituting "
it may be treated as not having
been made.";

(h) 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).";

(i) 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), (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)";

(j) 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).";

(k) in subsection (22) -

- (i) in paragraphs (a), (b)(iii) and
(c)(ii), by adding "in Council"
after "Chief Executive";
- (ii) in paragraphs (a), (b) and (c),
by deleting "12(1A)(b)"
wherever it appears and
substituting "12(1)(b)(ii)";

(l) in subsection (23) -

- (i) in the definition of "current
land owner", by deleting
everything after "means" and
substituting "any person whose
name is registered in the Land

Registry as that of an owner of the land to which the application relates, as at the commencement of such period before the application is made as is specified by the Board by notice published in the Gazette;" ;

- (ii) in the definition of "referred approved plan", by deleting "12(1A) (b) " and substituting "12(1) (b) (ii) " ;
- (iii) in the definition of "relevant approved plan" -
 - (A) by adding "(b) or" before "(c) " ;
 - (B) by deleting "12(1A) (b) " and substituting "12(1) (b) (ii) " ;
- (iv) in the definition of "relevant draft plan", by deleting "12(1A) (b) " and substituting "12(1) (b) (ii) " .

14(c)

(a) In the proposed section 14(3) -

- (i) by adding "for the purposes of section 12A(3)(c), 16(2)(c) or 16A(3)(b)" after "subsection (2)";
- (ii) in paragraph (a), by deleting everything after "be incurred," and substituting "whether by the Board or by the Government, in relation generally to the processing of applications made under section 12A(1), 16(1) or 16A(2), as the case may be; and";
- (iii) in paragraph (b), by deleting "providing the matter, service or facility" and substituting "the processing of any particular application".

(b) 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."

- (c) In the proposed section 14(5), by adding ", and for the purposes of subsection (3)(a), any expenditure incurred, or likely to be incurred, whether by the Board or by the Government, in relation to the processing of any application made by any such Government department under section 12A(1), 16(1) or 16A(2), as the case may be, shall be disregarded" after "(Cap. 430)".

16(a) By deleting the proposed section 16(2)(a) and substituting -

"(a) set out -

(i) whether the applicant considers he has within a reasonable period before the application is made -

(A) obtained the consent of, or otherwise given notification to, each person (other than himself) who is a current land owner in respect of the application; or

(B) taken all reasonable steps in the circumstances in order to so obtain the consent of, or give notification to, such person; and

(ii) particulars of such consent or notification or such steps, as the case may be;".

- 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) by adding "within a reasonable period before the application is made" after "has";
 - (ii) in subparagraph (i) -
 - (A) by deleting "to, the" and substituting "to, each person (other than the applicant) who is a";
 - (B) by deleting "before the application is made";
 - (iii) in subparagraph (ii), by deleting "the current land owner" and substituting "such person".
 - (c) In the proposed section 16 (2C), by adding "at a meeting" after "considered".
 - (d) 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 subsection

(2E) 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 in 2 daily Chinese language local newspapers and 1 daily English language local newspaper once a week during the first 3 weeks of the period referred to in paragraph (a)."

(e) 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.

(f) In the proposed section 16(2H) -

- (i) in paragraph (a), by adding ", it shall be treated as not having been made" after "(2F)";
- (ii) by deleting everything after "(2G)" and substituting ", it may be treated as not having been made."

(g) 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 at a meeting under subsection (3)."

(h) In the proposed section 16(2I) (a), by adding "at a meeting" after "Board of the application".

- (i) 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), (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)".
- (j) 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" and substituting "at a meeting";".

16(c) In the proposed section 16(3A), by adding "at a meeting" after "an application".

16(e) In the proposed section 16(8), by deleting everything after "means" and substituting "any person whose name is registered in the Land Registry as that of an owner of the land to which the application relates, as at the commencement of such period before the application is made as is specified by the Board by notice published in the Gazette.".

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 everything after "may" and substituting "apply to the Board for acceptance of 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 subsection (2C) 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 in 2 daily Chinese language local newspapers and 1 daily English language

local newspaper once a week 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) In the proposed section 17(2F) -

- (i) in paragraph (a), by adding ", it shall be treated as not having been made" after "(2D)";
- (ii) by deleting everything after "(2E)" and substituting ", it may be treated as not having been made."

(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), (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)".

- 19(a) (a) By adding before subparagraph (i) -
- "(ia) by adding ", and enter land and any premises on it through which access is needed for the purposes of" after "purposes of";".
- (b) In subparagraph (i), in the proposed section 22(1)(aa) -
- (i) by deleting "has been" and substituting "was";
- (ii) by deleting "以".
- (c) In the Chinese text, by deleting subparagraph (ii) and substituting -
- "(ii) 廢除(a)段而代以 -
- "(a) 貼上第23條所指的通知書；";".
- (d) In subparagraph (iii), by deleting "已" and substituting "曾".
- 19 (a) By adding -
- "(aa) in subsection (2), by repealing everything before "the Authority" and substituting -
- "(2) Notwithstanding
- subsection (1) -

(a) the Authority shall not exercise any power under subsection (1) for the purposes of ascertaining any matter under subsection (1)(aa) unless the Authority has reasonable grounds to suspect that there is or was unauthorized development and it is necessary to enter the land or premises in question, or to have access through the land or premises in question, as the

case may be, in order to enable the Authority to ascertain the matter; and

(b)";".

(b) By deleting paragraph (b) and substituting -

"(b) in subsection (3), by repealing "has been unauthorized development and it is necessary to enter the land or premises in order to ascertain whether there is or has been" and substituting "was unauthorized development and it is necessary to enter any land or premises, or to have access through any land or premises, in order to enable the Authority to ascertain whether there is or was unauthorized development or any matters that in the opinion of the Authority constitute or constituted an";".

19(c)

(a) By deleting the proposed section 22(7) and substituting -

"(7) For the purposes of exercising any power or performing any duty under or for the purposes of section 20, 21 or 23, or determining whether there is or was any contravention of any of the provisions of section 20, 21 or 23, where the Authority has reasonable grounds to believe that any person has any relevant information, the Authority may by notice in writing served on the person require him to provide the relevant information to the Authority, within the period specified in the notice.".

(b) By adding -

"(9) In subsection (7), "relevant information" (有關資料) means information reasonably required by the Authority for the purposes of -

(a) ascertaining whether there is or was unauthorized development or any matters that in the opinion of the Authority constitute or constituted an unauthorized development;

- (b) identifying any person -
 - (i) who undertakes or continues, or undertook or continued, any development; or
 - (ii) on whom a notice may be served under section 23(1)."

20 In the Chinese text, by deleting paragraph (a) (i) and substituting -

"(i) 廢除“凡現”而代以“凡監督認為”；”.

20 (b) (i) By deleting "現".

20 By deleting paragraph (e) and substituting -

"(e) in subsection (4), by repealing "unauthorized development referred to in subsection (3) is or was" and substituting "relevant matters referred to in subsection (3) were";".

20 (k) In the proposed section 23(8A) (b), by deleting "where" and substituting "if".

20 By deleting paragraph (1) and substituting -

"(1) in subsection (9) -

(i) by adding -

"(aa) the unauthorized development which existed according to the opinion of the Authority in fact was

- not a development;" ;
- (ii) in paragraph (b), by repealing "the development" and substituting "the unauthorized development which existed according to the opinion of the Authority in fact";
 - (iii) in paragraph (c), by repealing "the development is" and substituting "the unauthorized development which existed according to the opinion of the Authority in fact is";
 - (iv) in paragraph (d), by repealing "permission for the development was" and substituting "the unauthorized development which existed according to the opinion of the Authority in fact was a development for which permission had been";".

20 (m)

By deleting the proposed section 23 (9A) (a) and (b) and substituting -

"(a) the unauthorized development which existed

according to the opinion of the Authority
in fact was a development or was an
unauthorized development; or

- (b) the relevant matters which constituted
such unauthorized development according to
the opinion of the Authority in fact
constituted such unauthorized
development."

20(n)

- (a) In the proposed section 23(11) -

- (i) in paragraph (a), by deleting
"photograph of land" where it twice
appears and substituting "document";
(ii) by deleting "現" where it twice
appears;
(iii) by deleting "已" and substituting
"曾".

- (b) In the proposed section 23(12), by deleting
"the unauthorized development" and substituting
"such unauthorized development".

21

In the proposed section 24A -

- (a) by deleting "photograph of land, or any copy of a photograph of land" and substituting "document incorporating an image of a photograph of land, or any copy of such document";
- (b) by deleting "person employed in the Lands Department" and substituting "public officer authorized by the Director of Lands in that behalf".

22

- (a) In the heading, by deleting "**Section**" and substituting "**Sections**".
- (b) By deleting "is added" and substituting "are added".
- (c) By adding -

"26A. Board to supply copies of documents or materials

Where any document or material is available for public inspection under section 6(4), 6A(4), 6E(1), 6F(4), 6J(2), 12A(6) or (11A), 16(2C) or (2HA) or 17(2A) or (2FA), the Board shall supply a copy of the document or material to any person on payment of such fee as the Board may determine."

- (d) In the proposed section 27 -
 - (i) in subsection (1), by deleting "7, 8, 9(a), (b) and (c), 10 and 11" and substituting "6, 7, 8, 9(a), (b) and (c) and 10";
 - (ii) in subsection (2), by deleting "(b),";
 - (iii) in subsection (6)(a) -
 - (A) by deleting "any plan which has been exhibited, or";

- (B) by deleting ", under section 5 of" and substituting "under section 5 of";
- (C) by deleting "a plan which has been exhibited, or";
- (D) by deleting ", under section 5, as the case may be" and substituting "under section 5";
- (iv) in subsection (6)(b), by adding "and" at the end;
- (v) by deleting subsection (6)(c) and (d).

24

In the proposed section 6A(b), by deleting "where" and substituting "if".

26

(a) By adding before paragraph (a) -

"(aa) by repealing "the Board shall,
whether or not the works are shown on
any draft plan under that
Ordinance";".

(b) By deleting paragraph (a) and substituting -

"(a) in paragraph (a) -

(i) by adding "the Board shall,
whether or not the works are
shown on any draft plan
under that Ordinance,"
before "exhibit";

(ii) by repealing the semicolon
at the end and substituting
, and the provisions of
that Ordinance shall apply
accordingly; and";".

27

By deleting the clause.

28

By deleting the clause and substituting -

"28. Development schemes

Section 25(8) of the Urban Renewal Authority Ordinance (Cap. 563) is amended -

- (a) by repealing "section 6 or 7 of the Town Planning Ordinance (Cap. 131) and such amendment includes" and substituting "the Town Planning Ordinance (Cap. 131), whether under section 6H(8) (whether with or without application of section 6H(9) of that Ordinance) or 6I of that Ordinance or section 7 of that Ordinance, and the amendments include";
- (b) by repealing "a notice is first given under section 6(7) of that Ordinance or the date when the amendment is" and substituting "the proposed amendments in question are first made available for public inspection under section 6E(1) of that

Ordinance or the date when the
amendments are".".