

TOWN PLANNING (AMENDMENT) BILL 2003

COMMITTEE STAGE

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

<u>Clause</u>	<u>Amendment Proposed</u>
1	<p>(a) In the heading, by adding "and commencement" after "Short title".</p> <p>(b) By renumbering the clause as clause 1(1).</p> <p>(c) By adding -</p> <p style="padding-left: 40px;">"(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."</p>
2	<p>By deleting paragraph (a).</p>
3	<p>(a) By deleting paragraph (a) and substituting -</p> <p style="padding-left: 40px;">"(a) in subsection (5) -</p> <p style="padding-left: 80px;">(i) in paragraph (a) -</p> <p style="padding-left: 120px;">(A) by repealing "16" and substituting "8, 12A, 16, 16A";</p> <p style="padding-left: 120px;">(B) by repealing "and" at the end;</p> <p style="padding-left: 40px;">(ii) in paragraph (b) -</p>

- (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."

5

By adding -

"2C. Meetings of Board and of committees

(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

(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 in writing of each person (other than himself) who is a current land owner in respect of the application, or notified such person in writing of the application; or

(B) taken such reasonable steps as the Board requires in order to obtain the consent of such person in respect of the application, or to give notification to

such person in
respect of the
application; 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) by deleting subparagraphs (i)
and (ii) and substituting -

"(i) obtained the consent
in writing of each
person (other than
the applicant) who is
a current land owner
in respect of the
application, or
notified such person
in writing of the

application; or

- (ii) taken such reasonable steps as the Board requires in order to obtain the consent of such person in respect of the application, or to give notification to such person in respect of the application.";

- (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 in writing of each person (other than himself) who is a current land owner in respect of the application, or notified such person in

writing of the application;

or

(B) taken such reasonable steps as the Board requires in order to obtain the consent of such person in respect of the application, or to give notification to such person in respect of the application; 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) by deleting subparagraphs (i) and

(ii) and substituting -

"(i) obtained the consent in writing of each person (other than the applicant)

who is a current land owner
in respect of the
application, or notified
such person in writing of
the application; or

(ii) taken such reasonable steps
as the Board requires in
order to obtain the consent
of such person in respect
of the application, or to
give notification to such
person in respect of the
application."

(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 an aerial 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".".