

Amend the Town Planning Ordinance.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Town Planning (Amendment) Ordinance 2003.

2. Interpretation

Section 1A of the Town Planning Ordinance (Cap. 131) is amended---

(a) by repealing the definition of "land owner" and substituting---

"land owner" (土地擁有人)---

(a) has the same meaning as "owner" in section 2(1) of the Buildings Ordinance (Cap. 123); and

(b) in the case of any land which is held from the Government under lease or other grant, agreement or licence in the name of a clan, family or t'ong, also includes a manager appointed to represent it and registered under section 15 of the New Territories Ordinance (Cap. 97);";

(b) by adding---

"prescribed fee" (訂明費用), in relation to any matter, means the fee prescribed in relation to that matter by a regulation made under section 14(2);".

3. Appointment of Town Planning Board

Section 2 is amended---

(a) in subsection (5), by repealing everything before "permission for" and substituting---

"(5) The Board may---

(a) delegate to a committee appointed under subsection (3) any of its powers and functions under sections 3, 4(1), 4A, 5, 7(1), (2) and (3), 8, 12A, 16, 16A and 20(1); and

(b) delegate to a public officer or class of public officers any of its powers and functions under sections 12A(12), 16(2I), 16A(5) and 17(2G) and any of its powers and functions in respect of---

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

(ii) an application for";

(b) by adding---

"(6) Subject to the provisions of this Ordinance, the Board may determine its practice and procedure at its meetings.".

4. Appointment of committees by the Board

Section 2A(1) is amended by repealing everything after "to exercise" and substituting "any of the Board's powers and functions under sections 6D and 17.".

5. Section added

The following is added---

"2B. Transaction of business by circulation of papers

(1) The Board or any committee appointed under section 2(3) or 2A may transact any of its business by the circulation of papers among its members, whether any such member is in or outside Hong Kong.

(2) A resolution in writing which is approved in writing by a majority of the members of the Board or of a committee appointed under section 2(3) or 2A shall be as valid and effectual as if it had been a resolution passed at a meeting of the Board or the committee, as the case may be, by the votes of the members by whom the resolution is so approved."

6. Exhibition of draft plans

Section 5 is amended by repealing "2 months" and substituting "1 month".

7. Section substituted

Section 6 is repealed and the following substituted---

"6. Representations relating to draft plans

(1) Within the period of 1 month during which a draft plan is exhibited under section 5, any person may make representation to the Board in respect of the draft plan.

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

(a) indicate---

- (i) the particular matter in the draft plan to which the representation relates;
- (ii) the reasons for the representation; and
- (iii) the amendments (if any) proposed by the person to the draft plan; and

(b) be made in such manner as the Board requires.

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

(a) is made to the Board after the expiration of the period of 1 month referred to in subsection (1); or

(b) does not comply with any of the requirements specified in or made under subsection (2),

it shall be treated as not having been made.

(4) The Board shall, as soon as reasonably practicable after the expiration of the period of 1 month referred to in subsection (1), make all representations made to it under that subsection available for public inspection at reasonable hours, and shall continue to do so until the representations have been considered at a meeting under section 6D(1).

(5) During the first 3 weeks of the period during which any representations are available for public inspection under subsection (4), the Board shall, in respect

of the representations, cause to be published once a week in a local newspaper a notice that complies with subsection (6).

(6) A notice referred to in subsection (5) shall---

(a) specify the place and hours at which the representations to which the notice relates are available for public inspection under subsection (4);

(b) indicate that comments may be made to the Board in respect of the representations under section 6A(1) and specify the place and hours at which any comments so made will be available for public inspection under section 6A(4); and

(c) indicate that further information may be given to the Board to supplement the representations under section 6B(1) and specify the place and hours at which any further information so given will be available for public inspection under section 6B(3).".

8. Sections added

The following are added---

"6A. Comments on representations

(1) Within the first 3 weeks of the period during which any representation is available for public inspection under section 6(4), any person may make comment to the Board in respect of the representation.

(2) Any comment referred to in subsection (1) shall be made in such manner as the Board requires.

(3) Where any comment referred to in subsection (1)---

(a) is made to the Board after the expiration of the period of 3 weeks referred to in subsection (1); or

(b) does not comply with any of the requirements made under subsection (2), it shall be treated as not having been made.

(4) The Board shall, as soon as reasonably practicable after the expiration of the period of 3 weeks referred to in subsection (1), make all comments made to it under that subsection available for public inspection at reasonable hours, and shall continue to do so until the comments have been considered at a meeting under section 6D(1).

6B. Further information to supplement representations

(1) Notwithstanding section 6(3), where any representation is made under section 6(1), the person by whom it is so made may, at any time within 4 weeks after the expiration of the period of 1 month referred to in section 6(1), give the Board such further information to supplement the representation as he considers necessary.

(2) Where any further information is given to the Board to supplement any representation under subsection (1)---

(a) subject to paragraph (b), the further information shall be regarded as forming

part of the representation; and

(b) subject to subsection (3), sections 6(4), (5) and (6) and 6A do not apply to the further information.

(3) The Board shall, as soon as reasonably practicable after any further information is given to it to supplement any representation under subsection (1), make the further information available for public inspection at reasonable hours, and shall continue to do so until the further information has been considered as part of the representation at a meeting under section 6D(1).

6C. Withdrawal of representations, etc.

(1) Any person who makes---

(a) any representation under section 6(1); or

(b) any comment in respect of any such representation under section 6A(1), may, at any time before the representation or comment, as the case may be, has been considered at a meeting under section 6D(1), withdraw the representation or comment, as the case may be.

(2) Where any representation or comment is withdrawn under subsection (1), it shall be treated as not having been made.

6D. Consideration of representations, etc.

(1) Where any representation is made under section 6(1), the Board shall hold a meeting to consider the representation, as well as any comment made in respect of the representation under section 6A(1), as soon as reasonably practicable after--

(a) the expiration of the period of 3 weeks referred to in section 6A(1); or

(b) the expiration of the period of 4 weeks referred to in section 6B(1), whichever is the later.

(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 representation to which the meeting relates under section 6(1); and

(b) the persons (if any) who made any comment in respect of the representation under section 6A(1).

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

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

(b) the persons (if any) who made any comment in respect of the representation under section 6A(1),

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 any representation made in respect of the same draft plan under section 6(1), as well as any comment made in respect of any such representation under section 6A(1), shall be considered at the same meeting, whereupon any such representation and comment---

- (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 representation, as well as any comment, at a meeting under subsection (1), the Board shall 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 in the manner proposed in the representation or otherwise in the manner that, in the opinion of the Board, will meet the representation."

9. Amendment of draft plans by Board

Section 7 is amended---

- (a) in subsection (1), by repealing "In addition to the power of amendment contained in section 6" and substituting "Without prejudice to sections 6, 6A, 6B, 6C and 6D";
- (b) in subsection (2)---

- (i) by repealing "3 weeks" and substituting "1 month";
- (ii) by repealing "twice" and substituting "once";
- (iii) by adding "place and" before "hours at";

- (c) by repealing subsection (4) and substituting---

"(4) Within the period of 1 month during which an amendment to a draft plan made under this section is exhibited under subsection (2), any person may make

representation to the Board in respect of the amendment, whereupon---

(a) subject to paragraph (b), sections 6(2), (3), (4), (5) and (6), 6A, 6B, 6C and 6D shall apply, with necessary modifications, to and in relation to the representation as they apply to and in relation to a representation referred to in section 6(1); and

(b) sections 6(2), (3), (4), (5) and (6), 6A, 6B, 6C and 6D shall so apply as if---

(i) each of the references to "the draft plan" in section 6(2)(a) were a reference to the amendment in question;

(ii) the reference to "any representation made in respect of the same draft plan under section 6(1)" in section 6D(6) were a reference to any representation made in respect of any amendment to the draft plan under this subsection; and

(iii) the reference to "the draft plan to which the representation and the comment (if any) relate" in section 6D(8) were a reference to the part or parts of the draft plan that concerns or concern any area covered by the amendment in question.

(5) For the avoidance of doubt, where sections 6(2), (3), (4), (5) and (6), 6A, 6B, 6C and 6D have application in the manner described in subsection (4), any reference to any of those provisions in this or any other Ordinance shall, with necessary modifications, be construed accordingly.";

(d) by adding---

"(6) Where the Board makes any amendments to a draft plan under this section, the draft plan shall thereafter be read as including those 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.".

10. Submission of considered draft plan to Chief Executive in Council

Section 8 is amended---

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

"(1) Before the expiration of the period specified in subsection (2) in relation to a draft plan, the Board shall submit the draft plan to the Chief Executive in Council for approval.

(1A) The Board shall submit a draft plan to the Chief Executive in Council under subsection (1) together with---

(a) where there have been no amendments under section 7---

(i) a schedule of any representation made in respect of the draft plan under section 6(1), and any comment made in respect of any such representation under section 6A(1); and

(ii) a schedule of the amendments (if any) proposed by the Board to the draft

plan under section 6D(8); or

(b) where there have been amendments under section 7---

(i) a schedule of---

(A) any representation made in respect of the pre-amended draft plan under section 6(1), and any comment made in respect of any such representation under section 6A(1); and

(B) any representation made in respect of any of the amendments under section 7(4), and any comment made in respect of any such representation under section 6A(1); and

(ii) a schedule of---

(A) the amendments (if any) proposed by the Board to the pre-amended draft plan under section 6D(8); and

(B) the amendments (if any) proposed by the Board to any part or parts of the draft plan under section 6D(8).";

(b) in subsection (2)---

(i) by adding "of a draft plan" after "A submission";

(ii) in paragraph (a), by repealing "in the case where the Board does not make amendments to the draft plan" and substituting "where there have been no amendments";

(iii) in paragraph (b)---

(A) by repealing "in the case where the Board does make amendments to the draft plan" and substituting "where there have been amendments";

(B) by repealing "3 weeks" and substituting "1 month";

(iv) by repealing "9 months" wherever it appears and substituting "6 months";

(v) by repealing "2 months" where it twice appears and substituting "1 month";

(vi) by repealing "than 6 months" and substituting "than 3 months".

11. Powers of Chief Executive in Council

upon submission

Section 9 is amended by adding---

"(1A) Where the Board has under section 8(1A)(a)(ii) or (b)(ii) submitted with a draft plan a schedule of amendments, the Chief Executive in Council may under subsection (1)(a) also approve the draft plan subject to any of the amendments, whereupon the amendments subject to which the draft plan is so approved shall be regarded as having been made to the draft plan when it is so approved.".

12. Revocation, replacement and amendment

of approved plans

Section 12 is amended---

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

"(1) The Chief Executive in Council may, of his own volition or at the request of the Board, revoke, in whole or in part, any approved plan.

(1A) The Chief Executive may, of his own volition or at the request of the Board, refer any approved plan to the Board for---

(a) replacement by a new plan; or

(b) amendment.";

(b) in subsection (2), by adding "or (1A), as the case may be," after "(1)";

(c) in subsection (3)---

(i) by repealing "(1)(b)," and substituting "(1A),";

(ii) by repealing "any amendment" and substituting "a plan showing any amendments";

(iii) by repealing "it replaces or amends" and substituting "the new plan replaces or the amendments amend, as the case may be,";

(iv) by repealing everything after "is under subsection" and substituting---
"(1A)(b)---

(a) subject to paragraph (b), sections 3, 4, 4A, 5, 6, 6A, 6B, 6C, 6D, 7, 8, 9, 10 and 11 shall apply, with necessary modifications, to and in relation to the plan showing the amendments as they apply to and in relation to a plan otherwise required to be prepared under section 3(1); and

(b) sections 3, 4, 4A, 5, 6, 6A, 6B, 6C, 6D, 7, 8, 9, 10 and 11 shall so apply as if---

(i) each of the references to "the draft plan" in section 6(1) and (2)(a) were a reference to any of the amendments;

(ii) the reference to "any representation made in respect of the same draft plan under section 6(1)" in section 6D(6) were a reference to any representation made in respect of any of the amendments; and

(iii) the reference to "the draft plan to which the representation and the comment (if any) relate" in section 6D(8) were a reference to the part or parts of the plan showing the amendments that concerns or concern any area covered by the amendments to which the representation and the comment (if any) relate.";

(d) by adding---

"(3A) For the avoidance of doubt, where sections 3, 4, 4A, 5, 6, 6A, 6B, 6C, 6D, 7, 8, 9, 10 and 11 have application in the manner described in subsection (3), any reference to any of those provisions in this or any other Ordinance shall, with necessary modifications, be construed accordingly.";

(e) in subsection (4), by repealing "by the new approved plan or read as one with any approved amendment" and substituting "by the new plan or the plan showing the amendments as approved under section 9";

(f) in subsection (5), by repealing "Any draft amendment prepared under subsection (3)" and substituting "Any draft plan showing the amendments as prepared under

sections 3 and 4".

13. Section added

The following is added---

"12A. Amendment of plans on application
to the Board

(1) Subject to subsection (2), any person who wishes the Board to consider any proposal in relation to an original approved plan for the purposes of this section may apply to the Board for that purpose.

(2) Where at the time when an application is made under subsection (1)---

(a) the original approved plan to which the application relates is a referred approved plan; and

(b) there is a relevant draft plan in relation to the original approved plan, no proposal under the application shall relate to any matter relevant to any area covered by any amendment introduced to the original approved plan by the relevant draft plan.

(3) An application made under subsection (1) shall---

(a) where the applicant is not the current land owner, set out whether the applicant considers he has obtained the consent of, or otherwise given notification to, the current land owner in respect of the application before the application is made, and---

(i) if so, particulars of the consent or notification, as the case may be; and

(ii) if not, the reasons (if any) for the failure, and particulars of all steps (if any) taken in order to so obtain the consent of, or give notification to, the current land owner;

(b) subject to paragraph (a), be in such form and include such particulars as the Board requires; and

(c) be accompanied by the prescribed fee (if any).

(4) At any time after an application is made under subsection (1), the Board may require the applicant to verify any matter or particulars set out or included in the application, whether by statutory declaration or otherwise.

(5) Notwithstanding subsection (14), the Board may refuse to consider an application made under subsection (1) where---

(a) the application does not comply with any of the requirements specified in or made under subsection (3); or

(b) the Board is not satisfied that the applicant has---

(i) obtained the consent of, or otherwise given notification to, the current land owner in respect of the application before the application is made; or

(ii) taken all reasonable steps in the circumstances in order to so obtain the consent of, or give notification to, the current land owner.

(6) The Board shall, as soon as reasonably practicable after any application is made to it under subsection (1), make the application available for public inspection at reasonable hours, and shall continue to do so until the application has been considered at a meeting under subsection (14).

(7) During the first 3 weeks of the period during which any application is available for public inspection under subsection (6), the Board shall, in respect of the application, cause a notice that complies with subsection (8) to be---

- (a) posted in a prominent position on or near the land to which the application relates, or on any premises or structure on the land; or
- (b) published once a week in a local newspaper.

(8) A notice referred to in subsection (7) shall---

- (a) specify the place and hours at which the application to which the notice relates is available for public inspection under subsection (6); and
- (b) indicate that comments may be made to the Board in respect of the application under subsection (9).

(9) Within the first 3 weeks of the period during which any application is available for public inspection under subsection (6), any person may make comment to the Board in respect of the application.

(10) Any comment referred to in subsection (9) shall be made in such manner as the Board requires.

(11) Where any comment referred to in subsection (9)---

- (a) is made to the Board after the expiration of the period of 3 weeks referred to in subsection (9); or
- (b) does not comply with any of the requirements made under subsection (10), it shall be treated as not having been made.

(12) Where---

- (a) at any time after an application is made under subsection (1) but before consideration by the Board of the application at a meeting under subsection (14), any further information is given to the Board by the applicant to supplement the information included in the application; and
- (b) inclusion of the further information in the application does not, in the opinion of the Board, result in a material change of the nature of the application, the Board may accept the further information for the purposes of the application.

(13) Where the Board accepts any further information for the purposes of an application under subsection (12)---

- (a) subject to paragraphs (b) and (c), the further information shall be regarded as

having been included in the application;

(b) subsections (6), (7), (8), (9), (10) and (11) 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

(c) for the purposes of subsection (14), the application shall be regarded as received when the further information is received.

(14) The Board shall within 3 months after the receipt of an application made under subsection (1) hold a meeting to consider the application.

(15) The Board shall, in respect of any meeting to be held to consider an application under subsection (14), give reasonable notice of particulars of the meeting (including the date, time and place of the meeting) to the applicant.

(16) At a meeting held to consider an application under subsection (14), the applicant is entitled to attend and to be heard, either in person or by an authorized representative.

(17) If, at a meeting held to consider an application under subsection (14), the applicant 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.

(18) Without prejudice to subsection (17), 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 (14) to such date as it considers appropriate.

(19) Where any meeting is adjourned under subsection (17) or (18), the provisions of this section also apply, with necessary modifications, to the meeting so adjourned, save to the extent that the Board otherwise directs.

(20) In considering an application at a meeting held under subsection (14), the Board shall also take into account any comment made in respect of the application under subsection (9).

(21) Upon consideration of an application at a meeting under subsection (14), the Board may---

(a) accept, in whole or in part, the application; or

(b) refuse the application.

(22) Where the Board accepts, in whole or in part, an application under subsection (21)(a), the Board shall---

(a) subject to paragraphs (b) and (c), request the Chief Executive to refer the original approved plan to the Board for amendment under section 12(1A)(b);

(b) where, at the time when the Board so accepts the application, the original approved plan has been referred to the Board for amendment under section 12(1A)(b)

but there is no relevant draft plan in relation to the original approved plan---

(i) prepare the draft plan showing amendments to the original approved plan under sections 3 and 4 with reference to the application as so accepted;

(ii) make amendments to the relevant draft plan, when it is available, under section 7 with reference to the application as so accepted; or

(iii) request the Chief Executive to refer the relevant approved plan, when it is available, to the Board for amendment under section 12(1A)(b); or

(c) where, at the time when the Board so accepts the application, the original approved plan has been referred to the Board for amendment under section 12(1A)(b) and there is a relevant draft plan in relation to the original approved plan---

(i) make amendments to the relevant draft plan under section 7 with reference to the application as so accepted; or

(ii) request the Chief Executive to refer the relevant approved plan, when it is available, to the Board for amendment under section 12(1A)(b).

(23) In this section---

"current land owner" (現行土地擁有人), in relation to an application made under subsection (1), means the person who immediately before the application is made is the land owner of the land to which the application relates;

"original approved plan" (原核准圖) means a plan which at the time when the application in question is made is---

(a) an approved plan; or

(b) a referred approved plan;

"referred approved plan" (被發還核准圖) means any plan referred to the Board for amendment under section 12(1A)(b), except where a draft plan has further to the reference been approved under section 9;

"relevant approved plan" (有關核准圖), in relation to an original approved plan within the description of subsection (22)(c), means the approved plan which has further to the reference of the plan to the Board for amendment under section 12(1A)(b) been approved as such by the Chief Executive in Council under section 9;

"relevant draft plan" (有關草圖), in relation to an original approved plan within the description of subsection (2)(a) or (22)(b) or (c), means the draft plan which has further to the reference of the plan to the Board for amendment under section 12(1A)(b) been exhibited under section 5."

14. Power to make regulations

Section 14 is amended---

(a) by renumbering it as section 14(1);

(b) in subsection (1)(a), by adding ", and matters relating to the issue and

registration of notices associated with the taking possession, removal, detention or disposal of such property" after "23(7A)";

(c) by adding---

"(2) The Secretary for Housing, Planning and Lands may by regulation prescribe fees for the purposes of sections 12A(3)(c), 16(2)(c) and 16A(3)(b).

(3) Any fees prescribed under subsection (2)---

(a) may be fixed at levels sufficient to effect the recovery of expenditure incurred, or likely to be incurred, by the Board in performing its functions and by the Government in relation generally to the carrying into effect of the provisions and purposes of this Ordinance; and

(b) shall not be limited by reference to the amount of administrative or other costs incurred, or likely to be incurred, in relation to providing the matter, service or facility to which such fees relate.

(4) Any regulation made under subsection (2) may---

(a) provide that the amount of any fees may be fixed by reference to a scale prescribed in the regulation; and

(b) provide for the payment of different fees by or in relation to persons or cases of different classes or descriptions.

(5) No fees prescribed under subsection (2) shall be payable by any Government department which does not operate under a trading fund within the meaning of the Trading Funds Ordinance (Cap. 430).".

15. Expenses of the Board

Section 15 is amended by repealing "or the regulations made thereunder".

16. Applications for permission in respect of plans

Section 16 is amended---

(a) in subsection (2), by repealing everything after "and shall" and substituting---
"---

(a) where the applicant is not the current land owner, set out whether the applicant considers he has obtained the consent of, or otherwise given notification to, the current land owner in respect of the application before the application is made, and---

(i) if so, particulars of the consent or notification, as the case may be; and

(ii) if not, the reasons (if any) for the failure, and particulars of all steps (if any) taken in order to so obtain the consent of, or give notification to, the current land owner;

(b) subject to paragraph (a), be in such form and include such particulars as the Board requires; and

(c) be accompanied by the prescribed fee (if any).";

(b) by adding---

"(2A) At any time after an application is made under subsection (1), the Board may require the applicant to verify any matter or particulars set out or included in the application, whether by statutory declaration or otherwise.

(2B) Notwithstanding subsection (3), the Board may refuse to consider an application made under subsection (1) where---

(a) the application does not comply with any of the requirements specified in or made under subsection (2); or

(b) the Board is not satisfied that the applicant has---

(i) obtained the consent of, or otherwise given notification to, the current land owner in respect of the application before the application is made; or

(ii) taken all reasonable steps in the circumstances in order to so obtain the consent of, or give notification to, the current land owner.

(2C) The Board shall, as soon as reasonably practicable after any application is made to it under subsection (1), make the application available for public inspection at reasonable hours, and shall continue to do so until the application has been considered under subsection (3).

(2D) During the first 3 weeks of the period during which any application is available for public inspection under subsection (2C), the Board shall, in respect of the application, cause a notice that complies with subsection (2E) to be---

(a) posted in a prominent position on or near the land to which the application relates, or on any premises or structure on the land; or

(b) published once a week in a local newspaper.

(2E) A notice referred to in subsection (2D) shall---

(a) specify the place and hours at which the application to which the notice relates is available for public inspection under subsection (2C); and

(b) indicate that comments may be made to the Board in respect of the application under subsection (2F).

(2F) Within the first 3 weeks of the period during which any application is available for public inspection under subsection (2C), any person may make comment to the Board in respect of the application.

(2G) Any comment referred to in subsection (2F) shall be made in such manner as the Board requires.

(2H) Where any comment referred to in subsection (2F)---

(a) is made to the Board after the expiration of the period of 3 weeks referred to in subsection (2F); or

(b) does not comply with any of the requirements made under subsection (2G), it shall be treated as not having been made.

(2I) Where---

(a) at any time after an application is made under subsection (1) but before consideration by the Board of the application under subsection (3), any further information is given to the Board by the applicant to supplement the information included in the application; and

(b) inclusion of the further information in the application does not, in the opinion of the Board, result in a material change of the nature of the application, the Board may accept the further information for the purposes of the application.

(2J) Where the Board accepts any further information for the purposes of an application under subsection (2I)---

(a) subject to paragraphs (b) and (c), the further information shall be regarded as having been included in the application;

(b) subsections (2C), (2D), (2E), (2F), (2G) and (2H) 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

(c) for the purposes of subsection (3), the application shall be regarded as received when the further information is received.";

(c) by adding---

"(3A) In considering an application under subsection (3), the Board shall also take into account any comment made in respect of the application under subsection (2F).";

(d) in subsection (7), by adding "under a permission granted" after "permitted";

(e) by adding---

"(8) In this section, "current land owner" (現行土地擁有人), in relation to an application made under subsection (1), means the person who immediately before the application is made is the land owner of the land to which the application relates.".

17. Section added

The following is added---

"16A. Amendments to permissions in respect of plans

(1) Where any permission is granted under section 16, anything not permitted under the permission but would have been permitted if the permission were to have effect subject to certain amendments which are Class A amendments shall be regarded as also permitted under the permission.

(2) Where any permission is granted under section 16, the person to whom the permission is granted may, if he wishes the permission to have effect subject to

certain amendments which are Class B amendments, apply to the Board for that purpose.

(3) An application made under subsection (2) shall---

- (a) be in such form and include such particulars as the Board requires; and
- (b) be accompanied by the prescribed fee (if any).

(4) Notwithstanding subsection (7), the Board may refuse to consider an application made under subsection (2) where the application does not comply with any of the requirements specified in or made under subsection (3).

(5) Where---

- (a) at any time after an application is made under subsection (2) but before consideration by the Board of the application under subsection (7), any further information is given to the Board by the applicant to supplement the information included in the application; and
- (b) inclusion of the further information in the application does not, in the opinion of the Board, result in a material change of the nature of the application, the Board may accept the further information for the purposes of the application.

(6) Where the Board accepts any further information for the purposes of an application under subsection (5)---

- (a) subject to paragraph (b), the further information shall be regarded as having been included in the application; and
- (b) for the purposes of subsection (7), the application shall be regarded as received when the further information is received.

(7) The Board shall within 2 months after the receipt of an application made under subsection (2) consider the application in the absence of the applicant and may accept or refuse the application.

(8) An application may be accepted under subsection (7) subject to such conditions as the Board requires.

(9) Where the Board accepts an application under subsection (7), any amendments subject to which the permission has effect by the previous operation of this section shall be regarded as superseded.

(10) The Board shall notify the applicant in writing of its decision under subsection (7), and where it refused the application shall also notify the applicant of his right to a review under section 17.

(11) Notwithstanding anything in this section, in determining for the purposes of this section---

- (a) whether anything is permitted under a permission granted under section 16 or would have been permitted if the permission were to have effect subject to certain amendments; or

(b) the scope and effect of a permission granted under section 16, anything regarded as permitted under the permission, or any amendments subject to which the permission has effect, by the previous operation of this section shall be disregarded.

(12) The Board may by notice published in the Gazette---

(a) specify any class or description of relevant amendments for the purposes of the definition of "Class A amendments" in subsection (14); and

(b) specify any class or description of relevant amendments for the purposes of the definition of "Class B amendments" in subsection (14).

(13) A notice published under subsection (12) is not subsidiary legislation.

(14) In this section---

"Class A amendments" (A類修訂) means relevant amendments of a class or description specified by the Board under subsection (12)(a);

"Class B amendments" (B類修訂) means relevant amendments of a class or description specified by the Board under subsection (12)(b);

"relevant amendments" (有關修訂) means amendments to any permission granted under section 16."

18. Right of review

Section 17 is amended---

(a) in subsection (1), by adding "or 16A" after "16";

(b) by adding---

"(2A) The Board shall, as soon as reasonably practicable after any application is made to it under subsection (1) for a review of its decision under section 16, make the application available for public inspection at reasonable hours, and shall continue to do so until the decision in question has been reviewed under this section.

(2B) During the first 3 weeks of the period during which any application is available for public inspection under subsection (2A), the Board shall, in respect of the application, cause a notice that complies with subsection (2C) to be---

(a) posted in a prominent position on or near the land to which the application relates, or on any premises or structure on the land; or

(b) published once a week in a local newspaper.

(2C) A notice referred to in subsection (2B) shall---

(a) specify the place and hours at which the application to which the notice relates is available for public inspection under subsection (2A); and

(b) indicate that comments may be made to the Board in respect of the application under subsection (2D).

(2D) Within the first 3 weeks of the period during which any application is

available for public inspection under subsection (2A), any person may make comment to the Board in respect of the application.

(2E) Any comment referred to in subsection (2D) shall be made in such manner as the Board requires.

(2F) Where any comment referred to in subsection (2D)---

(a) is made to the Board after the expiration of the period of 3 weeks referred to in subsection (2D); or

(b) does not comply with any of the requirements made under subsection (2E), it shall be treated as not having been made.

(2G) Where---

(a) at any time after an application is made under subsection (1) but before review of the decision in question under this section, any further information is given to the Board by the applicant to supplement the information included in the application; and

(b) inclusion of the further information in the application does not, in the opinion of the Board, result in a material change of the nature of the application, the Board may accept the further information for the purposes of the application.

(2H) Where the Board accepts any further information for the purposes of an application under subsection (2G)---

(a) subject to paragraphs (b) and (c), the further information shall be regarded as having been included in the application;

(b) where the application is an application for a review of the Board's decision under section 16, subsections (2A), (2B), (2C), (2D), (2E) and (2F) 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

(c) for the purposes of subsection (2)---

(i) the application shall be regarded as received when the further information is received; and

(ii) anything done under that subsection before receipt of the further information shall have effect subject to anything done under that subsection upon application of this subsection.";

(c) by adding---

"(4A) Without prejudice to subsection (4), where the Board is satisfied that there are reasonable grounds to do so, it may adjourn the review to such date as it considers appropriate.

(4B) Where any review is adjourned under subsection (4) or (4A), the provisions of this section also apply, with necessary modifications, to the review so adjourned, save to the extent that the Board otherwise directs.";

(d) in subsection (5), by repealing everything after "shall" and substituting "take into account any written representation submitted by the applicant and, in the case of an application for a review of its decision under section 16, any comment made in respect of the application under subsection (2D).";

(e) in subsection (6), by repealing everything after "the Board may" and substituting "confirm or reverse the decision in question, or substitute for the decision in question any decision it could have made under section 16 or 16A, as the case may be.".

19. Power to inspect and require provision
of information

Section 22 is amended---

(a) in subsection (1)---

(i) by adding before paragraph (a)---

"(aa) ascertaining whether there is or has been unauthorized development or any matters that in the opinion of the Authority constitute or constituted an unauthorized development;"

(ii) in paragraph (a), by repealing "and" at the end;

(iii) in paragraph (b), by repealing "has been discontinued" and substituting "or any matters that in the opinion of the Authority constitute or constituted an unauthorized development have been discontinued";

(b) in subsection (3), by repealing "ascertain whether there is or has been" and substituting "enable the Authority to ascertain whether there is or has been unauthorized development or any matters that in the opinion of the Authority constitute or constituted an";

(c) by adding---

"(7) The Authority or any person authorized in writing by the Authority may by notice in writing served on any person require him to provide to the Authority, within the period specified in the notice, any information, being information which the Authority may reasonably require for the exercise of any power or the performance of any duty under or for the purposes of section 20, 21 or 23, that is specified in the notice.

(8) A person who---

(a) fails without reasonable excuse to comply with the requirements of a notice served on him under subsection (7); or

(b) in compliance or purported compliance with such a notice---

(i) provides to the Authority any information which he knows to be false in a material particular;

(ii) recklessly provides to the Authority any information which is false in

a material particular; or

(iii) knowingly omits any material particular, commits an offence and is liable to a fine at level 6."

20. Enforcement on land within a development permission area

Section 23 is amended---

(a) in subsection (1)---

(i) by adding ", in the opinion of the Authority," after "Where";

(ii) by repealing "for the unauthorized development" and substituting "for the relevant matters";

(iii) by repealing paragraphs (a) and (b) and substituting---

"(a) specify the relevant matters; and

(b) specify a date by which the Authority requires the relevant matters to be discontinued, if they have not by then been discontinued.";

(b) in subsection (2)---

(i) by repealing "the Authority considers that continuance of unauthorized development" and substituting ", apart from being of the opinion that there is or was unauthorized development, the Authority considers that continuance of the relevant matters";

(ii) by repealing everything after paragraph (c) and substituting---

"then---

(d) where a notice has not been served under subsection (1) in relation to the relevant matters, the Authority may in a notice served under that subsection---

(i) specify the date for discontinuance of the relevant matters under subsection (1)(b), after taking into account the effects referred to in paragraph (a), (b) or (c); and

(ii) further specify any steps required to be taken, by a date specified in that regard, to prevent anything related to the relevant matters from causing such effects; or

(e) where a notice has been served under subsection (1) in relation to the relevant matters, the Authority may in a further notice served on the same person on whom the notice has been served---

(i) substitute the date specified for discontinuance of the relevant matters under subsection (1)(b) in the notice that has been served by an earlier date, after taking into account such effects; and

(ii) further specify any steps required to be taken, by a date specified in that regard, to prevent anything related to the relevant matters from causing such effects.";

(c) by adding---

"(2A) A notice served on a person under subsection (1) in relation to the relevant matters shall be read as having effect subject to any further notice served on the same person under subsection (2)(e) in relation to the relevant matters.";

(d) in subsection (3), by repealing everything from "unauthorized development" to "have expired," and substituting "relevant matters,";

(e) in subsection (4), by repealing "unauthorized development" and substituting "development which in the opinion of the Authority is or was constituted by the relevant matters";

(f) by repealing subsections (4A) and (4B) and substituting---

"(4A) Where the Authority is satisfied---

(a) in the case of a notice served under subsection (1) (read as having effect subject to any further notice under subsection (2A))---

(i) that the relevant matters required by the notice to be discontinued have been discontinued as so required; and

(ii) that the steps (if any) required by the notice to be taken have been taken as so required; or

(b) in the case of a notice served under subsection (3), that the land required by the notice to be reinstated has been reinstated as so required,
he shall serve on the person on whom the notice has been served a further notice specifying the matters in respect of which he is so satisfied.

(4B) The Authority shall, as soon as reasonably practicable after service of a notice under subsection (1), (2), (3) or (4A), register the notice in the Land Registry.";

(g) in subsection (5), by repealing "and subsection (1)(b)(ii)";

(h) in subsection (6)---

(i) by repealing paragraph (a) and substituting---

"(a) the relevant matters have not been discontinued as required by the notice;"

(ii) in paragraph (b), by repealing "under subsection (2)" and substituting "by the notice";

(iii) in paragraph (c), by repealing "subsection (3) or (4)" and substituting "the notice";

(i) in subsection (7)---

(i) by repealing paragraph (a) and substituting---

"(a) the relevant matters have not been discontinued as required by the notice;"

(ii) in paragraph (b), by repealing "under subsection (2)" and substituting "by the notice";

(iii) in paragraph (c), by repealing "subsection (3) or (4)" and substituting

"the notice";

(iv) by repealing "the unauthorized development" and substituting "the relevant matters";

(j) in subsection (7B), by adding "(1)" after "14";

(k) by adding---

"(8A) Where the Authority is satisfied---

(a) that---

(i) the relevant matters that have not been discontinued by the date specified in that regard in a notice under this section have been discontinued at any time after that date;

(ii) steps that have not been taken by the date specified in that regard in a notice under this section have been taken at any time after that date; or

(iii) land that has not been reinstated by the date specified in that regard in a notice under this section has been reinstated at any time after that date; and

(b) where the Authority has incurred any expenses for such purpose under subsection (7), that the expenses have been paid to or recovered by the Authority,

he shall serve on the person on whom the notice has been served a further notice specifying the matters in respect of which he is so satisfied, and shall as soon as reasonably practicable after service of the further notice register such further notice in the Land Registry.

(8B) A notice served under this section shall be deemed to be an instrument affecting land or premises and shall be registrable in the Land Registry, but a failure to register such a notice in the Land Registry shall not affect its validity against the person on whom the notice has been served.";

(l) in subsection (9)(b), by adding "which in the opinion of the Authority was or had been constituted by the relevant matters to which the notice relates" after "the development";

(m) by adding---

"(9A) In the prosecution of an offence alleged to have been committed under subsection (6), it shall not be necessary for the prosecution to prove that---

(a) any of the relevant matters specified in the notice to which the alleged offence relates in fact constitute or constituted an unauthorized development; or

(b) any unauthorized development which in the opinion of the Authority is or was constituted by the relevant matters in fact exists or existed.";

(n) by adding---

"(11) In forming any opinion as to whether there is or was any unauthorized development, or whether any matters constitute or constituted an unauthorized

development, for the purpose of exercising any power or performing any duty under this section, the Authority may have regard to---

(a) any photograph of land, or any copy of a photograph of land, to which section 24A applies;

(b) any draft or approved plan exhibited under this Ordinance; and

(c) any other information or thing which appears to the Authority to be relevant to the exercise of the power or the performance of the duty, as the case may be.

(12) In this section, "relevant matters" (有關事項), in relation to any unauthorized development which in the opinion of the Authority exists or existed, means any matters which in the opinion of the Authority constitute or constituted the unauthorized development."

21. Section added

The following is added---

"24A. Evidence

In any proceedings under this Ordinance, any photograph of land, or any copy of a photograph of land, purporting to be issued by the Lands Department and purporting to be signed or initialled by any person employed in the Lands Department shall on its production be admissible, without further proof, as prima facie evidence of the matters shown therein."

22. Section added

The following is added---

"27. Transitional and saving provisions relating to Town Planning (Amendment) Ordinance 2003

(1) The amendments effected by sections 7, 8, 9(a), (b) and (c), 10 and 11 of the amending Ordinance do not apply in respect of any case in which the draft plan in question has been exhibited under section 5 of the pre-amended Ordinance or its corresponding provision before the commencement of the amending Ordinance (whether or not there have been amendments to it under section 7 of the pre-amended Ordinance or its corresponding provision), and, for the avoidance of doubt, the provisions of this Ordinance shall, with necessary modifications, be construed and have application accordingly.

(2) The amendments effected by section 12(b), (c), (d), (e) and (f) of the amending Ordinance do not apply in respect of any case in which the approved plan in question has been referred by the Chief Executive in Council to the Board under section 12(1)(b) of the pre-amended Ordinance or its corresponding provision before the commencement of the amending Ordinance, and, for the avoidance of doubt, the provisions of this Ordinance shall, with necessary modifications, be construed and

have application accordingly.

(3) The amendments effected by section 16 of the amending Ordinance do not apply in respect of any case in which the application for the grant of permission in question has been made to the Board under section 16(1) of the pre-amended Ordinance or its corresponding provision before the commencement of the amending Ordinance, and, for the avoidance of doubt, the provisions of this Ordinance shall, with necessary modifications, be construed and have application accordingly.

(4) The amendments effected by section 18 of the amending Ordinance, in relation to a decision made under section 16, do not apply in respect of any case in which the application for the grant of permission in question has been made to the Board under section 16(1) of the pre-amended Ordinance or its corresponding provision before the commencement of the amending Ordinance, and, for the avoidance of doubt, the provisions of this Ordinance shall, with necessary modifications, be construed and have application accordingly.

(5) The amendments effected by section 20 of the amending Ordinance do not apply in respect of any case in relation to which a notice has been served under section 23(1) of the pre-amended Ordinance or its corresponding provision before the commencement of the amending Ordinance, and, for the avoidance of doubt, the provisions of this Ordinance shall, with necessary modifications, be construed and have application accordingly.

(6) Notwithstanding anything in the amending Ordinance but subject to subsections (1), (2), (3), (4) and (5)---

(a) any plan which has been exhibited, or any plan a notice of which has been published, under section 5 of the pre-amended Ordinance or its corresponding provision shall be regarded as a plan which has been exhibited, or a plan a notice of which has been published, under section 5, as the case may be;

(b) any amendments made to a draft plan under section 7 of the pre-amended Ordinance or its corresponding provision shall be regarded as amendments made to the draft plan under section 7;

(c) any plan approved or exhibited under section 9 of the pre-amended Ordinance or its corresponding provision shall be regarded as having been approved or exhibited under section 9, as the case may be;

(d) any reference of an approved plan to the Board under section 12(1)(b)(i) or (ii) of the pre-amended Ordinance or its corresponding provision shall be regarded as a reference of the approved plan to the Board under section 12(1A)(a) or (b) respectively; and

(e) any permission granted under section 16 of the pre-amended Ordinance or its corresponding provision shall be regarded as having been granted under section 16,

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

(7) This section is in addition to and not in derogation of section 23 of the Interpretation and General Clauses Ordinance (Cap. 1).

(8) In this section---

"amending Ordinance" (修訂條例) means the Town Planning (Amendment) Ordinance 2003 (of 2003);

"corresponding provision" (相應條文), in relation to a provision of the pre-amended Ordinance, means any provision of this Ordinance as in force at any time before the commencement of the amending Ordinance, other than the pre-amended Ordinance, that substantially corresponds to that provision of the pre-amended Ordinance;

"pre-amended Ordinance" (未修訂條例) means this Ordinance as in force immediately before the commencement of the amending Ordinance."

Consequential Amendments

Town Planning (Taking Possession and Disposal of Property) Regulation

23. Removal notice

Section 2 of the Town Planning (Taking Possession and Disposal of Property) Regulation (Cap. 131 sub. leg. C) is amended by adding---

"(4) Where the Authority is satisfied that the property required by the removal notice to be removed has been removed as so required, he shall serve on the person on whom the removal notice has been served a further notice specifying the matters in respect of which he is so satisfied."

24. Sections added

The following are added---

"6A. Notices showing removal of property and payment of expenses incurred by Authority

Where the Authority is satisfied---

(a) that the property that has not been removed by the date specified in that regard in a removal notice served under section 2 has been removed at any time after that date; and

(b) where the Authority has incurred any expenses for such purpose under section 23(7) of the Ordinance, that the expenses have been paid to or recovered by the Authority, he shall serve on the person on whom the removal notice has been served a further notice specifying the matters in respect of which he is so satisfied.

6B. Registration of notices

(1) The Authority shall, as soon as reasonably practicable after service of a notice under section 2(1) or (4) or 6A, register the notice in the Land Registry.

(2) A notice served under section 2(1) or (4) or 6A shall be deemed to be an instrument affecting land or premises and shall be registrable in the Land Registry, but a failure to register such a notice in the Land Registry shall not affect its validity against the person on whom the notice has been served."

25. Service of notices

Section 7(1) is amended by repealing "under this Regulation" and substituting "required to be served under section 2(1) or 3(2)".

Roads (Works, Use and Compensation) Ordinance

26. Procedure after publication of plan and scheme

Section 11(3) of the Roads (Works, Use and Compensation) Ordinance (Cap. 370) is amended---

(a) in paragraph (a), by adding ", and the provisions of that Ordinance shall apply accordingly; and" after "draft plan";

(b) by repealing paragraphs (b) and (c) and substituting---

"(b) without prejudice to the generality of paragraph (a), the objections lodged under section 10 shall be regarded as representations made to the Board in respect of the plan and scheme under section 6 of that Ordinance."

Urban Renewal Authority Ordinance

27. Publication of project

Section 23(4) of the Urban Renewal Authority Ordinance (Cap. 563) is amended by adding "(7A) or" after "25".

28. Development schemes

Section 25 is amended---

(a) by adding---

"(7A) Subject to subsection (8), where under section 6D(8) of the Town Planning Ordinance (Cap. 131), the Town Planning Board considers and takes a view that it will propose amendments to a draft plan of a development scheme deemed to be a draft plan prepared by the Town Planning Board under subsection (7), and such amendments to be proposed include an expansion in the boundaries of the plan, the Town Planning Board shall notify the Authority of the proposal, whereupon the Authority may publish in the Gazette a notice of the proposal, and---

(a) where the Authority so publishes a notice of the proposal, the commencement date of the implementation of the part of the development scheme concerning the additional land within the expanded boundaries under the proposal shall be the date on which the Authority so publishes the notice of the proposal; or

(b) where the Authority does not so publish a notice of the proposal---

(i) where the Chief Executive in Council approves the draft plan under section 9 of that Ordinance subject to the inclusion of all of the additional land within

the expanded boundaries under the proposal, the commencement date of the implementation of the part of the development scheme concerning the additional land shall be the date when the approval is first notified in the Gazette under section 9(5) of that Ordinance;

(ii) where the Chief Executive in Council approves the draft plan under section 9 of that Ordinance subject to the inclusion of certain part or parts of the additional land within the expanded boundaries under the proposal, the commencement date of the implementation of the part of the development scheme concerning such part or parts of the additional land shall be the date when the approval is first notified in the Gazette under section 9(5) of that Ordinance, and the commencement date of the implementation of the part of the development scheme concerning the land included in the original development scheme published by the Town Planning Board under subsection (6) shall remain as provided under section 23(2).";

(b) in subsection (8)---

(i) by repealing "6 or";

(ii) by repealing "the date when a notice is first given under section 6(7) of that Ordinance or";

(iii) by repealing ", as the case may be".

Explanatory Memorandum

The main purpose of this Bill is to amend the Town Planning Ordinance (Cap. 131) (the "principal Ordinance"), so as to streamline the town planning procedures while enhancing public involvement in the town planning process, and to strengthen enforcement powers in respect of unauthorized developments not permitted under the principal Ordinance.

2. Clause 2 amends section 1A to amend the definition of "land owner" in that section to make it clear that a manager appointed to represent a clan, family or t'ong is covered under the definition. It also adds to that section a definition of "prescribed fee" to tally with the new section 14(2) added under clause 14 (see paragraph 7 below).

3. Clauses 3 and 4 amend sections 2(5) and 2A(1) to expand the power of delegation of the Town Planning Board (the "Board"), and add a new section 2(6) to enable the Board to determine its own practice and procedure at its meetings.

4. Clause 5 adds a new section 2B to expressly enable the Board or its committee to transact its business by circulation of papers.

5. Clauses 6 to 11 provide for a set of new procedures for approval of draft plans. In particular---

(a) clause 6 amends section 5 to shorten the period of exhibition of the draft plan from 2 months to 1 month;

(b) clauses 7 and 8 replace section 6 with new sections 6 to 6D to set out procedures

under which representations may be made in respect of a draft plan, comments may be made in respect of the representations, representations may be supplemented by further information, representations and comments may be withdrawn, and representations and comments are finally considered;

(c) clause 9 amends section 7, which deals with amendment of a draft plan by the Board, to extend the period of exhibition of the amendment from 3 weeks to 1 month, to provide that the new provisions applicable to representations in respect of a draft plan also apply to representations in respect of the amendment, and to clarify the effect of the amendment on the draft plan to which it relates;

(d) clause 10 amends section 8 to shorten the time limit for submission of a draft plan to the Chief Executive in Council, and to provide for certain consequential changes; and

(e) clause 11 amends section 9 to clarify the power of the Chief Executive in Council in approving a draft plan.

6. Clauses 12 and 13 introduce amendments to the procedures for amendment of approved plans. In particular---

(a) clause 12 amends section 12, which deals with revocation, replacement and amendment of approved plans, to enable the Chief Executive to refer an approved plan to the Board for replacement or amendment, and to provide that the new provisions providing for exhibition and other procedures for a draft plan also apply to the plan showing amendments to an approved plan; and

(b) clause 13 adds a new section 12A to provide for applications for making proposals in respect of approved plans, whether or not the approved plans have been referred by the Chief Executive to the Board for amendment, in order that amendments to the approved plans, or to any plans prepared or approved further to any such reference by the Chief Executive to the Board, may be considered or made in accordance with the provisions of the principal Ordinance.

7. Clause 14 amends section 14 to add in new subsections to enable the Secretary for Housing, Planning and Lands to prescribe fees for making an application under the new section 12A as introduced under clause 13 (see paragraph 6(b) above), under section 16 as amended under clause 16 (see paragraph 9(a) below) or under the new section 16A as introduced under clause 17 (see paragraph 9(b) below), and to make it clear that the power of the Chief Executive in Council to make regulations includes the power to provide for the issue and registration of notices associated with the taking possession, removal, detention or disposal of property.

8. Clause 15 amends section 15 to introduce a miscellaneous amendment to rationalize the references to "Ordinance" throughout the principal Ordinance, in the light of the definition for the expression in section 3 of the Interpretation and General

Clauses Ordinance (Cap. 1).

9. Clauses 16, 17 and 18 introduce changes to the provisions relating to applications for permissions in respect of draft plans or approved plans. In particular---

(a) clause 16 amends section 16 to introduce changes in line with the new application provisions under the new section 12A as introduced under clause 13 (see paragraph 6(b) above);

(b) clause 17 adds a new section 16A to enable permissions granted under section 16 to have an expanded scope in specified circumstances without the need for any application, or to have effect subject to certain amendments in specified circumstances upon the grant of an application; and

(c) clause 18 also amends section 17 to introduce changes similar to those introduced to section 16, and to permit review also of decisions on applications made under the new section 16A as introduced under clause 17 (see subparagraph (b) above).

10. Clauses 19 and 20 introduce changes to the enforcement provisions. In particular---

(a) clause 19 amends section 22 to strengthen the enforcement powers, by, among others, empowering the Director of Planning to require provision of information, and imposing criminal liability for failure to comply with the requirement; and

(b) clause 20 amends section 23 to streamline the provisions relating to issue of notices regarding unauthorized developments, to require that upon compliance with such notices further notices confirming such compliance should be issued, and to strengthen registration requirements in respect of such notices.

11. Clause 21 adds a new section 24A to provide for admissibility in evidence of photographs of land issued by the Lands Department.

12. Clause 22 adds a new section 27 to provide for transitional and saving arrangements upon enactment of the Bill.

13. Clauses 23 to 28 introduce consequential amendments to the Town Planning (Taking Possession and Disposal of Property) Regulation (Cap. 131 sub. leg. C), the Roads (Works, Use and Compensation) Ordinance (Cap. 370) and the Urban Renewal Authority Ordinance (Cap. 563).