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Chapter:	131	Title:	TOWN PLANNING ORDINANCE	Gazette Number:	L.N. 50 of 2005
Section:	2C	Heading:	Meetings of Board and of committees	Version Date:	10/06/2005

(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 6B, 6F, 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 6B(8), 6F(8) (whether with or without application of section 6F(9)), 12A(23), 16(3), 16A(5) 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.

(Added 25 of 2004 s. 5)

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Chapter:	131	Title:	TOWN PLANNING ORDINANCE	Gazette Number:	L.N. 50 of 2005
Section:	6B	Heading:	Consideration of representations, etc.	Version Date:	10/06/2005

(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 the expiration of the period of 3 weeks referred to in section 6A(1).

(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 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—

- (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 decide whether or not to propose amendments to the draft plan in question in the manner proposed in the representation or otherwise in the manner that, in the opinion of the Board, will meet the representation.

(Added 25 of 2004 s. 8)

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Chapter:	131	Title:	TOWN PLANNING ORDINANCE	Gazette Number:	L.N. 50 of 2005
Section:	6F	Heading:	Consideration of further representations in respect of proposed amendments	Version Date:	10/06/2005

(1) Where any further representation is made under section 6D(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 6D(1); and
- (b) the person who made any representation or comment after consideration of which the proposed amendments in question are proposed under section 6B(8).

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

- (a) the person who made the further representation to which the meeting relates under section 6D(1); and
- (b) the person who made any representation or comment after consideration of which the proposed amendments in question are proposed under section 6B(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 6D(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 6B(8), any further representation is made under section 6D(1) but no such further representation indicates under section 6D(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.

(Added 25 of 2004 s. 8)

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Chapter:	131	Title:	TOWN PLANNING ORDINANCE	Gazette Number:	L.N. 50 of 2005
Section:	12A	Heading:	Amendment of plans on application to the Board	Version Date:	10/06/2005

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

(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) 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;
- (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) Where 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 (16), 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 within a reasonable period before the application is made—
 - (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.

(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 (16).

(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).

(8) A notice referred to in subsection (7)(a) or (b) 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) and specify the place and hours at which any comments so made will be available for public inspection under subsection (12).

(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), it shall be treated as not having been made; or
- (b) does not comply with any of the requirements made under subsection (10), it may be treated as not having been made.

(12) 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 (16).

(13) 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 (16), 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.

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

- (a) subject to paragraphs (b) and (c), the further information shall be regarded as having been included in the application;
- (b) subsection (6) shall further apply, with necessary modifications, to and in relation to the further information as it applies to and in relation to the application; and
- (c) subject to any exemption under subsection (15)—
 - (i) subsections (7), (8), (9), (10), (11) and (12) 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) for the purposes of subsection (16), the application shall be regarded as received when the further information is received.

(15) 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 (13) from subsection (14)(c).

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

(17) The Board shall, in respect of any meeting to be held to consider an application under subsection (16), give reasonable notice of particulars of the meeting (including the date, time and place of the meeting) to the applicant.

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

(19) If, at a meeting held to consider an application under subsection (16), 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.

(20) Without prejudice to subsection (19), 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 (16) to such date as it considers appropriate.

(21) Where any meeting is adjourned under subsection (19) or (20), the provisions of this section also apply, with necessary modifications, to the meeting so adjourned, save to the extent that the Board otherwise directs.

(22) In considering an application at a meeting held under subsection (16), the Board shall also take into account any comment made in respect of the application under subsection (9).

(23) Upon consideration of an application at a meeting under subsection (16), the Board may—

- (a) accept, in whole or in part, the application; or
- (b) refuse the application.

(24) Where the Board accepts, in whole or in part, an application under subsection (23)(a), the Board shall—

- (a) subject to paragraphs (b) and (c), request the Chief Executive in Council to

- refer the original approved plan to the Board for amendment under section 12(1)(b)(ii);
- (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(1)(b)(ii) 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 in Council to refer the relevant approved plan, when it is available, to the Board for amendment under section 12(1)(b)(ii); 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(1)(b)(ii) 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 in Council to refer the relevant approved plan, when it is available, to the Board for amendment under section 12(1)(b)(ii).

(25) In this section—

“current land owner” (現行土地擁有人), in relation to an application made under subsection (1), means 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;

“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(1)(b)(ii), 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 (24)(b) or (c), means the approved plan which has further to the reference of the plan to the Board for amendment under section 12(1)(b)(ii) 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 (24)(b) or (c), means the draft plan which has further to the reference of the plan to the Board for amendment under section 12(1)(b)(ii) been exhibited under section 5.

(Added 25 of 2004 s. 12)

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Chapter:	131	Title:	TOWN PLANNING ORDINANCE	Gazette Number:	L.N. 50 of 2005
Section:	16	Heading:	Applications for permission in respect of plans	Version Date:	10/06/2005

(1) Where a draft plan or approved plan, whether prepared or approved before or after the commencement of the Town Planning (Amendment and Validation) Ordinance 1974 (59 of 1974), provides for the grant of permission for any purpose, an application for the grant of such permission shall be made to the Board.

(2) Any such application shall be addressed in writing to the secretary to the Board and shall—
(Amended 25 of 2004 s. 15)

(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;

(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). (Amended 25 of 2004 s. 15)

(2A) Where 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. (Added 25 of 2004 s. 15)

(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 within a reasonable period

before the application is made—

- (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. (Added 25 of 2004 s. 15)

(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 at a meeting under subsection (3). (Added 25 of 2004 s. 15)

(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). (Added 25 of 2004 s. 15)

(2E) A notice referred to in subsection (2D)(a) or (b) 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) and specify the place and hours at which any comments so made will be available for public inspection under subsection (2I). (Added 25 of 2004 s. 15)

(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. (Added 25 of 2004 s. 15)

(2G) Any comment referred to in subsection (2F) shall be made in such manner as the Board requires. (Added 25 of 2004 s. 15)

(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), it shall be treated as not having been made; or
- (b) does not comply with any of the requirements made under subsection (2G), it may be treated as not having been made. (Added 25 of 2004 s. 15)

(2I) 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). (Added 25 of 2004 s. 15)

(2J) 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 (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. (Added 25 of 2004 s. 15)

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

- (a) subject to paragraphs (b) and (c), the further information shall be regarded as having been included in the application;
- (b) subsection (2C) shall further apply, with necessary modifications, to and in relation to the further information as it applies to and in relation to the application; and
- (c) subject to any exemption under subsection (2L)—
 - (i) subsections (2D), (2E), (2F), (2G), (2H) and (2I) 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) for the purposes of subsection (3), the application shall be regarded as received when the further information is received. (Added 25 of 2004 s. 15)

(2L) 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 (2J) from subsection (2K)(c). (Added 25 of 2004 s. 15)

(3) The Board shall within 2 months of the receipt of the application, consider the same at a meeting and, subject to subsection (4), may grant or refuse to grant the permission applied for. (Amended 25 of 2004 s. 15)

(3A) In considering an application at a meeting under subsection (3), the Board shall also take into account any comment made in respect of the application under subsection (2F). (Added 25 of 2004 s. 15)

(4) The Board may grant permission under subsection (3) only to the extent shown or provided for or specified in the plan.

(5) Any permission granted under subsection (3) may be subject to such conditions as the Board thinks fit.

(6) The secretary to the Board shall notify the applicant in writing of the Board's decision on an application under this section, and where the Board refused to grant permission shall also notify the applicant of his right to a review under section 17.

(7) For the purposes of section 16(1)(d) and (da) of the Buildings Ordinance (Cap 123), anything permitted under a permission granted by the Board under this section shall not be a contravention of any approved plan or draft plan prepared under this Ordinance. (Amended 2 of 1988 s. 6; 25 of 2004 s. 15)

(8) In this section, “current land owner” (現行土地擁有人), in relation to an application made under subsection (1), means 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. (Added 25 of 2004 s. 15)

(Added 59 of 1974 s. 3)

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Chapter:	131	Title:	TOWN PLANNING ORDINANCE	Gazette Number:	L.N. 50 of 2005
Section:	16A	Heading:	Amendments to permissions in respect of plans	Version Date:	10/06/2005

(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.

(2) Where any permission is granted under section 16, the person to whom the permission is granted may 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.

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

(6) An application may be accepted under subsection (5) subject to such conditions as the Board requires.

(7) Where the Board has under subsection (5) 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.

(8) The Board shall notify the applicant in writing of its decision under subsection (5), and where it refused the application shall also notify the applicant of his right to a review under section 17.

(9) 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.

(10) 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 (12); and
- (b) specify any class or description of relevant amendments for the purposes of the definition of “Class B amendments” in subsection (12).

(11) A notice published under subsection (10) is not subsidiary legislation.

(12) In this section—

“Class A amendments” (A類修訂) means relevant amendments of a class or description specified by the Board under subsection (10)(a);

“Class B amendments” (B類修訂) means relevant amendments of a class or description specified by the Board under subsection (10)(b);

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

(Added 25 of 2004 s. 16)

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Chapter:	131	Title:	TOWN PLANNING ORDINANCE	Gazette Number:	L.N. 50 of 2005
Section:	17	Heading:	Right of review	Version Date:	10/06/2005

(1) Where an applicant is aggrieved by a decision of the Board under section 16 or 16A, the applicant may, within 21 days of being notified of the decision of the Board, apply in writing to the secretary to the Board for a review of the Board's decision. (Amended 101 of 1991 s. 3; 25 of 2004 s. 17)

(2) On receipt of an application under subsection (1), the secretary to the Board shall fix a time and place for the review, which shall be a day not more than 3 months of the receipt of the application, and shall give 14 days' notice thereof to the applicant.

(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. (Added 25 of 2004 s. 17)

(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). (Added 25 of 2004 s. 17)

(2C) A notice referred to in subsection (2B)(a) or (b) 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) and specify the place and hours at which any comments so made will be available for public inspection under subsection (2G). (Added 25 of 2004 s. 17)

(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. (Added 25 of 2004 s. 17)

(2E) Any comment referred to in subsection (2D) shall be made in such manner as the Board requires. (Added 25 of 2004 s. 17)

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

(b) does not comply with any of the requirements made under subsection (2E), it may be treated as not having been made. (Added 25 of 2004 s. 17)

(2G) 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. (Added 25 of 2004 s. 17)

(2H) 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. (Added 25 of 2004 s. 17)

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

(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, subsection (2A) shall further apply, with necessary modifications, to and in relation to the further information as it applies to and in relation to the application; and

(c) subject to any exemption under subsection (2J)—

(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 (2G) 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) for the purposes of subsection (2)—

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

(B) anything done under subsection (2) before receipt of the further information shall have effect subject to anything done under that subsection upon application of this subsection. (Added 25 of 2004 s.

17)

(2J) 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 (2H) from subsection (2I)(c). (Added 25 of 2004 s. 17)

(3) On a review under this section the applicant or his authorized representative may attend before the Board and shall be given an opportunity to make representations.

(4) If the applicant or an authorized representative does not attend at the time and place fixed for the

review, the Board may proceed with the review or adjourn it.

(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. (Added 25 of 2004 s. 17)

(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. (Added 25 of 2004 s. 17)

(5) On a review under this section the Board shall 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). (Amended 25 of 2004 s. 17)

(6) On a review under this section, the Board may 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. (Amended 25 of 2004 s. 17)

(7) (Repealed 101 of 1991 s. 3)

(Added 59 of 1974 s. 3)

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