

L.N. 6 of 2010**LAND (COMPULSORY SALE FOR REDEVELOPMENT)
(SPECIFICATION OF LOWER
PERCENTAGE) NOTICE**

(Made by the Chief Executive in Council under section 3(5) of the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545))

1. Commencement

This Notice comes into operation on 1 April 2010.

2. Interpretation

In this Notice—

“industrial building” (工業建築物) means a building the whole or any part of which is approved by the Building Authority for any of the following uses under a plan approved under the Buildings Ordinance (Cap. 123)—

(a) godown;

(b) any industry in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed;

“industrial zone” (工業地帶) means a zone that is set apart for industrial use in a draft plan prepared by the Town Planning Board or approved by the Chief Executive in Council under the Town Planning Ordinance (Cap. 131);

“occupation permit” (佔用許可證) means an occupation permit issued by the Building Authority under section 21(2) of the Buildings Ordinance (Cap. 123);

“relevant date” (有關日期), in relation to a lot in respect of which an application is made under section 3(1) of the Ordinance, means the date of the application;

“unit” (單位) means any premises that are described by reference to a specified number of undivided shares in a lot in any instrument registered in the Land Registry.

3. Specification of percentage

80% is specified as the percentage required for the purposes of section 3(1) of the Ordinance in respect of a lot that belongs to any class of lot specified in section 4.

4. Specification of classes of lot

(1) The following classes of lot are specified for the purposes of section 3—

- (a) a lot with each of the units on the lot representing more than 10% of all the undivided shares in the lot;
- (b) a lot with each of the buildings erected on the lot issued with an occupation permit at least 50 years before the relevant date;
- (c) a lot that is not located within an industrial zone and each of the buildings erected on the lot—
 - (i) is an industrial building; and
 - (ii) was issued with an occupation permit at least 30 years before the relevant date.

(2) For the purposes of the class of lot referred to in subsection (1)(a), if—

- (a) a unit in a building is subdivided into 2 or more units on or after 1 April 2010; and
- (b) the subdivision does not involve—
 - (i) any alteration to the size of any common area of the building; or
 - (ii) any change in a person's liability in relation to the common areas and facilities of the building under the common law or any enactment,

those units are regarded as one single unit.

Manda CHAN

Clerk to the Executive Council

COUNCIL CHAMBER

12 January 2010

Explanatory Note

Under section 3(1) of the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545) (“Ordinance”), a person must own not less than 90% of the undivided shares in a lot before the person may make an application for an order to sell all the undivided shares in the lot.

2. Section 3(5) of the Ordinance enables the Chief Executive in Council to specify by notice in the Gazette a lower percentage for the purposes of section 3(1) of the Ordinance in respect of any specified class of lot. This Notice specifies 80% as the percentage required in respect of any class of lot set out in the Notice.