

6. 對反對的考慮

(1) 任何受如此展示的草圖影響的人，可於上述 2 個月期間內，就他對草圖內所出現的任何事物所提出的反對，向規劃委員會送交陳述書。

(2) 該陳述書須列明——

(a) 所提反對的性質及理由；

(b) 建議對該草圖的任何修改(如所提反對會因對該草圖的修改而消除的話)。

(3) 規劃委員會於收到第(1)款所指的反對陳述書後，可在反對者不在場的情況下，對某項反對給予初步考慮，並可針對該項反對而建議任何對草圖的修訂。

(4) 如規劃委員會依據第(3)款建議一項對草圖的修訂，則須就所建議的修訂以掛號郵遞向反對者發給書面通知，並促請該反對者以修訂須一如建議而作出為條件，撤回他所提出的反對。

(5) 反對者可在通知根據第(4)款送達後的 14 天內，以書面通知規劃委員會他以修訂須一如建議而作出為條件撤回所提出的反對；但如沒有收到該書面通知，則反對須繼續有效。

(6) 凡——

(a) 規劃委員會沒有根據第(3)款建議修訂；或

(b) 反對者沒有根據第(5)款通知規劃委員會他撤回反對；或

(c) 反對者已根據第(5)款有條件地被撤回，而規劃委員會並沒有進行所建議的修訂。

則規劃委員會須於會議上考慮該反對陳述書，而反對者須就該會議獲發給合理通知，反對者或其授權代表並可出席該會議，且如欲作出陳詞，則須獲聆聽。

(6A) 規劃委員會可指示根據第(1)款就同一草圖而提出的任何反對或根據第(8)款收到的任何反對(視屬何情況而定)須在同一會議上處理，而規劃委員會可個別或集體處理該等反對，視乎規劃委員會的決定而定。(由 1998 年第 16 號第 3 條增補)

(6B) 如反對者沒有出席為施行第(6)款或第(8)款(視屬何情況而定)而舉行的任何會議，亦沒有獲他授權的代表出席該會議，規劃委員會可進行會議並處理該項反對，或押後會議，但會議不可押後多於一次。(由 1998 年第 16 號第 3 條增補)

6. Consideration of objections

(1) Any person affected by the draft plan so exhibited may within the said period of 2 months send to the Board a written statement of his objections to anything appearing in the draft plan.

(2) Such written statement shall set out—

(a) the nature of and reasons for the objection;

(b) if the objection would be removed by an alteration of the draft plan, any alteration proposed.

(3) Upon receipt of a written statement of objection under subsection (1), the Board may give preliminary consideration to an objection in the absence of the objector and may propose amendments to the draft plan to meet the objection.

(4) If the Board proposes an amendment to the draft plan pursuant to subsection (3), it shall give notice in writing of the amendment proposed to the objector by registered post and may invite the objector to withdraw his objection on the condition that the amendment is made as proposed.

(5) An objector may notify the Board in writing within 14 days after service of notice under subsection (4) that his objection is withdrawn on the condition that the amendment is made as proposed but if no such notification is received the objection shall continue in force.

(6) Where—

(a) the Board does not propose amendments under subsection (3); or

(b) an objector does not notify the Board under subsection (5) that his objection is withdrawn; or

(c) an objector was conditionally withdrawn under subsection (5) and the Board does not proceed with the amendment proposed,

the Board shall consider the written statement of objection at a meeting of which the objector is given reasonable notice, and the objector or his authorized representative may attend such meeting and if he desires shall be heard.

(6A) The Board may direct that any objection made under subsection (1) in respect of the same draft plan or, as the case may be, received under subsection (8) shall be dealt with at the same meeting and such objection may be dealt with by the Board either individually or collectively as it may determine. (Added 16 of 1998 s. 3)

(6B) If the objector or his authorized representative does not attend any meeting held for the purposes of subsection (6) or, as the case may be, for the purposes of subsection (8) the Board may proceed with the meeting and deal with the objection or adjourn it and such meeting may not be adjourned more than once. (Added 16 of 1998 s. 3)

(7) 如規劃委員會覺得其針對某項反對而作出的修訂影響任何根據政府批出的租契、租賃或許可證持有而年期超逾 5 年的土地 (反對者的土地除外), 則規劃委員會須以送達、公告或其他方式向有關土地的擁有人發給規劃委員會認為合宜及切實可行的通知。 (由 1998 年第 29 號第 45 條修訂)

(8) 在根據第 (7) 款發給通知後的 14 天內所收到的任何反對書, 須由規劃委員會在會議上考慮, 而原反對者及反對修訂者須就該會議獲發給合理通知, 各反對者或其授權代表並可出席該會議, 且如欲作出陳詞, 則須獲聆聽。

(9) 規劃委員會按照第 (6) 或 (8) 款考慮某項反對後, 可駁回該項反對的全部或部分, 或可針對該項反對而對草圖作出修訂。

(由 1969 年第 59 號第 4 條修訂)

7. 規劃委員會並非由於某項反對而修訂草圖

(1) 除第 6 條所載修訂的權力外, 規劃委員會並可在草圖根據第 5 條展示後及行政長官會同行政會議根據第 9 條作出核准前的任何時間, 對草圖作出修訂。 (由 2000 年第 62 號第 3 條修訂)

(2) 每項根據本條所作出對草圖的修訂, 須由規劃委員會展示以供公眾於合理時間查閱, 為期 3 星期, 而在該段期間內, 規劃委員會須將對該草圖的修訂及該項修訂可供查閱的時間, 每星期在一份本地報章刊登兩次, 和在每期憲報公布。

(3) 規劃委員會須向任何繳付規劃委員會所釐定費用的人提供根據本條所作出對草圖的修訂的複本。

(4) 任何受根據本條所作出對草圖的修訂影響的人, 可於上述 3 星期期間內, 以第 6(1) 及 (2) 條規定的方式提出反對, 而第 6(3) 至 (9) 條的條文隨即適用。

(由 1969 年第 59 號第 5 條增補)

(7) In any case where an amendment made by the Board to meet an objection appears to the Board to affect any land, other than that of the objector, held under lease, tenancy or permit from the Government for a term exceeding 5 years, the Board shall give such notice by service, advertisement or otherwise as it deems desirable and practicable to the owner of the land in question. (Amended 29 of 1998 s. 45)

(8) Any written objection received within 14 days after the giving of notice under subsection (7) shall be considered at a meeting of the Board of which the original objector and the objector to the amendment are given reasonable notice, and the objectors or their authorized representatives may attend such meeting and if he or they so desire shall be heard.

(9) Upon consideration of an objection in accordance with subsection (6) or (8) the Board may reject the objection in whole or in part or may make amendments to the draft plan to meet such objection.

(Amended 59 of 1969 s. 4)

7. Amendment of draft plan by Board otherwise than consequent upon an objection

(1) In addition to the power of amendment contained in section 6, the Board may, at any time after exhibition of a draft plan under section 5 and before approval by the Chief Executive in Council under section 9, make amendments to a draft plan. (Amended 62 of 2000 s. 3)

(2) Every amendment to a draft plan made under this section shall be exhibited by the Board for public inspection at reasonable hours for a period of 3 weeks and during such period the Board shall advertise twice a week in a local newspaper and shall notify in each issue of the Gazette the amendment to the draft plan and the hours at which such amendment may be inspected.

(3) The Board shall supply a copy of an amendment to a draft plan made under this section to any person on payment of such fee as the Board may determine.

(4) Any person affected by an amendment to a draft plan made under this section may object within the said period of 3 weeks in manner provided by section 6(1) and (2) and the provisions of section 6(3) to (9) shall thereupon apply.

(Added 59 of 1969 s. 5)

16. 就圖則而申請許可

(1) 凡草圖或核准圖(不論是在《1974年城市規劃(修訂及追認效力)條例》(1974年第59號)生效日期之前或之後擬備或核准)規定就任何目的批給許可,對批給該等許可的申請須向規劃委員會提出。

(2) 任何該等申請須以書面致予規劃委員會秘書,而申請書的格式及所包括的詳情,須以規劃委員會認為適合者為準。

(3) 規劃委員會須於收到申請的2個月內,在申請人不在場的情況下考慮該申請,並可在第(4)款的規限下,批給或拒絕批給所申請的許可。

(4) 規劃委員會可根據第(3)款批給的許可,範圍以圖則所顯示或預定或指明者為限。

(5) 任何根據第(3)款批給的許可,可受規劃委員會認為適合的條件規限。

(6) 規劃委員會秘書須將規劃委員會對根據本條提出的申請所作的決定以書面通知申請人,而如規劃委員會拒絕批給許可,則規劃委員會秘書亦須將申請人根據第17條申請覆核的權利通知申請人。

(7) 就《建築物條例》(第123章)第16(1)(d)及(da)條而言,任何獲規劃委員會根據本條許可的事物,並不違反根據本條例擬備的任何核准圖或草圖。(由1988年第2號第6條修訂)

(由1974年第59號第3條增補)

16. Applications for permission in respect of plans

(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 be in such form and include such particulars as the Board thinks fit.

(3) The Board shall within 2 months of the receipt of the application, consider the same in the absence of the applicant and, subject to subsection (4), may grant or refuse to grant the permission applied for.

(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 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)

(Added 59 of 1974 s. 3)