

**Development (Town Planning, Lands and Works)
(Miscellaneous Amendments) Bill 2022**

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A BILL

To

Amend the Town Planning Ordinance to improve the existing town planning regime (including by improving the statutory plan making procedures and town planning process, empowering the Secretary for Development to designate certain areas to be regulated areas and expanding the existing enforcement powers of the Director of Planning under the Town Planning Ordinance so that the Director may exercise those powers in relation to the regulated areas); to amend the Lands Resumption Ordinance and the Land Acquisition (Possessory Title) Ordinance to improve certain procedures and other matters relating to the resumption or acquisition of lands for public purposes (including by introducing mechanisms under the Lands Resumption Ordinance for proposing resumption of lands and for adjusting the boundaries of the lands authorized or ordered to be resumed, making clear the scope of the public purposes for which lands may be resumed or acquired, allowing change of use of lands resumed or acquired, and prescribing the interest rates for compensation); to amend the Foreshore and Sea-bed (Reclamations) Ordinance, the Roads (Works, Use and Compensation) Ordinance and the Railways Ordinance to improve certain procedures and other matters relating to execution of works (including by improving the objection handling arrangements, introducing or expanding the mechanisms for executing minor works, and prescribing the

interest rates for compensation); to adapt the Roads (Works, Use and Compensation) Ordinance to bring it into conformity with the Basic Law and with the status of Hong Kong as a Special Administrative Region of the People's Republic of China; to make minor or textual amendments to the Ordinances; and to provide for related matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Development by notice published in the Gazette.

2. Enactments amended

The enactments specified in Parts 2 to 8 are amended as set out in those Parts.

Part 2

Amendments to Lands Resumption Ordinance (Cap. 124)

3. Part 1 heading added

Before section 1—

Add

“Part 1

Preliminary”.

4. Section 2 amended (interpretation)

(1) Section 2—

Renumber the section as section 2(1).

(2) Section 2(1), Chinese text, definition of 業主—

Repeal

“政府”.

(3) Section 2(1)—

Repeal the definitions of *non-working day*, *note-issuing bank*, *resumption for a public purpose* and *working day*.

(4) Section 2(1)—

Add in alphabetical order

“*amendment notice* (修訂公告) means a notice published under section 2C(1);

notice of proposed resumption (建議收地公告) means a notice published under section 2A(1);

proposal for land resumption (收回土地建議) means a proposal for the resumption of any land—

- (a) as stated in a notice of proposed resumption; and
- (b) (if applicable) as amended by an amendment notice;

reference interest rate (參考利率) means the 1-month Hong Kong Dollar Interest Settlement Rate published by The Hong Kong Association of Banks by the close of business on a day;

Secretary (局長) means the Secretary for Development.”.

- (5) After section 2(1)—

Add

- “(2) In this Ordinance, a reference to resumption of any land for a public purpose includes—
- (a) resumption of insanitary property for the purpose of securing the erection of improved dwellings or buildings on the property or the sanitary improvement of the property;
 - (b) resumption of any land on which any building is erected which, by reason of its proximity to or contact with another building, seriously interferes with ventilation or otherwise makes or conduces to make that other building to be in a condition unfit for human habitation or dangerous or injurious to health;
 - (c) resumption of any land for any purpose connected with the Hong Kong Garrison;

- (d) resumption of any land for the purposes of, or incidental to, any works, or any use, as defined by section 2(1) of the Roads (Works, Use and Compensation) Ordinance (Cap. 370), proposed or to be proposed under that Ordinance;
- (e) resumption of any land for the purposes of, or incidental to, any works proposed or to be proposed under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) as applied by section 26 of the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg. AL);
- (f) resumption of any land for the purposes of, or incidental to, any scheme, as defined by section 2 of the Railways Ordinance (Cap. 519), proposed or to be proposed under that Ordinance; and
- (g) resumption of any land for any purpose (of whatever description, and whether or not of the same kind as a purpose described in another paragraph of this subsection) decided by the Chief Executive in Council to be a public purpose.”.

5. Part 2 added

After section 2—

Add

“Part 2

Proposal for Land Resumption

2A. Notice of proposed resumption

- (1) If the Authority proposes that any land is to be resumed for a public purpose, the Authority must publish a notice of the proposal in the Gazette.
- (2) The notice of proposed resumption must—
 - (a) describe the public purpose for which the land is proposed to be resumed;
 - (b) describe the land proposed to be resumed;
 - (c) refer to a plan that shows the land proposed to be resumed in a manner sufficient to identify the land (*relevant plan*); and
 - (d) state how the public may inspect a copy of the relevant plan.
- (3) The Authority must—
 - (a) deposit a copy of the notice of proposed resumption and of the relevant plan in the Land Registry;
 - (b) publish a copy of the notice of proposed resumption and of the relevant plan on the website of the Authority;
 - (c) make a copy of the notice of proposed resumption and of the relevant plan available for inspection by the public free of charge at the time and place as the Authority reasonably directs; and

- (d) affix a copy of the notice of proposed resumption in a conspicuous place on or near the land proposed to be resumed.
- (4) If—
- (a) a plan, or an amendment to a plan or to a part of a plan, is exhibited or made available for public inspection under any provision (other than section 9D or 11) of the Town Planning Ordinance (Cap. 131);
 - (b) the plan or amendment shows or makes provision for any land for a particular use; and
 - (c) such use of the land is the public purpose for which the Authority proposes to resume the land,
- the Authority may publish a notice of proposed resumption in respect of the land on or after the date on which the plan or amendment begins to be so exhibited or made available.

2B. Objections relating to notice of proposed resumption

- (1) Within 60 days after a notice of proposed resumption is published, the following person may object to the proposal for the resumption of the land stated in the notice by delivering an objection in writing to the Authority—
 - (a) an owner or occupier of that land; or
 - (b) a person having any right in relation to that land.
- (2) An objection made by a person (*objector*) must—
 - (a) sufficiently identify the objector as a person falling within subsection (1); and

- (b) describe the manner in which the objector alleges the objector will be affected by the proposal.
- (3) An objection that is not made by a person falling within subsection (1), or that does not comply with subsection (2), is invalid and treated as not having been made for the purposes of section 2G.

2C. Amendment notice

- (1) The Authority may, by notice published in the Gazette, amend a proposal for land resumption before the proposal is submitted to the Chief Executive in Council under section 2G.
- (2) The amendment notice must—
 - (a) describe the amendment to the proposal for land resumption;
 - (b) refer to a plan that shows the amendment (*relevant plan*); and
 - (c) state how the public may inspect a copy of the relevant plan.
- (3) The Authority must—
 - (a) deposit a copy of the amendment notice and of the relevant plan in the Land Registry;
 - (b) publish a copy of the amendment notice and of the relevant plan on the website of the Authority;
 - (c) make a copy of the amendment notice and of the relevant plan available for inspection by the public free of charge at the time and place as the Authority reasonably directs; and

- (d) affix a copy of the amendment notice in a conspicuous place on or near the land affected by the amendment.
- (4) If—
- (a) a plan, or an amendment to a plan or to a part of a plan, is exhibited or made available for public inspection under any provision (other than section 9D or 11) of the Town Planning Ordinance (Cap. 131);
 - (b) the plan or amendment shows or makes provision for any land for a particular use; and
 - (c) an amendment to be made by an amendment notice under subsection (1) relates to such use of the land,

the Authority may publish the amendment notice on or after the date on which the plan or the amendment to the plan or the part begins to be so exhibited or made available.

2D. Objections relating to amendment notice

- (1) Within 60 days after an amendment notice is published, the following person may object to the amendment made by the notice by delivering an objection in writing to the Authority—
 - (a) an owner or occupier of the land affected by the amendment; or
 - (b) a person having any right in relation to that land.
- (2) An objection made by a person (*objector*) must—
 - (a) sufficiently identify the objector as a person falling within subsection (1); and

- (b) describe the manner in which the objector alleges the objector will be affected by the amendment.
- (3) An objection that is not made by a person falling within subsection (1), or that does not comply with subsection (2), is invalid and treated as not having been made for the purposes of section 2G.

2E. Supplementary provisions relating to objections

- (1) This section applies if a person (*objector*) makes an objection under section 2B or 2D (*objection*).
- (2) An objection made on a ground relating to any compensation (whether monetary or non-monetary) or any financial or other assistance (*compensation or assistance*) in connection with the proposal for land resumption is, to the extent that it is made on that ground, invalid and treated as not having been made for the purposes of section 2G.
- (3) In subsection (2), the reference to a ground relating to any compensation or assistance includes—
 - (a) a ground relating to whether any compensation or assistance is to be provided, whether or not under an enactment; and
 - (b) a ground relating to the amount, extent or form of the compensation or assistance, or the time for its provision.
- (4) If the Authority gives any written reply to an objection, the objector may give a response to the reply (including any comment on, or any request in connection with, the reply) within the period of 14 days after the day on which the reply is given.

- (5) For subsection (4), the mere notification by the Authority that the objection is treated as unwithdrawn and will be submitted to the Chief Executive in Council does not constitute a reply.
- (6) A response that is given after the 14-day period mentioned in subsection (4) is treated as not having been given.
- (7) An objector may, by writing to the Authority—
 - (a) amend an objection made by the objector within the relevant period for making objections; or
 - (b) withdraw the objection in whole or in part before the proposal for land resumption is submitted under section 2G.
- (8) An objection (or a part of an objection) that has been withdrawn is treated as not having been made for the purposes of section 2G.
- (9) An objection, an amendment or withdrawal of an objection, or a response (referred to in subsection (4)) may be given to the Authority by—
 - (a) delivering it to an officer who is authorized by the Authority to receive it on the Authority's behalf;
 - (b) sending it by ordinary or registered post;
 - (c) sending it by electronic mail transmission to an electronic mail address specified by the Authority; or
 - (d) sending it by fax transmission to a fax number specified by the Authority.
- (10) A reply (referred to in subsection (4)) may be given to the objector by—

- (a) delivering it to the objector personally;
- (b) leaving it at the objector's last known address;
- (c) sending it by ordinary or registered post addressed to the objector at the objector's last known address;
- (d) sending it by electronic mail transmission to the objector's last known electronic mail address; or
- (e) sending it by fax transmission to the objector's last known fax number.

2F. Decision not to proceed with proposal for land resumption

- (1) Before a proposal for land resumption is submitted to the Chief Executive in Council under section 2G, if the Authority decides not to proceed with the proposal, the Authority must publish a notice of the decision in the Gazette.
- (2) The Authority must—
 - (a) deposit a copy of the notice in the Land Registry;
 - (b) publish a copy of the notice on the website of the Authority; and
 - (c) affix a copy of the notice in a conspicuous place on or near the land originally proposed to be resumed under the proposal for land resumption.
- (3) A decision under subsection (1) does not affect anything lawfully done under this Ordinance before the decision is made.

2G. Submission of proposal for land resumption to Chief Executive in Council

- (1) The Authority must, before the expiry of the period determined in accordance with subsections (2) and (3), submit to the Chief Executive in Council for consideration—
 - (a) the proposal for land resumption;
 - (b) any objection made under section 2B within the period for making objections under that section; and
 - (c) if an amendment notice is published in relation to the proposal—any objection made under section 2D within the period for making objections under that section.
- (2) Except as extended under subsection (3), the period mentioned in subsection (1) is—
 - (a) unless paragraph (b) applies—5 months after the date of expiry of the time for making objections under section 2B; or
 - (b) if one or more amendment notices are published in relation to the proposal for land resumption—whichever of the following periods that ends later—
 - (i) the period mentioned in paragraph (a);
 - (ii) 3 months after the date of expiry of the time for making objections under section 2D in respect of the amendment notice (or the last of the amendment notices).
- (3) The Secretary may, on application by the Authority—

- (a) extend the period mentioned in subsection (2) for 2 months if the Secretary considers it appropriate to do so in a particular case; and
 - (b) further extend the period on not more than 2 occasions and for 2 months for each extension if the Secretary is satisfied that exceptional circumstances exist in a particular case.
- (4) Despite subsections (1), (2) and (3), if—
- (a) the notice of proposed resumption is published in the circumstances described in section 2A(4); or
 - (b) an amendment notice in respect of the proposal for land resumption is published in the circumstances described in section 2C(4),
- the submission to the Chief Executive in Council under subsection (1) may not be made before the plan or amendment referred to in section 2A(4)(a) or 2C(4)(a) (as the case may be) is submitted to the Chief Executive in Council for approval under the Town Planning Ordinance (Cap. 131).
- (5) If subsection (4) applies, the submission to the Chief Executive in Council under subsection (1) must be made within a reasonable time after the plan or amendment is submitted as described in subsection (4).”.

6. Part 3 heading added

Before section 3—

Add

“Part 3

Resumption of Land for Public Purpose”.

7. Section 3 substituted

Section 3—

Repeal the section

Substitute

“3. Authorization of and order for resumption of land

- (1) The Chief Executive in Council, after considering a proposal for land resumption and any objection submitted under section 2G, may—
 - (a) authorize the resumption of the land for a public purpose—
 - (i) with or without any modification to the proposal; and
 - (ii) subject to any condition that the Chief Executive in Council considers appropriate; or
 - (b) decline to authorize the resumption of the land.
- (2) The Chief Executive in Council may reconsider a proposal for land resumption and—
 - (a) authorize the resumption of the land for a public purpose which the Chief Executive in Council has previously declined to authorize under subsection (1)(b); or

- (b) remove or amend any modification or condition referred to in subsection (1)(a) in relation to an authorization previously made under that subsection.
- (3) If the Chief Executive in Council authorizes the resumption of any land under subsection (1) or (2), the Chief Executive may order the resumption of the land in accordance with the authorization.
- (4) Despite subsections (1) and (2), if—
 - (a) the notice of proposed resumption is published in the circumstances described in section 2A(4); or
 - (b) an amendment notice in respect of the proposal for land resumption is published in the circumstances described in section 2C(4),the Chief Executive in Council may make an authorization under subsection (1) or (2) only if the plan or amendment referred to in section 2A(4)(a) or 2C(4)(a) (as the case may be) has been approved by the Chief Executive in Council under the Town Planning Ordinance (Cap. 131).
- (5) If the Chief Executive in Council declines to authorize the resumption of the land under subsection (1)(b), the Authority must—
 - (a) publish a notice of that fact in the Gazette;
 - (b) deposit a copy of the notice in the Land Registry;
 - (c) publish a copy of the notice on the website of the Authority; and
 - (d) affix a copy of the notice in a conspicuous place on or near the land.”.

8. Section 4 amended (notices)

After section 4(3)—

Add

“(3A) Also, the Authority must—

- (a) publish a copy of the notice on the website of the Authority; and
- (b) make a copy of the notice available for inspection by the public free of charge at the time and place as the Authority reasonably directs.”.

9. Part 4 added

After section 5—

Add

“Part 4

Adjustment to Land Boundary after Authorization

5A. Interpretation of Part 4

In this Part—

notice of proposed adjustment (建議調整公告) means a notice published under section 5B(1);

proposed adjustment (建議調整) means a proposal for adjusting the boundary of the subject land as stated in a notice of proposed adjustment;

subject land (所涉土地) means the land described in section 5B(1)(a) or (b) the boundary of which is proposed to be adjusted.

5B. Notice of proposed adjustment

- (1) Subject to subsection (2), after an authorization is made under section 3(1) or (2) (*authorization*), the Authority may, by notice published in the Gazette, propose either or both of the following—
 - (a) that the boundary of the land authorized to be resumed under the authorization is to be adjusted;
 - (b) that the boundary of the land ordered to be resumed under an order made under section 3(3) in accordance with the authorization is to be adjusted.
- (2) The proposed adjustment must not affect any part of the subject land—
 - (a) in respect of which a notice has been published, served or affixed under section 4; or
 - (b) that has reverted to the Government under section 5.
- (3) The notice of proposed adjustment must—
 - (a) describe the proposed adjustment;
 - (b) refer to a plan that shows the proposed adjustment (*relevant plan*); and
 - (c) state how the public may inspect a copy of the relevant plan.
- (4) The Authority must—
 - (a) deposit a copy of the notice of proposed adjustment and of the relevant plan in the Land Registry;

- (b) publish a copy of the notice of proposed adjustment and of the relevant plan on the website of the Authority;
 - (c) make a copy of the notice of proposed adjustment and of the relevant plan available for inspection by the public free of charge at the time and place as the Authority reasonably directs; and
 - (d) affix a copy of the notice of proposed adjustment in a conspicuous place on or near the land affected by the proposed adjustment.
- (5) If—
- (a) a plan, or an amendment to a plan or to a part of a plan, is exhibited or made available for public inspection under any provision (other than section 9D or 11) of the Town Planning Ordinance (Cap. 131);
 - (b) the plan or amendment shows or makes provision for any land for a particular use; and
 - (c) the proposed adjustment to be described in a notice of proposed adjustment relates to such use of the land,

the Authority may publish the notice of proposed adjustment on or after the date on which the plan or amendment begins to be so exhibited or made available.

5C. Objections to proposed adjustment

- (1) Within 60 days after a notice of proposed adjustment is published, the following person may object to the proposed adjustment by delivering an objection in writing to the Authority—

- (a) an owner or occupier of the land affected by the proposed adjustment; or
 - (b) a person having any right in relation to that land.
- (2) An objection made by a person (*objector*) must—
- (a) sufficiently identify the objector as a person falling within subsection (1); and
 - (b) describe the manner in which the objector alleges the objector will be affected by the proposed adjustment.
- (3) An objection that is not made by a person falling within subsection (1), or that does not comply with subsection (2), is invalid and treated as not having been made for the purposes of sections 5F and 5G.
- (4) An objection made on a ground relating to any compensation (whether monetary or non-monetary) or any financial or other assistance (*compensation or assistance*) in connection with the proposed adjustment is, to the extent that it is made on that ground, invalid and treated as not having been made for the purposes of sections 5F and 5G.
- (5) In subsection (4), the reference to a ground relating to any compensation or assistance includes—
- (a) a ground relating to whether any compensation or assistance is to be provided, whether or not under an enactment; and
 - (b) a ground relating to the amount, extent or form of the compensation or assistance, or the time for its provision.

5D. Supplementary provisions to section 5C

- (1) If the Authority gives any written reply to an objection made under section 5C, the person making the objection (*objector*) may give a response to the reply (including any comment on, or any request in connection with, the reply) within the period of 14 days after the day on which the reply is given.
- (2) For subsection (1), the mere notification by the Authority that the objection is treated as unwithdrawn and will be submitted to the Chief Executive in Council does not constitute a reply.
- (3) A response that is given after the 14-day period mentioned in subsection (1) is treated as not having been given.
- (4) An objector may, by writing to the Authority—
 - (a) amend an objection made by the objector within the period for making objections; or
 - (b) withdraw the objection in whole or in part before the proposed adjustment is submitted under section 5G.
- (5) An objection (or a part of an objection) that has been withdrawn is treated as not having been made for the purposes of sections 5F and 5G.
- (6) An objection, an amendment or withdrawal of an objection, or a response (referred to in subsection (1)) may be given to the Authority by—
 - (a) delivering it to an officer who is authorized by the Authority to receive it on the Authority's behalf;
 - (b) sending it by ordinary or registered post;

- (c) sending it by electronic mail transmission to an electronic mail address specified by the Authority; or
 - (d) sending it by fax transmission to a fax number specified by the Authority.
- (7) A reply (referred to in subsection (1)) may be given to the objector by—
- (a) delivering it to the objector personally;
 - (b) leaving it at the objector's last known address;
 - (c) sending it by ordinary or registered post addressed to the objector at the objector's last known address;
 - (d) sending it by electronic mail transmission to the objector's last known electronic mail address; or
 - (e) sending it by fax transmission to the objector's last known fax number.

5E. Decision not to proceed with proposed adjustment

- (1) Before a proposed adjustment is authorized by the Secretary under section 5F or submitted to the Chief Executive in Council under section 5G, if the Authority decides not to proceed with the proposed adjustment, the Authority must publish a notice of the decision in the Gazette.
- (2) The Authority must—
 - (a) deposit a copy of the notice in the Land Registry;
 - (b) publish a copy of the notice on the website of the Authority; and

- (c) affix a copy of the notice in a conspicuous place on or near the land affected by the proposed adjustment.
- (3) A decision under subsection (1) does not affect anything lawfully done under this Ordinance before the decision is made.

5F. Authorization of adjustment to land boundary if no objection made

- (1) If no objection has been made to a proposed adjustment within the period for making objections under section 5C(1), the Secretary may authorize the adjustment to the boundary of the subject land in accordance with the proposed adjustment.
- (2) Despite subsection (1), if the notice of proposed adjustment is published in the circumstances described in section 5B(5), the Secretary may make an authorization under that subsection only if the plan or amendment referred to in section 5B(5)(a) has been approved by the Chief Executive in Council under the Town Planning Ordinance (Cap. 131).
- (3) If the Secretary declines to authorize, under subsection (1), the adjustment to the boundary of the subject land, the Authority must—
 - (a) publish a notice of that fact in the Gazette;
 - (b) deposit a copy of the notice in the Land Registry;
 - (c) publish a copy of the notice on the website of the Authority; and
 - (d) affix a copy of the notice in a conspicuous place on or near the land affected by the proposed adjustment.

5G. Authorization of adjustment to land boundary if objection made

- (1) If an objection has been made to a proposed adjustment within the period for making objections under section 5C(1) (*objection period*), the Authority must, within 3 months (*submission period*) after the end of the objection period, submit the proposed adjustment and every objection so made to the Chief Executive in Council for consideration.
- (2) The Secretary may, on application by the Authority—
 - (a) extend the submission period for 2 months if the Secretary considers it appropriate to do so in a particular case; and
 - (b) further extend the period on not more than 2 occasions and for 2 months for each extension if the Secretary is satisfied that exceptional circumstances exist in a particular case.
- (3) Despite subsections (1) and (2), if the notice of proposed adjustment is published in the circumstances described in section 5B(5), the submission to the Chief Executive in Council under subsection (1) may not be made before the plan or amendment referred to in section 5B(5)(a) is submitted to the Chief Executive in Council for approval under the Town Planning Ordinance (Cap. 131).
- (4) If subsection (3) applies, the submission to the Chief Executive in Council under subsection (1) must be made within a reasonable time after the plan or amendment is submitted as described in subsection (3).

- (5) The Chief Executive in Council, after considering the proposed adjustment and the objections submitted under subsection (1), may—
 - (a) authorize the adjustment to the boundary of the subject land—
 - (i) with or without any modification to the proposed adjustment; and
 - (ii) subject to any condition that the Chief Executive in Council considers appropriate; or
 - (b) decline to authorize the adjustment to the boundary of the subject land.
- (6) The Chief Executive in Council may reconsider a proposed adjustment and—
 - (a) authorize the adjustment to the boundary of the subject land which the Chief Executive in Council has previously declined to authorize under subsection (5)(b); or
 - (b) remove or amend any modification or condition referred to in subsection (5)(a) in relation to an authorization previously made under that subsection.
- (7) Despite subsections (5) and (6), if the notice of proposed adjustment is published in the circumstances described in section 5B(5), the Chief Executive in Council may make an authorization under subsection (5) or (6) only if the plan or amendment referred to in section 5B(5)(a) has been approved by the Chief Executive in Council under the Town Planning Ordinance (Cap. 131).

- (8) If the Chief Executive in Council declines to authorize the adjustment under subsection (5)(b), the Authority must—
- (a) publish a notice of that fact in the Gazette;
 - (b) deposit a copy of the notice in the Land Registry;
 - (c) publish a copy of the notice on the website of the Authority; and
 - (d) affix a copy of the notice in a conspicuous place on or near the land affected by the proposed adjustment.

5H. Effect of authorization of adjustment to land boundary

- (1) If an adjustment to the boundary of the subject land is authorized under section 5F(1) or 5G(5) or (6), then either or both of the following (as may be appropriate) are taken to be varied to the extent of the adjustment so authorized—
- (a) the authorization made under section 3(1) or (2) (*relevant authorization*);
 - (b) the order made under section 3(3) (*relevant order*),
- and a reference to the relevant authorization or the relevant order in this Ordinance or any other Ordinance is a reference to the relevant authorization or the relevant order as so varied.
- (2) If any land is authorized to be resumed under the relevant authorization because of the variation, an order may be made under section 3(3) in relation to the land.

- (3) If any land is ordered to be resumed under the relevant order because of the variation, section 4 applies in relation to the land.
- (4) A variation under subsection (1) does not affect—
 - (a) a notice published, served or affixed under section 4 before the variation;
 - (b) the reversion of any land to the Government under section 5 before the variation;
 - (c) anything lawfully done under this Ordinance before the variation; or
 - (d) any right (including right to compensation) accrued under this Ordinance before the variation.”.

10. Part 5 heading added

Before section 6—

Add

“Part 5

Claim for and Assessment of Compensation”.

11. Section 7 amended (power of entry)

Section 7(1)—

Repeal

everything before “into and upon”

Substitute

“(1) If a notice has been given under section 4, it is lawful for the Chief Executive or any person authorized by the Chief Executive to enter, without the consent of the owner or occupier,”.

12. Section 11 amended (principles of assessment of compensation)

(1) Section 11(1)(b)—

Repeal

“of intended resumption”

Substitute

“under section 4(1)”.

(2) Section 11(1), English text—

Repeal

“thereof shall”

Substitute

“of the interest is to”.

13. Part 6 heading added

Before section 16—

Add

“Part 6

Disposal and Use of Land Resumed”.

14. Section 16AA added

After section 16—

Add

“16AA. Use of land resumed for alternative purpose

- (1) If any land has been resumed pursuant to an authorization of the resumption of the land for a public purpose made under section 3(1) or (2), the Government may use, or allow the use of, the land for any other purpose for a certain period of time before the land is used for that public purpose.
- (2) If—
 - (a) any land has been resumed pursuant to an authorization of the resumption of the land for a public purpose (*original purpose*) made under section 3(1) or (2); and
 - (b) the Chief Executive in Council is of the opinion that the land—
 - (i) is no longer required for the original purpose; and
 - (ii) is required for another public purpose (*alternative purpose*),the Chief Executive in Council may approve the use of the land for the alternative purpose.
- (3) If an approval is made under subsection (2), the Authority must publish—
 - (a) a notice of the approval in the Gazette stating the alternative purpose; and
 - (b) a copy of the notice on the website of the Authority.
- (4) In subsection (2)(b)(ii), the reference to public purpose is to be construed in accordance with section 2(2), as if a reference to resumption of land in that section were a reference to use of land.”.

15. Part 7 heading added

Before section 16A—

Add

“Part 7

Payment of Compensation and Interest”.

16. Section 16A amended (provisional payment pending determination of compensation)

Section 16A(1A)—

Repeal paragraphs (a) and (b)

Substitute

“(a) in respect of a day on which the reference interest rate is published (*publication day*)—is the reference interest rate; and

(b) in respect of a day other than a publication day—is the reference interest rate published on the last publication day before that day.”.

17. Section 17 amended (payment of compensation and interest)

(1) Section 17(3)—

Repeal

“shall bear interest”

Substitute

“bears interest, calculated on a daily basis in accordance with subsection (3A),”.

(2) Section 17(3), English text—

Repeal

“shall be”

Substitute

“is”.

(3) Section 17—

Repeal subsection (3A)

Substitute

“(3A) For subsection (3), the rate of interest payable—

(a) in respect of a day on which the reference interest rate is published (*publication day*)—is the reference interest rate; and

(b) in respect of a day other than a publication day—is the reference interest rate published on the last publication day before that day.”.

(4) Section 17—

Repeal subsection (3B).

18. Part 8 heading and section 18A added

After section 18—

Add

“Part 8

Miscellaneous

18A. Resumption of contiguous or adjacent land on application

(1) The owner of any land (*relevant land*) that is contiguous or adjacent to land that has been resumed pursuant to an authorization made under section 3(1) or (2) (*resumed land*) may apply to the Chief Executive for the resumption of the relevant land.

- (2) On the application, the Chief Executive may order the resumption of the relevant land, whether or not the resumption is required for a public purpose, if the Chief Executive is of the opinion that—
 - (a) the resumed land is reasonably necessary to the use and enjoyment of the relevant land; and
 - (b) it would be just and equitable to make an order for the relevant land to be resumed.
- (3) A person aggrieved by a decision of the Chief Executive not to order resumption under subsection (2) may apply to the Lands Tribunal to review the decision.
- (4) On an application under subsection (3), the Lands Tribunal may, if it is satisfied as to the matters mentioned in subsection (2)(a) and (b), order the resumption of the relevant land, whether or not the resumption is required for a public purpose, and compensation for the resumption is to be assessed under this Ordinance.”.

19. Section 19 amended (effect as evidence of notice of resumption)

- (1) Section 19—

Repeal

everything after “any notice” and before “is required for”

Substitute

“published under section 4(1), it is sufficient to state that the resumption of the land”.

- (2) Section 19, English text—

Repeal

“shall be conclusive”

Substitute

“is conclusive”.

20. Section 19A added

After section 19—

Add

“19A. Absence of authorization of expenditure for works not prevent certain matters

The fact that the expenditure for any works for carrying out the public purpose for which any land (*land*) is to be resumed has not been approved or authorized under the Public Finance Ordinance (Cap. 2) or any other enactment does not prevent—

- (a) the authorization of the resumption of the land under section 3(1) or (2);
- (b) the order for the resumption of the land under section 3(3);
- (c) the publication of a notice in respect of the resumption of the land under section 4;
- (d) the order for the resumption of any land contiguous or adjacent to the land (*contiguous or adjacent land*) under section 18A; or
- (e) the provision of any compensation (whether monetary or non-monetary) or any financial or other assistance, whether or not under an enactment, in connection with the resumption of the land or the contiguous or adjacent land.”.

21. Section 23 added

After section 22—

Add

“23. Transitional provisions for Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022

- (1) For the purposes of subsection (2), the Secretary may, by notice published in the Gazette, specify a project proposed by the Authority if the boundary of the land proposed to be resumed for the purpose of the project (*relevant boundary*) has been made available to the public (or a section of the public) before the commencement date of sections 5 and 7 of the Amendment Ordinance, whether or not the relevant boundary is varied on or after that commencement date.
- (2) In relation to a project specified under subsection (1) and the resumption of any land for the purpose of the project—
 - (a) the following provisions do not apply—
 - (i) Part 2 (as added by section 5 of the Amendment Ordinance); and
 - (ii) section 3 (as amended by section 7 of the Amendment Ordinance); and
 - (b) section 3 as in force immediately before the commencement date of section 7 of the Amendment Ordinance continues to apply as if section 7 of the Amendment Ordinance had not been enacted.

- (3) If any land has reverted to the Government under section 5 before the commencement date of sections 16 and 17 of the Amendment Ordinance, sections 16A and 17 as in force immediately before that commencement date continue to apply in relation to the compensation in respect of the resumption of the land as if sections 16 and 17 of the Amendment Ordinance had not been enacted.
- (4) In this Ordinance—
- (a) a reference to an authorization made by the Chief Executive in Council under section 3(1) or (2) includes a decision made by the Chief Executive in Council under section 3 as in force immediately before the commencement date of section 7 of the Amendment Ordinance; and
- (b) a reference to an order made by the Chief Executive under section 3(3) includes an order made by the Chief Executive under section 3 as in force immediately before the commencement date of section 7 of the Amendment Ordinance.
- (5) In this section—

Amendment Ordinance (《修訂條例》) means the Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022 (of 2022).”.

Part 3

Amendments to Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127)

22. Section 2 amended (interpretation)

(1) Section 2—

Repeal the definitions of *non-working day*, *note-issuing bank* and *working day*.

(2) Section 2—

Add in alphabetical order

“*reference interest rate* (參考利率) means the 1-month Hong Kong Dollar Interest Settlement Rate published by The Hong Kong Association of Banks by the close of business on a day;

***Secretary* (局長) means the Secretary for Development.”.**

23. Section 2A added

After section 2—

Add

“2A. Assumption and delegation by Director

(1) The Director may act under this Ordinance in relation to any reclamation proposed by the Director to be executed by—

(a) a person who is not a public officer; or

(b) a public officer on the Director’s behalf,

and this Ordinance applies to the reclamation.

- (2) If the Director proposes that any reclamation be executed by another person, any compensation payable in respect of the reclamation is, subject to any agreement, payable by the Government.
- (3) The Director may in writing authorize any person, either generally or in any particular case, to exercise any of the powers, functions and duties conferred or imposed on the Director under this Ordinance.”.

24. Section 5 amended (publication)

- (1) Section 5(1)—

Repeal

“shall”

Substitute

“must”.

- (2) Section 5(1)—

Repeal paragraph (b)

Substitute

“(b) on the website specified by the Director; and”.

- (3) Section 5(1)—

Repeal paragraph (c).

25. Section 6 amended (objections)

Section 6—

Repeal subsection (3)

Substitute

“(3) An objection made on a ground relating to any compensation (whether monetary or non-monetary) or any financial or other assistance (*compensation or*

assistance) in connection with the proposed reclamation is, to the extent that it is made on that ground, invalid and treated as not having been made for the purposes of sections 7 and 8.

- (4) In subsection (3), the reference to a ground relating to any compensation or assistance includes—
 - (a) a ground relating to whether any compensation or assistance is to be provided, whether or not under an enactment; and
 - (b) a ground relating to the amount, extent or form of the compensation or assistance, or the time for its provision.
- (5) If the Director gives any written reply to an objection, the objector may give a response to the reply (including any comment on, or any request in connection with, the reply) within the period of 14 days after the day on which the reply is given.
- (6) For subsection (5), the mere notification by the Director that the objection is treated as unwithdrawn and will be submitted to the Chief Executive in Council does not constitute a reply.
- (7) A response that is given after the 14-day period mentioned in subsection (5) is treated as not having been given.
- (8) An objector may, by writing to the Director—
 - (a) amend an objection made by the objector within the period for making objections; or
 - (b) withdraw the objection in whole or in part before the proposed reclamation is submitted under section 8(1).

-
- (9) An objection (or a part of an objection) that has been withdrawn is treated as not having been made for the purposes of sections 7 and 8.
- (10) An objection, an amendment or withdrawal of an objection, or a response (referred to in subsection (5)) may be given to the Director by—
- (a) delivering it to an officer who is authorized by the Director to receive it on the Director's behalf;
 - (b) sending it by ordinary or registered post;
 - (c) sending it by electronic mail transmission to an electronic mail address specified by the Director; or
 - (d) sending it by fax transmission to a fax number specified by the Director.
- (11) A reply (referred to in subsection (5)) may be given to the objector by—
- (a) delivering it to the objector personally;
 - (b) leaving it at the objector's last known address;
 - (c) sending it by ordinary or registered post addressed to the objector at the objector's last known address;
 - (d) sending it by electronic mail transmission to the objector's last known electronic mail address; or
 - (e) sending it by fax transmission to the objector's last known fax number.”.

26. Section 8 amended (authorization procedure if objection made)

- (1) Section 8(1)—

Repeal

everything after “under that section,” and before “submit to”

Substitute

“the Director must, within the period determined in accordance with subsections (1A) and (1B),”.

- (2) Section 8(1), English text—

Repeal

“shall consider”

Substitute

“must consider”.

- (3) Section 8(1)(b), English text—

Repeal

“such future time as the Chief Executive in Council shall specify,”

Substitute

“a future time specified by the Chief Executive in Council”.

- (4) After section 8(1)—

Add

“(1A) Except as extended under subsection (1B), the period mentioned in subsection (1) is 5 months after the date of expiry of the time for making objections under section 6.

(1B) The Secretary may, on application by the Director—

- (a) extend the period mentioned in subsection (1A) for 2 months if the Secretary considers it appropriate to do so in a particular case; and

- (b) further extend the period on not more than 2 occasions and for 2 months for each extension if the Secretary is satisfied that exceptional circumstances exist in a particular case.”.

27. Section 14 amended (provisional payment pending determination of compensation)

Section 14(1A)—

Repeal paragraphs (a) and (b)

Substitute

- “(a) in respect of a day on which the reference interest rate is published (*publication day*)—is the reference interest rate; and
- (b) in respect of a day other than a publication day—is the reference interest rate published on the last publication day before that day.”.

28. Section 15 amended (payment of compensation and interest)

(1) Section 15(3)—

Repeal

“shall bear interest”

Substitute

“bears interest, calculated on a daily basis in accordance with subsection (4),”.

(2) Section 15(3)—

Repeal

“shall be”

Substitute

“is”.

(3) Section 15—

Repeal subsection (4)

Substitute

“(4) For subsection (3), the rate of interest payable—

- (a) in respect of a day on which the reference interest rate is published (*publication day*)—is the reference interest rate; and
- (b) in respect of a day other than a publication day—is the reference interest rate published on the last publication day before that day.”.

(4) Section 15—

Repeal subsection (4A).

29. Sections 16A, 16B and 16C added

After section 16—

Add

“16A. Minor works

- (1) The Director may authorize any works over and upon any foreshore and sea-bed, the total area of foreshore and sea-bed affected by which is not more than 0.5 hectare, to construct any one or more of the items specified in the Schedule.
- (2) A person has no right against the Government or any other person to—
 - (a) compel or restrain any works authorized under subsection (1); or
 - (b) recover any money, under this Ordinance or otherwise, in respect of any such works.

- (3) Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 do not apply in relation to any works authorized under subsection (1).
- (4) The Secretary may, by notice published in the Gazette, amend the Schedule.

16B. Absence of authorization of expenditure for works not prevent certain matters

The fact that the expenditure for any works to be executed for a reclamation has not been approved or authorized under the Public Finance Ordinance (Cap. 2) or any other enactment does not prevent—

- (a) the authorization of the reclamation under section 7 or 8;
- (b) the authorization of the works under section 16A; or
- (c) the provision of any compensation (whether monetary or non-monetary) or any financial or other assistance, whether or not under an enactment, in connection with the reclamation or the works.

16C. Absence of plan under Town Planning Ordinance not prevent certain matters

The fact that no draft plan, approved plan or partly approved plan within the meaning of the Town Planning Ordinance (Cap. 131) has been prepared under that Ordinance in relation to any foreshore and sea-bed does not prevent the doing of any of the following things in relation to the foreshore and sea-bed—

- (a) the preparation of a plan under section 3;

- (b) the publication of a notice of a plan under section 5;
- (c) the authorization of a reclamation under section 7 or 8;
- (d) the authorization of works under section 16A.”.

30. Section 21 added

After section 20—

Add

“21. Transitional provisions for Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022

- (1) If the date of the first publication in the Gazette of a notice mentioned in section 5(1) in respect of a proposed reclamation falls before the commencement date of sections 24, 25 and 26 of the Amendment Ordinance, sections 5, 6 and 8 as in force immediately before that commencement date continue to apply in relation to the proposed reclamation as if sections 24, 25 and 26 of the Amendment Ordinance had not been enacted.
- (2) If a notice mentioned in section 9(1) in respect of a reclamation is published in the Gazette before the commencement date of sections 27 and 28 of the Amendment Ordinance, sections 14 and 15 as in force immediately before that commencement date continue to apply in relation to the compensation in respect of the reclamation as if sections 27 and 28 of the Amendment Ordinance had not been enacted.
- (3) In this section—

Amendment Ordinance (《修訂條例》) means the Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022 (of 2022).”.

31. Schedule added

At the end of the Ordinance—

Add

“Schedule

[s. 16A]

Minor Works

1. Landing steps
2. Harbour steps
3. Slipway
4. Mooring dolphin
5. Beacon
6. Floating pontoon
7. Submarine pipeline or outfall
8. Diffuser for open sea discharge
9. Seawater intake

10. Peripheral structure or feature associated with a marine structure”.
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Part 4

Amendments to Land Acquisition (Possessory Title) Ordinance (Cap. 130)

32. Section 2 amended (interpretation)

(1) Section 2—

Renumber the section as section 2(1).

(2) Section 2(1)—

Repeal the definitions of *acquisition for a public purpose*, *non-working day*, *note-issuing bank* and *working day*.

(3) Section 2(1)—

Add in alphabetical order

“*reference interest rate* (參考利率) means the 1-month Hong Kong Dollar Interest Settlement Rate published by The Hong Kong Association of Banks by the close of business on a day.”

(4) After section 2(1)—

Add

“(2) In this Ordinance, a reference to acquisition of any land for a public purpose includes—

- (a) acquisition of insanitary property for the purpose of securing the erection of improved dwellings or buildings on the property or the sanitary improvement of the property;
- (b) acquisition of any land on which any building is erected which, by reason of its proximity to or contact with another building, seriously interferes with ventilation or otherwise makes or conduces to make that other building to be in a

- condition unfit for human habitation or dangerous or injurious to health;
- (c) acquisition of any land for any purpose connected with the Hong Kong Garrison;
 - (d) acquisition of any land for the purposes of, or incidental to, any works, or any use, as defined by section 2(1) of the Roads (Works, Use and Compensation) Ordinance (Cap. 370), proposed or to be proposed under that Ordinance;
 - (e) acquisition of any land for the purposes of, or incidental to, any works proposed or to be proposed under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) as applied by section 26 of the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg. AL);
 - (f) acquisition of any land for the purposes of, or incidental to, any scheme, as defined by section 2 of the Railways Ordinance (Cap. 519), proposed or to be proposed under that Ordinance; and
 - (g) acquisition of any land for any purpose (of whatever description, and whether or not of the same kind as a purpose described in another paragraph of this subsection) decided by the Chief Executive in Council to be a public purpose.”.

33. Section 3 amended (acquisition of land for a public purpose)

Section 3(2)—

Repeal

everything before “the Director may”

Substitute

“(2) If the Chief Executive in Council authorizes the resumption of any land for a public purpose under section 3(1) or (2) of the Lands Resumption Ordinance (Cap. 124),”.

34. Section 4 amended (notices and plans)

(1) Section 4(1)(a) and (b), English text—

Repeal

“shall”

Substitute

“must”.

(2) Section 4(1)(b)—

Repeal subparagraph (ii)

Substitute

“(ii) on the website of the Director; and”.

(3) Section 4(1)(b)—

Repeal subparagraph (iii).

(4) Section 4(1)(c), English text—

Repeal

“shall”

Substitute

“must”.

35. Section 8 amended (rules for assessing compensation)

(1) Section 8(4)(b)—

Repeal

“of intended resumption under”

Substitute

“under section 4(1) of”.

- (2) Section 8(4), English text—

Repeal

“thereof shall”

Substitute

“of the interest, right or easement is to”.

36. Section 9 amended (provisional payment pending determination of compensation)

Section 9(1A)—

Repeal paragraphs (a) and (b)

Substitute

- “(a) in respect of a day on which the reference interest rate is published (*publication day*)—is the reference interest rate; and
- (b) in respect of a day other than a publication day—is the reference interest rate published on the last publication day before that day.”.

37. Section 10 amended (payment of compensation and interest)

- (1) Section 10(3)—

Repeal

“shall bear interest”

Substitute

“bears interest, calculated on a daily basis in accordance with subsection (4),”.

- (2) Section 10(3), English text—

Repeal

“shall be”

Substitute

“is”.

(3) Section 10—

Repeal subsection (4)

Substitute

“(4) For subsection (3), the rate of interest payable—

(a) in respect of a day on which the reference interest rate is published (*publication day*)—is the reference interest rate; and

(b) in respect of a day other than a publication day—is the reference interest rate published on the last publication day before that day.”.

(4) Section 10—

Repeal subsection (4A).

38. Section 11A added

After section 11—

Add

“11A. Use of land acquired for alternative purpose

(1) If any land has been acquired for a public purpose under this Ordinance, the Government may use, or allow the use of, the land for any other purpose for a certain period of time before the land is used for that public purpose.

(2) If—

(a) any land has been acquired for a public purpose (*original purpose*) under this Ordinance; and

- (b) the Chief Executive in Council is of the opinion that the land—
 - (i) is no longer required for the original purpose; and
 - (ii) is required for another public purpose (*alternative purpose*),the Chief Executive in Council may approve the use of the land for the alternative purpose.
- (3) If an approval is made under subsection (2), the Director must publish—
 - (a) a notice of the approval in the Gazette stating the alternative purpose; and
 - (b) a copy of the notice on the website of the Director.
- (4) In subsection (2)(b)(ii), the reference to public purpose is to be construed in accordance with section 2(2), as if a reference to acquisition of land in that section were a reference to use of land.”.

39. Sections 14 and 15 added

After section 13—

Add

“14. Absence of authorization of expenditure for works not prevent certain matters

The fact that the expenditure for any works for carrying out the public purpose for which any land is to be acquired has not been approved or authorized under the Public Finance Ordinance (Cap. 2) or any other enactment does not prevent—

- (a) the decision to acquire the land under section 3(1);
- (b) the making of an acquisition order for the acquisition of the land under section 3(1) or (2);
- (c) the publication of a notice of the acquisition order for the acquisition of the land under section 4; or
- (d) the provision of any compensation (whether monetary or non-monetary) or any financial or other assistance, whether or not under an enactment, in connection with the acquisition of the land.

15. Transitional provisions for Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022

- (1) If any land has vested in the Government under section 5 before the commencement date of sections 36 and 37 of the Amendment Ordinance, sections 9 and 10 as in force immediately before that commencement date continue to apply in relation to the compensation in respect of the acquisition of the land as if sections 36 and 37 of the Amendment Ordinance had not been enacted.
- (2) In section 3(2), a reference to an authorization made by the Chief Executive in Council under section 3(1) or (2) of the Lands Resumption Ordinance (Cap. 124) includes a decision made by the Chief Executive in Council under section 3 of that Ordinance as in force immediately before the commencement date of section 7 of the Amendment Ordinance.
- (3) In this section—

Amendment Ordinance (《修訂條例》) means the Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022 (of 2022).”.

Part 5

Amendments to Town Planning Ordinance (Cap. 131)

Division 1—Amendments Regarding Improvement of Procedures under Town Planning Ordinance

40. Section 1A amended (interpretation)

(1) Section 1A—

Renumber the section as section 1A(1).

(2) Section 1A(1)—

Add in alphabetical order

“*approved part* (已核准部分)—

(a) means—

(i) any part of a plan mentioned in subsection (2)(b)(i); or

(ii) any part of a plan that is approved under section 9(2); and

(b) includes any part of a plan that is taken to be an approved part of the plan because of section 12(7);

approved plan (核准圖)—see subsection (2)(b);

Board (規劃委員會) means the Town Planning Board appointed under section 2;

outstanding part (待核准部分)—see subsections (3), (4) and (5);

partly approved plan (局部核准圖)—see subsection (2)(a);”.

(3) After section 1A(1)—

Add

- “(2) For the purposes of this Ordinance—
- (a) a plan is a partly approved plan if—
 - (i) there is any approved part in respect of the plan; but
 - (ii) the plan is not an approved plan; and
 - (b) a plan is an approved plan if—
 - (i) the whole plan is approved under section 9; or
 - (ii) all parts of the plan are approved parts.
- (3) For the purposes of this Ordinance, subject to subsection (4), if a part of a partly approved plan is not an approved part (*subject part*), the subject part is the outstanding part of the plan.
- (4) If there is more than one subject part in respect of a partly approved plan, the subject parts together constitute the outstanding part of the plan.
- (5) If the outstanding part (or any part of the outstanding part) of a plan is amended by the Board under this Ordinance, except otherwise provided in this Ordinance, a reference to the outstanding part of the plan is a reference to that part as amended.
- (6) For the purposes of this Ordinance—
- (a) if the Chief Executive in Council refuses to approve a plan under section 9, the plan is taken as not having been prepared from the date of the refusal; and
 - (b) if the Chief Executive in Council refuses to approve any part of a plan under section 9, the part so refused is not to be treated as part of the plan from the date of the refusal.”.

41. Section 2 amended (appointment of Town Planning Board)

(1) Section 2(5)(c), after “sections”—

Add

“6B(4A)(b),”.

(2) Section 2(5), English text—

Repeal

“shall, with necessary modifications,”

Substitute

“are, with necessary modifications, to”.

42. Section 2A amended (appointment of committees by the Board)

(1) Section 2A(1)—

Repeal

“6C, 6D, 6E, 6F, 6G”

Substitute

“6E”.

(2) Section 2A(1), English text—

Repeal

“shall, with necessary modifications, be construed and have”

Substitute

“are, with necessary modifications, to be construed and to have”.

43. Section 2C amended (meetings of Board and of committees)

(1) Section 2C(2)(a)—

Repeal

“6F,”.

- (2) Section 2C(2)(a)—

Repeal

“6F(8) (whether with or without application of section 6F(9)),”.

- (3) After section 2C(3)—

Add

“(4) Without affecting subsection (3), the Board may determine—

- (a) the length of time for a person who makes a representation under section 6(1) (*specified person*) to present the person’s case at a meeting held under section 6B; and
- (b) the length of time for a person who is authorized by one or more specified persons to present the specified persons’ cases at such a meeting.”.

44. Section 4 amended (contents of lay-out plans and powers of the Board)

- (1) Section 4(2)—

Repeal

“a draft or approved plan or”

Substitute

“a draft plan, approved plan or partly approved plan, or”.

- (2) Section 4(2)—

Repeal

“shall be deemed”

Substitute

“is taken”.

45. Section 5 amended (exhibition of draft plans)

- (1) Section 5, English text—

Repeal

“shall be”

Substitute

“must be”.

- (2) Section 5—

Repeal

“period the Board shall advertise once a week in 2 daily Chinese language local newspapers and 1 daily English language local newspaper and shall notify”

Substitute

“period, the Board must publish on the Board’s website and notify”.

- (3) Section 5, English text—

Repeal

“shall supply”

Substitute

“must supply”.

46. Section 6 amended (representations relating to draft plans)

- (1) Section 6(2), English text—

Repeal

“shall”

Substitute

“must”.

- (2) Section 6(2)(a)(i) and (iii)—

Repeal

“draft”.

- (3) After section 6(3)—

Add

“(3A) If, in the opinion of the Board, any reason for the representation is a reason concerning compensation or assistance relating to, or arising from, any of the following matters—

- (a) the resumption, or acquisition, of any land by the Government under an enactment;
- (b) the clearance, or obtaining vacant possession, of any land by the Government,

the representation, to the extent that it is made for that reason, may be treated by the Board as not having been made.

(3B) For the purposes of subsection (3A), a reason concerning compensation or assistance relating to, or arising from, any of the matters mentioned in subsection (3A)(a) and (b) includes—

- (a) a reason relating to whether any compensation or assistance is to be provided, whether or not under an enactment, to a person affected by any of those matters; and
- (b) a reason relating to the amount, extent or form of the compensation or assistance mentioned in paragraph (a) or the time for its provision.

(3C) In this section—

compensation or assistance (補償或協助) means any compensation (whether monetary or non-monetary) or any financial or other assistance.”.

- (4) Section 6(4), English text—

Repeal

“shall,”

Substitute

“must,”.

- (5) Section 6(4)—

Repeal

“all representations”

Substitute

“every representation”.

- (6) Section 6(4), English text—

Repeal

“shall continue”

Substitute

“must continue”.

- (7) Section 6(4)—

Repeal

“in respect of the draft plan in question under section 9”

Substitute

“under section 9 in respect of the plan or the subject part of the plan”.

- (8) Section 6—

Repeal subsections (5) and (6).

- (9) At the end of section 6—

Add

“(7) In this section—

subject part (標的部分), in relation to a representation made under this section, means the part or parts of the plan to which the representation relates.”

47. Section 6A repealed (comments on representations)

Section 6A—

Repeal the section.

48. Section 6B amended (consideration of representations, etc.)

(1) Section 6B, heading, after “**representations**”—

Add

“made under section 6”.

(2) Section 6B—

Repeal subsections (1), (2), (3) and (4)

Substitute

- “(1) If a person makes a representation under section 6(1), the Board must, as soon as reasonably practicable after the period of 2 months mentioned in that section expires, hold a meeting to consider the representation.
- (2) For the purposes of subsection (1), the Board must give reasonable notice of the particulars of the meeting (including the date, time and place of the meeting) to the person who makes the representation (*Person A*).
- (3) Person A is entitled to attend and to be heard at the meeting.
- (4) If Person A is not a natural person, Person A may authorize a natural person to attend the meeting on Person A’s behalf.
- ”

- (4A) If—
- (a) Person A is a natural person; and
 - (b) the Board is satisfied that Person A is unable to attend the meeting because of exceptional circumstances,
- Person A may authorize another natural person to attend the meeting on Person A's behalf.
- (4B) If neither Person A nor the person authorized under subsection (4) or (4A) by Person A attends the meeting, the Board may—
- (a) proceed with the meeting in their absence; or
 - (b) adjourn the meeting to a further date the Board considers appropriate.”.
- (3) Section 6B(5)—
- Repeal**
- “(4)”
- Substitute**
- “(4B)”.
- (4) Section 6B—
- Repeal subsection (6)**
- Substitute**
- “(6) If there is more than one representation under section 6(1) in respect of the plan in question—
- (a) the Board may direct that all or some of the representations be considered at the same meeting; and

(b) if the Board makes a direction under paragraph (a), the Board may consider any of the representations to which the direction relates individually or collectively.”.

(5) Section 6B(7)(a)—

Repeal

“(4)”

Substitute

“(4B)”.

(6) Section 6B—

Repeal subsection (8)

Substitute

“(8) If, after considering any representation under this section, the Board decides to amend the plan, the Board may amend the plan—

(a) in the manner proposed in the representation;
or

(b) in any other manner that, in the opinion of the Board, will meet the representation.”.

49. Sections 6C and 6D repealed

Sections 6C and 6D—

Repeal the sections.

50. Section 6E substituted

Section 6E—

Repeal the section

Substitute

“6E. Withdrawal of representations made under section 6

- (1) This section applies if—
 - (a) a person makes a representation under section 6(1); and
 - (b) the representation has not yet been considered at a meeting under section 6B(1).
- (2) The person may, by written notice to the Board, withdraw the representation.
- (3) After a representation is withdrawn under subsection (2), the representation is to be treated as not having been made.”.

51. Sections 6F and 6G repealed

Sections 6F and 6G—

Repeal the sections.

52. Section 6H substituted

Section 6H—

Repeal the section

Substitute

“6H. Effect of amendments made under section 6B(8)

- (1) If the Board amends a plan under section 6B(8)—
 - (a) the plan is to be read as including the amendment; and
 - (b) a reference to the plan (however described) in this Ordinance or any other enactment is, unless the context otherwise requires, to be construed accordingly.

- (2) If, because of subsection (1), a plan is read as including an amendment, the Board—
 - (a) must, as soon as reasonably practicable after the amendment is made, make the amendment available for public inspection at reasonable hours; and
 - (b) must continue to do so until the Chief Executive in Council has made a decision under section 9 in respect of the plan or the part of the plan to which the amendment relates.”.

53. Section 7 amended (amendment of draft plans by the Board)

- (1) Section 7—

Repeal subsection (1)

Substitute

- “(1) Without affecting sections 6, 6B, 6E and 6H, the Board may, at any time—
- (a) after the exhibition of a plan under section 5; and
 - (b) before approval is given by the Chief Executive in Council under section 9 in respect of the plan or a part of the plan,
make any amendment to the plan or the part (as the case requires).”.

- (2) Section 7(2)—

Repeal

“to a draft plan made under this section shall be exhibited”

Substitute

“made under subsection (1) must be exhibited”.

(3) Section 7(2)—

Repeal

“period the Board shall advertise once a week in 2 daily Chinese language local newspapers and 1 daily English language local newspaper and shall notify”

Substitute

“period, the Board must publish on the Board’s website and notify”.

(4) Section 7(2)—

Repeal

“to the draft plan”.

(5) Section 7(3)—

Repeal

“shall supply a copy of an amendment to a draft plan made under this section”

Substitute

“must supply a copy of an amendment made under subsection (1)”.

(6) Section 7—

Repeal subsection (4)

Substitute

“(4) If the Board makes an amendment under subsection (1), sections 6, 6B, 6E and 6H apply, with necessary modifications, to and in relation to the amendment.

(4A) Without affecting subsection (4), if the Board makes an amendment under subsection (1), sections 6, 6B, 6E and 6H are to apply as if—

- (a) the reference to “the period of 2 months during which a draft plan is exhibited under section 5” in section 6(1) were a reference to the period of 2 months during which the amendment is exhibited under subsection (2);
- (b) the reference to “the draft plan” in section 6(1) were a reference to the amendment;
- (c) each of the references to “the plan” in section 6(2)(a) were a reference to the amendment;
- (d) the reference to “the part or parts of the plan to which the representation relates” in the definition of *subject part* in section 6(7) were a reference to the part or parts of the plan concerning any area covered by the amendment to which the representation relates;
- (e) the reference to “the plan in question” in section 6B(6) were a reference to the amendment;
- (f) each of the references to “the plan” in section 6B(8) were a reference to the part or parts of the plan concerning any area covered by the amendment to which the representation relates;
- (g) the reference to “a plan under section 6B(8)” in section 6H(1) were a reference to the part or parts of the plan to which section 6B(8) (as modified by this subsection) applies;
- (h) the reference to “the plan” in section 6H(1)(a) were a reference to the part or parts of the plan to which section 6B(8) (as modified by this subsection) applies; and

- (i) the reference to “a plan” in section 6H(2) were a reference to the part or parts of the plan to which section 6B(8) (as modified by this subsection) applies.”.
- (7) Section 7(5)—
Repeal
“6A, 6B, 6C, 6D, 6E, 6F, 6G”
Substitute
“6B, 6E”.
- (8) Section 7(5)—
Repeal
“subsection (4)”
Substitute
“subsections (4) and (4A)”.
- (9) Section 7(5), English text—
Repeal
“shall, with necessary modifications, be”
Substitute
“is, with necessary modifications, to be”.
- (10) Section 7—
Repeal subsection (6)
Substitute
“(6) Subject as otherwise provided in this Ordinance, if the Board makes any amendment to a plan under subsection (1)—
(a) the plan is to be read as including the amendment; and

- (b) a reference to the plan (however described) in this Ordinance or any other enactment is, unless the context otherwise requires, to be construed accordingly.”.

54. Sections 8 and 9 substituted

Sections 8 and 9—

Repeal the sections

Substitute

“8. Submission of considered draft plan to Chief Executive in Council

- (1) Before the specified period in relation to a draft plan expires, the Board must submit the plan to the Chief Executive in Council—
 - (a) for approval in whole; or
 - (b) for approval of the part or parts of the plan specified by the Board.
- (2) Subsection (1)(b) however does not apply to a plan to which this Ordinance applies because of section 25(7) of the Urban Renewal Authority Ordinance (Cap. 563).
- (3) The Board must submit the plan to the Chief Executive in Council under subsection (1) together with—
 - (a) if the submission is made under subsection (1)(a)—

- (i) a schedule containing every representation made under section 6(1) in respect of the plan, including every representation made under that section in respect of any amendment made under section 7 to the plan; and
 - (ii) a schedule containing every amendment made by the Board under this Ordinance to the plan; and
 - (b) if the submission is made under subsection (1)(b)—
 - (i) a schedule containing every representation made under section 6(1) in respect of the submitted part, including every representation made under that section in respect of any amendment made under section 7 to the submitted part; and
 - (ii) a schedule containing every amendment made by the Board under this Ordinance to the submitted part.
- (4) For submission of a plan to the Chief Executive in Council under subsection (1)(a), the specified period is, subject to subsection (6)—
 - (a) if there is no amendment under section 7 to the plan—the period of 5 months after the period of 2 months mentioned in section 5 expires; and
 - (b) if there is any amendment under section 7 to the plan—
 - (i) where there is only one amendment under section 7—the period of 5 months after the period of 2 months mentioned in section 7(2) expires; and

- (ii) where there is more than one amendment under section 7—the period of 5 months after the period of 2 months mentioned in section 7(2) in relation to the last of those amendments expires.
- (5) For submission of a plan to the Chief Executive in Council under subsection (1)(b), the specified period is, subject to subsection (6)—
 - (a) if there is no amendment under section 7 to the submitted part—the period of 5 months after the period of 2 months mentioned in section 5 expires; and
 - (b) if there is any amendment under section 7 to the submitted part—
 - (i) where there is only one amendment under section 7—the period of 5 months after the period of 2 months mentioned in section 7(2) expires; and
 - (ii) where there is more than one amendment under section 7—the period of 5 months after the period of 2 months mentioned in section 7(2) in relation to the last of those amendments expires.
- (6) If the period of 5 months mentioned in subsection (4)(a) or (b)(i) or (ii) or (5)(a) or (b)(i) or (ii) (**5-month period**) is extended under subsection (7) or (8)(a) or (b), the specified period is to be the period extended under subsection (7) or (8)(a) or (b) (as the case requires) for the submission.

- (7) If the Secretary for Development considers it appropriate to do so in a particular case, the Secretary may extend the 5-month period for 2 months (*2-month period*).
- (8) If, in respect of a particular case, the Secretary is satisfied that exceptional circumstances exist, the Secretary may—
 - (a) extend the 2-month period for 2 months; and
 - (b) further extend the period extended under paragraph (a) for another 2 months.
- (9) In this section—

specified period (指明期間)—see subsections (4), (5) and (6);

submitted part (呈交部分), in relation to a plan submitted under subsection (1)(b)—

 - (a) if the Board specifies only one part of the plan for the Chief Executive in Council’s approval—means the specified part; and
 - (b) if the Board specifies more than one part of the plan for the Chief Executive in Council’s approval—means all those parts of the plan that are specified by the Board.

9. Powers of Chief Executive in Council on submission of draft plans

- (1) On submission of a plan under section 8(1)(a) for approval, the Chief Executive in Council may—
 - (a) approve the plan;
 - (b) refuse to approve the plan; or

- (c) refer the plan to the Board for consideration and amendment.
- (2) On submission of a plan under section 8(1)(b) for approval of the submitted part, the Chief Executive in Council may—
 - (a) approve the submitted part;
 - (b) refuse to approve the submitted part; or
 - (c) refer the plan to the Board for consideration and amendment of the submitted part.
- (3) The Chief Executive in Council may approve a plan under subsection (1)(a), or the submitted part of a plan under subsection (2)(a), even though a requirement of this Ordinance that is applicable to the plan, or to the submitted part, has not been complied with.
- (4) In this section—
submitted part (呈交部分) has the meaning given by section 8(9).”

55. Sections 9A to 9D added

After section 9—

Add

“9A. Amendment of draft plan or submitted part because of section 9(1)(c) or (2)(c)

- (1) This section applies if a plan is referred to the Board under section 9(1)(c) or (2)(c).
- (2) For a referral under section 9(1)(c), the Board may make amendment under section 7 to any part of the plan.

- (3) For a referral under section 9(2)(c), the Board may make amendment under section 7 to the specified part of the plan.
- (4) Subject to subsection (5), section 7 applies, with necessary modifications, for the purposes of this section.
- (5) Section 7(1) is to be construed as if the words “Without affecting sections 6, 6B, 6E and 6H,” were omitted.
- (6) If any amendment is made by the Board under section 7 (as applied by this section), subject to subsection (7), sections 8 and 9 apply, with necessary modifications, to the plan or the part or parts of the plan for which approval of the Chief Executive in Council is sought.
- (7) In applying section 8(3), the Board must submit the plan together with—
 - (a) for a submission made under section 8(1)(a)—
 - (i) a schedule containing every amendment made under section 7 (as applied by this section) (*Section 7*) to the plan;
 - (ii) a schedule containing every representation made under section 6(1) (as applied by Section 7) in respect of the amendment; and
 - (iii) a schedule containing every other amendment made by the Board under this Ordinance to the plan; and
 - (b) for a submission made under section 8(1)(b)—

- (i) a schedule containing every amendment made under Section 7 to the submitted part;
- (ii) a schedule containing every representation made under section 6(1) (as applied by Section 7) in respect of the amendment; and
- (iii) a schedule containing every other amendment made by the Board under this Ordinance to the submitted part.

(8) In this section—

specified part (指明部分)—

- (a) in relation to a plan referred to the Board under section 9(2)(c) for consideration and amendment to a particular part of the plan—means the particular part; and
- (b) in relation to a plan referred to the Board under section 9(2)(c) for consideration and amendment to more than one part of the plan—means all those parts;

submitted part (呈交部分) has the meaning given by section 8(9).

9B. Submission for approval of outstanding part of plan etc.

- (1) Subsections (2) and (3) apply if a draft plan (*subject plan*) becomes a partly approved plan.
- (2) Sections 7, 8, 9 and 9A apply, with necessary modifications, to the outstanding part of the subject plan as if the outstanding part itself were a draft plan.

- (3) Without affecting subsection (2), section 7(1) is to apply as if—
 - (a) the words “Without affecting sections 6, 6B, 6E and 6H,” in section 7(1) were omitted;
 - (b) the reference to “exhibition of a plan” in section 7(1)(a) were a reference to the exhibition of the subject plan;
 - (c) the reference to “the plan or a part of the plan” in section 7(1)(b) were a reference to the outstanding part, or a part of the outstanding part (*specified part*), of the subject plan; and
 - (d) the reference to “the plan or the part” in section 7(1) were a reference to the outstanding part, or the specified part, of the subject plan.
- (4) If, but for this section, section 9A would have applied in relation to an amendment to a plan, section 9A continues to apply to the amendment as if this section had not been enacted.

9C. Correction of errors in approved plans and approved parts of partly approved plans

The Chief Executive in Council may, by notification in the Gazette, correct any omission for or error in—

- (a) an approved plan; or
- (b) an approved part of a partly approved plan.

9D. Exhibition of approved plans and partly approved plans and provision of copies of plans

- (1) This section applies if a plan or a part of a plan is approved under section 9.

- (2) As soon as reasonably practicable after approval is given to a plan or a part of a plan under section 9, the Board—
 - (a) must cause the plan so approved or the plan with the part so approved to be printed and exhibited for public inspection at a place the Board considers appropriate; and
 - (b) must notify in the Gazette the fact that the approval is given and that the plan is so exhibited.
- (3) On payment by a person of the fee the Board determines, the Board must provide a copy of the approved plan or partly approved plan to the person.”.

56. Sections 10 and 11 substituted

Sections 10 and 11—

Repeal the sections

Substitute

“10. Refusal to approve plans or part of plans under section 9

- (1) This section applies if the Chief Executive in Council refuses to approve a plan or a part of a plan under section 9.
- (2) The Board must notify the refusal in the Gazette.
- (3) The refusal does not prevent the preparation of a new draft plan and its submission under this Ordinance.

11. Copies of approved plans and partly approved plans to be deposited in Land Registry etc.

- (1) After a plan or a part of a plan is approved under section 9, the Chairman of the Board is to cause a copy of the approved plan or partly approved plan, that is certified by the Chairman, to be deposited in the Land Registry.
- (2) Every copy deposited under subsection (1) is to be made available by the Land Registrar for public inspection free of charge.
- (3) After a copy of the plan is deposited in the Land Registry (*fact*), the Land Registrar must cause a notice, in both the English language and the Chinese language, to be displayed in a prominent place in the Land Registry informing members of the public of the fact.”.

57. Section 12 amended (revocation, replacement and amendment of approved plans)

- (1) Section 12—

Repeal subsection (1)

Substitute

- “(1) The Chief Executive in Council may revoke in whole or in part—
- (a) an approved plan; or
 - (b) an approval given under section 9 to a part of a partly approved plan.
- (1A) Subject to subsection (1B), the Secretary for Development may—
- (a) refer an approved plan to the Board for—

- (i) replacement by a new plan; or
 - (ii) amendment; or
 - (b) refer a partly approved plan to the Board for amendment of an approved part (*referred part*).
- (1B) The power under subsection (1A)(b) however may not be exercised in relation to a part of a plan that is taken to be an approved part under subsection (7).”.
- (2) Section 12(2)—
- Repeal**
“shall be”
- Substitute**
“or (1A) must be”.
- (3) Section 12(3)—
- Repeal**
“(1)(b)”
- Substitute**
“(1A)”.
- (4) Section 12(3)—
- Repeal**
“amendments to the plan referred, as the case may be, shall be”
- Substitute**
“amendment to the plan referred or to the referred part, as the case requires, must be”.
- (5) Section 12(3)—
- Repeal**

“amendments amend, as the case may be, and to this intent where the reference is under subsection (1)(b)(ii)”

Substitute

“amendment amends, as the case requires, and to this intent where the reference is under subsection (1A)(a)(ii) or (b)”.

- (6) Section 12(3)(a)—

Repeal

“6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 7, 8, 9, 10 and 11 shall apply”

Substitute

“6B, 6E, 6H, 7, 8, 9, 9A, 9B, 9C, 9D, 10 and 11 (*specified provisions*) are to apply”.

- (7) Section 12(3)(a), English text—

Repeal

“amendments”

Substitute

“amendment”.

- (8) Section 12(3)—

Repeal paragraph (b)

Substitute

- “(b) the specified provisions are to so apply as if—
- (i) the reference to “the draft plan” in section 6(1) were a reference to the amendment;
 - (ii) each of the references to “the plan” in section 6(2)(a) were a reference to the amendment;

- (iii) the reference to “the part or parts of the plan to which the representation relates” in the definition of *subject part* in section 6(7) were a reference to the part or parts of the plan concerning any area covered by the amendment to which the representation relates;
 - (iv) the reference to “the plan in question” in section 6B(6) were a reference to the amendment;
 - (v) each of the references to “the plan” in section 6B(8) were a reference to the part or parts of the plan concerning any area covered by the amendment to which the representation relates;
 - (vi) the reference to “a plan under section 6B(8)” in section 6H(1) were a reference to the part or parts of the plan to which section 6B(8) (as modified by this subsection) applies;
 - (vii) the reference to “the plan” in section 6H(1)(a) were a reference to the part or parts of the plan to which section 6B(8) (as modified by this subsection) applies; and
 - (viii) the reference to “a plan” in section 6H(2) were a reference to the part or parts of the plan to which section 6B(8) (as modified by this subsection) applies.”.
- (9) Section 12(3A)—

Repeal

“sections 3, 4, 4A, 5, 6, 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 7, 8, 9, 10 and 11”

Substitute

“the specified provisions”.

- (10) Section 12(3A), English text—

Repeal

“shall, with necessary modifications, be”

Substitute

“is, with necessary modifications, to be”.

- (11) After section 12(3A)—

Add

“(3B) If—

- (a) an approved plan (*original plan*) or an approved part of a partly approved plan (*original part of the original plan*) is referred to the Board under this section for amendment; and
- (b) a part of the plan prepared under subsection (3) because of the referral is approved under section 9 (as applied by this section) (*latest approved part*),

the original plan or the original part of the original plan, as the case requires, is to be read with the latest approved part.”.

- (12) Section 12(4)—

Repeal

“shall be replaced by the new plan or the plan showing the amendments as approved under section 9, as the case may be. The Land Registrar shall”

Substitute

“is to be replaced by the new plan or the plan showing the amendment as approved under section 9, as the case requires. The Land Registrar must”.

(13) Section 12(5)—

Repeal

“amendments as prepared under sections 3 and 4 shall be deemed”

Substitute

“amendment as prepared under sections 3 and 4 is taken”.

(14) After section 12(5)—

Add

“(6) Subsection (7) applies if a part of a plan prepared under subsection (3) (*specified plan*) is refused under section 9 (as applied by this section).

(7) Despite section 1A(6)(b), the part of the plan referred under subsection (1A) that is covered by the refused part of the specified plan forms part of the specified plan and is taken to be an approved part of the specified plan.”.

58. Section 12A amended (amendment of plans on application to the Board)

(1) Section 12A—

Repeal subsection (1)

Substitute

“(1) Subject to subsection (2), an eligible person may apply to the Board for consideration of any proposal in relation to—

(a) any part of an approved plan that is an original approved plan; or

(b) any approved part of a partly approved plan that is an original approved plan.”.

- (2) Section 12A—

Repeal subsections (6), (7), (8), (9), (10), (11) and (12).

- (3) Section 12A(13)(a)—

Repeal

“after an application is made under subsection (1) but before consideration by the Board of the application at a meeting under subsection (16)”

Substitute

“during the period specified by the Board under subsection (24A)”.

- (4) After section 12A(13)—

Add

“(13A) The Board must not accept any further information given by the applicant to the Board for the purposes of the application after the period specified under subsection (24A) expires.”.

- (5) Section 12A(14)(a)—

Repeal

“paragraphs (b) and (c), the further information shall”

Substitute

“paragraph (c), the further information is to”.

- (6) Section 12A(14)(a)—

Repeal the semicolon

Substitute

“; and”.

- (7) Section 12A(14)—

Repeal paragraphs (b) and (c)(i).

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- (8) Section 12A(14)(c)(ii), English text—
Repeal
“shall”
Substitute
“is to”.
- (9) Section 12A(16)—
Repeal
“shall within 3 months”
Substitute
“must within 2 months”.
- (10) Section 12A—
Repeal subsection (22).
- (11) Section 12A(24), English text—
Repeal
“Board shall”
Substitute
“Board must”.
- (12) Section 12A(24)(a)—
Repeal
“Chief Executive in Council”
Substitute
“Secretary for Development”.
- (13) Section 12A(24)(a)—
Repeal
“12(1)(b)(ii)”
Substitute

“12(1A)(a)(ii) or (b)”.

(14) Section 12A(24)(b)—

Repeal

“section 12(1)(b)(ii) but”

Substitute

“the old section 12(1)(b)(ii) or section 12(1A)(a)(ii) or (b) but”.

(15) Section 12A(24)(b)(i) and (ii), English text—

Repeal

“amendments”

Substitute

“the amendment”.

(16) Section 12A(24)(b)(iii)—

Repeal

“Chief Executive in Council”

Substitute

“Secretary”.

(17) Section 12A(24)(b)(iii)—

Repeal

“12(1)(b)(ii)”

Substitute

“12(1A)(a)(ii) or (b)”.

(18) Section 12A(24)(c)—

Repeal

“section 12(1)(b)(ii) and”

Substitute

“the old section 12(1)(b)(ii) or section 12(1A)(a)(ii) or (b) and”.

- (19) Section 12A(24)(c)(i), English text—

Repeal

“amendments”

Substitute

“the amendment”.

- (20) Section 12A(24)(c)(ii)—

Repeal

“Chief Executive in Council”

Substitute

“Secretary”.

- (21) Section 12A(24)(c)(ii)—

Repeal

“12(1)(b)(ii)”

Substitute

“12(1A)(a)(ii) or (b)”.

- (22) After section 12A(24)—

Add

“(24A) The Board may, by notice published in the Gazette, specify the period during which an applicant may give further information to the Board to supplement the information included in the application.

(24B) A notice published under subsection (24A) is not subsidiary legislation.”.

- (23) Section 12A(25), definition of *original approved plan*—

Repeal paragraph (a)

Substitute

“(a) an approved plan or partly approved plan; or”.

- (24) Section 12A(25), definition of *referred approved plan*—

Repeal

“section 12(1)(b)(ii)”

Substitute

“the old section 12(1)(b)(ii) or section 12(1A)(a)(ii) or (b)”.

- (25) Section 12A(25), definition of *referred approved plan*—

Repeal

“approved under”

Substitute

“approved (whether in whole or in part) under”.

- (26) Section 12A(25), definition of *relevant approved plan*—

Repeal

“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”

Substitute

“plan which has further to the reference of the original approved plan to the Board for amendment under the old section 12(1)(b)(ii) or section 12(1A)(a)(ii) or (b) been approved (whether in whole or in part)”.

- (27) Section 12A(25), definition of *relevant draft plan*—

Repeal

“the plan”

Substitute

“the original approved plan”.

- (28) Section 12A(25), definition of *relevant draft plan*—

Repeal

“section 12(1)(b)(ii)”

Substitute

“the old section 12(1)(b)(ii) or section 12(1A)(a)(ii) or (b)”.

- (29) Section 12A(25)—

Add in alphabetical order

“*eligible person* (合資格人士), in relation to an application made under subsection (1) for consideration of any proposal relating to any part of an original approved plan (*specified part*), means—

- (a) a person whose name is registered in the Land Registry as that of an owner of any non-Government land covered by the specified part;
- (b) a person who has obtained written consent from a person mentioned in paragraph (a);
- (c) a person who has obtained written consent of the Director of Lands in relation to any Government land covered by the specified part;
- (d) a public officer; or
- (e) a public body as defined by section 2 of the Prevention of Bribery Ordinance (Cap. 201);

Government land (政府土地) means—

- (a) any unleased land as defined by section 2 of the Land (Miscellaneous Provisions) Ordinance (Cap. 28); or

(b) any land that is the subject of a short term tenancy (as defined by section 3(1) of the New Territories Leases (Extension) Ordinance (Cap. 150)) granted by or on behalf of the Government;

non-Government land (非政府土地) means any land other than Government land;

old section 12(1)(b)(ii) (原有第12(1)(b)(ii)條) means section 12(1)(b)(ii) as in force before the commencement of section 58 of the Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022 (of 2022);”.

59. Section 13 amended (approved plans to serve as standards)

(1) Section 13, heading, after “**plans**”—

Add

“**and approved parts of partly approved plans**”.

(2) Section 13—

Repeal

“shall”

Substitute

“and approved parts of partly approved plans must”.

60. Section 16 amended (applications for permission in respect of plans)

(1) Section 16(1)—

Repeal

“plan or”

Substitute

“plan, partly approved plan or”.

- (2) Section 16(1), English text—

Repeal

“shall”

Substitute

“must”.

- (3) Section 16(2D)(a), English text—

Repeal

“shall”

Substitute

“must”.

- (4) Section 16(2D)(b), English text—

Repeal

“shall”

Substitute

“must”.

- (5) Section 16(2D)(b)—

Repeal

“in 2 daily Chinese language local newspapers and 1 daily English language local newspaper once a week”

Substitute

“on the Board’s website”.

- (6) Section 16(2J)(a)—

Repeal

“after an application is made under subsection (1) but before consideration by the Board of the application at a meeting under subsection (3)”

Substitute

“during the period specified by the Board under subsection (7A)”.

- (7) After section 16(2J)—

Add

“(2JA) The Board must not accept any further information given by the applicant to the Board for the purposes of the application after the period specified under subsection (7A) expires.”.

- (8) Section 16(7)—

Repeal

“shall not be a contravention of any approved plan or draft plan prepared under this Ordinance.”

Substitute

“is not a contravention of—

- (a) any approved plan or partly approved plan under this Ordinance; or
- (b) any draft plan prepared under this Ordinance.”.

- (9) After section 16(7)—

Add

“(7A) The Board may, by notice published in the Gazette, specify the period during which an applicant may give further information to the Board to supplement the information included in the application.

(7B) A notice published under subsection (7A) is not subsidiary legislation.”.

61. Section 17 amended (right of review)

(1) Section 17(1)—

Repeal

“Where”

Substitute

“Subject to subsection (1A), if”.

(2) Section 17(1)—

Repeal

“in writing”.

(3) After section 17(1)—

Add

“(1A) The application—

(a) must be in writing; and

(b) must set out the grounds for the review.

(1B) The Board must refuse an application if the application does not set out any grounds for the review.”.

(4) Section 17(2B)(a), English text—

Repeal

“shall”

Substitute

“must”.

(5) Section 17(2B)(b), English text—

Repeal

“shall”

Substitute

“must”.

- (6) Section 17(2B)(b)—

Repeal

“in 2 daily Chinese language local newspapers and 1 daily English language local newspaper once a week”

Substitute

“on the Board’s website”.

- (7) Section 17(2H)(a)—

Repeal

“after an application is made under subsection (1) but before review of the decision in question under this section”

Substitute

“during the period specified by the Board under subsection (8)”.

- (8) After section 17(2H)—

Add

- “(2HA) The Board must not accept any further information given by the applicant to the Board for the purposes of the application after the period specified under subsection (8) expires.”.

- (9) At the end of section 17—

Add

- “(8) The Board may, by notice published in the Gazette, specify the period during which an applicant may give further information to the Board to supplement the information included in the application.

(9) A notice published under subsection (8) is not subsidiary legislation.”.

62. Section 23 amended (enforcement on land within a development permission area)

Section 23(11)(b)—

Repeal

“or”

Substitute

“plan, partly approved plan or”.

63. Section 27 amended (Board to supply copies of documents or materials)

Section 27—

Repeal

“6A(4), 6C(1), 6D(4), 6H(2), 12A(6) or (12), 16(2C) or (2I) or 17(2A) or (2G), the Board shall”

Substitute

“6H(2), 16(2C) or (2I) or 17(2A) or (2G), the Board must”.

64. Section 29 added

After section 28—

Add

“29. Transitional and saving provisions relating to Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022

(1) Subsections (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14) apply to a plan if the first day on

which the plan is exhibited under section 5 falls on a day before the commencement date (*exhibited plan*).

- (2) If the last day of the period for which the plan is required to be exhibited under section 5 falls on or after the commencement date, section 5 of the pre-amended Ordinance applies to the plan.
- (3) Subject to subsection (4), sections 6, 6A, 6B, 6C, 6D, 6E, 6F, 6G and 6H of the pre-amended Ordinance apply, with necessary modifications, to an exhibited plan.
- (4) For the purposes of subsection (3), for a plan to which section 9 of the Amended Ordinance applies because of subsection (8)—
 - (a) the references in sections 6(4) and 6A(4) of the pre-amended Ordinance to “a decision in respect of the draft plan in question” made by the Chief Executive in Council under section 9 are references to a decision made by the Chief Executive in Council under section 9 of the Amended Ordinance in respect of the plan or the part or parts of the plan to which the representation relates;
 - (b) the reference in section 6C(1) of the pre-amended Ordinance to “a decision in respect of the draft plan in question” made by the Chief Executive in Council under section 9 is a reference to a decision made by the Chief Executive in Council under section 9 of the Amended Ordinance in respect of the plan or the part or parts of the plan to which the amendment proposed under section 6B(8) of the pre-amended Ordinance relates;

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- (c) the reference in section 6D(4) of the pre-amended Ordinance to “a decision in respect of the draft plan in question” made by the Chief Executive in Council under section 9 is a reference to a decision made by the Chief Executive in Council under section 9 of the Amended Ordinance in respect of the plan or the part or parts of the plan to which the further representation relates; and
 - (d) the reference in section 6H(2) of the pre-amended Ordinance to “a decision in respect of the draft plan” made by the Chief Executive in Council under section 9 is a reference to a decision made by the Chief Executive in Council under section 9 of the Amended Ordinance in respect of the plan or the part or parts of the plan to which the amendments relate.
- (5) Section 7 of the pre-amended Ordinance applies to an amendment made under that section to an exhibited plan if the first day on which the amendment is exhibited under that section falls on a day before the commencement date.
 - (6) Section 9 of the pre-amended Ordinance (*pre-amended section 9*) applies to an exhibited plan if the submission of the plan was made under section 8 before the commencement date but a decision under section 9 is pending immediately before that date.

- (7) If, because of subsection (6), an exhibited plan is referred to the Board under the pre-amended section 9 for further consideration and amendment, the Board may make any amendment under section 7 (as applied by section 9A of the Amended Ordinance) to the referred plan.
- (8) For an exhibited plan in respect of which submission has not been made under section 8 before the commencement date, subject to subsections (9), (10), (11), (12) and (13), sections 8 and 9 of the Amended Ordinance apply to the plan.
- (9) If, because of subsection (8), section 8 of the Amended Ordinance applies to a plan, the period before the expiry of which the plan must be submitted under that section (*specified period*) is—
 - (a) for a submission under section 8(1)(a) of the Amended Ordinance, subject to subsection (10)—
 - (i) where there is no amendment under section 7 of Cap. 131 to the plan—the period of 9 months after the period of 2 months mentioned in section 5 expires;
 - (ii) where there is only one amendment under section 7 of Cap. 131 to the plan—the period of 9 months after the period of 2 months mentioned in section 7(2) expires; and
 - (iii) where there is more than one amendment under section 7 of Cap. 131 to the plan—the period of 9 months after the period of 2 months mentioned in section 7(2) in relation to the last of those amendments expires; and

- (b) for a submission under section 8(1)(b) of the Amended Ordinance, subject to subsection (10)—
 - (i) where there is no amendment under section 7 of Cap. 131 to the submitted part—the period of 9 months after the period of 2 months mentioned in section 5 expires;
 - (ii) where there is only one amendment under section 7 of Cap. 131 to the submitted part—the period of 9 months after the period of 2 months mentioned in section 7(2) expires; and
 - (iii) where there is more than one amendment under section 7 of Cap. 131 to the submitted part—the period of 9 months after the period of 2 months mentioned in section 7(2) in relation to the last of those amendments expires.
- (10) If the period of 9 months mentioned in subsection (9)(a)(i), (ii) or (iii) or (b)(i), (ii) or (iii) (**9-month period**) is extended under subsection (11) or (12)(a) or (b), the specified period is to be the period extended under subsection (11) or (12)(a) or (b) (as the case requires) for the submission.
- (11) If the Secretary for Development considers it appropriate to do so in a particular case, the Secretary may extend the 9-month period for 2 months (**2-month period**).
- (12) If, in respect of a particular case, the Secretary is satisfied that exceptional circumstances exist, the Secretary may—
 - (a) extend the 2-month period for 2 months; and

(b) further extend the period extended under paragraph (a) for another 2 months.

(13) Where a submission is made under section 8 (as applied by subsection (8)) (*new section 8*), without affecting subsection (3) of the new section 8—

(a) for a submission under subsection (1)(a) of the new section 8, if—

(i) any representations, comments, further representations or amendments have been made under section 6, 6A, 6D, 6F, 6G or 7 before the commencement date in relation to the exhibited plan; or

(ii) any representations, comments, further representations or amendments have been made under section 6, 6A, 6D, 6F, 6G or 7 (which applies because of subsection (3) or (5)) in relation to the plan,

the Board must comply with section 8(1A) of the pre-amended Ordinance (*pre-amended section 8(1A)*); and

(b) for a submission under subsection (1)(b) of the new section 8, if—

(i) any representations, comments, further representations or amendments have been made under section 6, 6A, 6D, 6F, 6G or 7 before the commencement date in relation to the submitted part of the exhibited plan; or

- (ii) any representations, comments, further representations or amendments have been made under section 6, 6A, 6D, 6F, 6G or 7 (which applies because of subsection (3) or (5)) in relation to the submitted part of the plan,

the Board must comply with the pre-amended section 8(1A) in so far as the submitted part is concerned.

- (14) Section 12 of the pre-amended Ordinance applies to a plan referred to the Board under section 12 before the commencement date if a new plan prepared for replacement of the plan referred, or a plan showing any amendment to the plan referred, is an exhibited plan.
- (15) Subject to subsection (16), section 12A of the pre-amended Ordinance applies to an application made under section 12A before the commencement date.
- (16) For the purposes of subsection (15)—
 - (a) the references in section 12A(24)(a), (b)(iii) and (c)(ii) of the pre-amended Ordinance to “the Chief Executive in Council” are to be construed as references to the Secretary for Development;
 - (b) the reference in section 12A(24)(a) of the pre-amended Ordinance to “section 12(1)(b)(ii)” is to be construed as a reference to section 12(1A)(a)(ii) or (b) of the Amended Ordinance;
 - (c) the first reference in section 12A(24)(b) of the pre-amended Ordinance to “section 12(1)(b)(ii)” is to be construed as a reference to section 12(1)(b)(ii) as in force before the commencement date or section 12(1A)(a)(ii) or

- (b) of the Amended Ordinance (as the case requires);
 - (d) the reference in section 12A(24)(b)(iii) of the pre-amended Ordinance to “section 12(1)(b)(ii)” is to be construed as a reference to section 12(1A)(a)(ii) or (b) of the Amended Ordinance;
 - (e) the first reference in section 12A(24)(c) of the pre-amended Ordinance to “section 12(1)(b)(ii)” is to be construed as a reference to section 12(1)(b)(ii) as in force before the commencement date or section 12(1A)(a)(ii) or (b) of the Amended Ordinance (as the case requires);
 - (f) the reference in section 12A(24)(c)(ii) of the pre-amended Ordinance to “section 12(1)(b)(ii)” is to be construed as a reference to section 12(1A)(a)(ii) or (b) of the Amended Ordinance; and
 - (g) the definitions of *original approved plan*, *referred approved plan*, *relevant approved plan* and *relevant draft plan* in section 12A(25) of the pre-amended Ordinance are to be respectively replaced by the definitions of *original approved plan*, *referred approved plan*, *relevant approved plan* and *relevant draft plan* in section 12A(25) of the Amended Ordinance.
- (17) Section 16 of the pre-amended Ordinance applies to an application made under section 16 before the commencement date.
- (18) A reference in section 16A to section 16 includes section 16 as applied by subsection (17).

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- (19) Section 17 of the pre-amended Ordinance applies to—
- (a) an application for a review of a decision of the Board made under section 16 in respect of an application made under section 16(1) before the commencement date; and
 - (b) an application for a review of a decision of the Board made under section 16A in respect of an application made under section 16A(2) before the commencement date.
- (20) A reference in section 17 of the Amended Ordinance to section 16 includes section 16 as applied by subsection (17).
- (21) A reference in section 17 of the Amended Ordinance to section 16A is to be read with subsection (18).
- (22) References in section 17B to section 17 and section 17(6) include section 17 and section 17(6) of the pre-amended Ordinance as applied by subsection (19).
- (23) For the purposes of this section—
- (a) references to sections 5, 7(1) to (3), 8, 12A, 16 and 16A in section 2(5)(a) of the Amended Ordinance include references to those sections in the pre-amended Ordinance as applied by this section;
 - (b) references to sections 12A(13) and (15), 16(2J) and (2L) and 17(2H) and (2J) in section 2(5)(c) of the Amended Ordinance include references to those sections in the pre-amended Ordinance as applied by this section;

- (c) the power of the Board under section 2A of the Amended Ordinance to appoint committees from among its members to exercise any of the Board's powers and functions under sections 6B, 6E and 6H includes a power of the Board to appoint committees from among its members to exercise any of the Board's powers and functions under sections 6B, 6C, 6D, 6E, 6F, 6G and 6H of the pre-amended Ordinance as applied by this section;
 - (d) section 2C(2)(a) of the pre-amended Ordinance applies in relation to a meeting held under or for the purposes of section 6B, 6F, 12A, 16, 16A or 17 of the pre-amended Ordinance as applied by this section; and
 - (e) section 27 of the pre-amended Ordinance applies to any document or material that is available for public inspection under section 6(4), 6A(4), 6C(1), 6D(4), 6H(2), 12A(6) or (12), 16(2C) or (2I) or 17(2A) or (2G) of the pre-amended Ordinance as applied by this section.
- (24) In this section—

Amended Ordinance (《經修訂條例》) means Cap. 131 as amended by the Amendment Ordinance;

Amendment Ordinance (《修訂條例》) means the Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022 (of 2022);

Cap. 131 (《第131章》) means the Town Planning Ordinance (Cap. 131);

commencement date (生效日期) means the date on which Division 1 of Part 5 of the Amendment Ordinance comes into operation;

pre-amended Ordinance (《原有條例》) means Cap. 131 as in force immediately before the commencement date.”.

Division 2—Amendments Regarding Expansion of Enforcement Powers of Director of Planning under Town Planning Ordinance

65. Long title amended

- (1) The long title, English text—

Repeal

“as well as for the types of building suitable for erection therein”

Substitute

“(as well as for the types of building suitable for erection in those areas)”.

- (2) The long title, after “development”—

Add

“, including making provision for the enforcement of this Ordinance and for related matters”.

66. Section 1A amended (interpretation)

- (1) Section 1A(1), English text, definition of *unauthorized development*—

Repeal

“means”.

- (2) Section 1A(1), definition of *unauthorized development*, paragraph (a)—

Repeal

“or described in section 20(7),”

Substitute

“, land to which section 20(7) applies, or a regulated area, means”.

- (3) Section 1A(1), English text, definition of *unauthorized development*, paragraph (b)—

Repeal

“23(4),”

Substitute

“23(4), means”.

- (4) Section 1A(1), Chinese text, definition of *監督*—

Repeal

“長。”

Substitute

“長；”.

- (5) Section 1A(1)—

Add in alphabetical order

“*material date* (關鍵日期) means 9 December 2022;

pre-material-date use (關鍵日期前用途), in relation to a regulated area, means a use of a building or land that was in existence immediately before the material date;

regulated area (受規管地區) means—

- (a) an area designated under section 21A(3); or

(b) an area modified under section 21A(5)(a);

regulated area designation (受規管地區指定) means—

(a) a designation under section 21A(3); or

(b) a designation mentioned in paragraph (a) as modified from time to time by section 21A(5)(a);

regulated area plan (受規管地區圖則) means a plan prepared and signed under section 21B;”.

67. Cross-heading before section 20 repealed

Cross-heading before section 20—

Repeal the cross-heading.

68. Section 20 amended (development permission area plans)

(1) Section 20(7), English text—

Repeal

“no person shall undertake”

Substitute

“a person must not undertake”.

(2) Section 20(7)—

Repeal paragraph (b)

Substitute

“(b) the development on that land is permitted under a plan—

(i) that is prepared under section 3(1)(a) (whether or not the plan is approved in whole or in part under section 9); and

(ii) that is the latest plan in relation to the land; or”.

69. Section 21 amended (offence of unauthorized development)

(1) Section 21, heading, after “**development**”—

Add

“—**development permission area**”.

(2) Section 21—

Repeal subsection (1)

Substitute

“(1) While a plan of a development permission area is effective, a person must not undertake or continue development in the development permission area unless—

- (a) the development in the area is an existing use;
- (b) the development in the area is permitted under a plan—
 - (i) that is prepared under section 3(1)(b) (whether or not the plan is approved in whole or in part under section 9); and
 - (ii) that is the latest plan in relation to the area; or
- (c) permission to do so has been granted under section 16.”.

70. Sections 21A to 21F added

After section 21—

Add

“21A. Regulated area

(1) This section applies to an area that is included in a plan under this Ordinance.

- (2) However, this section does not apply to an area—
 - (a) that is within the Hong Kong Island, Kowloon, or the New Kowloon; or
 - (b) that is any land included in a plan of a development permission area or is any land to which section 20(7) applies.
- (3) The Secretary for Development may, by notice published in the Gazette, designate an area to be a regulated area for either or both of the following purposes—
 - (a) protecting the area from environmental degradation;
 - (b) promoting conservation of the area.
- (4) A notice under subsection (3) must describe and delineate the area concerned by reference to a plan prepared and signed under section 21B.
- (5) The Secretary may, by notice published in the Gazette—
 - (a) modify a regulated area designation, including—
 - (i) expanding the area covered by the designation for either or both of the purposes mentioned in subsection (3)(a) and (b) (*designated area*); and
 - (ii) reducing the designated area; or
 - (b) revoke a regulated area designation.
- (6) A notice under subsection (5)(a)(i) or (ii) must describe and delineate the expanded area or reduced area (as the case requires) by reference to a plan prepared and signed under section 21B.

- (7) A notice made under subsection (3) or (5) is not subsidiary legislation.

21B. Plan to be prepared and signed by Secretary for Development for purposes of section 21A(4) or (6)

- (1) The Secretary for Development may prepare a plan for the purposes of section 21A(4) or (6).
- (2) The Secretary must sign the plan prepared under subsection (1).

21C. Copies of regulated area plan to be deposited in Land Registry etc.

- (1) After a designation or modification is made under section 21A(3) or (5)(a), the Secretary for Development is to cause a copy of the regulated area plan to which the designation or modification relates to be deposited in the Land Registry.
- (2) Every copy deposited under subsection (1) is to be made available by the Land Registrar for public inspection free of charge.
- (3) The Secretary may, on payment of the fee determined under subsection (4), provide a copy of the regulated area plan to a person.
- (4) The Secretary may determine the fee to be paid by a person for the provision of a copy under subsection (3).

21D. When regulated area designation takes effect or ceases to be effective

- (1) A designation of regulated area under section 21A(3) takes effect on the date of publication of the notice by which the designation is made.

- (2) A modification of a regulated area designation under section 21A(5)(a) takes effect on the date of publication of the notice by which the modification is made.
- (3) A regulated area designation is effective until it is modified or revoked under section 21A(5).

21E. When revocation of designation takes effect

A revocation made under section 21A(5)(b) in relation to a regulated area designation takes effect on the date of publication of the notice by which the revocation is made.

21F. Offence of unauthorized development—regulated area

- (1) While a regulated area designation is effective, a person must not undertake or continue development in the regulated area unless—
 - (a) the development in the area is a pre-material-date use;
 - (b) the development in the area is permitted under a plan—
 - (i) that is prepared under section 3(1)(a) (whether or not the plan is approved in whole or in part under section 9); and
 - (ii) that is the latest plan in relation to the area; or
 - (c) permission to do so has been granted under section 16.
- (2) A person who contravenes subsection (1) commits an offence and is liable—
 - (a) on a first conviction—to a fine of \$500,000; and

(b) on a second or subsequent conviction—to a fine of \$1,000,000.

(3) Subsection (2) has effect subject to section 111 of the Private Columbaria Ordinance (Cap. 630).”.

71. Section 22 amended (power to inspect and require provision of information)

(1) Section 22(5), English text—

Repeal

“him enters”

Substitute

“the Authority enters”.

(2) Section 22(5)—

Repeal

“he may require any person present at that place”

Substitute

“, the Authority or the authorized person may exercise any of the following powers”.

(3) Section 22(5)—

Repeal paragraph (a)

Substitute

“(a) require any person present at that place to give details of the person’s identity, name and address, and produce the person’s identity card issued under the Registration of Persons Ordinance (Cap. 177) for inspection by the Authority or the authorized person;”.

- (4) Section 22(5)(b), before “who”—

Add

“require any person present at that place”.

- (5) Section 22(5)(b)—

Repeal

“him to carry out his”

Substitute

“the Authority or the authorized person to carry out their”.

- (6) Section 22(7)—

Repeal

“21” (wherever appearing)

Substitute

“21, 21F”.

- (7) Section 22(7), English text—

Repeal

“him”

Substitute

“the person”.

72. Section 23 amended (enforcement on land within a development permission area)

- (1) Section 23, heading, after “**permission area**”—

Add

“**or regulated area**”.

(2) Section 23(3)—

Repeal

everything after “service of the notice”

Substitute

“—

- (a) if the land is included in a plan of a development permission area or is a land to which section 20(7) applies—
 - (i) to the condition it was in immediately before the development permission area became effective; or
 - (ii) to any other condition, more favourable to the person, that the Authority considers satisfactory; and
- (b) if the land is in a regulated area—
 - (i) to the condition it was in immediately before the material date; or
 - (ii) to any other condition, more favourable to the person, that the Authority considers satisfactory.”.

(3) Section 23(9)(a)—

Repeal

“he”

Substitute

“the defendant”.

- (4) Section 23(9)(b)—

Repeal

“which existed according to the opinion of the Authority”

Substitute

“on land included in a plan of a development permission area or on land to which section 20(7) applies, which existed according to the opinion of the Authority,”.

- (5) After section 23(9)(b)—

Add

“(ba) the unauthorized development in the regulated area which existed according to the opinion of the Authority in fact was a pre-material-date use;”.

- (6) Section 23(9)(c)—

Repeal

“under the plan”

Substitute

“under the latest plan”.

- (7) Section 23(9)(c)—

Repeal

“; or”

Substitute a semicolon.

- (8) After section 23(9)(c)—

Add

“(ca) the unauthorized development which existed according to the opinion of the Authority in fact is permitted under a plan—

- (i) that is prepared under section 3(1)(a) (whether or not the plan is approved in whole or in part under section 9); and
 - (ii) that is the latest plan in relation to the land; or”.
- _____

Part 6

Amendments to Roads (Works, Use and Compensation) Ordinance (Cap. 370)

73. Section 4 amended (minor works)

(1) Section 4(1)—

Repeal paragraph (a)

Substitute

“(a) that, in the Secretary’s opinion—

(i) only involve minor physical or structural operations; or

(ii) only create minimal adverse effect on the commuters and the people in the neighbourhood; and”.

(2) Section 4(1)(b)—

Repeal

“him are”

Substitute

“the Secretary are any one or more of the following”.

(3) Section 4(1)(b)(i)—

Repeal

“his”

Substitute

“the Secretary’s”.

(4) Section 4(2)—

Repeal

“, including the closures mentioned in subsection (1)(b), and the use shall be”

Substitute

“(including, if the exercise of a power mentioned in subsection (1)(b)(i), (ii) or (iii) is required, a closure mentioned in that subsection) and the use is”.

74. Section 8 amended (deposit and publication)

(1) Section 8(3), English text—

Repeal

“shall”

Substitute

“must”.

(2) Section 8(3)—

Repeal paragraph (b)

Substitute

“(b) on the website specified by the Secretary; and”.

(3) Section 8(3)—

Repeal paragraph (c).

(4) Section 8(4), English text—

Repeal

“shall, by notice in writing, advise the District Board”

Substitute

“must, by notice in writing, advise the District Council”.

(5) Section 8(4), English text—

Repeal

“that District Board”

Substitute

“that District Council”.

75. Section 10 amended (objections)

(1) Section 10(1)—

Repeal

everything after “both”

Substitute a full stop.

(2) Section 10—

Repeal subsection (3)

Substitute

- “(3) An objection lodged on a ground relating to any compensation (whether monetary or non-monetary) or any financial or other assistance (*compensation or assistance*) in connection with the works or the use is, to the extent that it is lodged on that ground, invalid and treated as not having been lodged for the purposes of section 11.
- (4) In subsection (3), the reference to a ground relating to any compensation or assistance includes—
- (a) a ground relating to whether any compensation or assistance is to be provided, whether or not under an enactment; and
 - (b) a ground relating to the amount, extent or form of the compensation or assistance, or the time for its provision.

- (5) If the Secretary gives any written reply to an objection, the objector may give a response to the reply (including any comment on, or any request in connection with, the reply) within the period of 14 days after the day on which the reply is given.
- (6) For subsection (5), the mere notification by the Secretary that the objection is treated as unwithdrawn and will be submitted to the Chief Executive in Council does not constitute a reply.
- (7) A response that is given after the 14-day period mentioned in subsection (5) is treated as not having been given.
- (8) An objector may, by writing to the Secretary—
 - (a) amend an objection lodged by the objector within the period for lodging objections; or
 - (b) withdraw the objection in whole or in part before the plan and scheme are submitted under section 11(1A).
- (9) An objection (or a part of an objection) that has been withdrawn is treated as not having been lodged for the purposes of section 11.
- (10) An objection, an amendment or withdrawal of an objection, or a response (referred to in subsection (5)) may be given to the Secretary by—
 - (a) delivering it to an officer who is authorized by the Secretary to receive it on the Secretary's behalf;
 - (b) sending it by ordinary or registered post;
 - (c) sending it by electronic mail transmission to an electronic mail address specified by the Secretary; or

- (d) sending it by fax transmission to a fax number specified by the Secretary.
- (11) A reply (referred to in subsection (5)) may be given to the objector by—
 - (a) delivering it to the objector personally;
 - (b) leaving it at the objector’s last known address;
 - (c) sending it by ordinary or registered post addressed to the objector at the objector’s last known address;
 - (d) sending it by electronic mail transmission to the objector’s last known electronic mail address; or
 - (e) sending it by fax transmission to the objector’s last known fax number.”.

76. Section 11 amended (procedure after publication of plan and scheme)

Section 11—

Repeal subsection (1A)

Substitute

- “(1A) Subject to subsection (1), the Secretary must, before the expiry of the period determined in accordance with subsections (1AB) and (1AC), submit the plan and scheme and every objection lodged under section 10(1) to the Chief Executive in Council for consideration.
- (1AB) Except as extended under subsection (1AC), the period mentioned in subsection (1A) is—

- (a) unless paragraph (b) applies—5 months after the date of expiry of the time for lodging objections under section 10(1) in respect of the works or the use; or
 - (b) if one or more amendments are made to the plan or scheme under section 7—whichever of the following periods that ends later—
 - (i) the period mentioned in paragraph (a);
 - (ii) 3 months after the date of expiry of the time for lodging objections under section 10(1) in respect of the amendment (or the last of the amendments).
- (1AC) The Financial Secretary may, on application by the Secretary—
- (a) extend the period mentioned in subsection (1AB) for 2 months if the Financial Secretary considers it appropriate to do so in a particular case; and
 - (b) further extend the period on not more than 2 occasions and for 2 months for each extension if the Financial Secretary is satisfied that exceptional circumstances exist in a particular case.”.

77. Section 14 amended (notices of resumption of land)

- (1) Section 14(1), English text—

Repeal

“shall”

Substitute

“must”.

(2) Section 14(1)(b)—

Repeal subparagraph (ii)

Substitute

“(ii) on the website specified by the Secretary; and”.

(3) Section 14(1)(b)—

Repeal subparagraph (iii).

78. Section 16 amended (notices of creation of easements or other rights)

(1) Section 16(1), English text—

Repeal

“shall”

Substitute

“must”.

(2) Section 16(1)(b)—

Repeal subparagraph (ii)

Substitute

“(ii) on the website specified by the Secretary; and”.

(3) Section 16(1)(b)—

Repeal subparagraph (iii).

79. Section 18 amended (notices of orders made under section 17)

(1) Section 18(1), English text—

Repeal

“shall”

Substitute

“must”.

(2) Section 18(1)(b)—

Repeal subparagraph (ii)

Substitute

“(ii) on the website specified by the Secretary; and”.

(3) Section 18(1)(b)—

Repeal subparagraph (iii).

80. Section 33 amended (interest)

(1) Section 33(1)(b)—

Repeal

everything after “thinks fit”

Substitute a full stop.

(2) Section 33—

Repeal subsections (2) and (3)

Substitute

“(2) For subsection (1)(b), the rate of interest payable—

(a) in respect of a day on which the reference interest rate is published (*publication day*)—is the reference interest rate; and

(b) in respect of a day other than a publication day—is the reference interest rate published on the last publication day before that day.

(3) In this section—

reference interest rate (參考利率) means the 1-month Hong Kong Dollar Interest Settlement Rate published by The Hong Kong Association of Banks by the close of business on a day.”.

81. Section 36 amended (certain statements to be conclusive evidence)

(1) Section 36(c)—

Repeal subparagraph (i)

Substitute

- “(i) any works only involve minor physical or structural operations;
- (ia) any works only create minimal adverse effect on the commuters and the people in the neighbourhood; or”.

(2) Section 36, English text—

Repeal

“shall”

Substitute

“must”.

82. Section 37 amended (disposal of lands and easements)

Section 37—

Repeal

everything after “whatsoever”

Substitute a full stop.

83. Section 37A added

After section 37—

Add

“37A. Absence of authorization of expenditure for works or use not prevent certain matters

The fact that the expenditure for any works or any use has not been approved or authorized under the Public Finance Ordinance (Cap. 2) or any other enactment does not prevent—

- (a) the authorization of the works or the use under section 4 or 11(1), (2), (4) or (5);
- (b) the exercise of a power under section 11(7), 13, 15, 17, 19, 20, 21, 22 or 23; or
- (c) the provision of any compensation (whether monetary or non-monetary) or any financial or other assistance, whether or not under an enactment, in connection with the works or the use.”.

84. Section 42 repealed (transitional)

Section 42—

Repeal the section.

85. Section 43 added

At the end of Part V—

Add

“43. Transitional provisions for Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022

- (1) If a copy of a plan and scheme has been deposited in the Land Registry under section 8(1) before the commencement date of sections 74(2) and (3), 75, 76, 77, 78 and 79 of the Amendment Ordinance, sections

8(3), 10, 11, 14, 16 and 18 as in force immediately before that commencement date continue to apply in relation to the plan and scheme as if sections 74(2) and (3), 75, 76, 77, 78 and 79 of the Amendment Ordinance had not been enacted.

(2) The amendment made to section 37 by section 82 of the Amendment Ordinance has effect in relation to any land resumed (whether before, on or after the commencement date of section 82 of the Amendment Ordinance) under this Ordinance.

(3) If the period specified in the fourth column of Part II of the Schedule in relation to a matter specified in the first column of that Part begins before the commencement date of section 80 of the Amendment Ordinance, section 33 as in force immediately before that commencement date continues to apply in relation to the compensation in respect of the matter as if section 80 of the Amendment Ordinance had not been enacted.

(4) In this section—

Amendment Ordinance (《修訂條例》) means the Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022 (of 2022).”.

86. Schedule amended

The Schedule—

Repeal

“27 & 28]”

Substitute

“6, 27, 28, 29, 33 & 43]”.

87. “Government” substituted for “Crown”

- (1) Section 2(1), Chinese text, definition of 擁有人, paragraph (b)—

Repeal

“官方”

Substitute

“政府”.

- (2) The following provisions—

- (a) section 3(2);
- (b) section 4(3);
- (c) section 19(1);
- (d) section 21(4);
- (e) section 25;
- (f) section 26;
- (g) section 27(1);
- (h) section 28(4);
- (i) section 29(6)(a);
- (j) section 34(b)—

Repeal

“Crown” (wherever appearing)

Substitute

“Government”.

88. “Chief Executive” substituted for “Governor”

- (1) The following provisions—
- (a) section 5(b)(iv);
 - (b) section 13(1) and (3);

- (c) section 14(2)(d);
- (d) section 15(1), (3) and (4);
- (e) section 16(2)(d);
- (f) section 17(1);
- (g) section 22(7);
- (h) section 23(1) and (2)—

Repeal

“Governor” (wherever appearing)

Substitute

“Chief Executive”.

- (2) The following provisions—
 - (a) section 13, heading;
 - (b) section 15, heading—

Repeal

“Governor” (wherever appearing)

Substitute

“Chief Executive”.

- (3) Section 22(9)—

Repeal

“, the Governor”

Substitute

“, the Chief Executive”.

89. “Chief Executive in Council” substituted for “Governor in Council”

The following provisions—

- (a) section 11(3), (4), (5), (6), (7) and (9)(b), (c) and (d);

- (b) section 12;
- (c) section 22(3), (8) and (9);
- (d) section 27(3)—

Repeal

“Governor in Council” (wherever appearing)

Substitute

“Chief Executive in Council”.

Part 7

Amendments to Railways Ordinance (Cap. 519)

90. Section 6 amended (deposit and publication of schemes)

(1) Section 6(6)—

Repeal paragraph (b)

Substitute

“(b) on the website specified by the Secretary; and”.

(2) Section 6(6)—

Repeal paragraph (c).

(3) Section 6(7), English text—

Repeal

“Board” (wherever appearing)

Substitute

“Council”.

91. Section 10 amended (objections)

(1) After section 10(3)—

Add

“(3A) An objection lodged on a ground relating to any compensation (whether monetary or non-monetary) or any financial or other assistance (*compensation or assistance*) in connection with the scheme is, to the extent that it is lodged on that ground, invalid and treated as not having been lodged for the purposes of section 11.

(3B) In subsection (3A), the reference to a ground relating to any compensation or assistance includes—

- (a) a ground relating to whether any compensation or assistance is to be provided, whether or not under an enactment; and
 - (b) a ground relating to the amount, extent or form of the compensation or assistance, or the time for its provision.
 - (3C) If the Secretary gives any written reply to an objection, the person lodging the objection (*objector*) may give a response to the reply (including any comment on, or any request in connection with, the reply) within the period of 14 days after the day on which the reply is given.
 - (3D) For subsection (3C), the mere notification by the Secretary that the objection is treated as unwithdrawn and will be submitted to the Chief Executive in Council does not constitute a reply.
 - (3E) A response that is given after the 14-day period mentioned in subsection (3C) is treated as not having been given.”.
- (2) Section 10(4)—
- Repeal**
“A person making an objection”
- Substitute**
“An objector”.
- (3) Section 10(4)(b)—
- Repeal**
everything after “scheme is”
- Substitute**
“submitted under section 11(2).”.
- (4) After section 10(6)—

Add

- “(7) An objection, an amendment or withdrawal of an objection, or a response (referred to in subsection (3C)) may be given to the Secretary by—
- (a) delivering it to an officer who is authorized by the Secretary to receive it on the Secretary’s behalf;
 - (b) sending it by ordinary or registered post;
 - (c) sending it by electronic mail transmission to an electronic mail address specified by the Secretary; or
 - (d) sending it by fax transmission to a fax number specified by the Secretary.
- (8) A reply (referred to in subsection (3C)) may be given to the objector by—
- (a) delivering it to the objector personally;
 - (b) leaving it at the objector’s last known address;
 - (c) sending it by ordinary or registered post addressed to the objector at the objector’s last known address;
 - (d) sending it by electronic mail transmission to the objector’s last known electronic mail address; or
 - (e) sending it by fax transmission to the objector’s last known fax number.”.

92. Section 11 amended (procedure after publication of scheme)

Section 11—

Repeal subsection (2)

Substitute

- “(2) Subject to subsection (1), the Secretary must, before the expiry of the period determined in accordance with subsections (2A) and (2B), submit the scheme and every objection lodged under section 10(1) to the Chief Executive in Council for consideration.
- (2A) Except as extended under subsection (2B), the period mentioned in subsection (2) is—
- (a) unless paragraph (b) applies—5 months after the date of expiry of the time for lodging objections under section 10(1) in respect of the scheme; or
 - (b) if one or more amendments are made to the scheme under section 7—whichever of the following periods that ends later—
 - (i) the period mentioned in paragraph (a);
 - (ii) 3 months after the date of expiry of the time for lodging objections under section 10(1) in respect of the amendment (or the last of the amendments).
- (2B) The Financial Secretary may, on application by the Secretary—
- (a) extend the period mentioned in subsection (2A) for 2 months if the Financial Secretary considers it appropriate to do so in a particular case; and
 - (b) further extend the period on not more than 2 occasions and for 2 months for each extension if the Financial Secretary is satisfied that exceptional circumstances exist in a particular case.”.

93. Section 15 amended (minor works)

- (1) Section 15(1), after “boundaries of the scheme”—

Add

“referred to in paragraph (b)”.

- (2) Section 15(1)—

Repeal paragraphs (a) and (b)

Substitute

“(a) that, in the Secretary’s opinion—

(i) only involve minor physical or structural operations; or

(ii) only create minimal adverse effect on the commuters and the people in the neighbourhood;

(b) that are required for the purposes of a scheme, or required for the purposes of a scheme intended to be proposed; and”.

- (3) Section 15(1)(c)—

Repeal

“him are”

Substitute

“the Secretary are any one or more of the following”.

- (4) Section 15(1)(c)(i)—

Repeal

“his”

Substitute

“the Secretary’s”.

94. Section 19 amended (notices of resumption of land)

(1) Section 19(1)(b)—

Repeal subparagraph (ii)

Substitute

“(ii) on the website specified by the Secretary; and”.

(2) Section 19(1)(b)—

Repeal subparagraph (iii).

95. Section 21 amended (notices of creation of easements or other rights)

(1) Section 21(1)(b)—

Repeal subparagraph (ii)

Substitute

“(ii) on the website specified by the Secretary; and”.

(2) Section 21(1)(b)—

Repeal subparagraph (iii).

96. Section 23 amended (notices of orders for closure of roads, etc.)

(1) Section 23(1)(b)—

Repeal subparagraph (ii)

Substitute

“(ii) on the website specified by the Secretary; and”.

(2) Section 23(1)(b)—

Repeal subparagraph (iii).

97. Section 38 amended (interest)

(1) Section 38(1)(b)—

Repeal

everything after “thinks fit”

Substitute a full stop.

(2) Section 38—

Repeal subsections (2) and (3)

Substitute

“(2) For subsection (1)(b), the rate of interest payable—

(a) in respect of a day on which the reference interest rate is published (*publication day*)—is the reference interest rate; and

(b) in respect of a day other than a publication day—is the reference interest rate published on the last publication day before that day.

(3) In this section—

reference interest rate (參考利率) means the 1-month Hong Kong Dollar Interest Settlement Rate published by The Hong Kong Association of Banks by the close of business on a day.”.

98. Section 41 amended (certain statements to be evidence)

(1) Section 41(c)—

Repeal subparagraph (i)

Substitute

“(i) any works only involve minor physical or structural operations;

(ia) any works only create minimal adverse effect on the commuters and the people in the neighbourhood; or”.

(2) Section 41, English text—

Repeal

“shall”

Substitute

“must”.

99. Section 42A added

After section 42—

Add

“42A. Absence of authorization of expenditure for works not prevent certain matters

The fact that the expenditure for any works to be carried out for a scheme has not been approved or authorized under the Public Finance Ordinance (Cap. 2) or any other enactment does not prevent—

- (a) the authorization of the scheme under section 11 or 12;
- (b) the authorization of the works under section 15;
- (c) the exercise of a power under section 13(2), 16, 20, 22, 24, 25, 26, 27 or 28; or
- (d) the provision of any compensation (whether monetary or non-monetary) or any financial or other assistance, whether or not under an enactment, in connection with the scheme or the works.”.

100. Section 48 added

At the end of Part V—

Add

“48. Transitional provisions for Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022

- (1) If a copy of a scheme has been deposited in the Land Registry under section 6(1) before the commencement date of sections 90(1) and (2), 91, 92, 94, 95 and 96 of the Amendment Ordinance, sections 6(6), 10, 11, 19, 21 and 23 as in force immediately before that commencement date continue to apply in relation to the scheme as if sections 90(1) and (2), 91, 92, 94, 95 and 96 of the Amendment Ordinance had not been enacted.
- (2) If the period specified in column 4 of Part II of the Schedule in relation to a matter specified in column 1 of that Part begins before the commencement date of section 97 of the Amendment Ordinance, section 38 as in force immediately before that commencement date continues to apply in relation to the compensation in respect of the matter as if section 97 of the Amendment Ordinance had not been enacted.
- (3) In this section—

Amendment Ordinance (《修訂條例》) means the Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022 (of 2022).”.

101. Schedule amended

The Schedule—

Repeal

“& 38]”

Substitute

Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Bill
2022

Part 7
Clause 101

C3047

“, 38 & 48]”.

Part 8

Related Amendments to Other Enactments

Division 1—Amendments to Buildings Ordinance (Cap. 123)

102. Section 4B amended (duties of prescribed building professional appointed or nominated in respect of minor works commenced under simplified requirements)

(1) Section 4B(2)(e)—

Repeal subparagraph (ii)

Substitute

“(ii) any approved plan or partly approved plan under the Town Planning Ordinance (Cap. 131) or any draft plan prepared under that Ordinance;”.

(2) Section 4B(2)(f)—

Repeal

“or draft plan prepared under the Town Planning Ordinance (Cap. 131)”

Substitute

“plan or partly approved plan under the Town Planning Ordinance (Cap. 131) or a draft plan prepared under that Ordinance”.

103. Section 16 amended (grounds on which approval or consent may be refused)

(1) Section 16(1)(d)—

Repeal

“or draft plan prepared under the Town Planning Ordinance (Cap. 131)”

Substitute

“plan or partly approved plan under the Town Planning Ordinance (Cap. 131) or any draft plan prepared under that Ordinance”.

- (2) Section 16(1)—

Repeal paragraph (da)

Substitute

“(da) the building works—

- (i) are within a comprehensive development area of an approved plan or partly approved plan under the Town Planning Ordinance (Cap. 131) or a draft plan prepared under that Ordinance; and
- (ii) contravene a master lay-out plan approved by the Town Planning Board under section 4A(2) of that Ordinance;”.

104. Section 24AA amended (order for demolition, removal, or alteration of minor works commenced under simplified requirements)

- (1) Section 24AA(1)—

Repeal paragraph (b)

Substitute

“(b) an approved plan or partly approved plan under the Town Planning Ordinance (Cap. 131) or a draft plan prepared under that Ordinance; or”.

- (2) Section 24AA(2)(b)—

Repeal

“approved or”

Substitute

“approved plan, partly approved plan or”.

Division 2—Amendment to Country Parks Ordinance (Cap. 208)

105. Section 16 amended (control of use of land in country park)

Section 16(6)—

Repeal

everything after “purposes of”

Substitute

“that Ordinance, the resumption of that land is taken to be required for a public purpose within the meaning of section 2(2) of that Ordinance.”.

Division 3—Amendment to Mining Ordinance (Cap. 285)

106. Section 65 amended (resumption of land required for public purposes)

Section 65—

Repeal subsection (2)

Substitute

“(2) The reference to the resumption of the land for a public purpose in subsection (1) is to be construed in accordance with section 2(2) of the Lands Resumption Ordinance (Cap. 124), but that Ordinance does not otherwise apply to a resumption under subsection (1).”.

Division 4—Amendments to Hotel and Guesthouse Accommodation Ordinance (Cap. 349)

107. Section 12N amended (consideration of views of affected persons)

(1) Section 12N(5)(b)(i)—

Repeal

“plan or”

Substitute

“plan, a partly approved plan or”.

(2) Section 12N(5)(b), Chinese text—

Repeal

“草圖或核准圖或”

Substitute

“圖則或”.

(3) Section 12N(5)(b)(ii), Chinese text—

Repeal

“草圖或核准圖”

Substitute

“圖則”.

Division 5—Amendment to Water Pollution Control Ordinance (Cap. 358)

108. Section 8 amended (prohibited discharges into waters of Hong Kong and inland waters)

Section 8(3)(e)(ii)—

Repeal

“or 8”

Substitute

“, 8 or 16A”.

Division 6—Amendments to Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg. AL)

109. Section 22 amended (interest)

(1) Section 22(1)(b)—

Repeal

everything after “considers appropriate”

Substitute a full stop.

(2) Section 22—

Repeal subsections (2) and (3)

Substitute

“(2) For subsection (1)(b), the rate of interest payable—

(a) in respect of a day on which the reference interest rate is published (*publication day*)—is the reference interest rate; and

(b) in respect of a day other than a publication day—is the reference interest rate published on the last publication day before that day.

(3) In this section—

reference interest rate (參考利率) means the 1-month Hong Kong Dollar Interest Settlement Rate published by The Hong Kong Association of Banks by the close of business on a day.”.

110. Section 30 added

After section 29—

Add

“30. Transitional provisions for Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022

(1) If the period specified in column 5 of Part I of Schedule 1 in relation to a matter specified in column 2 of that Part begins before the commencement date of section 109 of the Amendment Ordinance, section 22 as in force immediately before that commencement date continues to apply in relation to the compensation in respect of the matter as if section 109 of the Amendment Ordinance had not been enacted.

(2) In this section—

Amendment Ordinance (《修訂條例》) means the Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2022 (of 2022).”.

111. Schedule 1 amended (compensation rights and assessment)

Schedule 1—

Repeal

“& 22]”

Substitute

“, 22 & 30]”.

112. Schedule 2 amended (application of the Roads (Works, Use and Compensation) Ordinance)

- (1) Schedule 2, Part I—

Repeal

“and 36 to 38.”

Substitute

“, 36, 37, 37A, 38 and 43(1), (2) and (4).”.

- (2) Schedule 2, English text, Part II, under heading “**General Modifications and Additions**”, section 1(1), after “11”—

Add

“(except any reference to “Financial Secretary” in section 11(1AC))”.

- (3) Schedule 2, Part II, under heading “**Particular Modifications and Additions**”—

Repeal

“10 In subsection (1), repeal everything after “both” and substitute a full stop.”

Substitute

“11 In subsection (1AC), repeal “Financial Secretary” (wherever appearing) and substitute “Secretary for Environment and Ecology”.”.

**Division 7—Amendments to Land Drainage Ordinance
(Cap. 446)**

113. Section 42 amended (interest)

- (1) Section 42(1)(b)—

Repeal

everything after “thinks fit”

Substitute a full stop.

- (2) Section 42—

Repeal subsections (2) and (3)

Substitute

- “(2) For subsection (1)(b), the rate of interest payable—
- (a) in respect of a day on which the reference interest rate is published (*publication day*)—is the reference interest rate; and
 - (b) in respect of a day other than a publication day—is the reference interest rate published on the last publication day before that day.

- (3) In this section—

reference interest rate (參考利率) means the 1-month Hong Kong Dollar Interest Settlement Rate published by The Hong Kong Association of Banks by the close of business on a day.”.

Division 8—Amendments to Non-local Higher and Professional Education (Regulation) Rules (Cap. 493 sub. leg. B)

114. Section 5 amended (premises in which registered course or exempted course is conducted)

- (1) Section 5(3)(c), English text—

Repeal

“Upon an application to him”

Substitute

“On an application to the Registrar”.

- (2) Section 5(3)(c)—

Repeal

“any part thereof”

Substitute

“any part of the course”.

- (3) Section 5(3)(c), English text—

Repeal

“he”

Substitute

“the Registrar”.

- (4) Section 5(3)(c)—

Repeal

“available to him”

Substitute

“available to the Registrar”.

- (5) Section 5(3)(c)—

Repeal subparagraph (vi)

Substitute

- “(vi) the conduct of the course or the part of the course, as the case requires, will not result in a contravention of—
- (A) an approved plan or partly approved plan under the Town Planning Ordinance (Cap. 131) or a draft plan prepared under that Ordinance; or
 - (B) any terms or conditions of the Government lease of the land in which the premises are comprised; and”.

Division 9—Amendments to Environmental Impact Assessment Ordinance (Cap. 499)

115. Schedule 1 amended (interpretation)

- (1) Schedule 1, definition of *coastal protection area*—

Repeal

everything after “in”

Substitute

“a draft plan prepared under the Town Planning Ordinance (Cap. 131) or an approved plan or partly approved plan under that Ordinance;”.

- (2) Schedule 1, definition of *conservation area*—

Repeal

everything after “in”

Substitute

“a draft plan prepared under the Town Planning Ordinance (Cap. 131) or an approved plan or partly approved plan under that Ordinance;”.

- (3) Schedule 1, definition of *planned use*—

Repeal

everything after “in”

Substitute

“—

- (a) a draft plan prepared under the Town Planning Ordinance (Cap. 131) or an approved plan or partly approved plan under that Ordinance; or
- (b) any other land use plans published by the Government;”.

**Division 10—Amendment to Land (Compulsory Sale for
Redevelopment) (Specification of Lower Percentage) Notice
(Cap. 545 sub. leg. A)**

116. Section 2 amended (interpretation)

Section 2, definition of *industrial zone*—

Repeal

everything after “use in”

Substitute

“a draft plan prepared by the Town Planning Board under the Town Planning Ordinance (Cap. 131) or an approved plan or partly approved plan under that Ordinance;”.

**Division 11—Amendments to Electronic Transactions
Ordinance (Cap. 553)**

117. Schedule 3 amended (service of documents)

(1) Schedule 3, item 5—

Repeal

“Sections 10(1) and (3) and”

Substitute

“Section”.

(2) Schedule 3, item 6—

Repeal

“10(1) and (4),”.

Division 12—Amendments to Urban Renewal Authority Ordinance (Cap. 563)

118. Section 25 amended (development schemes)

(1) Section 25(8)—

Repeal

“6F(8) (whether with or without application of section 6F(9) of that Ordinance) or 6G of that Ordinance or section”

Substitute

“6B(8) or”.

(2) Section 25(8)—

Repeal

“shall be the date when the proposed amendments in question are first made available for public inspection under section 6C(1) of that Ordinance or the date when the amendments are first exhibited for public inspection under section 7 of that Ordinance, as the case may be”

Substitute

“is to be the date when the amendments are first made available for public inspection under section 6H(2) of that Ordinance or the date when the amendments are first exhibited for public inspection under section 7 of that Ordinance, as the case requires”.

(3) Section 25(8), English text—

Repeal

“shall remain”

Substitute

“is to remain”.

- (4) Section 25(9), English text—

Repeal

“shall”

Substitute

“is to”.

- (5) Section 25(9)—

Repeal

“draft or approved plan”

Substitute

“draft plan, partly approved plan or approved plan”.

- (6) Section 25(10)—

Repeal

“shall be notified in the Gazette and shall revive any draft or approved plan”

Substitute

“must be notified in the Gazette and must revive any draft plan, partly approved plan or approved plan”.

119. Section 26 amended (development projects to accord with Town Planning Ordinance)

- (1) Section 26(2), English text—

Repeal

“shall”

Substitute

“must”.

- (2) Section 26(2)—

Repeal

“draft or approved plan”

Substitute

“draft plan, partly approved plan or approved plan”.

Division 13—Amendments to Residential Properties (First-hand Sales) Ordinance (Cap. 621)

120. Section 19 amended (contents of sales brochure: information required to be set out)

Section 19(2)(h)(i)—

Repeal

“, whether in draft or approved form, that is prepared”

Substitute

“(whether in draft, partly approved or approved form)”.

121. Section 48 amended (plans and documents to be made available to general public)

Section 48(1)(a)(i)—

Repeal

“, whether in draft or approved form, that is prepared”

Substitute

“(whether in draft, partly approved or approved form)”.

122. Section 73 amended (additional requirements for printed advertisement)

Section 73(9)(a)—

Repeal

“, whether in draft or approved form, prepared”

Substitute

“(whether in draft, partly approved or approved form)”.

**Division 14—Amendments to Private Columbaria Ordinance
(Cap. 630)**

123. Section 17 amended (no specified instrument issued if columbarium subject to specified law enforcement action)

(1) Section 17(2)(a)—

Repeal

“or 21(1)”

Substitute

“, 21(1) or 21F(1)”.

(2) Section 17(2)(b)(i)—

Repeal

“or 21(2)”

Substitute

“, 21(2) or 21F(2)”.

124. Section 111 amended (effect of Town Planning Ordinance modified)

Section 111(1)—

Repeal

“21(2)”

Substitute

“21(2), 21F(2)”.

Explanatory Memorandum

This Bill mainly introduces amendments to various Ordinances relating to town planning, lands and works for the purposes set out in the long title of the Bill.

2. The Bill comprises 8 Parts.

Part 1—Preliminary

3. Part 1 sets out the short title and provides for commencement.

Part 2—Amendments to Lands Resumption Ordinance (Cap. 124)

4. Part 2 amends the Lands Resumption Ordinance (Cap. 124) (*Cap. 124*) mainly—
 - (a) to make clear the scope of the public purposes for which lands may be resumed (new section 2(2) of Cap. 124 added by clause 4(5));
 - (b) to introduce a new mechanism for the steps taken before the authorization of the resumption of any land for a public purpose, including making a proposal for land resumption by publishing a notice of proposed resumption, amending the proposal and handling objections to the proposal (new Part 2 of Cap. 124 added by clause 5 and section 3 of Cap. 124 as amended by clause 7);
 - (c) to provide that a notice of proposed resumption or amendment notice in relation to a proposal for land resumption may be published on or after the date on which the relevant plan, or the relevant amendment to a plan or to a part of a plan, is exhibited or made

available for public inspection under any provision (other than section 9D or 11) of the Town Planning Ordinance (Cap. 131) (**Cap. 131**) (new sections 2A(4) and 2C(4) of Cap. 124);

- (d) to require a copy of a notice published under section 4 of Cap. 124 to be published on the website of the Director of Lands (**Director**) and made available for inspection (clause 8);
- (e) to introduce a new mechanism for proposing and authorizing an adjustment to the boundary of the land authorized or ordered to be resumed (new Part 4 of Cap. 124 added by clause 9);
- (f) to provide for the permanent or temporary use of any land for a purpose other than the public purpose for which it is resumed (new section 16AA of Cap. 124 added by clause 14);
- (g) to prescribe the interest rate for compensation (clauses 16 and 17);
- (h) to provide for the resumption of certain land contiguous or adjacent to resumed land on application by the owner (new section 18A of Cap. 124 added by clause 18); and
- (i) to provide that the absence of an authorization of expenditure for any works for carrying out a public purpose does not prevent the resumption of any land for that public purpose and certain other matters (new section 19A of Cap. 124 added by clause 20).

Part 3—Amendments to Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127)

5. Part 3 amends the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) (*Cap. 127*) mainly—
- (a) to enable the Director to act in relation to a reclamation proposed to be executed by another person (new section 2A of Cap. 127 added by clause 23);
 - (b) to require a notice of a plan to be published on the website specified by the Director instead of in newspapers (clause 24);
 - (c) to improve the procedures for proposing a reclamation and handling objections to a proposed reclamation (see paragraph 6);
 - (d) to prescribe the interest rate for compensation (clauses 27 and 28);
 - (e) to introduce a new mechanism for authorizing minor works over and upon any foreshore and sea-bed (new section 16A of Cap. 127 added by clause 29 and new Schedule to Cap. 127 added by clause 31);
 - (f) to provide that the absence of an authorization of expenditure for any works to be executed for a reclamation does not prevent the authorization of the reclamation and certain other matters (new section 16B of Cap. 127 added by clause 29); and
 - (g) to provide that the absence of a plan prepared under Cap. 131 does not prevent the authorization of a reclamation and certain other matters (new section 16C of Cap. 127 added by clause 29).

6. In particular, clauses 25 and 26 amend sections 6 and 8 of Cap. 127 to deal with the improvement of procedures mentioned in paragraph 5(c), which includes—
- (a) providing that an objection made on a ground relating to compensation or assistance is invalid;
 - (b) requiring an objector to give any response to a reply by the Director to the objection within 14 days after the reply is given;
 - (c) reducing the time period within which a proposed reclamation must be submitted to the Chief Executive in Council; and
 - (d) empowering the Secretary for Development (*Secretary*) to grant extension of time for the submission.

Part 4—Amendments to Land Acquisition (Possessory Title) Ordinance (Cap. 130)

7. Part 4 amends the Land Acquisition (Possessory Title) Ordinance (Cap. 130) (*Cap. 130*) mainly—
- (a) to make clear the scope of the public purposes for which lands may be acquired (new section 2(2) of Cap. 130 added by clause 32(4));
 - (b) to require a notice of an acquisition order to be published on the website of the Director instead of in newspapers (clause 34);
 - (c) to prescribe the interest rate for compensation (clauses 36 and 37);
 - (d) to provide for the permanent or temporary use of any land for a purpose other than the public purpose for which it is acquired (new section 11A of Cap. 130 added by clause 38); and

- (e) to provide that the absence of an authorization of expenditure for any works for carrying out a public purpose does not prevent the acquisition of any land for that public purpose and certain other matters (new section 14 of Cap. 130 added by clause 39).

Part 5—Amendments to Town Planning Ordinance (Cap. 131)

- 8. Part 5 seeks to introduce amendments to Cap. 131. Part 5 is divided into 2 Divisions.
- 9. Division 1 of Part 5 (clauses 40 to 64) contains amendments to Cap. 131 to improve the existing procedures in relation to town planning.
- 10. In brief, Division 1 of Part 5 seeks to give effect to the following legislative proposals (*legislative proposals*)—
 - (a) Proposal 1—to remove the existing procedures of inviting comments on representations under section 6A of Cap. 131 and further representations in respect of proposed amendments made by the Town Planning Board (*Board*) under section 6D of Cap. 131, and to require a natural person who makes a representation under section 6 of Cap. 131 (*representation*) to attend in person the meeting held to consider the representation except for exceptional circumstances;
 - (b) Proposal 2—to expressly provide that the Board may impose a time limit for the person who makes the representation to present the person’s case at the meeting and to specify that if a reason for the representation concerns compensation or assistance relating to or arising from certain matters, the Board may, to the extent that the representation is made for

- that reason, treat the representation as not having been made;
- (c) Proposal 3—to shorten the statutory time limit for submission of draft plan to the Chief Executive in Council, including revising the extension period that may be granted under section 8 of Cap. 131 for the submission, and to transfer the power to grant the extension from the Chief Executive to the Secretary;
 - (d) Proposal 4—to empower the Board to submit a draft plan to the Chief Executive in Council for approval of a part of the plan specified by the Board (*specified part*), and to expand the power of the Chief Executive in Council under section 9 of Cap. 131 so that it may approve, or refuse to approve, the specified part, or refer a draft plan to the Board for consideration and amendment of the specified part;
 - (e) Proposal 5—to empower the Board to submit a partly approved plan to the Chief Executive in Council for approval of any part that is yet to be approved under Cap. 131 (*outstanding part*), to amend such outstanding part before the submission and to empower the Chief Executive in Council to approve, or refuse to approve, the outstanding part (whether or not amendment has been made by the Board), or refer the plan to the Board for consideration and amendment of the outstanding part;
 - (f) Proposal 6—to transfer the power to refer an approved plan to the Board for amendment from the Chief Executive in Council to the Secretary, and to expand the power to include the power to refer a plan to the Board for amendment of an approved part;

- (g) Proposal 7—to remove the requirement of public consultation under section 12A of Cap. 131, and to provide for the eligibility for making an application under that section to the Board for consideration of a proposal in relation to an original approved plan (as defined by that section);
 - (h) Proposal 8—to require an applicant under section 17 of Cap. 131 to set out the grounds for the review being applied for under that section;
 - (i) Proposal 9—to empower the Board not to accept any further information in relation to an application made under section 12A, 16 or 17 of Cap. 131 received after the period specified by the Board; and
 - (j) Proposal 10—to replace the existing requirement regarding publication of certain information in newspapers by a requirement to publish the information on the Board’s website.
11. Clause 40 amends section 1A of Cap. 131 to add new defined terms. Examples of those new defined terms are ***approved part***, ***outstanding part*** and ***partly approved plan***.
12. Clauses 43, 46, 47, 48, 49, 50, 51 and 52 seek to amend sections 2C, 6, 6B, 6E and 6H of Cap. 131 and repeal sections 6A, 6C, 6D, 6F and 6G of Cap. 131 to mainly give effect to Proposal 1 and Proposal 2.
13. Clauses 45, 53, 60 and 61 contain amendments made to sections 5, 7, 16 and 17 of Cap. 131. The amendments mainly relate to Proposal 10. Clause 61 also contains amendments relating to Proposal 8.

14. The amendments under clauses 54, 55, 56 and 57 mainly relate to Proposal 3, Proposal 4, Proposal 5 and Proposal 6.
15. Clause 58 amends section 12A of Cap. 131 to give effect to Proposal 7.
16. For Proposal 9, the related amendments are included in clauses 58, 60 and 61.
17. The other amendments in Division 1 of Part 5 are either amendments related to any of the legislative proposals or textual amendments to improve the drafting of the existing provisions of Cap. 131.
18. Division 2 of Part 5 (clauses 65 to 72) contains amendments to Cap. 131 to expand the existing enforcement power of the Director of Planning under Cap. 131.
19. Clause 66 amends section 1A of Cap. 131 to include the definitions of certain new expressions to be used in Cap. 131 after the commencement of Division 2 of Part 5. Those expressions include *pre-material-date use*, *regulated area*, *regulated area designation* and *regulated area plan*.
20. Clause 70 seeks to add new provisions (new sections 21A to 21F) to Cap. 131. Once the new provisions come into operation, the Secretary would be able to designate certain areas to be regulated areas. Under the new sections 21A to 21E, a regulated area designation must be made by notice published in the Gazette and by reference to a plan prepared and signed by the Secretary. The time from which the designation is to take effect and the time from which it ceases to have effect are also provided for in the new provisions.

21. The new section 21F is a new offence provision. Under that section, unless a development satisfies any of the specified conditions, a person commits an offence if the person undertakes or continues the development in a regulated area.
22. Clause 66 amends the definition of *unauthorized development* in section 1A of Cap. 131 and clauses 71 and 72 respectively amend sections 22 and 23 of Cap. 131 so that after the commencement of those clauses (if enacted), the Director of Planning may exercise the powers under the amended sections 22 and 23 of Cap. 131 in relation to a regulated area.

Part 6—Amendments to Roads (Works, Use and Compensation) Ordinance (Cap. 370)

23. Part 6 amends the Roads (Works, Use and Compensation) Ordinance (Cap. 370) (*Cap. 370*) mainly—
 - (a) to expand the mechanism for executing minor works (clauses 73 and 81);
 - (b) to require certain notices to be published on the website specified by the Secretary for Transport and Logistics instead of in newspapers (clauses 74(2) and (3), 77, 78 and 79);
 - (c) to improve the procedures for proposing to execute works and handling objections to the works or the use (see paragraph 24);
 - (d) to prescribe the interest rate for compensation (clause 80); and
 - (e) to provide that the absence of an authorization of expenditure for any works or any use does not prevent the authorization of the works or the use and certain other matters (new section 37A of Cap. 370 added by clause 83).

24. In particular, clauses 75 and 76 amend sections 10 and 11 of Cap. 370 to deal with the improvement of procedures mentioned in paragraph 23(c), which includes—
- (a) providing that an objection lodged on a ground relating to compensation or assistance is invalid;
 - (b) requiring an objector to give any response to a reply by the Secretary for Transport and Logistics to the objection within 14 days after the reply is given;
 - (c) reducing the time period within which the plan and scheme must be submitted to the Chief Executive in Council; and
 - (d) empowering the Financial Secretary to grant extension of time for the submission.
25. Clauses 87, 88 and 89 seek to adapt Cap. 370 to bring it into conformity with the Basic Law and with the status of Hong Kong as a Special Administrative Region of the People's Republic of China.

Part 7—Amendments to Railways Ordinance (Cap. 519)

26. Part 7 amends the Railways Ordinance (Cap. 519) (*Cap. 519*) mainly—
- (a) to require certain notices to be published on the website specified by the Secretary for Transport and Logistics instead of in newspapers (clauses 90(1) and (2), 94, 95 and 96);
 - (b) to improve the procedures for proposing a scheme for a railway and handling objections to the scheme (see paragraph 27);
 - (c) to expand the mechanism for authorizing the carrying out of minor works (clauses 93 and 98);

- (d) to prescribe the interest rate for compensation (clause 97); and
 - (e) to provide that the absence of an authorization of expenditure for any works to be carried out for a scheme does not prevent the authorization of the scheme and certain other matters (new section 42A of Cap. 519 added by clause 99).
27. In particular, clauses 91 and 92 amend sections 10 and 11 of Cap. 519 to deal with the improvement of procedures mentioned in paragraph 26(b), which includes—
- (a) providing that an objection lodged on a ground relating to compensation or assistance is invalid;
 - (b) requiring an objector to give any response to a reply by the Secretary for Transport and Logistics to the objection within 14 days after the reply is given;
 - (c) reducing the time period within which the scheme must be submitted to the Chief Executive in Council; and
 - (d) empowering the Financial Secretary to grant extension of time for the submission.

Part 8—Related Amendments to Other Enactments

28. Part 8 makes related amendments to other enactments.