

Land (Compulsory Sale for Redevelopment) (Amendment) Bill 2023

Committee Stage

Amendments to be moved by the Secretary for Development

<u>Clause</u>	<u>Amendment Proposed</u>
Long Title	In the Chinese text, by deleting “自住” and substituting “自用”.
3(2)	In the proposed definition of <i>owner-occupier</i> , by deleting “自住” and substituting “自用”.
5	<p>By adding—</p> <p>“(2AB) For the purposes of subsection (2A)(b), if—</p> <ul style="list-style-type: none">(a) the Government is a minority owner of the lot the subject of the application; and(b) any undivided shares in the lot held by the Government are vested in the Government as bona vacantia, <p>the Government is deemed to have filed a notice of no objection in the capacity of such a minority owner in relation to those undivided shares.”.</p>
5	<p>By deleting the proposed section 4(2C)(b) and substituting—</p> <p>“(b) it would not be so required if—</p> <ul style="list-style-type: none">(i) the application would still be an application under section 3(1) if a relevant lot were no longer the subject of the application; and(ii) it could determine the application as if the relevant lot were no longer the subject of the application.”.
6	<p>In the proposed section 4A, by adding—</p> <p>“(1A) Subsection (1) does not apply to the Government to the extent that the Government is deemed to have filed a notice of no objection in the capacity of a minority owner under section 4(2AB).”.</p>

New

By adding—

“6A. Section 5 amended (lot to be sold by auction or other means and default on payment by the purchaser of the lot)

Section 5(4)(a), Chinese text, before “該命令”—

Add

“緊接”.

6B. Section 7 amended (registration of order for sale, etc.)

Section 7(2)(b), Chinese text, before “據此”—

Add

“立即”.’.

7

By adding—

“(2A) Section 8(1)(b)(ii), Chinese text—

Repeal

“在該日之後的 6 個月屆滿後，該購買者有權取回有關物業在空置情況下的管有，而有關租客必須”

Substitute

“在緊接該日之後的 6 個月屆滿後，該購買者立即有權取回有關物業在空置情況下的管有，而有關租客必須立即”.’.

7(3)

In the proposed section 8(1)(c), in the Chinese text, by deleting “自住擁有人必須交回有關物業在空置情況下的管有，而該購買者” and substituting “自用擁有人必須立即交回有關物業在空置情況下的管有，而該購買者立即”.

New

By adding—

“7A. Section 9 amended (conditions deemed to be conditions of Government lease, etc.)

(1) Section 9—

Renumber the section as section 9(1).

(2) After section 9(1)—

Add

- “(2) For the purposes of subsection (1), Schedule 3 as amended by the Land (Compulsory Sale for Redevelopment) (Amendment) Ordinance 2024 (of 2024) applies if the order for sale was made on or after the commencement of that Ordinance, whether or not the application for the order was made before that commencement.”.”.
- 8(4) In the Chinese text, by deleting “自住” and substituting “自用”.
- 8(6) In the proposed section 11(2)(c)(iii), in the Chinese text, by deleting “自住” (wherever appearing) and substituting “自用”.
- 8(7) In the proposed section 11(4A), in the Chinese text, by deleting “自住” (wherever appearing) and substituting “自用”.
- 9(3) In the proposed Part 1A, in section 1(a), by adding “(other than a lot wholly owned by the majority owner who made the application)” after “on the lot”.
- 9(6) In the proposed paragraph (c), by deleting “owner-occupier” and substituting “owner-occupier[#]”.
- 9 By adding—
- “(6A) Schedule 1, Part 2—
- Repeal**
- “* Delete whichever is inapplicable.”
- Substitute**
- “* Delete whichever is inapplicable.
- [#] The amount ordered to be paid is to be deducted from the proceeds of sale payable to the owner-occupier.”.”.
- 11 By deleting the clause and substituting—
- “11. Schedule 3 amended (conditions to which purchaser of lot and purchaser’s successors in title shall be subject)**
- (1) Schedule 3—
- Repeal section 1**

Substitute

- “1. The lot the subject of an order for sale must be redeveloped and the redevelopment must be completed and made fit for occupation—
- (a) subject to paragraph (b)—
 - (i) for an order for sale of one lot—within such period, not being a period which expires after 6 years after the date on which the purchaser of the lot became the owner of the lot, as specified by the Tribunal in the order for sale;
 - (ii) for an order for sale of 2 or more lots—within such period, not being a period which expires after 7 years after the date on which the purchaser of the lots became the owner of the lots, as specified by the Tribunal in the order for sale;
 - (b) within such further period, if any, as the Tribunal may allow on the application of the purchaser of that lot or his successor in title.”.

- (2) Schedule 3—

Add

- “2. Section 1 of this Schedule extends to a new lot (whether or not a new lot number assigned) that is granted by or on behalf of the Government in a lot extension or in-situ land exchange application involving—
- (a) the lot mentioned in that section; and
 - (b) any other lots (if any) being the subject of the application.
3. If there is more than one period (as described in section 1 of this Schedule) applying to the new lot by the operation of section 2 of this Schedule, the timeframe for the redevelopment of the new lot is the period with the earliest end date or such other period as may be allowed by the Tribunal on the application of the owner of the new lot.”.

New

In Part 2, by adding—

“11A. Schedule 4 amended (notice that tenancies of lot have been terminated)

Schedule 4, Chinese text—

Repeal paragraph (b)

Substitute

“(b) 在緊接上述日期之後的 6 個月屆滿後，該購買者立即有權取回所有上述物業在空置情況下的管有，而上述租客必須立即交回該等物業在空置情況下的管有。””.

23(5) By deleting “This notice is filed by _____ (the name of solicitors’ firm) of _____ (address), solicitors for the said respondent, on the _____ day of _____, _____.” and substituting—

“I, _____ (the name of solicitor), have duly explained the contents of this notice and its effect to the respondent. I also confirm that the respondent signed this notice before me.

(Signature of the Solicitor)

(Name of the Solicitor)

This notice is filed by _____ (the name of solicitors’ firm) of _____ (address), solicitors for the respondent, on the _____ day of _____, _____.”.

23(6) By adding “on the lot the subject of the main application” after “specify the premises”.

23(6) In the Chinese text, by deleting “有關地段的購買者” and substituting “上述地段的購買者”.

23(6)

By deleting “Dated this _____ day of _____, _____.” and substituting—

- “4. I/We understand that for the continued occupation of the premises as being applied for in paragraph 3, the Lands Tribunal may order an amount to be paid by me/us to the purchaser, and that amount is to be deducted from the proceeds of sale payable to me/us.

Dated this _____ day of _____, _____.”.