

Chapter:	563	URBAN RENEWAL AUTHORITY ORDINANCE	Gazette Number	Version Date
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		Long title	L.N. 92 of 2001	01/05/2001
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An Ordinance to establish the Urban Renewal Authority for the purpose of carrying out urban renewal and for connected purposes.

[1 May 2001] *L.N. 92 of 2001*

(Originally 63 of 2000)

Part:	I	PRELIMINARY	L.N. 92 of 2001	01/05/2001
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Section:	1	Short title	L.N. 92 of 2001	01/05/2001
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- (1) This Ordinance may be cited as the Urban Renewal Authority Ordinance.
- (2) (Omitted as spent)

Section:	2	Interpretation	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

In this Ordinance, unless the context otherwise requires-

"auditor" (核數師) means a certified public accountant (practising) or a corporate practice as defined in the Professional Accountants Ordinance (Cap 50); (Amended 23 of 2004 s. 56)

"Authority" (市建局) means the Urban Renewal Authority established under section 3;

"building" (建築物) has the same meaning as "building" in section 2(1) of the Buildings Ordinance (Cap 123);

"business plan" (業務計劃) means a business plan prepared by the Authority and approved by the Financial Secretary under section 22;

"corporate plan" (業務綱領) means a corporate plan prepared by the Authority and approved by the Financial Secretary under section 21;

"executive director" (執行董事) means a person who, by virtue of section 4, is a member and an executive director of the Board of the Authority;

"financial year" (財政年度) means the period commencing on 1 April each year and ending on 31 March the year after;

"land" (土地) means land, whether covered by water or not, of whatever description and includes a building erected thereon and where an undivided share of a leasehold interest in land has appurtenant to it rights to the exclusive use and occupation of a building or part thereof erected thereon, includes such share in the land and all rights appurtenant thereto, and any estate, right, share or interest in land;

"Land Development Corporation" (土發公司) means the Land Development Corporation established by section 3(1) of the repealed Ordinance;

"non-executive director" (非執行董事) means a person who, by virtue of section 4, is a member of the Board of the Authority who is not an executive director;

"owner" (擁有人) has the same meaning as "owner" in section 2(1) of the Buildings Ordinance (Cap 123);

"project" (項目) means-

- (a) a development scheme of the description mentioned in section 25;
- (b) a development project of the description mentioned in section 26;
- (c) a development proposal prepared in accordance with section 5(2)(b) of the repealed Ordinance; or

(d) a development scheme prepared in accordance with section 13(1) of the repealed Ordinance, which is included in a business plan and approved by the Financial Secretary for implementation under section 22;

"proposal" (提案) means a proposal for a project;

"repealed Ordinance" (已廢除條例) means the Land Development Corporation Ordinance (Cap 15) repealed under section 36;

"Secretary" (局長) means the Secretary for Development; (Amended L.N. 106 of 2002; L.N. 130 of 2007)

"Town Planning Board" (城規會) means the Town Planning Board appointed under section 2 of the Town Planning Ordinance (Cap 131).

Part:	II	URBAN RENEWAL AUTHORITY	L.N. 92 of 2001	01/05/2001
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Section:	3	Establishment of Authority	L.N. 92 of 2001	01/05/2001
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(1) There shall be established a body corporate to be named the Urban Renewal Authority which shall have such powers and duties as are conferred and imposed on it by, or by virtue of, this Ordinance.

(2) The Authority shall have perpetual succession and a common seal and shall in its own name be capable of suing and of being sued.

(3) The Authority shall not be regarded as a servant or agent of the Government or as enjoying any status, immunity or privilege of the Government.

(4) Part VII of the Interpretation and General Clauses Ordinance (Cap 1) shall apply to the Authority and appointments to the Authority except where the context of this Ordinance otherwise requires.

Section:	4	Establishment of Board of Authority	L.N. 92 of 2001	01/05/2001
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(1) There shall be established a Board to be named the Board of the Urban Renewal Authority comprised of the following members-

- (a) a Chairman of the Board of the Authority ("the Chairman"), who is at the same time a non-executive director and is not a public officer;
- (b) a Managing Director of the Authority ("the Managing Director"), who is at the same time an executive director and is not a public officer;
- (c) 2 other executive directors, not being public officers;
- (d) not less than 7 other non-executive directors, not being public officers; and
- (e) 4 other non-executive directors who are public officers.

(2) All members of the Board of the Authority, including the Chairman, shall be appointed by the Chief Executive for a term not exceeding 3 years.

(3) The Managing Director is, by virtue of holding that office, the Deputy Chairman of the Board of the Authority.

(4) The Board of the Authority shall be the governing and executive body of the Authority and as such shall, in the name of the Authority, exercise and perform the powers and duties as are conferred and imposed on the Authority by, or by virtue of, this Ordinance.

(5) The Managing Director is the administrative head of the Authority. Together with the other executive directors, the Managing Director is responsible, subject to the direction of the Board of the Authority, for administering the affairs of the Authority and, subject to that direction, has such other responsibilities as may be assigned by the Board of the Authority.

(6) The Schedule shall have effect with respect to the Board of the Authority and its members.

Section:	5	Purposes of Authority	L.N. 92 of 2001	01/05/2001
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The purposes of the Authority are to-

- (a) replace the Land Development Corporation as the body corporate established by statute having the responsibility of improving the standard of housing and the built environment of Hong Kong by

- undertaking, encouraging, promoting and facilitating urban renewal;
- (b) improve the standard of housing and the built environment of Hong Kong and the layout of built-up areas by replacing old and dilapidated areas with new development which is properly planned and, where appropriate, provided with adequate transport and other infrastructure and community facilities;
- (c) achieve better utilization of land in the dilapidated areas of the built environment of Hong Kong and to make land available to meet various development needs;
- (d) prevent the decay of the built environment of Hong Kong by promoting the maintenance and improvement of individual buildings as regards their structural stability, integrity of external finishes and fire safety as well as the improvement of the physical appearance and conditions of that built environment;
- (e) preserve buildings, sites and structures of historical, cultural or architectural interest; and
- (f) engage in such other activities, and to perform such other duties, as the Chief Executive may, after consultation with the Authority, permit or assign to it by order published in the Gazette.

Section:	6	General power of Authority	L.N. 92 of 2001	01/05/2001
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(1) The Authority shall have power to do anything which is expedient for or conducive or incidental to the attainment of the purposes declared in or permitted or assigned under section 5 and shall exercise that power so as to improve the standard of housing and the built environment of Hong Kong.

(2) Without prejudice to the generality of subsection (1), the Authority shall have power to and may-

- (a) enter into contracts, including employment contracts, or other agreements with any person;
- (b) prepare draft corporate plans and draft business plans for the operation of the Authority;
- (c) lease, purchase or otherwise acquire and hold land of any description in Hong Kong for the purpose of either undertaking development, providing accommodation for the Authority, or for providing residential accommodation for persons displaced by the carrying out of the purposes of the Authority;
- (d) implement projects by way of-
 - (i) a development scheme under section 25;
 - (ii) a development project under section 26;
 - (iii) the continuation and completion of a development proposal under section 36(4);
 - (iv) the continuation and completion of a development scheme under section 36(7);
- (e) alter, construct, demolish, maintain, repair, preserve or restore any building, premises or structure ancillary thereto;
- (f) provide and where appropriate alter, maintain or repair roads, footways, parks, recreational facilities and similar open spaces, bridges, drains, sewers and water courses other than those the maintenance of which the Government or other public body has undertaken or decides to undertake;
- (g) manage any building, premises, or structures which it has leased, purchased, acquired or otherwise holds and any common parts thereof including any land ancillary thereto, having regard to the interests, welfare and comfort of the tenants, owners or occupiers thereof and may charge fees for its services in connection with such management;
- (h) manage any roads, footways, parks, car parks, parking spaces, recreational facilities and similar open spaces, bridges, drains, sewers and water courses and other transport and recreational facilities owned or held by the Authority and may charge fees for the provision of such services;
- (i) set aside as use for car parks any land held by the Authority, designate parking spaces, control the use of car parks and parking spaces and may allocate any place in a car park or parking place for the use of vehicles of any description or any particular type or class or for the use of any person or persons or any particular class;
- (j) provide fixtures, fittings or furniture in buildings acquired by or under the control of the Authority and may let, lend, hire or otherwise dispose of such fixtures, fittings or furniture on such terms and conditions as to payment or otherwise as the Authority may think fit;
- (k) subject to section 30, grant, sell, convey, assign, surrender, yield up, demise, let, license, transfer or otherwise dispose of any land or building, messuages, tenements, vessels, goods and chattels for the time being owned or held by the Authority on such terms and conditions as the Authority thinks fit;
- (l) enter into agreements with any person for the management by such person of any land owned or held by the Authority;
- (m) conduct any survey and census as it thinks fit for the purpose of drawing up any plans and for the

- purposes of ascertaining a rehousing commitment resulting from any project of the Authority;
- (n) surrender any lease or apply for and agree to the modification of lease conditions or enter into any exchange;
 - (o) undertake and execute any trust which has for its object the furtherance of urban renewal or any other object similar or incidental to any of the purposes of the Authority;
 - (p) accept gifts and donations, whether of property or otherwise and whether subject to any trust or not;
 - (q) appoint such employees as it may determine on such terms and conditions as the Authority thinks fit including the payment of allowances, benefits and remuneration;
 - (r) make or provide ex gratia payments to any employee, or to the personal representative of a deceased employee or to any other person who was dependent on such employee at his death;
 - (s) establish any body corporate for the purpose of doing all such things which the Authority may do and may vest in any such body corporate so established such objects and powers as in the opinion of the Authority are calculated to facilitate the attainment of the purposes of the Authority under this Ordinance;
 - (t) exercise any of its powers either alone or in association with any other person or persons.

Part:	III	PUBLIC ACCOUNTABILITY	L.N. 92 of 2001	01/05/2001
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Section:	7	Members to declare interests	L.N. 92 of 2001	01/05/2001
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(1) As soon as is practicable after appointment to membership or as and when the occasion may thereafter require, a member of the Board of the Authority, including the Chairman and the Managing Director, shall declare to the Authority in such manner as is for the time being determined by the Authority, whether by standing orders or otherwise, any interest of his which is of a class or description so determined.

(2) The Authority shall establish and maintain a register ("the register") for the purposes of this section.

(3) Where a member of the Board of the Authority makes a declaration required under subsection (1), the Authority shall cause the name of the member to be entered in the register together with the particulars contained in the declaration, and if, in accordance with such a requirement, a member subsequently makes any such declaration, the particulars already so entered shall be added to or otherwise amended in such manner as the Authority considers appropriate.

(4) The Authority shall make the register available for public inspection at its principal office at any reasonable time.

(5) A member of the Board of the Authority, including the Chairman and the Managing Director, who is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority, or in a contract made or proposed to be made by a servant or an agent or a partner of the Authority, or, by a body corporate established by the Authority which is brought up for consideration by the Board, shall disclose the nature of his interest at a meeting of the Board; and the disclosure shall be recorded in the minutes of the meeting of the Board, and the member shall not without the permission of the Chairman, and in the case of the Chairman, the permission of the majority of the members present at the meeting, take any part in any deliberation of the Board with respect to that contract and shall not in any event vote on any question concerning it.

(6) Where a disclosure is made under subsection (5) and the person concerned is not required to withdraw from the relevant meeting, then for so long as the matter to which the disclosure relates is being discussed or otherwise considered at such meeting, the presence of the person by whom the disclosure was made shall be disregarded for the purposes of forming a quorum for the meeting.

(7) The validity of any proceedings of the Authority shall not be affected by the failure by a member of the Board of the Authority to comply with this section.

(8) A member of the Board of the Authority need not attend in person at the meeting of the Authority in order to make a disclosure which he is required to make under subsection (5) if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

Section:	8	Duty of public officers to state public interest	L.N. 92 of 2001	01/05/2001
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Where at a meeting of the Board a member who is a public officer and is present considers that any matter whatsoever which is to be or is being considered, decided or determined by the Authority, is or could be contrary to,

or otherwise raises or puts in issue, or could so raise or put in issue, the public interest as perceived by him, the following shall apply-

- (a) he shall state to the meeting his opinion regarding the relation between the public interest, as so perceived, and the matter, and, where appropriate, he shall also state how, in his opinion, an actual or potential conflict with that interest, as so perceived, arises or could arise; and
- (b) unless he has made a declaration or disclosure under section 7(1) or (5) which is relevant to the matter, section 7(5) shall not apply as regards the matter.

Section:	9	Answer to Legislative Council	L.N. 92 of 2001	01/05/2001
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The committees and subcommittees of the Legislative Council may request the Chairman and the executive directors to attend its meetings and they shall comply. The Chairman and the executive directors shall answer questions raised by the Members of the Legislative Council at the meetings.

Part:	IV	FINANCIAL PROVISIONS	L.N. 92 of 2001	01/05/2001
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Section:	10	Resources of Authority	L.N. 106 of 2002	01/07/2002
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- (1) The resources of the Authority shall consist of-
 - (a) all money paid by the Government to the Authority and appropriated for that purpose by the Legislative Council;
 - (b) all other money and property, including fees, rent, interest and accumulations of income received by the Authority for its purposes.
- (2) All money paid to or received by the Authority shall be deposited with banks licensed by the Hong Kong Monetary Authority.
- (3) The Secretary for Financial Services and the Treasury may give directions in writing of a general or specific character to the Authority in relation to the amount of money which may be expended by the Authority in any financial year and the Authority shall comply with those directions. (Amended L.N. 106 of 2002)
- (4) The Authority shall exercise due care and diligence in the handling of its finances.

Section:	11	Borrowing powers	L.N. 106 of 2002	01/07/2002
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- (1) The Authority may borrow from the Government, such money as may be required for the performance of the duties of the Authority under this Ordinance, on such terms and conditions as may be approved by the Financial Secretary.
- (2) Subject to subsection (3), the Authority may borrow by way of overdraft from sources other than the Government such money as it may require for meeting its obligations or performing its duties under this Ordinance.
- (3) The Secretary for Financial Services and the Treasury may give directions in writing of a general or specific character to the Authority in relation to the amount of money which may be borrowed under subsection (2) and the Authority shall comply with those directions. (Amended L.N. 106 of 2002)
- (4) The Authority may with the approval of the Financial Secretary borrow, otherwise than by way of overdraft from sources other than the Government, such money as it may require for meeting its obligations or performing its duties under this Ordinance.
- (5) A person lending money to the Authority shall not be concerned to inquire whether the borrowing of the money by the Authority is legal or regular or whether the money lent has been properly applied by the Authority and shall not be prejudiced by any illegality or irregularity or by misapplication or non-application by the Authority of the money.
- (6) The Authority may with the approval of the Financial Secretary charge all or any part of its property as security for the repayment of money borrowed.

Section:	12	Power to lend money	L.N. 106 of 2002	01/07/2002
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- (1) Subject to subsection (2), the Authority may lend money on such terms and conditions as the Authority

thinks fit to any person or persons for the purposes of implementing a project of the Authority.

(2) The Authority, when exercising the power under subsection (1), shall consider-

- (a) the needs of those persons who will be displaced by the implementation of a project for residential accommodation in the same locality; and
- (b) where there is a business which will be displaced by the implementation of a project, the needs of those persons to operate the business as a going concern.

(3) The Secretary for Financial Services and the Treasury may give directions in writing of a general or specific character to the Authority in relation to the amount of money which may be lent under subsection (1) and the Authority shall comply with those directions. (Amended L.N. 106 of 2002)

Section:	13	Guarantee by Government	L.N. 92 of 2001	01/05/2001
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(1) The Legislative Council may from time to time by resolution authorize the Financial Secretary on behalf of the Government to grant guarantees in respect of-

- (a) the repayment of loans made to, or the discharge of other indebtedness of, the Authority and the payment of interest, premium or other charge thereon; and
- (b) the redemption or repayment of, and the payment of interest, premium or other charge on, any bonds, notes or other securities issued by the Authority,

up to an amount not exceeding in total that specified in the resolution and subject to any terms or conditions specified therein.

(2) A guarantee granted under subsection (1) which includes interest, amounts payable in consequence of the operation of any price variation clause, premium or other charges, shall not be invalid by reason only of the fact that such interest, amounts, premiums or charges, although specified in the resolution authorizing the granting of the guarantee, are not quantified as to total amount or included in the amount quantified in such resolution.

(3) Any sum required for fulfilling a guarantee granted under subsection (1) by the Government shall be charged on and paid out of the general revenue and any sum received by the Government by way of repayment of a sum so paid out, or for interest thereon, shall be paid into the general revenue.

(4) If, pursuant to a guarantee granted under subsection (1), the Government makes a payment to a creditor of the Authority in respect of a debt secured by a mortgage or a specific or floating charge, such sum shall be repayable to the Government by the Authority, together with interest thereon at such rate as the Financial Secretary may determine, and the Government shall as from the time of payment have the benefit of all the remedies vested in the creditor by virtue of such mortgage or charge with liberty to exercise the rights and powers arising thereunder in its own name and without any assignment by the creditor.

Section:	14	Use of surplus funds	L.N. 92 of 2001	01/05/2001
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(1) The Authority may invest money that in any financial year is not immediately required to be expended in such forms of investment as the Financial Secretary may approve.

(2) If in any financial year there is an excess of revenue of the Authority over the total sum required by it to be expended-

- (a) to meet the total outgoings of the Authority properly chargeable to revenue; and
- (b) to enable the Authority to-
 - (i) make such allocations to reserve as it may reasonably consider adequate;
 - (ii) pay any moneys owing by it, whether or not payment is legally due at the time,

the Financial Secretary may, after consultation with the Authority, give the Authority directions requiring it to pay the whole or part of the excess to the Government and the Authority shall comply with those directions.

(3) Subject to any directions given under subsection (2), the Authority may deal with any such excess as is mentioned in that subsection-

- (a) by applying it for such of the purposes of the Authority as the Authority may determine; or
- (b) by allocating it to reserve, whether generally or for a particular purpose,

or partly in one of those ways and partly in another.

(4) Any sum received by the Government under subsection (2) shall be paid into the general revenue.

Section:	15	Debt of Authority	L.N. 92 of 2001	01/05/2001
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- (1) The Authority shall be indebted to the Government in a sum equal to-
 - (a) all money received by the Authority under section 10(1)(a);
 - (b) all expenditure directly or indirectly incurred by the Government for the benefit of the Authority.
- (2) The Financial Secretary shall determine the amount of such indebtedness and any interest thereon by certificate under his hand and may for sufficient cause reduce or increase any amount so certified.
- (3) The indebtedness of the Authority under subsections (1) and (2) and any interest thereon shall be discharged in such manner as the Financial Secretary directs.

Section:	16	Authority to keep proper accounting records and to prepare financial statements	L.N. 92 of 2001	01/05/2001
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- (1) The Authority shall keep such accounting records as correctly explain its financial transactions and financial position and so that-
 - (a) true and fair financial statements can be prepared from time to time; and
 - (b) those statements can be conveniently and properly audited in accordance with section 18.
- (2) The Authority shall ensure that the following financial statements are prepared as soon as practicable and in any case not later than 3 months after the end of each financial year-
 - (a) an income and expenditure account that gives a true and fair view of the Authority's income and expenditure for that year;
 - (b) a balance sheet as at the end of that year that gives a true and fair view of the Authority's financial position as at the end of that year.
- (3) The Authority shall ensure that the financial statements comply with any accounting standards notified to the Authority in writing by the Financial Secretary.

Section:	17	Authority to appoint auditor	L.N. 92 of 2001	01/05/2001
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- (1) The Authority shall appoint an auditor to audit the accounts of the Authority.
- (2) As soon as practicable after a vacancy occurs in the office of auditor, the Authority shall appoint another auditor to fill the vacancy.

Section:	18	Authority's financial statements to be audited	L.N. 92 of 2001	01/05/2001
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- (1) Not later than 3 months after the end of each financial year, the Authority shall submit the financial statements prepared for that year to the Authority's auditor for auditing.
- (2) As soon as practicable after receiving the financial statements submitted by the Authority, the Authority's auditor shall audit those statements and prepare an auditor's report on audit of those statements.
- (3) The auditor's report shall state whether or not the financial statements are, in the opinion of the Authority's auditor, properly drawn up so as to give a true and fair view of the matters referred to in section 16(2) and in compliance with the accounting standards, if any, notified under section 16(3) and, if not, the reasons for that opinion.
- (4) The Authority's auditor is entitled-
 - (a) to have access at all reasonable times to the Authority's accounting records; and
 - (b) to require the Managing Director, the executive directors and any member of the staff of the Authority to provide the auditor with such explanations and information as the auditor considers necessary for the purpose of conducting the audit.
- (5) As soon as practicable after completing the audit and preparing the auditor's report, the Authority's auditor shall-
 - (a) attach the report to, or endorse the report on, the financial statements that were audited; and
 - (b) deliver those statements and the report to the Authority.
- (6) The Authority shall, as soon as practicable and in any case not later than 6 months after the end of each financial year, furnish-
 - (a) a report of the affairs of the Authority for that year;
 - (b) a copy of the audited financial statements thereof; and

(c) the auditor's report on audit of those statements,
to the Financial Secretary who shall cause the same to be tabled in the Legislative Council.

Section:	19	Exemption from taxation	L.N. 92 of 2001	01/05/2001
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The Authority shall be exempt from taxation under the Inland Revenue Ordinance (Cap 112).

Part:	V	PLANNING PROCEDURES	L.N. 92 of 2001	01/05/2001
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Section:	20	Urban renewal strategy	L.N. 92 of 2001	01/05/2001
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(1) The Secretary may prepare from time to time an urban renewal strategy for the purposes of this Part relating to the carrying out of urban renewal.

(2) The Secretary shall consult the public before finalizing the urban renewal strategy prepared under subsection (1) in such manner as he may determine. The Secretary need not consult the public before revising or amending the urban renewal strategy prepared under that subsection if he considers that such revision or amendment is of a minor, technical or insignificant nature.

(3) In the course of consultation under subsection (2), the Secretary need not disclose information which, in his opinion, would not be in the public interest to disclose.

Section:	21	Corporate plan	L.N. 92 of 2001	01/05/2001
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(1) The Authority shall not later than 3 months before the end of each financial year submit to the Financial Secretary for approval a draft corporate plan for a period of 5 years beginning on the first day of the next financial year covering in relation to that period-

- (a) its programme of proposals to be implemented including commencement dates of implementation, and for each proposal, whether it is to be implemented by way of a development scheme under section 25 or by way of a development project under section 26;
- (b) its programme of implementation for development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv), including commencement dates and for each project, whether it is to be implemented by way of a development scheme under section 13(1) of the repealed Ordinance or by way of a development proposal under section 5(2)(b) of the repealed Ordinance;
- (c) its financial plan to achieve the programme mentioned in paragraph (a), including-
 - (i) the projected income and expenditure for-
 - (A) the projects that have already commenced;
 - (B) the proposals to be commenced during that period;
 - (C) the development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv) that have already commenced;
 - (D) the development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv) to be commenced during that period;
 - (ii) the amount of any money required to be borrowed from the Government or from sources other than the Government for financing the implementation of the proposals and projects that have already commenced or are to be commenced before the end of the financial year and the repayment schedule for any such loan; and
 - (iii) the staffing requirements of the Authority to implement such programme.

(2) The Authority shall submit its first draft corporate plan to the Financial Secretary for approval as soon as is practicable after the Authority is established.

(3) The Authority, when preparing its programme of proposals and its programme of implementation for projects-

- (a) shall follow any guidelines set out in an urban renewal strategy prepared under section 20(1) in relation to the implementation of those proposals and projects;
- (b) shall, as far as is practicable, include proposals of projects of the description mentioned in section

- 6(2)(d) to the extent as may be set out in such an urban renewal strategy;
- (c) may suggest, for the approval of the Financial Secretary, for inclusion in its corporate plan any other proposal or the implementation of any other project as it thinks fit.
- (4) Upon submission of a draft corporate plan the Financial Secretary may-
 - (a) approve it; or
 - (b) refuse to approve it.

Section:	22	Business plan	L.N. 92 of 2001	01/05/2001
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(1) At the same time as the submission of the draft corporate plan mentioned in section 21(1), the Authority shall submit to the Financial Secretary for approval a draft business plan for the next financial year covering in relation to that financial year-

- (a) its programme of proposals to be implemented including commencement dates of implementation, and for each proposal, whether it is to be implemented by way of a development scheme under section 25 or by way of a development project under section 26;
- (b) its programme of implementation for development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv), including commencement dates and for each project, whether it is to be implemented by way of a development scheme under section 13(1) of the repealed Ordinance or by way of a development proposal under section 5(2)(b) of the repealed Ordinance;
- (c) the resources required to implement-
 - (i) the projects that have already commenced;
 - (ii) the proposals to be commenced in the next financial year;
 - (iii) the development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv) that have already commenced;
 - (iv) the development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv) to be commenced in the next financial year;
- (d) the estimated revenue and expenditure of the Authority;
- (e) the amount of any money required to be borrowed from the Government or from sources other than the Government for financing the implementation of the proposals and projects that have already commenced or are to be commenced before the end of the financial year and the repayment schedule for any such loan; and
- (f) an estimate of the number of residential accommodations that need to be made available to receive persons who will be displaced by the proposals and projects.

(2) The Authority shall submit its first draft business plan to the Financial Secretary for approval as soon as is practicable after the Authority is established.

(3) The Authority shall not implement any proposal not included in or covered by the corporate plan or the business plan, whether it is to be implemented by way of a development scheme under section 25 or by way of a development project under section 26, except with the prior approval of the Financial Secretary.

(4) The Authority shall not implement any development proposal or development scheme of the description mentioned in section 6(2)(d)(iii) and (iv) not included in or covered by the corporate plan or the business plan, whether it is to be implemented by way of a development scheme under section 13(1) of the repealed Ordinance or by way of a development proposal under section 5(2)(b) of the repealed Ordinance, except with the prior approval of the Financial Secretary.

- (5) Upon submission of a draft business plan the Financial Secretary may-
 - (a) approve it; or
 - (b) refuse to approve it.

Section:	23	Publication of project	L.N. 92 of 2001	01/05/2001
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(1) For the purpose of the implementation of a project, the Authority shall publish in each issue of the Gazette within the space of a period of 2 months ("the publication period"), and once a week during the publication period in a Chinese language and an English language local newspaper, notice of the commencement date of the implementation of the project, together with a summary of the information of the description mentioned in subsection (3)(a) and the times and places where information on the project shall be exhibited and be available for public inspection.

(2) The commencement date of the implementation of the project shall be the date on which notice of the project is first published in the Gazette.

(3) The Authority shall exhibit for public inspection the following information related to the project-

- (a) a description of the general nature and effects of the project; and
- (b) a plan delineating the boundaries of the project.

(4) Without prejudice to the Lands Resumption Ordinance (Cap 124), the Authority may make reference to the commencement date of the implementation of the project notified in the Gazette or, the commencement date for the implementation of the part of the project determined under section 24(8) or 25(8), as the case may be, for determining, in accordance with the Authority's policies as published from time to time, the eligibility of any person to receive compensation, payments or other benefits including the provision of alternative residential accommodation where necessary as a result of the Authority's implementation of the project.

(5) For the purposes of this section, "project" (項目) means-

- (a) a development scheme of the description mentioned in section 25; or
- (b) a development project of the description mentioned in section 26,

as the case may be.

Section:	24	Objections to projects to be implemented by way of development project	L.N. 92 of 2001	01/05/2001
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(1) Any person who considers that he will be affected by a project to be implemented by way of a development project under section 26 referred to in a notice published under section 23(1) and who wishes to object to the implementation of the development project may, within the publication period, send to the Authority a written statement of his objections to the project.

(2) The written statement mentioned in subsection (1) shall set out-

- (a) the nature and reasons for the objection;
- (b) where the objection would be removed by an amendment of the development project any amendment proposed.

(3) The Authority shall consider all objections and shall, not later than 3 months after the expiration of the publication period, submit-

- (a) the development project;
- (b) the Authority's deliberations on the objections;
- (c) any objections which are not withdrawn; and
- (d) an assessment by the Authority as to the likely effect of the implementation of the development project including, in relation to the residential accommodation of persons who will be displaced by the implementation of the development project, an assessment as to whether or not, insofar as suitable residential accommodation for such persons does not already exist, arrangements can be made for the provision of such residential accommodation in advance of any such displacement which will result as the development project is implemented,

to the Secretary for his consideration.

(4) The Secretary shall consider the development project and any objections which are not withdrawn and determine, consequent upon those objections, whether-

- (a) to authorize the Authority to proceed with the development project without any amendment;
- (b) to make an amendment to the development project to meet an objection raised under subsection (1); or
- (c) to decline to authorize the development project.

(5) The Secretary may authorize the Authority to proceed with the development project if after the expiration of the publication period no objections have been lodged.

(6) Where the Secretary makes an amendment to a development project under subsection (4)(b) to meet an objection raised under subsection (1), he shall order the Authority to publish in the Gazette notice of the amendment to the development project. Where the amendment appears to the Secretary to affect any land, other than that of the objector, the Secretary shall serve notice in writing of that amendment on the owner of that other land or give such other notice by advertisement or otherwise as he deems desirable and practicable to the owner of that other land to inform that owner of the amendment.

(7) The owner of the other land mentioned in subsection (6) who wishes to object to the amendment made by the Secretary under subsection (4)(b) shall send to the Secretary a written statement of that objection within-

- (a) 14 days in the case of an owner of the land included in the original development project submitted to

- the Secretary under subsection (3); or
- (b) 2 months in the case of an owner of the land affected by the amendment made by the Secretary under subsection (4)(b) and not included in the original development project submitted to the Secretary under subsection (3),

after the service or giving of notice by the Secretary under subsection (6). The Secretary shall consider the written statement to determine, in view of that objection, whether to authorize the Authority to proceed with the development project with or without the amendment made by the Secretary or, whether to decline to authorize the development project and shall serve notice in writing of that determination on the owner who made the objection.

(8) Where the Secretary makes an amendment to a development project under subsection (4)(b) with amendments which include an expansion of the boundaries of the project, the commencement date of the implementation of the part of the project concerning the land not included in the original development project submitted to the Secretary under subsection (3) shall be the date when notice was published in the Gazette under subsection (6). The commencement date of the implementation of the part of the project concerning the land included in the original development project submitted to the Secretary under subsection (3) shall remain as provided under section 23(2).

(9) Where the Secretary authorizes the Authority to proceed with a development project under subsection (4)(a) or (7), as the case may be, with or without amendments, he shall order the Authority to publish in the Gazette notice of authorization of the project, together with a summary of the information of the description mentioned in section 23(3)(a) and (b) concerning the project as authorized by the Secretary. The Authority shall, upon request made to it by any person in that behalf, make available for inspection information of the description mentioned in section 23(3)(a) and (b) concerning the authorized project.

(10) Where the Secretary declines to authorize a development project under subsection (4)(c) or (7), he shall order the Authority to publish in the Gazette notice of withdrawal of the project. The Authority shall serve notice in writing of that decision on the owner of the land or give such other notice by advertisement or otherwise as the Authority deems desirable and practicable to the owner of the land to inform that owner of the decision. Any such withdrawal shall be without prejudice to the preparation of a new project and the publication thereof under section 23.

Section:	25	Development schemes	L.N. 50 of 2005	10/06/2005
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- (1) The Authority may, in accordance with this section, implement a project by way of a development scheme.
- (2) No objection shall be entertained or considered in respect of a project which is to be implemented by way of a development scheme under this section and the objection procedures set out in section 24 shall not be applicable in respect of any such project or in respect of the implementation of that project by way of a development scheme.
- (3) A development scheme shall contain such matters as the Authority considers relevant and shall-
- comprise a plan which may contain any thing that a draft plan may contain under section 3 or 4 of the Town Planning Ordinance (Cap 131);
 - set out how the Authority intends that the development scheme will be implemented, including whether implementation will be by the Authority alone or the Authority in association with another person and in relation to land within the boundaries of the development scheme, what portion of the land is owned or leased by the Authority and what arrangements have been made or are contemplated by the Authority for the acquisition of any land not so owned or leased;
 - contain an assessment by the Authority as to the likely effect of the implementation of the development scheme including, in relation to the residential accommodation of persons who will be displaced by the implementation of the development scheme, an assessment as to whether or not, insofar as suitable residential accommodation for such persons does not already exist, arrangements can be made for the provision of such residential accommodation in advance of any such displacement which will result as the development scheme is implemented.
- (4) Without affecting the generality of subsection (3)(a), a plan prepared under that subsection may provide for the grant of permission under section 16 of the Town Planning Ordinance (Cap 131), for all purposes or for any purpose, and may prohibit any development not compatible with any development scheme prepared under that subsection.
- (5) The Authority may submit any plan prepared under subsection (3)(a) to the Town Planning Board for consideration under subsection (6).
- (6) Upon the submission to it of a plan prepared under subsection (3)(a), the Town Planning Board may-
- deem the plan as being suitable for publication;

(b) deem the plan as being suitable for publication subject to such amendments as the Town Planning Board shall specify; or

(c) refuse to deem the plan as being suitable for publication.

(7) A plan which the Town Planning Board deems suitable for publication under subsection (6)(a) or (b) shall be deemed to be a draft plan prepared by the Town Planning Board for the purposes of the Town Planning Ordinance (Cap 131) and the provisions of that Ordinance shall apply accordingly.

(8) Where a draft plan of a development scheme deemed to be a draft plan prepared by the Town Planning Board under subsection (7) is amended by the Town Planning Board under the Town Planning Ordinance (Cap 131), whether under section 6F(8) (whether with or without application of section 6F(9) of that Ordinance) or 6G of that Ordinance or section 7 of that Ordinance, and the amendments include an expansion in the boundaries of the plan, the commencement date of the implementation of the part of the development scheme concerning the additional land within the expanded boundaries 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. The commencement date of the implementation of the part of the development scheme concerning the land included in the original development scheme published by the Town Planning Board under subsection (6) shall remain as provided under section 23(2). (Amended 25 of 2004 s. 26)

(9) Where under section 5 of the Town Planning Ordinance (Cap 131) a plan which is deemed to be a draft plan by virtue of subsection (7) is exhibited, such plan shall, from the date that the exhibition of the plan is first notified in the Gazette, replace or amend according to its tenor, any draft or approved plan under that Ordinance relating to the area delineated and described therein.

(10) Where under section 9 of the Town Planning Ordinance (Cap 131) the Chief Executive in Council refuses to approve a plan which is deemed to be a draft plan by virtue of subsection (7), such refusal shall be notified in the Gazette and shall revive any draft or approved plan under that Ordinance which, under subsection (9), was replaced or amended thereby.

Section:	26	Development projects to accord with Town Planning Ordinance	L.N. 92 of 2001	01/05/2001
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(1) Subject to subsection (2), the Authority may implement a project by way of a development project.

(2) In implementing a project as a development project, the Authority shall ensure that the project is a project that may be lawfully implemented by virtue of any draft or approved plan for the purposes of the Town Planning Ordinance (Cap 131) and, in the case where by virtue of such plan, permission under section 16 of that Ordinance is required for that implementation, the permission required has been obtained.

Section:	27	Appeal Board	L.N. 92 of 2001	01/05/2001
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(1) The Chief Executive may appoint a panel of persons ("the Appeal Board panel") whom he considers suitable to sit as members of an Appeal Board to hear an appeal under section 28.

(2) The Chief Executive shall not appoint-

- (a) a director of the Board of the Authority;
- (b) an employee of the Authority; or
- (c) a public officer,

to the Appeal Board panel.

(3) In subsection (2), "public officer" (公職人員) does not include a judge of the Court of First Instance, a recorder of the Court of First Instance, a deputy judge of the Court of First Instance or a District Judge.

(4) The Chief Executive may appoint a member of the Appeal Board panel as Chairman of the panel and may appoint one or more members as Deputy Chairmen of the panel as he thinks fit.

(5) The Chief Executive may appoint a public officer to be the secretary to the Appeal Board panel who at the same time serves as the secretary to an Appeal Board.

(6) Members of the Appeal Board panel shall be appointed for a term not exceeding 3 years but shall be eligible for reappointment.

(7) Members of the Appeal Board panel may resign at any time by notice in writing given to the Chief Executive.

(8) On receipt of a notice of appeal, the secretary to the Appeal Board panel shall notify the Chairman of the panel who shall, subject to subsections (9), (10), (15) and (20), nominate an Appeal Board to hear the appeal.

(9) The Chairman of the Appeal Board panel shall not nominate an Appeal Board to hear an appeal or act as its Chairman if he has a direct or indirect interest in the appeal.

(10) A Deputy Chairman of the Appeal Board panel designated for the purpose by the Chairman of the panel shall, in the absence of the Chairman of the panel, or if the Chairman of the panel has a direct or indirect interest in an appeal, nominate an Appeal Board to hear the appeal.

(11) Subsection (9) shall apply to a Deputy Chairman of the Appeal Board panel as it applies to the Chairman of the panel.

(12) A member of the Appeal Board panel shall not be nominated to an Appeal Board to hear an appeal or act as its member if he has a direct or indirect interest in the appeal.

(13) Subject to subsections (9), (10), (12), (15) and (20), the Chairman or a Deputy Chairman and 4 other members of the Appeal Board panel shall constitute an Appeal Board to hear an appeal.

(14) Subject to subsections (9), (10), (15) and (20), the Chairman or a Deputy Chairman of the Appeal Board panel shall act as the Chairman of an Appeal Board.

(15) If the Chairman of the Appeal Board panel and the Deputy Chairman designated under subsection (10) have a direct or indirect interest in an appeal, the Chief Executive may appoint another Deputy Chairman or another member of the panel, who does not have a direct or indirect interest in the appeal, to nominate an Appeal Board to hear the appeal and to act as the Chairman of the Appeal Board.

(16) At least 3 members, one of whom must be the Chairman of the Appeal Board, shall be present to hear and determine an appeal.

(17) The Appeal Board shall hear the appeal and a majority of the members hearing the appeal shall determine questions before it.

(18) Where there is an equality of votes in respect of any question to be determined in an appeal, the Chairman of the Appeal Board shall have a casting vote in addition to his original vote.

(19) A member shall not take part in determining the questions before the Appeal Board unless he has been present at all the Appeal Board hearings held in respect of the appeal concerned.

(20) If the Chairman of the Appeal Board panel is precluded by illness or absence from Hong Kong from exercising his functions-

- (a) the Deputy Chairman designated under subsection (10) shall act as Chairman; or
- (b) if the Deputy Chairman designated under that subsection is unable to act as Chairman, the Chief Executive may appoint another Deputy Chairman or another member to act as Chairman.

(21) The Chairman and the members of an Appeal Board may be paid such remuneration and allowances as the Financial Secretary may determine.

Section:	28	Appeals	L.N. 92 of 2001	01/05/2001
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(1) An objector to a development project who is aggrieved by a decision of the Secretary under section 24(4)(a) or (7) may appeal by lodging a notice of appeal with the secretary to the Appeal Board panel, with a copy to the Secretary, within 30 days after notification of the Secretary's decision under section 24(9).

(2) A notice of appeal under subsection (1) shall contain the following information-

- (a) the name, address and telephone number of the appellant and of the appellant's authorized representative, if any;
- (b) details of the decision appealed against;
- (c) the grounds of the appeal;
- (d) the name, address and telephone number of all proposed witnesses; and
- (e) particulars of the evidence to be given by the witnesses and documents and any other thing to be produced by or on behalf of the appellant sufficient to ensure that the Appeal Board and the Secretary are fully and fairly informed of the grounds of appeal.

(3) On receipt of a notice under subsection (1), the secretary to the Appeal Board panel shall fix a date, time and place for the hearing of the appeal, which shall be a date not sooner than 30 days but not more than 60 days of receipt of such notice and shall give at least 14 days' notice thereof to the appellant and the Secretary.

(4) The Secretary shall, within 30 days of receipt of a copy of a notice under subsection (1), serve on the secretary to the Appeal Board panel and on the appellant a notice containing the following information-

- (a) the name, address and telephone number of the Secretary's authorized representative;

- (b) the grounds for opposing the appeal;
 - (c) the name, address and telephone number of all proposed witnesses; and
 - (d) particulars of the evidence to be given by the witnesses and documents and any other thing to be produced by or on behalf of the Secretary sufficient to ensure that the appellant and the Appeal Board are fully and fairly informed of the grounds of opposing the appeal.
- (5) Not less than 7 days prior to the date set for the hearing of the appeal, the appellant and the Secretary shall-
- (a) lodge with the secretary to the Appeal Board panel a copy of witness statements, documents and any other thing to be given or produced in evidence at the hearing of the appeal; and
 - (b) serve on each other a copy of witness statements and documents and shall give details of any other thing lodged with the secretary to the Appeal Board panel, which statement, document or thing is to be given or produced in evidence at the hearing of the appeal.
- (6) The appellant may abandon the whole or any part of his appeal before the date set for hearing or any adjourned date by giving the secretary to the Appeal Board panel and the Secretary not less than 7 days' notice in writing of his intention to abandon the whole or part of the appeal.
- (7) The hearing of an appeal shall be in public.
- (8) The appellant and the Secretary may appear before an Appeal Board in person or by an authorized representative.
- (9) Prior to or at the hearing of an appeal, an Appeal Board may-
- (a) consider and determine whether a party should have access to documents, records, books of account or other exhibits which the party claims are relevant to the appeal and which are in the possession or control of another person and order that other person to give the party access to such documents, records, books of account or other exhibits as it may think fit;
 - (b) hear evidence on oath and administer any oath necessary to swear in a witness;
 - (c) admit or take into account any statement, document, record, book of account, other exhibit, information or matter whether or not it would be admissible as evidence in a court of law; and
 - (d) by notice in writing (a "summons"), summon any person to appear before it to give evidence and to produce any document, record, book of account or other exhibit specified in the summons.
- (10) A witness who is called to give evidence at an appeal shall have all of the rights and privileges of a witness in a civil action in the Court of First Instance.
- (11) Any person who-
- (a) is served with a summons under subsection (9)(d) and who-
 - (i) refuses or neglects without sufficient cause to appear or to produce any document, record, book of account or other exhibit required to be produced; or
 - (ii) refuses to be sworn or give evidence; or
 - (b) refuses to comply with an order of the Appeal Board under subsection (9),
- commits an offence and is liable to a fine at level 5.
- (12) The Appeal Board shall inquire into any matter which it may consider relevant to the appeal, whether or not it has been raised by a party.
- (13) No decision of an Appeal Board shall be questioned by virtue of the absence of a member of the Appeal Board during the hearing of an appeal provided that member does not participate in the final decision of the Appeal Board.
- (14) At the completion of the hearing of an appeal, the Appeal Board-
- (a) may confirm, reverse or vary the decision appealed against as it thinks fit;
 - (b) may, subject to paragraph (c), order any party to the appeal to pay only the costs and expenses incurred by the Appeal Board in hearing and determining the appeal, and the amount of such costs and expenses shall be determined by the Appeal Board having regard to-
 - (i) the amount of remuneration and allowances payable to the Chairman and the members of the Appeal Board under section 27(21); and
 - (ii) the amount of administrative or other costs and expenses incurred by the Appeal Board in relation to the hearing and determination of an appeal;
 - (c) shall not make an order under paragraph (b) against the appellant unless it is satisfied that it is reasonable and just for the appellant to bear the costs and expenses of the hearing.
- (15) Where an Appeal Board makes an order for costs and expenses under subsection (14), the Appeal Board shall specify in the order-
- (a) the time limit for making payment, not being earlier than 14 days from the date of the order; and

- (b) the person to whom payment shall be made. Where an order for costs and expenses under this section is made against-
 - (i) the appellant, the amount of the costs and expenses shall be recoverable as a civil debt; or
 - (ii) the Secretary, the amount of the costs and expenses shall be paid out of the general revenue.

(16) If a person mentioned in subsection (8) fails to appear on a date set for the hearing of an appeal, an Appeal Board may-

- (a) if it is satisfied that the failure to appear is due to reasonable cause, adjourn the hearing to a date, time and place that it thinks fit;
- (b) proceed to hear the appeal; or
- (c) dismiss the appeal, if the person who fails to appear as stated above is the appellant or the appellant's authorized representative.

(17) If an Appeal Board dismisses an appeal under subsection (16)(c), an appellant may, within 14 days of the making of the order dismissing the appeal, apply in writing to the secretary to the Appeal Board for the Appeal Board to review its decision.

(18) On a review under subsection (17), the Appeal Board may, if it is satisfied that the failure to appear was due to reasonable cause, set aside the order and fix a date, time and place as it thinks fit for the hearing, and, unless the parties agree, the date shall be not less than 14 days from the date of the review.

(19) The secretary to the Appeal Board shall keep a written record for each appeal of-

- (a) the name of the appellant;
- (b) grounds of appeal;
- (c) the name of the appellant's authorized representative, if any;
- (d) the name of the Secretary's authorized representative;
- (e) the name of any witness called by either party to the appeal;
- (f) an outline of the evidence of each witness;
- (g) the decision of the Appeal Board and the reasons for the decision; and
- (h) any orders made by the Appeal Board.

(20) The secretary to the Appeal Board shall serve on both the appellant and the Secretary the decision of the Appeal Board, the reasons for the decision and any orders made by the Appeal Board.

(21) The secretary to the Appeal Board shall publish in the Gazette notice of decision of the Appeal Board concerning-

- (a) any decision referred to in subsection (14), in the case where no review of the decision is applied under subsection (17); or
- (b) any decision of the Appeal Board after consideration of the review under subsection (17).

(22) Any notice or order of an Appeal Board shall be issued under the hand of the Chairman of the Appeal Board.

(23) The Chairman of the Appeal Board panel may, as regards the general application by all, determine the practice or procedure in relation to a matter if provision has not been made under this section and section 27 for the practice or procedure in respect thereof.

(24) The Chairman of an Appeal Board may, as regards a particular hearing, determine the practice or procedure in relation to a matter if provision has not been made under this section and section 27 for the practice or procedure in respect thereof.

Part:	VI	RESUMPTION AND DISPOSAL OF LAND	L.N. 92 of 2001	01/05/2001
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Section:	29	Power of Secretary to recommend resumption	L.N. 92 of 2001	01/05/2001
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(1) The Authority may apply in writing to the Secretary requesting him to recommend to the Chief Executive in Council the resumption, under the Lands Resumption Ordinance (Cap 124)-

- (a) in relation to a development scheme contained in a corporate plan and a business plan or approved by the Financial Secretary under section 22, of any land within the area of a plan which is deemed to be a draft plan by virtue of section 25(7) of this Ordinance, after the approval of such plan by the Chief Executive in Council under section 9 of the Town Planning Ordinance (Cap 131); or
- (b) in relation to a development project contained in a corporate plan and a business plan or approved by the Financial Secretary under section 22, of any land that the Authority requires to implement such

development project, after the authorization of such development project by the Secretary under section 24(4)(a), (5) or (7).

- (2) The Secretary shall not make a recommendation under subsection (1) unless-
 - (a) in the case of a development scheme, application is made to him not later than 12 months after the approval by the Chief Executive in Council under section 9 of the Town Planning Ordinance (Cap 131) of the plan prepared under section 25(3)(a);
 - (b) in the case of a development project, application is made to him not later than 12 months after the authorization by the Secretary under section 24(4)(a), (5) or (7) for the project to proceed.
- (3) The Authority shall set out in the application under subsection (1) the following information for consideration of the Secretary-
 - (a) whether the Authority will implement the development scheme or development project on its own, in association with any other person or persons, or sell the land so resumed to any other person or persons;
 - (b) for a development scheme, an assessment by the Authority as to the likely effect of the implementation of the development scheme including, in relation to the residential accommodation of persons who will be displaced by the implementation of the development scheme, an assessment as to whether or not, insofar as suitable residential accommodation for such persons does not already exist, arrangements can be made for the provision of such residential accommodation in advance of any such displacement which will result as the development scheme is implemented;
 - (c) for a development project, an assessment by the Authority as to the likely effect of the implementation of the development project including, in relation to the residential accommodation of persons who will be displaced by the implementation of the development project, an assessment as to whether or not, insofar as suitable residential accommodation for such persons does not already exist, arrangements can be made for the provision of such residential accommodation in advance of any such displacement which will result as the development project is implemented.
- (4) A resumption in pursuance of a recommendation by the Secretary under this section shall be deemed to be a resumption for a public purpose within the meaning of the Lands Resumption Ordinance (Cap 124).

Section:	30	Disposal of land resumed under Lands Resumption Ordinance	L.N. 92 of 2001	01/05/2001
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(1) The Authority shall not sell or dispose of land resumed under the Lands Resumption Ordinance (Cap 124) that has been resumed for the purpose of a development scheme or a development project, unless prior approval for such sale or disposal has been granted by the Chief Executive in Council.

(2) The Chief Executive in Council may, if he considers the public interest so requires, in granting approval under subsection (1), determine whether the Authority may sell or dispose of all of the resumed land or only part of it.

Section:	31	Power to enter and inspect	L.N. 92 of 2001	01/05/2001
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(1) The Secretary or any person authorized by him in writing may, at a reasonable time, enter and inspect any land or any premises on it situated within the boundaries of a development scheme or a development project for the purpose of preparing an assessment required by sections 25(3)(c) and 29(3)(b) and (c) and for connected purposes.

(2) The Secretary may delegate to the Authority the powers to enter and inspect as provided under subsection (1).

(3) An authorization issued under subsection (1) may authorize the Authority or any person authorized by the Authority in writing before the issue of the authorization to enter the land or any premises on it on such occasions and at such times as may be necessary for the purpose for which the authorization was issued.

(4) Where the Secretary, the Authority or any person authorized in writing by the Secretary or the Authority under delegated authority is unable to effect an entry to the land or into any premises on it in accordance with subsection (1), he may serve on the owner and occupier a notice in writing requiring permission to so enter and inspect and after the expiry of 48 hours from the service of the notice he may, at any reasonable time during daylight, enter, using such reasonable force as is necessary therefor, and inspect such land or premises and take such particulars as he thinks fit.

(5) Where the Authority or any person authorized in writing by the Secretary or the Authority under delegated authority enters any land or premises under an authorization issued under this section he shall produce his

authorization and may require any person present on that land or in those premises-

- (a) to give details of his identity, name and address and produce his identity card issued under the Registration of Persons Ordinance (Cap 177) for inspection; or
- (b) who appears at the time to be a person responsible for or in charge of that land or those premises to give such information or render such assistance as may be necessary for the purposes of this section.

(6) An authorization issued under subsection (3) shall continue in force until the purpose for which the entry is necessary has been satisfied.

(7) Any person who-

- (a) obstructs the Secretary, the Authority or any person authorized in writing by the Secretary or the Authority under delegated authority from entering or inspecting any land or any premises on it under this section;
- (b) without reasonable excuse, refuses to give details of his identity, name and address and produce his identity card issued under the Registration of Persons Ordinance (Cap 177) for inspection when so required under subsection (5)(a);
- (c) gives such information which he knows or reasonably ought to know to be false in a material particular; or
- (d) without reasonable excuse, refuses to give such information or render such assistance as may be necessary for the purposes of this section when so required under subsection (5)(b),

commits an offence and is liable-

- (i) on first conviction to a fine at level 1;
- (ii) on second or subsequent conviction to a fine at level 3.

Part:	VII	MISCELLANEOUS	L.N. 92 of 2001	01/05/2001
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Section:	32	Secretary may obtain information	L.N. 92 of 2001	01/05/2001
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The Authority shall upon request by the Secretary afford to him sufficient facilities for obtaining information with respect to the property and affairs of the Authority and shall, in such manner and at such times as the Secretary may require, furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished.

Section:	33	Chief Executive may give directions	L.N. 92 of 2001	01/05/2001
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The Chief Executive may, if he considers the public interest so requires, give directions in writing to the Authority in relation to the exercise of its powers or the performance of its duties and the Authority shall comply with those directions.

Section:	34	Authority may make bylaws	L.N. 92 of 2001	01/05/2001
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- (1) The Authority may make bylaws regulating the conduct of persons within any-
 - (a) land, building, premises or structure which it has leased, purchased, acquired or otherwise owns or holds and any common parts thereof;
 - (b) roads, footways, parks, car parks, parking spaces, recreational facilities and similar open spaces, bridges, drains, sewers and water courses and other transport and recreational facilities owned or held by the Authority.
- (2) The following provisions shall apply in relation to bylaws made by the Authority under subsection (1)-
 - (a) any bylaw so made may provide that a contravention of specified provisions thereof shall be an offence and may prescribe penalties therefor not exceeding a fine at level 3;
 - (b) without prejudice to any Ordinance relating to the prosecution of criminal offences or to the powers of the Secretary for Justice in relation to the prosecution of criminal offences, prosecutions under any bylaw so made may be brought in the name of the Authority;
 - (c) all bylaws so made shall be subject to the approval of the Legislative Council;
 - (d) the Authority shall cause to be printed copies of all bylaws so made which shall be kept at its principal

office and be available for sale to any person at a reasonable cost.

Section:	35	Service of notices	L.N. 92 of 2001	01/05/2001
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A notice to be served under this Ordinance may be served by serving a copy-

- (a) personally;
- (b) by registered post addressed to the last known place of business or residence of the person to be served;
- (c) where the notice relates to any premises or part thereof, by leaving the same with an adult occupier of the premises or part thereof to which the notice relates or by posting the same in a prominent position upon or near such premises or upon a conspicuous part of such premises or part thereof; or
- (d) where the notice relates to land, by posting the same in a prominent position upon or near such land.

Part:	VIII	TRANSITIONAL PROVISIONS	L.N. 92 of 2001	01/05/2001
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Section:	36	Repeal of Land Development Corporation Ordinance	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) On the same date when Parts II to VIII of this Ordinance come into operation, the Land Development Corporation Ordinance (Cap 15) shall be repealed and the Land Development Corporation shall be dissolved.

(2) With effect from the date mentioned in subsection (1), any lease, tenancy, permit or licence granted to the Land Development Corporation under the repealed Ordinance and in force immediately before the commencement of Parts II to VIII of this Ordinance shall, on the date when Parts II to VIII of this Ordinance come into operation, continue to be in force and have effect upon the same terms, covenants and conditions as if that lease, tenancy, permit or licence, as the case may be, were granted to the Authority.

(3) With effect from the date mentioned in subsection (1), any document referring to the repealed Ordinance shall, so far as may be necessary for preserving its effect, be construed as referring to or as including a reference to this Ordinance.

(4) Subject to subsections (5) and (6), where at the date of commencement of Parts II to VIII of this Ordinance, a development proposal has been prepared in accordance with section 5(2)(b) of the repealed Ordinance, the development proposal may be continued and completed by the Authority as if the repealed Ordinance had not been repealed and the powers and duties of the Land Development Corporation shall be exercised and performed by the Authority.

(5) Upon the request in writing of the Authority to the Secretary in that behalf, the Secretary may treat section 15(4)(c) and (5) of the repealed Ordinance as having no application to a resumption in pursuance of a development proposal of the description mentioned in subsection (4), and the circumstances specified in section 15(2)(b) of the repealed Ordinance may be construed as being such that the land in respect of which the recommendation for resumption is made is required by the Land Development Corporation to implement such development proposal authorized under section 5(2)(b) of the repealed Ordinance.

(6) The Secretary may request the Authority to furnish him with such information as he considers necessary to justify a request made under subsection (5).

(7) Subject to subsections (8) and (9), where at the date of commencement of Parts II to VIII of this Ordinance, a development scheme has been prepared in accordance with section 13(1) of the repealed Ordinance, the development scheme may be continued and completed by the Authority as if the repealed Ordinance had not been repealed and the powers and duties of the Land Development Corporation shall be exercised and performed by the Authority.

(8) Upon the request in writing of the Authority to the Secretary in that behalf, the Secretary may treat section 15(3)(b) and (5) of the repealed Ordinance as having no application to a resumption in pursuance of a development scheme of the description mentioned in subsection (7), and the circumstances specified in section 15(2)(a) of the repealed Ordinance may be construed as being such that the land in respect of which the recommendation for resumption is made is within the area of a plan which is deemed to be a draft plan by virtue of section 14(3) of the

repealed Ordinance.

(9) The Secretary may request the Authority to furnish him with such information as he considers necessary to justify a request made under subsection (8).

(10) For the purposes of subsections (4) and (7), the functions of the Secretary for Planning and Lands under the repealed Ordinance shall, on and after 1 July 2002, be performed by the Secretary for Development. (Added L.N. 106 of 2002. Amended L.N. 130 of 2007)

Section:	37	Transfer of properties, assets, contracts, etc.	L.N. 92 of 2001	01/05/2001
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(1) All immovable property owned by the Land Development Corporation at the date of commencement of Parts II to VIII of this Ordinance shall, at that date, be owned by the Authority by virtue of this Ordinance for the residue of the term of years created by the respective Government leases, subject to the covenants, conditions, stipulations, exceptions, reservations, provisos and powers contained in and reserved by those respective Government leases.

(2) All permissions and approvals obtained by the Land Development Corporation from the Town Planning Board, the Secretary, the Financial Secretary, or the Chief Executive in Council which were in force immediately before the commencement of Parts II to VIII of this Ordinance shall, on the commencement of Parts II to VIII of this Ordinance, be transferred to the Authority on the same terms and conditions.

(3) Any movable property, right and privilege vested in the Land Development Corporation shall, on the commencement of Parts II to VIII of this Ordinance, be vested in the Authority on the same terms and conditions, and the Authority shall be subject to the same obligations and liabilities to which the Land Development Corporation was subject at the date of commencement of Parts II to VIII of this Ordinance.

(4) At the date of commencement of Parts II to VIII of this Ordinance, all books, papers, documents, minutes, equipment, receipts and accounts relating to the Land Development Corporation and to its operation under the repealed Ordinance shall be delivered to the Authority.

(5) Every contract entered into by the Land Development Corporation which was in force immediately before the commencement of Parts II to VIII of this Ordinance shall, as from that date, have effect as if the Authority is substituted for the Land Development Corporation, and the contract may be enforced by or against the Authority.

(6) The legal claims including present, future, actual and contingent claims by or against the Land Development Corporation and judicial proceedings instituted by or against the Land Development Corporation that existed immediately before the commencement of Parts II to VIII of this Ordinance, do not abate by reason only of the fact of the repeal of the Land Development Corporation Ordinance (Cap 15), and the Authority is substituted for the Land Development Corporation in any proceedings pending before any court or tribunal.

(7) The property of the Land Development Corporation owned by it immediately before the commencement of Parts II to VIII of this Ordinance is transferred to and is owned by the Authority subject to any existing claim or liability, and the Authority may sue on, recover or enforce a chose in action transferred by this subsection without having to give notice of the transfer to a person bound by the chose in action, and without limitation it is provided that the insurance policies and any benefit of trade marks, copyright and other intellectual property rights held by the Land Development Corporation are transferred to the Authority.

(8) Any contributory or non-contributory scheme for payment of provident funds to the employees of the Land Development Corporation which was in place immediately before the commencement of Parts II to VIII of this Ordinance shall, as from that date, continue to operate as if the scheme had been put in place by the Authority. The employees of the Land Development Corporation under the arrangements of such a scheme shall be taken to be the employees of the Authority, and the Authority shall replace the Land Development Corporation in all the arrangements of such a scheme.

(9) The effect of subsections (5) and (8) in relation to any employment contract with the Land Development Corporation which was in force immediately before the date of commencement of Parts II to VIII of this Ordinance is merely to modify that contract, as from that date, by substituting the Authority for the Land Development Corporation and, accordingly, employment with the Land Development Corporation and the Authority under an employment contract to which those subsections apply is deemed for all purposes to be a single continuing employment.

(10) On the commencement of Parts II to VIII of this Ordinance, the Authority is to repay any outstanding balance of the loan referred to in paragraph 1(k) of Part I of the Schedule to the Loan Fund (Cap 2 sub. leg. C) of the Land Development Corporation to the Government under the same terms and conditions as was determined between the Land Development Corporation and the Government prior to that commencement.

Section:	38	(Omitted as spent)	L.N. 92 of 2001	01/05/2001
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Schedule:		SCHEDULE	L.N. 92 of 2001	01/05/2001
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[section 4]

PROVISIONS WITH RESPECT TO BOARD OF AUTHORITY AND ITS MEMBERS

1. **Terms and conditions of appointment and dismissal**

- (1) The Chief Executive shall determine the terms and conditions of appointment of the Chairman.
- (2) An executive director, including the Managing Director, shall hold office on such terms and conditions of appointment, including remuneration and allowances, as the Chief Executive may from time to time determine in respect of an executive director.
- (3) A non-executive director not being a public officer shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for reappointment.
- (4) A non-executive director not being a public officer may at any time resign his office by notice in writing to the Chief Executive.
- (5) A public officer appointed as a non-executive director shall hold office at the discretion of the Chief Executive.
- (6) If the Chief Executive is satisfied that a member of the Board of the Authority appointed under section 4 of this Ordinance-
 - (a) has been absent from 3 consecutive meetings of the Board of the Authority without the permission of the Board of the Authority;
 - (b) has become bankrupt or made an arrangement with his creditors;
 - (c) is incapacitated by physical or mental illness; or
 - (d) is otherwise unable or unfit to perform the duties of a member,
 the Chief Executive may declare his office as a member of the Board of the Authority to be vacant, and shall notify the fact in such manner as the Chief Executive thinks fit; and upon such declaration, the office shall become vacant.

2. **Fees and allowances payable to members of Board of Authority**

- (1) The Board of the Authority may pay its non-executive directors such fees and allowances as the Financial Secretary may determine.
- (2) Subsection (1) shall not apply to any member of the Board of the Authority who is a public officer.

3. **Quorum**

- (1) The quorum of the Board of the Authority shall not be less than half the members thereof for the time being and, while a member is disqualified from taking part in a decision or deliberation of the Board of the Authority in respect of a matter, he shall be disregarded for the purpose of constituting a quorum of the Board of the Authority for deciding, or deliberating on, that matter.
- (2) All matters for determination at a meeting of the Board of the Authority shall be decided by a majority of votes of the members present and voting and where there is an equality of votes the Chairman or other member presiding shall have a casting vote in addition to his original vote.

4. **Procedure of Board of Authority**

- (1) Subject to this Schedule, the Board of the Authority shall have power to regulate its own procedure including the manner in which decisions of the Board of the Authority may be made by a quorum of its members otherwise than at a meeting of the Board of the Authority.

(2) The Board of the Authority may transact any of its business by circulation of papers amongst members whether any such member is in or outside Hong Kong, and a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Board of the Authority.

5. Board of Authority may establish committees

(1) The Board of the Authority may create, and appoint the members of, such committees for the better carrying out of the purposes and powers of the Authority as it thinks fit.

(2) Persons who are not members of the Board of the Authority are eligible for appointment to committees.

(3) The chairman of a committee created under subsection (1) shall be appointed by the Board of the Authority and the number of members of a committee shall be determined by the Board of the Authority.

(4) Subject to the terms of any delegation by the Board of the Authority, or to any directions of the Board of the Authority, a committee-

(a) may exercise and perform the delegated powers and duties with the same effect as if it were the Board of the Authority itself;

(b) shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary;

(c) may regulate its own procedure.

(5) The proceedings of any committee created under subsection (1) shall not be invalidated by any defect in the appointment of any member thereof, the absence of any such member from the meeting at which any such proceedings occurred or any vacancy among such members.

6. Delegation of Board of Authority's powers

(1) Subject to subsection (2), the Board of the Authority may, with or without restrictions or conditions as it thinks fit, delegate in writing any of its powers to any committee created under section 5(1).

(2) The Board of the Authority shall not delegate the power-

(a) to create any committee;

(b) to determine matters relating to the remuneration, and the terms and conditions of employment, of the employees of the Authority;

(c) to establish, manage and control, or enter into an arrangement for the establishment, management and control of any fund or scheme for the purpose of providing for the pensions, gratuities, and retirement benefits to the employees of the Authority;

(d) to furnish after the expiry of the financial year a report on the affairs of the Authority for that year, a copy of its accounts therefor, and the auditor's report on the accounts;

(e) to submit a plan of a development scheme to the Town Planning Board; or

(f) to request the Secretary to recommend to the Chief Executive in Council the resumption of any land.

7. Documents of Authority

(1) The Board of the Authority may make and execute any document in the exercise of its powers or the performance of its duties or in connection with any matter reasonably incidental to or consequent upon the exercise of its powers or the performance of its duties.

(2) Any document purporting to be executed under the common seal of the Authority shall be admitted in evidence and shall, unless the contrary is proved, be deemed to have been duly executed.

(3) A certificate signed by the Managing Director that an instrument of the Authority purporting to be made or issued by or on behalf of the Authority was so made or issued shall be conclusive evidence of that fact.

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be entered into or executed under seal, may be entered into or executed on behalf of the Authority by the Managing Director or any of its executive director generally or specifically authorized in writing by the Board of the Authority for that purpose.

8. Employees of Authority

- (1) The Board of the Authority shall determine-
 - (a) the remuneration, and the terms and conditions of employment, of the employees of the Authority; and
 - (b) the standards of work and conduct of the employees of the Authority, and matters relating to their suspension or dismissal from office.
- (2) The Board of the Authority shall determine the remuneration and the terms and conditions of engagement of technical and professional advisers, and the manner of their engagement.
- (3) The Board of the Authority may-
 - (a) grant, or make provision for the grant of, pensions, gratuities and retirement benefits to the employees of the Authority;
 - (b) provide other benefits for the welfare of the employees of the Authority and their dependants; and
 - (c) authorize payments, whether or not legally due, to the personal representatives of a deceased employee of the Authority or to any person who was dependent on such employee at his death.
- (4) The Board of the Authority may-
 - (a) establish, manage and control; or
 - (b) enter into an arrangement with the Government, any company or association for the establishment, management and control by the Government, that company or association either alone or jointly with the Authority of,
any fund or scheme for the purpose of providing for the pensions, gratuities, retirement benefits and payments referred to in subsection (3).
- (5) The Board of the Authority may make contributions to and may require employees to make contributions to any fund or scheme referred to in subsection (4).