

《城市規劃 (上訴) 規例》
(第 131 章，附屬法例 B)
Town Planning (Appeals) Regulations
(Cap. 131 sub. leg. B)

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經核證文本
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尚未實施的條文 / 修訂 —

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制定史

本為 1991 年第 379 號法律公告 —— 1997 年第 (C)165 號法律公告 (中文真確本) ， 1998 年第 25 號 ， 2021 年第 5 號編輯修訂紀錄

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《城市規劃(上訴)規例》
(第 131 章，附屬法例 B)

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Town Planning (Appeals) Regulations
(Cap. 131 sub. leg. B)

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《城市規劃(上訴)規例》

(第 131 章第 17B 條)

(略去制定語式條文——2021 年第 5 號編輯修訂紀錄)

[1991 年 11 月 18 日]

(格式變更——2021 年第 5 號編輯修訂紀錄)

1. 引稱

本規例可引稱為《城市規劃(上訴)規例》。

2. 釋義

在本規例中，除文意另有所指外——

上訴人 (appellant) 指根據本條例第 17B(1) 條提出上訴的人；

上訴委員會 (Appeal Board) 指根據本條例第 17A 條組成的上訴委員會；

規劃委員會 (Board) 指根據本條例第 2 條委出的城市規劃委員會。

3. 上訴通知書

(1) 上訴人須向上訴委員會秘書發給上訴通知書，該通知書須包括——

- (a) 上訴人的姓名或名稱、地址及電話號碼；
- (b) 上訴人授權代表的姓名或名稱、地址及電話號碼；
- (c) 上訴所針對的決定的細節；
- (d) 上訴理由；

Town Planning (Appeals) Regulations

(Cap. 131, section 17B)

(Enacting provision omitted—E.R. 5 of 2021)

[18 November 1991]

(Format changes—E.R. 5 of 2021)

1. Citation

These regulations may be cited as the Town Planning (Appeals) Regulations.

2. Interpretation

In these regulations, unless the context otherwise requires—

Appeal Board (上訴委員會) means the Appeal Board constituted under section 17A of the Ordinance;

appellant (上訴人) means a person who lodges an appeal under section 17B(1) of the Ordinance;

Board (規劃委員會) means the Town Planning Board appointed under section 2 of the Ordinance.

3. Notice of appeal

(1) An appellant shall give notice of appeal to the secretary to the Appeal Board which notice shall include—

- (a) the name, address and telephone number of the appellant;
- (b) the name, address and telephone number of the appellant's authorized representative;
- (c) details of the decision appealed against;

- (e) 所有擬傳召的證人的姓名、地址及電話號碼；及
 - (f) 證人將提供的證據的詳情及將由上訴人或代表上訴人交出的文件及任何其他東西的詳情，該等詳情須足以確保上訴委員會及規劃委員會獲全面地及公正地告知上訴理由。
- (2) 上訴人須向規劃委員會秘書送達第(1)款所提述通知書的副本。
- (3) 規劃委員會須在收到第(2)款所指的通知書的 60 天內，就以下事項向上訴委員會秘書及上訴人送達通知書——
- (a) 規劃委員會授權代表的姓名或名稱、地址及電話號碼；
 - (b) 所有擬傳召的證人的姓名、地址及電話號碼；及
 - (c) 證人將提供的證據的詳情及將由規劃委員會或代表規劃委員會交出的文件及任何其他東西的詳情，該等詳情須足以確保上訴人及上訴委員會獲全面地及公正地告知反對上訴的理由。

4. 證人

被傳召在上訴中提供證據的證人具有原訟法庭民事訴訟中的證人的所有權利及特權。

(1998 年第 25 號第 2 條)

5. 聆訊通知

- (1) 在收到根據第 3(3) 條所指的通知書後，上訴委員會秘書

- (d) the grounds of the appeal;
 - (e) the name, address and telephone number of all proposed witnesses; and
 - (f) 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 Board are fully and fairly informed of the grounds of appeal.
- (2) The appellant shall serve a copy of the notice referred to in subregulation (1) on the secretary to the Board.
- (3) The Board shall within 60 days of receipt of a notice under subregulation (2) serve notice on the secretary to the Appeal Board and the appellant of—
- (a) the name, address and telephone number of the Board's authorized representative;
 - (b) the name, address and telephone number of all proposed witnesses; and
 - (c) 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 Board sufficient to ensure that the appellant and the Appeal Board are fully and fairly informed of the grounds of opposing the appeal.

4. Witnesses

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.

(25 of 1998 s. 2)

5. Notice of hearing

- (1) On receipt of the notice under regulation 3(3), the secretary

須編定上訴聆訊的日期、時間及地點。

- (2) 上訴委員會秘書須在為聆訊所定出的日期前不少於 28 天將上訴的日期、時間及地點通知規劃委員會秘書、上訴人及證人。

6. 聆訊前須送交存檔的詳情

在為上訴聆訊所定出的日期前不少於 7 天，上訴人及規劃委員會須——

- (a) 向上訴委員會秘書交存將在上訴聆訊中提供或交出作為證據的證人陳述書、文件及任何其他東西的副本；
- (b) 互相向對方送達證人陳述書及文件的副本，並須就已交存上訴委員會秘書的任何其他東西提供細節，而該陳述書、文件或東西是將在上訴聆訊中提供或交出作為證據的。

7. 放棄及缺席

- (1) 上訴人可藉向上訴委員會秘書及另一方就上訴人擬放棄其上訴的全部或任何部分所發給不少於 7 天的書面通知，在為聆訊而定出的日期或任何押後聆訊的日期前，放棄其上訴的全部或部分。
- (2) 如某方或其授權代表沒有在所編定的日期及時間出席聆訊，或沒有在任何押後聆訊出席，上訴委員會——
 - (a) 如信納缺席是出於合理因由，可將聆訊押後至其認為適合的日期及時間；
 - (b) 可進行聆訊上訴；或
 - (c) 可駁回上訴。

to the Appeal Board shall fix the date, time and place of the hearing of the appeal.

- (2) The secretary to the Appeal Board shall notify the secretary to the Board, the appellant and any witnesses of the date, time and place of the appeal not less than 28 days prior to the date set for the hearing.

6. Particulars to be filed before hearing

Not less than 7 days prior to the date set for the hearing of the appeal, the appellant and the Board shall—

- (a) lodge with the secretary to the Appeal Board a copy of witness statements, documents and any other thing to be given or produced in evidence at the hearing of the appeal;
- (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, which statement, document or thing is to be given or produced in evidence at the hearing of the appeal.

7. Abandonment and failure to appear

- (1) 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 and the other party not less than 7 days' notice in writing of his intention to abandon the whole or part of the appeal.
- (2) If a party or his authorized representative fails to attend the hearing on the day and at the time fixed, or at any adjourned hearing, the Appeal Board may—
 - (a) if it is satisfied that the failure to appear is due to reasonable cause, adjourn the hearing to a date and time that it thinks fit;

- (3) 如上訴委員會根據第 (2)(c) 款駁回上訴，上訴人可在駁回上訴的命令作出的 14 天內，以書面向上訴委員會秘書申請由上訴委員會覆核其決定。
- (4) 在第 (3) 款所指的覆核上，上訴委員會如信納缺席是出於合理因由，可撤銷命令和為聆訊編定其認為適合的日期及時間，而除非各方同意，否則該日期須為覆核日期起計不少於 14 天。
- (5) 除非證人同意接納較短時期的通知，否則上訴委員會秘書須就根據第 (4) 款為聆訊而定出的日期向證人發給至少 7 天通知。

8. 上訴的紀錄

上訴委員會秘書須為每宗上訴就以下事項備存書面紀錄——

- (a) 上訴人的姓名或名稱；
- (b) 上訴理由；
- (c) 上訴人授權代表的姓名或名稱；
- (d) 規劃委員會授權代表的姓名或名稱；
- (e) 上訴任何一方所傳召的任何證人的姓名；
- (f) 每名證人所提供證據的概要；

- (b) proceed to hear the appeal; or
- (c) dismiss the appeal.
- (3) If the Appeal Board dismisses an appeal under subregulation (2)(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.
- (4) On a review under subregulation (3), 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 and time 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.
- (5) Unless a witness agrees to accept a shorter notice, the secretary to the Appeal Board shall give any witness at least 7 days' notice of the date for hearing set under subregulation (4).

8. Records of appeals

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;
- (d) the name of the Board'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) 上訴委員會的決定及作出該決定的理由；及
- (h) 上訴委員會所作出的任何命令。

- (g) the decision of the Appeal Board and the reasons for the decision; and
- (h) any orders made by the Appeal Board.