

《城市規劃 (財產的接管及處置) 規例》
(第 131 章，附屬法例 C)

Town Planning (Taking Possession and Disposal of Property) Regulation
(Cap. 131 sub. leg. C)

版本日期
Version date
13.10.2021

經核證文本
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(《法例發布條例》(第 614 章) 第 5 條)
(Legislation Publication Ordinance (Cap. 614), section 5)

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整條 Whole	1—12	13.10.2021

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E-1

第 131C 章

E-2

Cap. 131C

制定史

本為 1994 年第 540 號法律公告 —— 1997 年第 (C)165 號法律公告 (中文真確本) ， 2004 年第 25 號 ， 2021 年第 5 號編輯修訂紀錄

Enactment History

Originally L.N. 540 of 1994 — L.N. (C) 165 of 1997 (Chinese authentic version), 25 of 2004, E.R. 5 of 2021

《城市規劃 (財產的接管及處置) 規例》

(第 131 章，附屬法例 C)

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Town Planning (Taking Possession and Disposal of Property) Regulation

(Cap. 131 sub. leg. C)

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《城市規劃 (財產的接管及處置) 規例》

(第 131 章第 14 條)

(略去制定語式條文——2021 年第 5 號編輯修訂紀錄)

[1994 年 11 月 24 日]

(格式變更——2021 年第 5 號編輯修訂紀錄)

1. (已失時效而略去——2021 年第 5 號編輯修訂紀錄)

2. 移走通知書

- (1) 監督在依據本條例第 23(7A) 條行使其權力以接管、移走、扣押和處置在本條例第 23(1)、(2) 或 (3) 條所指的通知書 (**初步通知書**) 所關乎的土地上的財產前，須向獲送達初步通知書的人送達另一通知書 (**移走通知書**)，規定該人從該土地移走財產或安排從該土地移走財產。
- (2) 除第 (3) 款另有規定外，移走通知書須——
 - (a) 載有該財產的描述；
 - (b) 指明該財產所位於的土地；
 - (c) 指明該財產須在某日期或之前從該土地移走，而該日期自移走通知書送達的日期起計不得少於 14 天；及
 - (d) 述明如該財產沒有在指明日期或之前移走，則監督可接管、移走、扣留或處置該財產。
- (3) 凡上述財產的任何部分是容易毀消的，或屬活的動物、雀鳥或魚類，或是監督認為構成或相當可能構成健康上或安全上的危險的 (**容易毀消或具危險性財產**)，則移走通知書須就該容易毀消或具危險性財產而——

Town Planning (Taking Possession and Disposal of Property) Regulation

(Cap. 131, section 14)

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

[24 November 1994]

(Format changes—E.R. 5 of 2021)

1. (Omitted as spent—E.R. 5 of 2021)

2. Removal notice

- (1) Before exercising his power pursuant to section 23(7A) of the Ordinance to take possession of, remove, detain and dispose of property that is on the land to which a notice under section 23(1), (2) or (3) of the Ordinance relates (**initial notice**), the Authority shall serve a further notice (**removal notice**) on the person served with the initial notice requiring him to remove, or cause to be removed, the property from that land.
- (2) Subject to subsection (3), the removal notice shall—
 - (a) contain a description of the property;
 - (b) specify the land on which the property is located;
 - (c) specify the date, which shall be not less than 14 days from the date of service of the removal notice, by which the property shall be removed from that land; and
 - (d) state that if the property is not removed by the specified date, the Authority may take possession of, remove, detain and dispose of the property.

- (a) 指明該容易毀消或具危險性財產須從土地移走的較早日期，而不須指明第 (2)(c) 款所指的日期；及
- (b) 述明如該容易毀消或具危險性財產在指明日期或之前沒有移走，則監督可藉出售或監督認為適合的其他方式安排立即處置該容易毀消或具危險性財產。
- (4) 凡監督信納移走通知書規定須移走的財產已按規定移走，則監督須向獲送達該移走通知書的人送達另一通知書，指明監督所信納的事項。(2004 年第 25 號第 22 條)

3. 財產的接管、移走等

- (1) 如上述財產或其任何部分沒有在移走通知書中指明的日期或之前移走，則監督可接管該財產仍留在土地上的部分，並將之移走或安排將之移走。
- (2) 監督在接管並移走第 (1) 款所提述的財產後，須向獲送達移走通知書的人送達另一通知書 (**處置通知書**)，而除第 (3) 款另有規定外，該處置通知書須——
 - (a) 載有監督接管和移走的財產的描述；
 - (b) 指明該財產從該土地移走的日期；
 - (c) 指明該財產的擁有人須在某日期之前申索該財產，而該日期自處置通知書送達的日期起計不得少於 30 天；
 - (d) 指明須向誰人提出上述申索；及

- (3) Where any part of the property is perishable, or is a live animal, bird or fish, or in the opinion of the Authority constitutes or is likely to constitute a health or safety hazard (**perishable or hazardous property**), the removal notice shall, as regards the perishable or hazardous property—
 - (a) instead of specifying the date under subsection (2)(c), specify an earlier date by which the perishable or hazardous property shall be removed from that land; and
 - (b) state that if the perishable or hazardous property is not removed by the specified date, the Authority may cause immediate disposal of the perishable or hazardous property by sale or otherwise as the Authority thinks fit.
- (4) Where the Authority is satisfied that the property required by the removal notice to be removed has been removed as so required, he shall serve on the person on whom the removal notice has been served a further notice specifying the matters in respect of which he is so satisfied. (25 of 2004 s. 22)

3. Taking possession, removal etc. of property

- (1) If the property, or any part thereof, is not removed by the date specified in the removal notice, the Authority may take possession of such part of the property as may be remaining on the land and remove or cause it to be removed.
- (2) After taking possession of and removing the property referred to in subsection (1), the Authority shall serve on the person served with the removal notice a further notice (**disposal notice**), which disposal notice shall, subject to subsection (3)—
 - (a) contain a description of the property taken and removed by the Authority;
 - (b) specify the date on which such property was removed from the land;

- (e) 述明如該財產沒有在指明日期或之前由其擁有人申索，則監督可藉出售或監督認為適合的其他方式處置該財產，而在該情況發生後該擁有人只可就該財產的銷售得益提出申索。
- (3) 凡該財產屬第 2(3) 條所指的容易毀消或具危險性財產，則處置通知書須 ——
 - (a) 指明該財產的處置日期及處置方式，而不須指明第 (2)(b) 款所指的移走日期；
 - (b) 指明該容易毀消或具危險性財產的擁有人可就該財產的銷售得益 (如有的話) 提出申索，而不須指明或述明第 (2)(c) 及 (e) 款 (視屬何情況而定) 所提述的事項。

4. 財產的扣押

任何根據第 3 條移走的財產，可由監督扣押直至 ——

- (a) 該財產根據第 5 條交還給擁有人；或
- (b) 該財產根據第 6 條處置。

5. 財產或銷售得益的交還

- (1) 任何聲稱是上述財產的擁有人的人，可在根據第 3 條送達的處置通知書中指明的日期或之前，向監督申請將該財產交還給他，或其後將銷售得益 (如有的話) 支付給他。

- (c) specify the date, which date shall be not less than 30 days from the date of service of the disposal notice, by which such property shall be claimed by its owner;
- (d) specify to whom such claim shall be made; and
- (e) state that if such property is not claimed by its owner by the specified date, it may be disposed of by the Authority by sale or otherwise as the Authority thinks fit, in which event a claim may only be made by the owner in respect of the proceeds of sale.
- (3) Where the property is perishable or hazardous property within the meaning of section 2(3), the disposal notice shall—
 - (a) instead of specifying the date of removal under subsection (2)(b), specify the date and manner of its disposal;
 - (b) instead of specifying or stating the matters referred to in subsection (2)(c) and (e), as the case may be, specify that the owner of the perishable or hazardous property may make a claim for the proceeds of sale, if any.

4. Detention of property

Any property removed under section 3 may be detained by the Authority until it is—

- (a) returned to the owner under section 5; or
- (b) disposed of under section 6.

5. Return of property or proceeds of sale

- (1) Any person who claims to be the owner of the property may by the date specified in the disposal notice served under section 3 apply to the Authority for the return of the property, or thereafter for payment of the proceeds of sale, to him, if any.

- (2) 任何聲稱是第 2(3) 條所指的容易毀消或具危險性財產的擁有人的人，可就將銷售得益 (如有的話) 支付給他提出申索。
- (3) 如 ——
- (a) 監督信納該申索人是該財產的擁有人；及
 - (b) 該申索人結清監督所招致的與接管、移走、扣押及處置該財產相關的所有開支，
- 則該財產或銷售得益須由監督交還或支付給該申索人。
- (4) 監督有權從銷售得益扣除監督所招致的與接管、移走、扣押及處置該財產有關的開支。

6. 無人申索的財產的處置

如根據第 4 條扣押的財產 ——

- (a) 在根據第 3 條送達的處置通知書中指明的日期或之前沒有人申索；
- (b) 沒有根據第 5(3) 條交還給申索人；或
- (c) 屬容易毀消或具危險性財產，

則該財產可由監督藉出售或監督認為適合的其他方式處置。

6A. 顯示財產的移走及監督招致的開支的支付的通知書

凡監督信納 ——

- (a) 財產沒有在根據第 2 條送達的通知書為移走該財產而指明的日期或之前移走，但已在該日期後的任何時間移走；及

- (2) Any person who claims to be the owner of perishable or hazardous property within the meaning of section 2(3) may make a claim for payment of the proceeds of sale to him, if any.
- (3) The property or proceeds of sale shall be returned or paid to the claimant by the Authority if—
- (a) the Authority is satisfied that the claimant is the owner of the property; and
 - (b) the claimant settles all expenses incurred by the Authority in connection with the taking possession, removal, detention and disposal of the property.
- (4) The Authority shall be entitled to deduct from the proceeds of sale the expenses incurred by the Authority in connection with the taking possession, removal, detention and disposal of the property.

6. Disposal of unclaimed property

If the property detained under section 4—

- (a) is not claimed by the date specified in the disposal notice served under section 3;
- (b) is not returned to a claimant under section 5(3); or
- (c) is perishable or hazardous property,

it may be disposed of by the Authority by sale or otherwise as the Authority thinks fit.

6A. Notices showing removal of property and payment of expenses incurred by Authority

Where the Authority is satisfied—

- (a) that the property that has not been removed by the date specified in that regard in a removal notice served under

- (b) 如監督為此而根據本條例第 23(7) 條招致任何開支，該等開支已支付予監督或已由監督追討回，則監督須向獲送達該移走通知書的人送達另一通知書，指明監督所信納的事項。

(2004 年第 25 號第 23 條)

6B. 通知書的註冊

- (1) 監督在根據第 2(1) 或 (4) 或 6A 條送達通知書後，須於合理地切實可行的範圍內盡快將通知書在土地註冊處註冊。
- (2) 根據第 2(1) 或 (4) 或 6A 條送達的通知書，須當作影響土地或處所的文書，並可在土地註冊處註冊，但即使有關通知書沒有在土地註冊處註冊，亦不影響它就獲送達該通知書的人而言的有效性。

(2004 年第 25 號第 23 條)

7. 通知書的送達

- (1) 任何根據第 2(1) 或 3(2) 條須送達的通知書可 —— (2004 年第 25 號第 24 條)
 - (a) 面交送達某人，或以郵遞方式送交某人最後為人所知的地址送達，或藉放置於某人的郵箱內送達；及
 - (b) 藉在以下位置貼出而送達 ——
 - (i) 該財產所位於的土地上或其附近的顯明位置；

section 2 has been removed at any time after that date; and

- (b) if the Authority has incurred any expenses for such purpose under section 23(7) of the Ordinance, that the expenses have been paid to or recovered by the Authority,

he shall serve on the person on whom the removal notice has been served a further notice specifying the matters in respect of which he is so satisfied.

(25 of 2004 s. 23)

6B. Registration of notices

- (1) The Authority shall, as soon as reasonably practicable after service of a notice under section 2(1) or (4) or 6A, register the notice in the Land Registry.
- (2) A notice served under section 2(1) or (4) or 6A shall be deemed to be an instrument affecting land or premises and shall be registrable in the Land Registry, but a failure to register such a notice in the Land Registry shall not affect its validity against the person on whom the notice has been served.

(25 of 2004 s. 23)

7. Service of notices

- (1) A notice required to be served under section 2(1) or 3(2) may be served— (25 of 2004 s. 24)
 - (a) on a person in person or by sending it by post to his last known address or depositing it in his post box; and
 - (b) by posting it in a prominent position—
 - (i) on or near the land on which the property is situated; or

- (ii) 該財產所位於的土地上任何處所或構築物上的顯明位置。
- (2) 第 (1) 款所提述的通知書文本，須在 2 份每日出版的中文報章及 1 份每日出版的英文報章上至少刊登一次。

- (ii) on any premises or structure on the land on which the property is situated.
- (2) A copy of the notice referred to in subsection (1) shall be published at least once in 1 daily English language newspaper and 2 daily Chinese language newspapers.