CHAPTER 370
ROADS (WORKS, USE AND COMPENSATION) ORDINANCE

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CHAPTER 370

ROADS (WORKS, USE AND COMPENSATION)

To provide for the publication of proposals as to works in relation to roads, objections to the proposals, authority to carry out the works and for the use of roads, powers in relation to the works on and the use of roads, compensation and connected matters.

[18 June 1982.]

PART I

PRELIMINARY

1. This ordinance may be cited as the Roads (Works, Use and Compensation) Ordinance.

2. (1) In this Ordinance, unless the context otherwise requires—

“application” means an application to the Lands Tribunal under section 23(2) or 28(2);

“building”, “Building Authority” and “building works” have the same meanings as in the Buildings Ordinance;

“claim” means a claim for compensation under section 29;

“claimant” means a person who has made a claim for compensation;

“compensatable interest” means the estate or interest of—

(a) a person having an unexpired term in land (including any further term which could be obtained as of right) of not less than one month or a tenancy or sub-tenancy terminable (whether by virtue of an Ordinance or otherwise) by either party by not less than one month’s notice;

(b) a mortgagee in possession;

(c) the holder of a valid and subsisting option to purchase an estate or interest referred to in paragraph (a) or (b);

(d) a purchaser under an agreement for sale and purchase to whom the benefit of an estate or interest referred to in paragraph (a) or (b) has already passed;

“land” means immovable property;

“mortgage” means a mortgage or charge registrable in the Land Office;

“owner”, in relation to land, means the person holding that land—

(a) directly under a Crown lease; or
(b) under another title directly from the Crown registered in the Land Office;

"sea-bed" includes any Crown land covered with water in any tidal river or channel connected with the water of Hong Kong;

"Secretary" means the Secretary for Lands and Works;

"use" means the use of any road, whether before or after the completion of any works and includes the existence of any road whether or not in relation to any use to which it is put;

"works" means the construction, renovation, alteration, closure, maintenance or repair of any road and any operations ancillary thereto;

"works area" means the land delineated in the plan prepared under section 5.

(2) Where, under this Ordinance, notice is required to be served on any person—

(a) that notice shall be in writing and in both the Chinese and English languages;

(b) it shall be served on that person by delivering it to him by hand or by registered post.

(3) The Secretary shall not be obliged to serve any notice on any person whose address is unknown and cannot be reasonably ascertained.

(4) A certificate purporting to be signed by a public officer shall be prima facie evidence of the facts stated therein relating to the service, giving, publication or affixing of any notice.

(5) The title to any land shall not be affected by—

(a) any defect in a notice required under this Ordinance; or

(b) any failure to serve, publish or affix any notice under this Ordinance.

3. (1) The Secretary may act under this Ordinance in relation to any works which he proposes be executed by some other person, other than a public officer, as well as in relation to works which he proposes be executed, on his behalf, by a public officer and this Ordinance shall apply to these works and the use.

(2) Where the Secretary proposes that any works be executed by some other person, any compensation payable in respect of those works shall, subject to any agreement, be payable by the Crown.

(3) The Secretary may in writing authorize any named person either generally or in any particular case to exercise any of the powers, functions and duties conferred or imposed upon him under this Ordinance.
PART II

THE WORKS

4. (1) The Secretary may execute any works—

(a) which, in his opinion, are minor in respect of any physical
or structural operations involved; and

(b) in respect of which the only powers required by him are—

(i) to close a road which, in his opinion, does not serve
any useful purpose or does not serve any lawful purpose;
(ii) to close a road to use for a period not exceeding 14
days in any period of 3 months;
(iii) to close part of the width of a road to use but not to
such extent as will interfere unreasonably with the normal
flow of traffic on that road and for no longer than is
reasonably necessary to execute the works.

(2) The works executed under this section, including the
closures mentioned in subsection (1)(b), and the use shall be
authorized under this section.

(3) No person shall have any right against the Crown or any
other person to restrain or compel anything authorized under this
section or to recover any money, under this Ordinance or otherwise,
in respect of anything authorized under this section.

5. Where the Secretary proposes to execute works, other than
under section 4, he shall cause to be prepared—

(a) a plan delineating the works area, being that area within
which land may be resumed, easements or other rights in,
under or over land may be created or rights affected for the
purposes of or incidental to the works or the use; and

(b) a scheme, annexed to the plan, in which he shall—

(i) describe the general nature of the works which he
proposes to carry out and the use to which he intends the
road will be put;
(ii) describe the land which he proposes may be
resumed under section 13;
(iii) describe the land in, under or over which he
proposes there may be created an easement or other
permanent or temporary right under section 15 and
indicate the nature of that easement or right;
(iv) describe any road, Crown foreshore or sea-bed in
respect of which he proposes the Governor may exercise
his powers under section 17 and describe the manner in
which the road, foreshore or sea-bed will be affected;
(v) describe any land or building in respect of which he
proposes he may exercise the powers under section 19 and
describe the general nature of any operations which may
be carried out;
(vi) describe the nature of any apparatus in respect of which he proposes he may exercise the powers under section 20;

(vii) describe the land or building in respect of which he proposes he may exercise the powers under section 21; and

(viii) describe any land or building works in respect of which he proposes the Building Authority may exercise its powers under section 22.

6. (1) For the purposes of preparing a plan and scheme mentioned in section 5 or any amendment or any substitute plan or scheme and failing agreement with any person affected as to the grant of the powers required by the Secretary, the Secretary may, subject to subsection (2), enter any land or building at all reasonable times and may there—

(a) make any inspection, site investigation or test, including drilling, excavating and the installation or removal of instruments;

(b) survey and take levels;

(c) set out any line of works.

(2) The Secretary shall give at least 28 days notice of his intention to exercise the powers mentioned in subsection (1) and that notice—

(a) shall describe the purpose of the entry; and

(b) shall be served on the owner and occupier of the land or building.

(3) Compensation shall be payable in respect of the exercise of the power mentioned in subsection (1) as it is payable under item 7 of Part II of the Schedule in respect of the exercise, of the power mentioned in section 19.

7. Any plan or scheme prepared for the purposes of section 5 and any marking or endorsement on any such plan may be amended and any plan or scheme may be replaced by a substitute plan or scheme but the Secretary shall as soon as practicable cause to be likewise amended, or replaced with the substitute, every copy referred to in section 8.

8. (1) A copy of the plan and scheme prepared for the purposes of section 5 or 7, signed by the Secretary, shall be deposited in the Land Office and shall be available for inspection by the public free of charge at such offices of the Government as the Secretary may direct, during the hours when those offices are normally open to the public.

(2) The Secretary shall within 21 days of the deposit of a copy of a plan and scheme in the Land Office or of any amendment to such copy or the deposit of a substitute plan and scheme cause a notice of such deposit or amendment to be published containing—
(a) a description of the general nature of the works or of the nature and extent of the amendment to the works; and

(b) particulars of the places and times at which a copy of the plan and scheme, or details of the amendment or a copy of the substitute plan and scheme may be inspected by the public in conformity with subsection (1).

(3) The notice mentioned in subsection (2) shall be published—

(a) in 2 issues of the Gazette in both the Chinese and English languages;

(b) in 2 issues of a Chinese language newspaper;

(c) in 2 issues of an English language newspaper; and

(d) by affixing copies in the Chinese and English languages in such prominent positions within the works area as may be appropriate for the purpose drawing the notice to the attention of the public.

(4) The Secretary shall, by notice in writing, advise the District Board of the District in which the works are to be situated of the deposit of the plan and scheme under subsection (1) and, at the same time, supply that District Board with a copy of the plan and scheme.

(5) A copy of the plan and scheme shall be supplied to any person on application and payment of the reasonable cost of producing that copy.

9. Where the Secretary decides not to execute the works in respect of which a copy of a plan has been deposited under section 8, he shall, as soon as practicable, cause a notice to that effect to be published in the manner mentioned in section 8(3); and, upon that publication, the powers mentioned in section 6(1), 11(7), 13(1), 15(1), 17(1), 19(1), 20(1), 21(1), 22 or 23(1) shall cease to be exercisable in relation to those works:

Provided that this section shall not affect anything lawfully done under this Ordinance before that publication or any rights (including rights to compensation) then accrued under this Ordinance in respect of the exercise of any of those powers.

10. (1) Any person may, by notice in writing delivered to the Secretary not later than 60 days after the first publication of the notice mentioned in section 8(2), object to the works or the use or both and may, where relevant, object to the exercise of the power of the Secretary under section 42(2).

(2) a notice of objection shall describe the interest of the objector and the manner in which he alleges he will be affected by the works or the use.

(3) An objection lodged under this section may be amended or withdrawn in writing at any time before the works and the scheme are considered under section 11; and, if withdrawn, shall be treated, for the purposes of section 11(1), as not having been lodged.
11. (1) When the time for the lodging of objections has expired and where no objections have been lodged under section 10, the Secretary may execute the works; and the works and the use shall be authorized under this Ordinance.

(2) When the time for the lodging of objections has expired and where any objection has been lodged under section 10, the Governor in Council shall consider the plan and scheme and the objections and may—

(a) decline to authorize the works and the use; or

(b) authorize the works and the use, with or without any modification and subject to such conditions, as to the amelioration or avoidance of the effects of works and the use or otherwise, as the Governor in Council thinks fit.

(3) Before exercising the power under subsection (2), the Governor in Council may refer the plan, the scheme and the objections to the Town Planning Board appointed under the Town Planning Ordinance and the Board shall, whether or not the works are shown on any draft plan under that Ordinance—

(a) exhibit and advertise the plan and scheme under section 5 of that Ordinance as if it were a draft plan;

(b) consider the objections lodged under section 10 and any other objections received by the Board; as if all the objections were objections to a draft plan sent to the Board under section 6 of that Ordinance;

(c) report to and advise the Governor in Council on the plan, the scheme and the objections as the Board thinks fit.

(4) The Governor in Council may reconsider any plan and scheme and—

(a) authorize the works and the use which the Governor in Council has previously declined to authorize;

(b) remove or vary any modifications or conditions previously imposed.

(5) The Governor in Council may, after the expiry of at least 28 days notice served on any person affected, amend any plan and scheme already considered and authorize the works and use in accordance with that amended plan and scheme.

(6) Where any objection has been lodged under section 10, the Secretary may execute the works only to the extent authorized, and subject to any subsisting modifications or conditions imposed, by the Governor in Council.

(7) Where any subsisting condition imposed by the Governor in Council under subsection (2)(b) requires anything to be done by the Secretary to ameliorate or avoid the effects of the works or the use—
(a) anything done by the Secretary in compliance with that condition shall be part of the works;

(b) the Secretary may enter any land or building, after giving at least 28 days notice to the owner and the occupier, and do what is required to be done to comply with that condition; and

(c) the condition shall be deemed to have been met if the condition is met in respect of all the persons for whose benefit the condition was imposed other than those who waive compliance in writing.

(8) The notice mentioned in subsection (7)(b) shall—

(a) describe the purpose of the entry; and

(b) be served on the owner and occupier.

(9) Where—

(a) the Secretary proposes to execute the works under subsection (1); or

(b) the Governor in Council has declined to authorize the works and the use; or

(c) the Governor in Council has authorized the works and the use; or

(d) the Governor in Council imposes any modifications or conditions when authorizing the works and the use; or

(e) any modification or condition previously imposed is removed or varied,

that fact shall be published in the manner mentioned in section 8(3).

12. Where the Secretary proceeds with the works under section 11(1) or the Governor in Council authorizes the works under section 11(2), 11(4) or 11(5), then, subject to the terms of the scheme considered or amended by the Governor in Council and to any subsisting modification or condition imposed by the Governor in Council, the powers mentioned in section 11(7), 13(1), 15(1), 17(1), 19(1), 20(1), 21(1), 22 or 23(1) may be exercised for the purposes of or incidental to the works or the use.

13. (1) The Governor may by order direct that any land proposed for resumption in the scheme mentioned in section 5 shall be resumed for the purposes of or incidental to the works or the use.

(2) An order made under subsection (1) shall specify the period of notice to be given under section 14(2) which period shall—

(a) run from the day on which notice of resumption is affixed on or near the land under that section and in no case expire earlier than 28 days from that day; and

(b) prevail over any other period of notice of resumption (whether shorter or longer) provided for by the Crown lease or other instrument under which the land is held.
(3) Unless the Governor has previously revoked the order made under subsection (1), the resumption of the land described in the order shall be effective upon expiration of the period of notice specified in the order and, thereupon, that land shall—

(a) where it is an undivided share in land, vest in The Colonial Treasurer Incorporated together with such rights to the use and occupation of any building or part thereof as may be appurtenant to the ownership of that share; and

(b) in all other cases, revert to the Crown,

but in either case the land shall vest or revert without any conveyance and free of all mortgages, charges, claims, estates, easements, rights or interests of any kind in favour of any person.

(4) The ownership of any apparatus belonging to an owner or supplier of gas, electricity, water or telecommunication services and situated in, under or over any land shall not be altered by reason only of the vesting or reversion of that land under subsection (3).

(5) The Secretary shall, as soon as practicable after land has vested in The Colonial Treasurer Incorporated or reverted to the Crown under subsection (3), cause such vesting or reversion to be noted in the register of the land kept in the Land Office.

(6) Upon the vesting under subsection (3)(a) of an undivided share in land in The Colonial Treasurer Incorporated such share, together with any part of a building the exclusive use and occupation of which is appurtenant to ownership of such share, shall be deemed to be unleased land for the purposes of section 6 of the Crown Land Ordinance.

14. (1) Notice of resumption by order made under section 13(1) shall be—

(a) served on every person known to the Secretary as having any estate, right, share or interest in the land mentioned in the order;

(b) published—

(i) in one issue of the Gazette in both the Chinese and English languages;

(ii) in one issue of a Chinese language newspaper;

(iii) in one issue of an English language newspaper; and

(iv) by affixing a copy in the Chinese and English languages in a prominent position on or near the land mentioned in the order; and

(c) made available for inspection by the public free of charge at such offices of the Government as the Secretary may direct, during the hours when those offices are normally open to the public.

(2) A notice of resumption shall—

(a) describe the land to be resumed and state that an order has been made under section 13(1) in respect thereof;
(b) state where and at what times a copy of the order and, where appropriate, a plan of the land may be inspected in pursuance of subsection (1)(c);

(c) state the day on which the notice was affixed on or near the land;

(d) state the period of notice specified by the Governor under section 13(2);

(e) declare that upon the expiry of that period the land described in the notice shall by virtue of section 13(3) revert to the Crown or vest in The Colonial Treasurer Incorporated, as the case may require, for the purposes of or incidental to the works or the use; and

(f) state that any person entitled to compensation under this Ordinance may serve a written claim upon the Secretary.

15. (1) The Governor may by order direct that easements or other permanent rights in, under or over land and rights of temporary occupation of land in the works area which easements and rights were proposed in the scheme mentioned in section 5 shall be created in favour of the Crown for the purposes of or incidental to the works or the use.

(2) An order under subsection (1) shall specify the period of notice to be given under section 16(2) which period shall run from the day on which notice of creation of an easement or right is affixed to the land under that subsection and shall in no case expire earlier than 28 days from that day.

(3) An order made under subsection (1) may contain such consequential and incidental provisions as appear to the Governor to be necessary or expedient for the purposes of the order including in particular provisions for authorizing persons to enter upon land or buildings in accordance with subsection (5) for the purpose of carrying out any operations or installing, maintaining or removing any structures or apparatus.

(4) Unless the Governor has previously revoked the order made under subsection (1), upon the expiry of the period specified under subsection (2) the easement or right shall be created in favour of the Crown and the benefits and obligations thereof and of all consequential and incidental provisions made under subsection (3) shall be of full force and effect against all persons having any estate, right, share or interest in the land without any consent, grant or conveyance.

(5) No person shall, in the exercise of any power of entry referred to in subsection (3), enter upon any land which is occupied without giving at least 28 days’ notice of his intention so to do unless the Secretary is of the opinion that an emergency exists which necessitates immediate entry.

(6) Notice under subsection (5) shall be served on the owner and the occupier of the land.
(7) The ownership of any thing shall not be altered by reason only that it is placed in or under or affixed to any land in exercise of the rights and powers arising from or incidental to an easement or right created under this section.

(8) The Secretary shall, as soon as practicable after an easement or other permanent right has been created in favour of the Crown under subsection (4), cause the creation of such easement to be noted in the register of the land kept in the Land Office.

16. (1) Notice of creation of an easement or right by order made under section 15(1) shall be—

(a) served on every person known to the Secretary as having any estate, right, share or interest in the land mentioned in the order;

(b) published—
   (i) in one issue of the Gazette in both the Chinese and English languages;
   (ii) in one issue of a Chinese language newspaper;
   (iii) in one issue of an English language newspaper; and
   (iv) by affixing a copy in the Chinese and English languages in a prominent position on or near the land mentioned in the order; and

(c) made available for inspection by the public free of charge at such offices of the Government as the Secretary may direct, during the hours when those offices are normally open to the public.

(2) A notice of creation of an easement or right shall—

(a) describe the land and the easement or right and state that an order creating the easement or right has been made under section 15(1);

(b) state where and at what times a copy of the order and a plan of the land affected by the easement or right may be inspected in pursuance of subsection (1)(c);

(c) state the day on which the notice was affixed on or near the land;

(d) state the period of notice specified by the Governor under section 15(2);

(e) declare that upon the expiry of that period the easement or right described in the notice shall by virtue of section 15(4) be created in favour of the Crown for the purposes of or incidental to the works or the use; and

(f) state that any person having a compensatable interest under this Ordinance may serve a written claim upon the Secretary.

(3) Where an order has been made under section 15(1) in respect of land which was, when the order was made, a road, subsection (1)(a) of this section shall not apply. (Added, 81 of 1988, s. 3)
17. (1) The Governor may, for the purposes of or incidental to the works or the use, in relation to any road, Crown foreshore or sea-bed described in the scheme mentioned in section 5, by order—

(a) authorize the Secretary to close the road or part thereof;

(b) authorize the Secretary to reclaim the Crown foreshore or sea-bed;

(c) declare that, or the extent to which, and the time at, or duration for which, any public or private right in, upon, under or over the road, Crown foreshore or sea-bed shall be extinguished, modified or restricted.

(2) Where an order is made under subsection (1) every public and private right in, upon, under or over the road, Crown foreshore or sea-bed affected by the order shall be extinguished, modified or restricted according to the provisions in that behalf made in the order.

(3) This section shall not affect the provisions of the Road Traffic Ordinance relating to the closure of roads.

18. (1) Notice of an order made under section 17(1) in respect of any road, foreshore or sea-bed shall be—

(a) served on every person known to the Secretary as having any estate, right, share or interest in the land mentioned in the order;

(b) published—

(i) in one issue of the Gazette in both the Chinese and English languages;

(ii) in one issue of a Chinese language newspaper;

(iii) in one issue of an English language newspaper; and

(iv) by affixing a copy in the Chinese and English languages in a prominent position on or near the land mentioned in the order; and

(c) made available for inspection by the public free of charge at such offices of the Government, as the Secretary may direct during the hours when those offices are normally open to the public.

(2) The notice referred to in subsection (1) shall—

(a) state that an order has been made under section 17(1) and describe the area of the road, foreshore or sea-bed affected thereby and the manner in which it will be affected;

(b) describe briefly any works to be carried out;

(c) state where and at what times a copy of the order and a plan of the affected area of the road, foreshore or sea-bed may be inspected pursuant to subsection (1)(c);

(d) state the day on which the notice was affixed on or near the land; and
(e) state that any person having a compensatable interest under this Ordinance may serve a written claim upon the Secretary.

19. (1) Failing agreement with any person affected as to the grant of the powers required by the Secretary, the Secretary may enter any land or building described in the scheme mentioned in section 5 and situate wholly or partly within the works area or wholly or partly within 70 metres thereof for the purpose of—

(a) making any inspection, valuation, site investigation or test, including drilling, excavation or the installation or removal of instruments;

(b) surveying or taking levels;

(c) setting out any line of works,

in connexion with the works, the use, an assessment of the value of any land, building or other property or in order to ascertain the condition of the land or building; and the Secretary may also enter any such land or building and carry out, at the cost of the Crown, all reasonably necessary operations of a preventive or remedial nature.

(2) No person shall, for the purposes of subsection (1), enter any land or building which is occupied without giving at least 28 days' notice of his intention so to do, unless the Secretary is of the opinion that an emergency exists which necessitates immediate entry.

(3) A notice of entry referred to in subsection (2)—

(a) shall describe the purpose of the entry and the nature of any operations to be carried out; and

(b) shall be served on the owner and the occupier of the land or building.

(4) In subsection (1) "operations of a preventive or remedial nature" means the underpinning or strengthening of any land or building and other work thereon intended to render it reasonably safe or to repair or detect damage caused by the works or the use.

(5) The decision of the Secretary that any operations are of a preventive or remedial nature or that such operations are reasonably necessary shall be final.

(6) The Secretary may, as occasion may require, enter any land or building in respect of which any of the powers contained in subsection (1) have been exercised and may in relation to that land or building exercise such powers, subject to subsection (2), as often as occasion may require.

20. (1) The Secretary may give notice to the owner of any gas, electricity, water or telecommunication service apparatus situated on any unleased Crown land requiring him, at his own expense (subject to any contract between that owner and the Crown), to alter
the course or position of any wire, line, cable, pipe, tube, casing, duct, post or other apparatus the nature of which was described in the scheme mentioned in section 5 and which belongs to or is maintained by that owner and to repair any road surface thereby disturbed if in the opinion of the Secretary such alteration and repair is required for the purposes of or incidental to the works or the use.

(2) A notice under subsection (1) shall—

(a) specify the nature of apparatus to which the notice applies and set out the Secretary's requirements as to the alteration of its course or position and the repair of any road surface;

(b) stipulate the period within which such work shall be carried out; and

(c) be served upon the owner not later than 1 month before the commencement of that period.

(3) The period mentioned in subsection (2)(b) shall be a period which is reasonably necessary for the carrying out of the Secretary's requirements as mentioned in subsection (2)(a) and, before stipulating a period, the Secretary shall consult the owner of the apparatus to which the notice applies.

(4) If the owner does not comply with the notice given to him under subsection (1), the Secretary may carry out the operations mentioned in that notice and, subject to any contract between that owner and the Crown, recover the cost thereof from the person to whom the notice was given.

21. (1) The Secretary may give notice to the owner of any land or building described in the scheme mentioned in section 5 requiring him to remove any object or structure described in the notice which is attached to or projects from the land or building if in the opinion of the Secretary the removal of the object or structure is necessary for the purposes of or incidental to the works or the use.

(2) A copy of the notice under subsection (1) shall be given to any occupier of the land or building known to the Secretary.

(3) A notice under subsection (1) shall—

(a) describe the object or structure to be removed;

(b) stipulate the period within which the work of removal shall be carried out;

(c) be given to the owner and occupier of the land or building not later than 28 days before the commencement of that period; and

(d) state that any person having a compensatable interest under this Ordinance may serve a written claim upon the Secretary.
(4) If the owner of the land or building does not comply with a notice given to him under subsection (1), the Secretary may enter the land or building, together with such other persons as he thinks necessary, and remove the object or structure described in the notice or cause it to be removed by those other persons at the expense of the Crown.

(5) An object or structure removed under subsection (4), whether or not it was erected or maintained in contravention of any Ordinance or Crown lease or other instrument under which the land is held, may be disposed of as the Secretary thinks fit.

22. (1) Notwithstanding the Buildings Ordinance, where the Building Authority is of the opinion that any building works on land described in the scheme mentioned in section 5 would be incompatible with the works or the use, he may to such extent as is necessary to avoid such incompatibility—

(a) refuse to give his approval to any plan or to consent to the commencement of the building works;

(b) if there is no subsisting consent to the commencement of the building works, withdraw any approval which he has or is deemed to have given to any plan;

(c) require the amendment of any plan relating to the building works;

(d) impose conditions, whether as to time or otherwise, on the giving of approval to plans relating to the building works or consent to commence such works.

(2) The carrying out of any building works—

(a) contrary to any refusal under subsection (1)(a) or following any withdrawal of approval under subsection (1)(b); or

(b) otherwise than in accordance with any plan amended under subsection (1)(c) or condition imposed under subsection (1)(d),

shall, for the purposes of sections 23 and 24 of the Buildings Ordinance, be deemed to constitute a contravention of that Ordinance.

(3) The powers of the Building Authority under this section shall arise as soon as a plan, a substitute plan or an amendment to a plan has been deposited under section 8(1):

Provided that, as soon as reasonably practicable after the Governor in Council has made a decision under section 11(2) or 11(4), the Building Authority shall—

(a) review his action under subsection (1);

(b) vary such action so that it is consistent with that decision.
(4) Where the Building Authority acts under subsection (1), he shall advise the person who intends to carry out the building works of the particulars in respect of which he is of the opinion that the building works would be incompatible with the works or the use.

(5) Where—

(a) the Building Authority refuses, under subsection (1)(a), to give his approval to any plan or to consent to the commencement of the building works or withdraws, under subsection (1)(b), any approval; and

(b) he maintains a refusal or withdrawal after reviewing his action under the proviso to subsection (3); and

(c) he advises, under subsection (4), that any building works on the land specified by him would be incompatible with the works or the use; and

(d) the building works and any plan relating thereto are consistent with the Crown lease or other instrument under which the land is held and with any law or requirement made under any law,

the owner of that land may, by notice in writing to the Secretary, require that the land mentioned in paragraph (c) be resumed under this Ordinance.

(6) Where—

(a) the Building Authority imposes, under subsection (1)(d), a condition delaying building works; and

(b) he maintains that condition after reviewing his action under the proviso to subsection (3); and

(c) he advises, under subsection (4), that, for the time being, building works on the land specified by him would be incompatible with the works or the use; and

(d) he does not, on application in writing made not less than 2 years after imposition of that condition, grant approval and consent to commence the building works to allow them to commence within 12 months; and

(e) the building works and any plan relating thereto are consistent with the Crown lease or other instrument under which the land is held and with any law or requirement made under any law,

the owner of that land may, by notice in writing to the Secretary, require that the land mentioned in paragraph (c) be resumed under this Ordinance.

(7) Where the owner gives notice under subsection (5) or (6), the Governor shall, unless the notice is withdrawn, make an order under section 13(1) in respect of the land mentioned in paragraph (c) of subsection (5) or (6) not more than 28 days after receipt of the notice by the Secretary, and the period of notice specified in the order under section 13(2) shall be not longer than 28 days.
(8) Where—

(a) the Building Authority imposes, under subsection (1)(d), a condition delaying building works; and

(b) he maintains that condition after reviewing his action under the proviso to subsection (3); and

(c) he advises, under subsection (4), that, for any period specified by him, building works on the land specified by him would be incompatible with the works or the use; and

(d) the building works and any plan relating thereto are consistent with the Crown lease or other instrument under which the land is held and with any law or requirement under any law,

any person having a compensatable interest in that land may apply to the Governor in Council for an order that the land mentioned in paragraph (c) be resumed under this Ordinance and the Governor in Council may, if he thinks it just and equitable to do so, make such an order.

(9) Where the Governor in Council makes an order under subsection (8), the Governor shall make an order under section 13(1) in respect of the land mentioned in paragraph (c) of subsection (8) not more than 28 days after the order under subsection (8) and the period of notice specified in the order under section 13(2) shall be not longer than 28 days.

23. (1) Where any land is resumed under section 13, any road is closed or any private right extinguished, modified or restricted under section 17 and the Governor is of the opinion that—

(a) that land, road or right is reasonably necessary to the use and enjoyment of any contiguous or adjacent land; and

(b) it would be just and equitable to make an order under this subsection,

the Governor may, on the application of any person having a compensatable interest in that contiguous or adjacent land, make an order under section 13(1) in respect of that contiguous or adjacent land, whether or not it is within the works area.

(2) Any person aggrieved by a decision of the Governor under subsection (1) not to make an order under section 13(1) may apply to the Lands Tribunal to review such decision.

(3) Upon an application under subsection (2), the Lands Tribunal may, if it is satisfied as to the facts mentioned in subsection (1), make an order under section 13(1) in respect of the contiguous or adjacent land, whether or not it is within the works area.

24. Any person who wilfully obstructs any person lawfully exercising or performing any power, duty or function arising under this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine of $5,000 and to imprisonment for 1 year.
PART III

RIGHTS TO COMPENSATION AND CLAIMS PROCEDURE

25. No person shall have any right against the Crown or any other person to restrain or compel anything authorized under this Ordinance.

26. No person shall have any right against the Crown or any other person to recover any money—

(a) in respect of any use authorized under this Ordinance; or

(b) in respect of any works or anything else authorized under this Ordinance except to the extent of the rights to compensation provided for in section 27.

27. (1) The compensation referred to in section 26 is the right to recover from the Crown for the matters set out in the first column of Part II of the Schedule a sum assessed on the basis specified opposite thereto in the second column thereof and with regard to the provisions of Part I of the Schedule, subject to—

(a) the claim being served on the Secretary within the appropriate period specified in the fourth column of Part II of the Schedule; and

(b) the other provisions of this Ordinance.

(2) Every person who is described in the third column of Part II of the Schedule shall have the right to recover compensation for the matters set out opposite thereto in the first column to the extent suffered or incurred by him as assessed under this Ordinance.

(3) The rights to compensation mentioned in the Schedule shall exist in addition to any benefit accruing to a claimant as a result of the implementation of any subsisting conditions imposed by the Governor in Council under section 11(2).

28. (1) Subject to subsection (2), if a claim or an amendment thereto is not served on the Secretary before the expiration of the period specified in the fourth column of Part II of the Schedule in respect of that matter, the right to claim compensation therefor shall be barred.

(2) The period referred to in subsection (1) may, upon application made to the Lands Tribunal either before or after the expiry of that period, be extended in accordance with this section.

(3) Notice of an application under subsection (2) shall be given to the Secretary by the applicant.

(4) The Lands Tribunal may extend the period within which a claim must be served upon the Secretary if it considers that the delay in serving the claim was occasioned by mistake of fact or mistake of any matter of law (other than the relevant provision in the fourth
column of Part II of the Schedule) or by any other reasonable cause
or that the Crown is not materially prejudiced in the conduct of its
case or otherwise by the delay.

(5) An extension may be granted by the Lands Tribunal under
subsection (4), with or without conditions for such period as it
thinks fit but not in any case exceeding 6 years from the time when
the right to compensation first arose.

Claims
procedure.

29. (1) Any person who claims to be entitled to compensation
under this Ordinance shall serve upon the Secretary a written claim
setting out such of the following particulars as are applicable to his
claim—

(a) the name of the claimant, and his address for service of
notices;

(b) a full description of the land to which the claim relates
including any covenants, easements, rights or restrictions
affecting the same;

(c) the nature of the claimant’s interest in the land including in
the case of a sub-lessee or sub-tenant his landlord’s name
and address and details of the sub-lease or tenancy;

(d) details of any mortgage, including the principal still owing
and name and address of the mortgagee;

(e) if the claimant has let the land or any part thereof, the
name and address of each tenant and details of his lease or
tenancy;

(f) particulars of the claim showing—
   (i) the amount of the claim;
   (ii) under which item of Part II of the Schedule the
claim is made; and
   (iii) how the amount claimed under each item is calcu-
lated.

(2) The Secretary shall in writing acknowledge receipt and the
date of receipt of every claim served on him under subsection (1).

(3) If a claimant amends his claim before proceedings are
commenced in the Lands Tribunal and the Secretary considers the
amendment to be substantial, the Secretary may, within 28 days of
the receipt of the amended claim, notify the claimant that he elects to
treat the claim, for the purposes of this section, as if it were a new
claim served under subsection (1) on the date on which the amend-
ment was received by the Secretary, and this section shall apply
accordingly.

(4) The Secretary may by notice in writing to the claimant
request him to furnish further particulars of and in support of his
claim or any item thereof and if any such particulars are not
furnished to the Secretary within a period of 28 days from the date
of the notice, or within such further period as the Secretary may in
writing allow, the claim or the item thereof concerning which the
particulars are requested shall be deemed to be rejected and subsec-
tion (5) shall not apply thereto.
(5) The Secretary shall within 6 months of the service of a claim on him or, if he has requested further particulars under subsection (4) within 6 months of the day on which they are furnished in accordance with that subsection, notify the claimant in writing that he—

(a) admits the entire claim; or

(b) rejects the entire claim; or

(c) admits a specified part or parts and rejects the remainder,

and in every case shall briefly state his reasons for rejection so that the claimant is adequately informed of those reasons:

Provided that the Secretary may at any time state further reasons for rejection of claim.

(6) Where the Secretary has rejected a claim or any part thereof under subsection (5) or where a claim or any part thereof is deemed to have been rejected under subsection (4) the Secretary may—

(a) by notice in writing offer to the claimant such sum, including costs as agreed or taxed, as the Crown is willing to pay in full and final settlement of the claim or any part thereof;

(b) commence proceedings in the Lands Tribunal, to have the claim or any part thereof in respect of which no offer is made heard and determined by it in accordance with this Ordinance;

(c) commence such proceedings in the Lands Tribunal where any offer under paragraph (a) is not accepted by the claimant within 28 days of the date of the offer.

(7) If, after the expiry of 7 months from the receipt of a claim by the Secretary, it has not been settled by agreement, either the claimant or the Secretary may commence proceedings in the Lands Tribunal to have the claim, or so much thereof as is still in dispute heard and determined by it under this Ordinance.

(8) In any case where the claimant has failed to supply further particulars required by the Secretary in accordance with subsection (4), the Lands Tribunal may on the hearing of the claim consider the merits of the Secretary’s request for further particulars and the claimant’s failure to supply them and may, if it thinks fit—

(a) order the claimant to supply some or all of the particulars; and

(b) adjourn the hearing until the order is complied with and the particulars are considered by the Secretary; and

(c) make such further order as it thinks fit as to the costs of either party occasioned by the Secretary’s request for and the claimant’s failure to supply the further particulars.
30. (1) At any time after proceedings have been commenced in the Lands Tribunal but before compensation is finally assessed the Secretary may make an offer in writing of the kind described in section 29(6)(a) or the claimant may by notice to the Secretary state a sum (inclusive or exclusive of costs) which he is willing to accept in full and final settlement of his claim or any rejected part thereof.

(2) Where an offer made by the Secretary pursuant to section 29(6)(a) or by the Secretary or the claimant pursuant to subsection (1) is not accepted by the other party, no part of the contents thereof which relates to any part of a claim before the Lands Tribunal shall be disclosed to that Tribunal until the amount of compensation for that part is assessed by it; but a copy of the offer enclosed in a sealed envelope may be lodged with the registrar of the Lands Tribunal and opened by it after it has made its assessment.

(3) Where the Secretary has made any offer under section 29(6)(a) or subsection (1), including costs as agreed or taxed, which is not accepted by the claimant and the compensation assessed by the Lands Tribunal does not exceed the amount of compensation comprised in the offer, the Lands Tribunal shall, unless for special reason it thinks it proper not to do so, order the claimant to bear his own costs and to pay the costs of the Secretary in so far as the costs are incurred after the making of the offer.

(4) Where the claimant states a sum which he is willing to accept under subsection (1) which is not paid by the Secretary and the compensation assessed by the Lands Tribunal is not less than that sum, the Lands Tribunal shall, unless for special reason it thinks it proper not to do so, order the Secretary to bear his own costs and to pay the costs of the claimant.

PART IV

ASSESSMENT AND AWARD OF COMPENSATION

31. (1) The Lands Tribunal shall have jurisdiction to hear and determine in accordance with this Ordinance—

(a) all claims for compensation which the Secretary or the claimant may refer to it under section 29(6) or (7); and

(b) applications provided for by sections 23(2) and 28(2).

(2) The Lands Tribunal shall also have jurisdiction to award compensation or any part thereof to a claimant if at the time of the award it has no notice or intimation of any dispute as to his entitlement; but the making of any such award shall not affect the entitlement to receive compensation under this Ordinance of any other person who may thereafter be held by a court of competent jurisdiction to have a better title to the compensation or any part thereof than the person to whom it was awarded.

(3) An award of compensation under subsection (2) shall not in any way affect the entitlement of a mortgagee to be paid compensation in accordance with section 32.
32. (1) Subject to subsection (2), a mortgagee of land which reverts to the Crown or vests in The Colonial Treasurer Incorporated under this Ordinance shall, in so far as he has priority as against any other mortgagee, be entitled to be paid so much of any compensation as is required to discharge his mortgage debt including any interest thereon.

(2) If compensation is payable under this Ordinance otherwise than for land resumed or if the land to which compensation relates is part only of the mortgage security a mortgagee shall, in so far as he has priority as against any other mortgagee, be entitled to be paid so much of the compensation as is necessary to reduce his mortgage debt to an amount which is adequately secured by the land or the remaining land as the case may be.

(3) The payment of compensation, as required by subsections (1) and (2), shall be made in accordance with the written agreement of the claimant and every mortgagee of the land or failing such agreement in accordance with an order of the Supreme Court under subsection (4).

(4) The claimant or any mortgagee may apply to the Supreme Court for an order as to the payment of unpaid compensation and on any such application the Court may make such order as it thinks just and equitable having regard to the requirements of subsections (1) and (2).

33. The Lands Tribunal may direct that interest be paid on compensation (but not on costs)—

(a) in the case of compensation payable under item 1 of Part II of the Schedule, as if the claim were made under the Crown Lands Resumption Ordinance for land resumed under that Ordinance; and

(b) in any other case, from such date and for such period as it thinks fit and at such rate as it may fix but not below the lowest rate payable during that period by members of the Hong Kong Association of Banks on time deposits.

34. All compensation (including any interest thereon) and all costs—

(a) agreed to be paid to the claimant by the Secretary; or

(b) awarded by the Lands Tribunal against the Crown,

shall be paid out of the general revenue within 3 months of the agreement or final award, unless there is a dispute as to the person entitled to such compensation.

35. The Secretary may require any claimant to whom compensation is payable for land resumed under this Ordinance to surrender his documents of title to the Secretary as a condition of payment being made; and in any case where the documents of title relate also to land not resumed, the Secretary shall return them to the claimant after the resumption has been noted in the register of the land kept in the Land Office.
PART V

MISCELLANEOUS

36. Where it is stated—
   (a) in any order under section 13(1), 15(1) or 17(1) respectively that—
      (i) the resumption of land;
      (ii) the creation of an easement or other right; or
      (iii) the closure, reclamation, extinction, modification or restriction,
            is ordered, authorized or declared for the purposes of or incidental to the works or the use; or
   (b) in a notice under section 19, 20 or 21 that the entry or the work therein described or required to be carried out is, in
       the opinion of the Secretary, in connexion with the works, the use, an assessment of the value of any land, building or
       other property or in order to ascertain the condition of the land or building or necessary or required for the works or
       the use; or
   (c) by the Secretary that—
      (i) any works are minor in respect of any physical or structural operations involved; or
      (ii) a road does not serve any useful purpose or does not serve any lawful purpose,

then such statement shall be accepted by all courts, tribunals and persons as conclusive evidence of the truth of the fact so stated.

37. Any land resumed or any Crown foreshore or sea-bed reclaimed or any easement or other right created under this Ordinance
   and any land which becomes vested in The Colonial Treasurer Incorporated may be used in such manner as the Crown or The
   Colonial Treasurer Incorporated thinks fit and may be disposed of to any person by any means and on any terms whatsoever:
   Provided that, before disposing of any land resumed under this Ordinance to any other person, the Crown shall give proper
   consideration to offering that land back to the person from whom it was resumed.

38. Except to the extent that provision is otherwise made in this Ordinance—
   (a) the Crown Lands Resumption Ordinance shall not apply to the resumption of any land ordered under section 13 nor
       to any claim for or determination, award or payment of compensation for such resumption;
   (b) the Public Reclamations and Works Ordinance shall not apply to an order made under section 17(1) nor to the
       implementation or effects thereof; and
(c) the Buildings Ordinance shall not apply to the works or use for the purpose of giving rise to any claim for compensation.

39–41. [Spent]

42. (1) Notwithstanding the repeal of the Streets (Alteration) Ordinance and subject to subsection (2) of this section, that Ordinance shall continue to apply to any works included in an undertaking in respect of which a notice has been published under section 3 of that Ordinance.

(2) Notwithstanding anything done under section 3 of the repealed Streets (Alteration) Ordinance and subject to subsection (3) of this section, the Secretary may cease to act under that Ordinance and act under section 4 or 5 of this Ordinance in relation to any works if, and only if, no authority has been given under section 6 of that Ordinance in respect of any undertaking which includes those works.

(3) Where an undertaking which has been authorized under section 6 of the repealed Streets (Alteration) Ordinance is abandoned and the Secretary proposes to carry out any works in place of and substantially different to the abandoned undertaking, he may act under section 4 or 5 of this Ordinance in relation to those works.

(4) Where, under subsection (2) or (3) of this section, the Secretary acts under section 4 or 5 of this Ordinance in relation to any works, this Ordinance shall apply to those works; and no person shall have any right against the Crown or any other person in relation to those works except under this Ordinance.

(5) [Deleted 51 of 1982, s. 2].

SCHEDULE

PART I

1. The provisions in this Part shall, where applicable, have effect for the purpose of assessing compensation under Part II of this Schedule and shall—

(a) be in addition to such of the provisions of the Crown Lands Resumption Ordinance as apply, by virtue of Part II, to the assessment of compensation; and

(b) prevail over any provision referred to in sub-paragraph (a) which is inconsistent or in conflict with a provision in this Part.

2. In this Schedule—

“date of resumption” means the day on which land reverts to the Crown or vests in The Colonial Treasurer Incorporated under section 13(3);

“disturbance” means the dispossession of a person of land or the interruption of or interference with a trade or business, whether such dispossession, interruption or interference is temporary or permanent;

“disturbance payment” means a sum equal to—

(a) the expenditure and loss of money actually and reasonably incurred or to be reasonably incurred and arising from the dispossession of a person of land by reason of the matter for which the claimant is entitled to claim compensation under Part II of the Schedule; and
(b) in the case of disturbance of a trade or business on any land, the expenditure and loss of money actually and reasonably incurred or to be reasonably incurred and arising from the disturbance of that trade or business by reason of the matter for which the claimant is entitled to claim compensation under Part II of the Schedule:

Provided that a disturbance payment shall not include any expenditure or loss which would not be recoverable, on the grounds that the expenditure or loss was too remote or was not caused by the disturbance, if that disturbance were a tort;

"open market value" means the amount which the land, if sold in the open market by a willing seller, might reasonably be expected to realize.

3. Subject to paragraphs 8 and 10, where the open market value of any land is relevant for the purposes of assessing compensation under this Ordinance, no account shall be taken of any increase or decrease in that value which is attributable to anything done or proposed to be done under this Ordinance or to the use.

4. (1) For the purposes of assessing the amount to be awarded to a claimant in respect of a disturbance payment, the Lands Tribunal shall, in respect of any expenditure or loss to be incurred and in respect of which the claimant is entitled under this Ordinance to be compensated, assess the value of that expenditure or loss at the time of the award as if that expenditure or loss formed part of a claim for damages in tort.

(2) No disturbance payment shall be payable in respect of any interference with a trade or business in any case in which such interference does not subsist for a period exceeding 14 days.

5. Compensation may be reduced so far as may be just and equitable in respect of any building or part thereof which has been constructed or modified, or on which building works have been carried out, so as to amount to a contravention of the Buildings Ordinance being a contravention within the meaning of that Ordinance or to a contravention of a Crown lease or other instrument under which land built upon is held.

6. The compensation assessed under item 6 or 7 of Part II of this Schedule shall be reduced to such extent as may be just and equitable having regard to the share in the responsibility for the loss or damage not reasonably attributable to or connected with the works.

7. Where a sign advertising any business, product, service or activity is removed under section 21, nothing in item 8 of Part II of this Schedule shall be construed as conferring upon any person a right to compensation for the loss of any benefit which might have accrued to him from the advertising of that business, product, service or activity if the sign had not been removed.

8. Where compensation under item 2, 3, 4, 5, 8 or 9 of Part II of this Schedule has been paid in respect of the diminution in value of any land and such land or part thereof is subsequently resumed by the Crown under this Ordinance or any other enabling power, then notwithstanding paragraph 3 of this Part of this Schedule or any other provision of law to the same or similar effect, that diminution in value shall be taken into account to reduce the compensation for the resumption of that land in so far as it was taken into account in the assessment of compensation for the diminishing in value thereof.

9. Where under this Ordinance a claim for compensation may be made by a mortgagee in possession—

(a) such claim may include compensation in respect of the whole interest which comprises the mortgage security; and

(b) compensation received by a mortgagee in possession shall be applied by him firstly, to the settlement or reduction of the debt due under the mortgage and then to the payment of any excess to the mortgagor.

10. Compensation shall be payable under item 9 of Part II of this Schedule only to the extent that the carrying out of building works in accordance with an amendment required, or condition imposed, under section 22(1)(c) or (d) does not increase the open market value of the land on which the building works are carried out.
11. Where there is a dispute between persons owning compensatable interests in any land or building as to the apportionment of the compensation payable or paid, the Lands Tribunal shall, on the application of any such person, apportion that compensation amongst such persons in such manner as may be just and equitable having regard to their respective rights and interests in the land or building.

12. Where, under the second column of Part II of this Schedule, compensation is to be assessed on the basis of the value of land, or the value of a claimant's interest in land, or of a rent, that value or that rent shall be assessed as at the date of the happening of the relevant event mentioned in the first column of Part II of this Schedule; and the person entitled to claim shall be the person fitting the description mentioned in the third column of Part II of this Schedule on that date.

13. Nothing in this Ordinance shall enable any person to recover compensation—

(a) in respect of a loss or expense which he has not suffered or incurred; or

(b) which is greater than the loss suffered or expense incurred by him:

Provided that in assessing compensation under this Ordinance, no account shall be taken of any amount recovered by the claimant under a policy of insurance.

14. Where, under this Ordinance, a person is entitled to claim compensation and that compensation is to be assessed on the basis of an expense incurred, the Crown may, on written notice to that person, carry out the operations in respect of which the expense would otherwise be claimable.

**PART II**

<table>
<thead>
<tr>
<th>Matters for which compensation may be claimed</th>
<th>Basis on which compensation is to be assessed</th>
<th>Persons who may claim compensation for their respective losses</th>
<th>Period within which the claim must be served on the Secretary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The resumption of land under section 13.</td>
<td>As if the claim were made under the Crown Lands Resumption Ordinance for land resumed under that Ordinance.</td>
<td>Any person who would be entitled to claim compensation for land resumed under the Crown Lands Resumption Ordinance if the land had been resumed thereunder.</td>
<td>Before the expiration of 1 year from the date of resumption. (Cap. 124.)</td>
</tr>
</tbody>
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| 2. (a) The creation of an easement or other permanent right or a right of temporary occupation under section 15. | (a) (i) In the case of an easement or other permanent right, the amount by which the open market value of the claimant's interest in the land is diminished. (ii) In the case of the creation of a right of temporary occupation, the amount of an open market rent for claimant's interest in the land occupied during the period of the easement. | (a) Any person owning a compensable interest in the land. | (a) Before the expiration of 1 year from the date on which the easement or right is created. |

(b) A disturbance payment. | (b) Same as in item 2(a). | (b) Same as in item 2(a). |

(6) Disturbance resulting from the creation of an easement or other permanent right or a right of temporary occupation under section 15.
<table>
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<tr>
<td>3. (a) The extinction, by the operation of section 13(3), of any easement in favour of land not resumed when adjacent or contiguous land is resumed.</td>
<td>(a) The expense fairly and reasonably incurred in remedying or mitigating the effect of the extinction of the easement, as far as may be practicable, and any diminution in the open market value of the claimant's interest in the land not resumed after such expense has been incurred.</td>
<td>(a) Any person owning a compensable interest in the land not resumed.</td>
<td>(a) Before the expiration of 1 year from the date of resumption of the adjacent or contiguous land.</td>
</tr>
<tr>
<td></td>
<td>(b) Disturbance resulting from the extinction of that easement.</td>
<td>(b) A disturbance payment.</td>
<td>(b) Same as in item 3(a).</td>
</tr>
<tr>
<td>4. The closure of, or extinction, modification or restriction of a private right in respect of, a road or part of a road under section 17, so that access to any land is adversely affected.</td>
<td>(a) The expense fairly and reasonably incurred in remedying or mitigating the effect of such closure, extinction, modification or restriction, as far as may be practicable, and any diminution in the open market value of the claimant's interest in the land after such expense has been incurred.</td>
<td>Any person owning a compensable interest in the land.</td>
<td>Before the expiration of 1 year from the closure, extinction, modification or restriction.</td>
</tr>
<tr>
<td></td>
<td>(b) A disturbance payment.</td>
<td></td>
<td>(b) Same as in item 3(a).</td>
</tr>
<tr>
<td>5. (a) The extinction, modification or restriction of any private right over Crown foreshore or sea-bed under section 17.</td>
<td>(a) The amount which is fairly and reasonably assessed to be the open market value of the right and, where the claimant has a compensable interest in contiguous or adjacent land, any diminution in the open market value of that interest.</td>
<td>(a) Any person in whom the private right is vested.</td>
<td>(a) Before the expiration of 1 year from the date of extinction, modification or restriction.</td>
</tr>
<tr>
<td></td>
<td>(b) Disturbance resulting from that extinction, modification or restriction.</td>
<td>(b) A disturbance payment.</td>
<td>(b) Same as in item 5(a).</td>
</tr>
<tr>
<td>6. (a) Physical or structural damage to any land or building resulting from the works.</td>
<td>(a) The expense which is fairly and reasonably incurred in repairing the damage and any expense fairly and reasonably incurred in preventing or mitigating the damage.</td>
<td>(a) Any person owning a compensable interest in the land or building.</td>
<td>(a) Before the expiration of 1 year from the date of the completion of the works.</td>
</tr>
<tr>
<td></td>
<td>(b) Disturbance resulting from the structural damage mentioned in item 6(a).</td>
<td>(b) A disturbance payment.</td>
<td>(b) Same as in item 6(a).</td>
</tr>
<tr>
<td>7. (a) Physical or structural damage to any land or building resulting from the exercise of any power contained in section 19.</td>
<td>(a) The expense which is fairly and reasonably incurred in repairing the damage and any expense fairly and reasonably incurred in preventing or mitigating the damage.</td>
<td>(a) Any person owning a compensable interest in the land or building.</td>
<td>(a) Before the expiration of 1 year from the date of completion of the operations carried out under section 19 from which the damage is alleged to have resulted.</td>
</tr>
<tr>
<td>Matters for which compensation may be claimed</td>
<td>Basis on which compensation is to be assessed</td>
<td>Persons who may claim compensation for their respective losses</td>
<td>Period within which the claim must be served on the Secretary</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>(b) Disturbance resulting from the exercise of any power contained in section 19.</td>
<td>(b) A disturbance payment.</td>
<td>(b) Same as in item 7(a).</td>
<td>(b) Same as in item 7(a).</td>
</tr>
</tbody>
</table>

8. (a) The removal, under section 21, of any object or structure which was erected and maintained without the contravention of any Ordinance or Crown lease.  
   (a) Any diminution in the open market value of the claimant’s interest in the land or building, and the expense which is fairly and reasonably incurred in moving the object or structure and making good that part of the building from which it is removed.  
   (a) Any person owning a compensable interest in the land or building.  
   (a) Before the expiration of 1 year from the date of removal.

(b) Reinstating an object or structure described in item (a) above or of replacing the same with a similar object or structure.  
   (b) The expense fairly and reasonably incurred in so doing in so far as that expense is not taken into account under item 8(a).  
   (b) Same as in item 8(a).  
   (b) Before the expiration of 1 year from the date of reinstatement or replacement.

(c) The loss sustained in respect of an object or structure which was erected and maintained without the contravention of any Ordinance or Crown lease and is not to be reinstated or replaced with a similar object or structure.  
   (c) The amount which is fairly and reasonably estimated as the value of the object or structure.  
   (c) Any person owning a share or interest in the object or structure.  
   (c) Before the expiration of 1 year from the date of removal.

(d) Disturbance resulting from the exercise of any power contained in section 21.  
   (d) A disturbance payment.  
   (d) Same as in item 8(a).  
   (d) Same as in item 8(a).

9. An amendment required or a condition imposed, under section 22(1)(c) or (d) (other than a condition mentioned in subsection 22(6)), to avoid incompatibility with the works.  
   The amount which is fairly and reasonably estimated as the loss to the claimant, including—  
   (i) any additional expense fairly and reasonably incurred in carrying out building works; and  
   (ii) in respect of professional fees and expenses, which loss, expense, fees and expenses are attributable solely to compliance with the amendment required or the condition imposed.  
   The owner of the land on which the building works are carried out.  
   Before the expiration of 1 year from the completion of the building.