

立法會
Legislative Council

LC Paper No. LS15/04-05

**Paper for the House Committee Meeting
on 12 November 2004**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 5 November 2004**

Date of tabling in LegCo : 10 November 2004

Amendment to be made by : 8 December 2004 (or 5 January 2005 if extended by resolution)

Buildings Ordinance (Cap. 123)

Buildings (Amendment) Ordinance 2004 (15 of 2004) (Commencement) Notice 2004 (L.N. 171)

The Buildings (Amendment) Bill 2003 (“the Bill”) was introduced into the Legislative Council on 30 April 2003. Members decided at the House Committee meeting on 2 May 2003 to form a Bills Committee to scrutinize the Bill.

The Bill was passed on 23 June 2004 to:

- (a) provide for a statutory framework for the registration of geotechnical engineers and appointment of registered geotechnical engineers (“RGEs”) to undertake investigation, design and supervision of geotechnical works;
- (b) rationalize the composition of the Contractors Registration Committee and registration period of building professionals and contractors;
- (c) require mandatory provision of emergency vehicular access (“EVA”) to new buildings and proper maintenance of existing EVA;
- (d) provide for the registration of removal orders and warning notices against unauthorized building works in the Land Registry;

- (e) provide for the prosecution of owners who, without reasonable excuse, obstruct an owners' corporation in complying with the repair or removal orders in respect of common parts of a building;
- (f) increase the level of fines for contravention of certain offences; and
- (g) provide for the fees for inspection of and obtaining non-certified copies of building records and revise the fees for certified copies of building records.

2. By this Notice, the Secretary for Housing, Planning and Lands has appointed:

- (a) 31 December 2004 as the day on which sections 1, 2(b), (c) and (d), 3, 4, 8(c)(iv), (v) and (vi) and (d), 9(a) and (b), 10 to 15, 17, 19, 21, 22, 24 to 30, 31(a) to (d), (e)(ii), (f)(ii) and (h) to (l), 32 to 38, 57, 59, 60, 61 and 62(a) of the Buildings (Amendment) Ordinance 2004 (15 of 2004) ("the Ordinance") i.e. all provisions of the Ordinance with the exception of the provisions on the requirement for appointment of RGEs for the geotechnical aspects of building works and on the statutory duties, responsibilities and disciplinary sanction of the RGEs so appointed, shall come into operation; and
- (b) 31 December 2005 as the day on which the other provisions of the Ordinance shall come into operation.

3. Members may refer to the Bills Committee report on the Bill (LC Paper No CB(1)2001/03-04) ("the Report") and the paper for the Panel on Planning, Lands and Works ("the Panel") on commencement of the Buildings (Amendment) Ordinance 2004 (CB(1)78/04-05(01)) ("the Paper") for further information.

4. According to the Paper, the Administration has consulted the industry and the industry accepted the proposed implementation plan. The Paper was circulated to Panel members on 20 October 2004 and copied to all other Members. The Panel has not discussed the Paper. No Member has raised query about the Paper.

5. According to the Report:

- (a) the Administration has, prior to the introduction of the Bill, agreed with the engineering profession on the number, scale and complexity of site formation works which will be accepted by the Building Authority ("BA") as proof of competence in relation to site formation works of the authorized persons ("APs") and registered structural

engineers (“RSEs”) in respect of their application for registration as RGEs within 12 months from the commencement of section 53I of the Ordinance. The Administration proposed and the engineering profession accepted that the mutually agreed technical details would be set out in a practice note to APs and RSEs. The Administration confirmed with the Clerk to the Panel on 10 November 2004 that the practice note has been finalized with the relevant professional institutes; and

- (b) the design and construction standards of EVA will be specified by BA in a Code of Practice. The Administration confirmed with the Clerk to the Panel on 10 November 2004 that the Code of Practice for EVA has been finalized with the relevant professional institutes.

United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)

**United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)
(Commencement) Notice 2004 (L.N. 172)**

**United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2004 (21
of 2004) (Commencement) Notice 2004 (L.N. 173)**

United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) (Commencement)
Notice 2004 (L.N. 172)

6. United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) (“the Principal Ordinance”) was passed by the Legislative Council on 12 July 2002.

7. By this Notice, the Secretary for Security (“the Secretary”) has appointed 7 January 2005 as the day on which section 10 and sections 3 and 14(4) in so far as they relate to section 10 of the Principal Ordinance shall come into operation.

8. The original section 10 of the Principal Ordinance will be repealed and substituted by a new section 10 on 7 January 2005 upon commencement of the relevant provision of United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2004 (21 of 2004) (“the Amendment Ordinance”).

9. The new section 10 that will commence operation on 7 January 2005 prohibits:

- (i) the recruitment of members for terrorist groups; and
- (ii) a person to become a member of terrorist groups.

United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2004 (21 of 2004) (Commencement) Notice 2004 (L.N. 173)

10. The Amendment Ordinance was passed by the Legislative Council on 3 July 2004. By this Notice, the Secretary has appointed 7 January 2005 as the day on which the following provisions of the Amendment Ordinance shall come into operation:

- (a) section 1 on short title and commencement;
- (b) section 2 on amendment of long title;
- (c) section 3 on interpretation;
- (d) section 4 on application of certain provisions outside HKSAR;
- (e) section 6 on prohibition on provision or collection of funds to commit terrorist acts;
- (f) section 8 on prohibition on supply of weapons to terrorists and terrorist associates;
- (g) section 9 on prohibition on the recruitment of members for terrorist groups or becoming a member of terrorist groups;
- (h) section 10 on the addition of Parts 3A and 3B to the Principal Ordinance in respect of prohibitions relating to (i) bombing of prescribed objects; (ii) ships; and (iii) fixed platforms;
- (i) section 11 on disclosure of knowledge or suspicion that property is terrorist property;
- (j) section 14(2) on amendment to the offence stipulated under section 14(4) of the Principal Ordinance;
- (k) section 14(3) in so far as it relates to the addition of offences under section 14(7A), (7B), (7C) and (7D) of the Principal Ordinance;
- (l) section 19 on repeal of the section enabling the Secretary to make Regulations under the Principal Ordinance;
- (m) section 20 on procedure relating to application of certain provisions of and regulations made under the Principal Ordinance;

- (n) section 21(1) in so far as it relates to minor amendments to sections 2(6) and (7)(a) of the Principal Ordinance;
- (o) section 21(3) on minor amendment to the heading to Part 3 of the Principal Ordinance; and
- (p) section 22 on re-numbering the Schedule to the Principal Ordinance.

11. The Panel on Security has not been consulted on both Notices.

Prepared by

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