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(English version only)

## HONG KONG BAR ASSOCIATION

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5 February 2008

By fax 2869-6794 and by hand

Ms. Guy Yip  
for Clerk to Bills Committee  
Bills Committee on Buildings (Amendment) Bill  
Legislative Council  
Legislative Council Building, 8 Jackson Road  
Hong Kong.

Dear *Guy,*

### **Bills Committee on Buildings (Amendment) Bill 2007**

Your letter dated 27 December 2007 refers.

The Bar Association has considered the Buildings (Amendment) Bill 2007 and wishes to put forward the following comments:

1. The objectives and justifications for the proposed amendments are worthy of support. A building authority warning notice registered with the Land Registry in respect of unauthorized work of a minor nature or the presence of such unauthorized work itself may give rise to unmeritorious and wasteful disputes in a sale and purchase situation.
2. The proposed validation scheme in clause 26 deserves careful consideration. The building or building works to be covered under the proposed scheme are not yet particularized, as they are to be prescribed by regulations. The Bills Committee should call for draft regulations. The Bills Committee should also question the Administration on the implications of such a scheme on likelihood of enforcement action to be taken against building or building works that fall outside the proposed scheme. To what extent the enactment of the proposed scheme affects the Court's evaluation of enforcement risk to found a blot on title in litigation resolving a dispute between the vender and the purchaser of a property is a matter of concern.

## 香港大律師公會

香港金鐘道三十八號高等法院低層二樓

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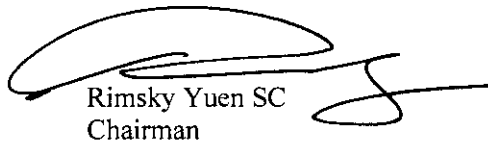
Mr. Robin Egerton 艾家敦

Mr. Dennis Kwok 郭榮鏗

3. The proposed expanded list of exempted building works might be a matter of concern but it seems that the proposed expansion is reasonable.

I hope that these comments would assist the Bills Committee's deliberations notwithstanding that they are not provided within the time frame suggested.

Yours Sincerely,



Rimsky Yuen SC  
Chairman

PYLo/al