



THE LAW SOCIETY OF HONG KONG 香港律師會

3/F WING ON HOUSE - 71 DES VOEUX ROAD CENTRAL - HONG KONG DX-009100 Central 1 香港中環德輔道中71號 永安集團大廈3字樓

TELEPHONE (電話): (852) 2846 0500 FACSIMILE (傳真): (852) 2845 0387 E-MAIL (電子郵件): sg@hklawsoc.org.hk WEBSITE (網頁): www.hklawsoc.org.hk

Our Ref : Your Ref : Direct Line :

PPTY ENB 24/26/22

BY FAX (21475834) AND BY POST

19 October 2010

President 會長 Hsien Wong 王桂城 Vice-Presidents 副會長 Julius K.Y. Ho 何君堯 Dieter Yuh 葉德嫻

Miss Katharine Choi, Office for the Secretary for the Environment, Environment Bureau, Government Secretariat, 46/F., Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong.

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Dear Miss Choi,

Buildings Energy Efficiency Bill

Thank you for your letter dated 6 October 2010.

Proposed CSA

The Society's Property Committee has considered the proposed Clause 51A of the Bill but remains concerned that whilst the clause provides that a contravention of the Buildings Energy Efficiency Bill would not of itself subject the title of the relevant property to any encumbrance, it has not expressly clarified that non-compliance of the new law would not trigger the Government's right of re-entry under the Land Grant. It is undesirable to leave this issue as a subject for future disputes.

The Committee believes that the law should put the matter beyond doubt to prevent unnecessary future litigation. In this regard, the Committee proposes adding at the end of Clause 51A the phrase "any provision in the Land Grant notwithstanding".

Other Outstanding Concerns

The Committee noted that your 6 October 2010 letter has only attempted to address its concern on the effect of non-compliance of the new law but not the other outstanding concerns set out in our letter dated 29 September 2010 on "Civil Consequences of

Secretary General 秘書長

Raymond C.K. Ho 何志強

Deputy Secretary General: No.133998 副秘書長

Hadi K.P. Chu 朱漢冰

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caring organisation

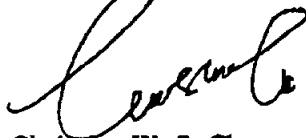
Approved by the Hong Kong Council of Social Service

**The Law Society of Hong Kong**

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*Non-compliance of the Bill* and *Records of COCR, FOC and INs and duties and responsibilities of a subsequent owner and responsible person*". In particular, the Committee does not see why details of the non-compliance specified in an Improvement Notice should not be disclosed on the EMSD's website for the information of interested parties.

Yours sincerely,



Christine W. S. Chu  
Assistant Director of Practitioners Affairs

c.c. Hon Audrey Eu, Chairman of the Bills Committee  
Ms. Becky Yu, clerk to Bills Committee ←

I. No.153998