

Bills Committee on Buildings (Amendment) Bill 2010

**List of follow-up actions arising from the discussion
at the meeting on 7 January 2011**

The Administration is requested to provide --

1. With reference to criminal liability of company directors under the Criminal Procedure Ordinance (Cap 221), an explanation on whether the majority owners on the management committee of an owners' corporation who, without reasonable excuse, failed to comply with a notice served on the owners' corporation under the proposed new section 30B(3), (4), (5) or (6) or under the proposed new section 30C(3) or (4) will be liable to imprisonment under the proposed new section 40(1BC) or (1BD) respectively;
2. An explanation on whether the manager, who ignored the instructions of the management committee of an owners' corporation to comply with a notice served on the owners' corporation under the proposed new section 30B(3), (4), (5) or (6) or under the proposed new section 30C(3) or (4) will be liable to imprisonment under the proposed new section 40(1BC) or (1BD) respectively;
3. In relation to service of a penalty notice described in the proposed new Schedule 7, information on Buildings Department's (BD) performance pledge, for example the point in time when a penalty notice will be served and a flowchart on the procedure for service and enforcement of a penalty notice;
4. The wording and format of the first and subsequent penalty notices as described in section 1 of the proposed new Schedule 7, and the accompanying explanatory letter from Building Authority to the owners;
5. Meaning of the term "proceedings" referred to in section 17 of the proposed new Schedule 7 that would be terminated upon payment of the fixed penalty of \$1,500 and cost of \$500, and with the production of the summons at any magistracy; and
6. The criteria for determining "carrying out the prescribed inspection personally" referred to in the proposed new sections 30D(3)(a) and 30E(2) and which penalty provision is to apply when a registered inspector or qualified person did not carry out the prescribed inspection personally.