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香港建築師學會

The Hong Kong Institute of Architects

19 March 2010

Our Ref. : BLA/LC/BAB2010/AK/cw/1003

Hon IP Kwok-him, GBS, JP
Chairman
Bills Committee on Buildings (Amendment) Bill 2010
The Legislative Council
c/o The Legislative Council Secretariat
3/F Citibank Tower
3 Garden Road
Hong Kong

By Fax and By Post
Fax No. : 2869 6794

Dear Mr Ip

Buildings (Amendment) Bill 2010

Thank you for your letter dated 25 February 2010 inviting the Institute to deliver written submission and oral presentation on Buildings (Amendment) Bill 2010 in the meeting of Bills Committee on Buildings (Amendment) Bill 2010 on 20 March 2010.

We are pleased to deliver our comments to the Buildings (Amendment) Bill 2010 for the implementation of Mandatory Building Inspection Scheme (MBIS) and Mandatory Window Inspection Scheme (MWIS) as follows for your consideration and record :

Clause 30D(3)(a) - A registered inspector is required to carry out the prescribed inspection personally unless otherwise exempted by the regulations. However, neither the Bill nor the draft Code of Practice stated the exemption criteria.

Clause 30D(9) & 30E(8) - The registered inspector and qualified person is NOT allowed to nominate another registered person and qualified person to act in his or her stead for the inspection even though he or she is temporarily unable to act by reason of illness or absence from Hong Kong. As commented in the previous consultations, the said restriction is considered to be too onerous. It would lead to unnecessary delay to the completion of inspection and submission of report, as the only recourse available, unless exempted under 30D(3)(a), is for the registered inspector or qualified person to resign and the owners to appoint a new registered inspector or qualified person to continue with the inspection. The prevailing practice of nomination as permitted under Building (Administration) Regulations clause 23(2) should be extended to the MBIS & MWIS.

Clause 30E(3) - If a qualified person appointed to carry out a prescribed inspection of a window is not a natural person, a representative of the qualified person must carry out the prescribed inspection personally. However, neither the said representative nor any qualification requirements is defined and being stipulated in the Bill.

Yours sincerely

Anna S Y Kwong MH FHKIA
President

c.c. Prof Hon Patrick LAU Sau-shing, SBS, JP, Legislative Council Member (Architectural, Surveying and Planning)
Mr AU Choi Kai, JP, Director of Buildings

Patron: The Honourable Donald Tsang Yam-Kuen, Chief Executive, Hong Kong Special Administrative Region
A Member of The International Union of Architects (UIA), Commonwealth Association of Architects (CAA) and Architects Regional Council Asia (ARCASIA)

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