

急件 urgent

Dear Legco Members,

1.3.2011

委員會

《2010年建築物(修訂)條例草案》

Compulsory Examination of Windows

I raise strong objection to this Bill. The intention behind is good but the bill involves several technical problems. Mos LAM Cheng-yet Ngor's ideas are rubbish for they have given the impression to the public that is 官商勾結. The Bill will open up exorbitant business for the large contractors (repairing aluminium windows) in large estates, such as Tai Koo Shing etc) in particular. Certainly, the Bill will minimise the number of accidents. But the financial costs are enormous!

2. Whilst I appreciate the good intention of the Bill to minimise incidents of falling windows, involving causes of injury^(s) and deaths, I, at the same time, tend to think that the Bill is Superfluous to the residents/owners. In any case, the property owners/residents have to bear the legal consequences of the falling windows (criminally and civilly). The "examination certificate" (驗窗證明書) may not be a "shield" for any legal actions. All block~~ed~~ headed A.O.s (Administrative Officers) always argue that the Bill is for the safety of the public. But, if they consider^{to} a while — every and each case depends on its own merits. A 10-year building with aluminium windows may have been upkeeping in good conditions and there is no point in spending extra money (contribute to the Contractors) for examining the windows for every 5-years. The residents/owners certainly know/are aware that ^{whether} the windows are better maintained — there is no doubt about it. They know the legal consequences. If they think that their windows are in good conditions, then the Compulsory examination will mean an extra financial burden to them.

3. In this connection, the Bill should be enforced only in complaint cases and will not cover the whole Territory at large. The Bill should formulate a 'code of practice' to the Contractors to ~~avoid~~ avoid them from exacting higher prices and misleading to the owners/residents for unnecessary repairing works. The Government authorities should have a close surveillance on the tendering procedures of the property management agents.

4. Whether or not the windows have been examined, the owners/residents have to bear the legal consequences. The Bill should be in a mode of non-active. In case of accidents, the Bill could be used as a spec. The offenders will be charged with (i) falling objects and (ii) without employing agents to examine the windows (only one count — not two or three counts, for example, 15-years non-checking (3 counts?)) In other cases, if there is no complaint, Government officers should not enter the premises indiscriminately for reason of checking the windows because this issue will involve "privacy".

5. As the Bill involves "Big Big money" for windows contractors, known sources of complaint should be the priority because the contractors may take the advantage of the Bill to launch complaints against the owners/residents.

6. In my view the Bill is a rubbish package. It will create recurrent expenses to the owners/residents. To them, the Bill cannot alleviate their legal burdens. That is why there is a common perception that the 宜商宜住 ^{is} Hoy key society. It generates hatreds and discontents. Confidence in the administration of the Government accumulates but it will be spoiled overnight.

7. Please don't be "bureaucratic"! The Government will provide financial aids to the needed. But, how about the middle-class!

Yours Sincerely
Chan Shin Hing

P.S. (1) How about the statistics of falling windows that have caused injuries and death.

(2) Can we define "private place" or "public place" in private housing estates!

(3) 强拍荔枝 is another rubbish idea of 林鄭月娥. 應對市值份數, 不是業權份數!
因為地舖價值不菲!

25th Feb, 2011.