



民主黨立法會議員辦事處
Democratic Party Legislative Councillors' Office

香港中區立法會道一號
立法會綜合大樓9樓910-919室
Room 910-919, 9/F, Legislative Council Complex,
1 Legislative Council Road, Central, Hong Kong

電話 Tel: 2537 2319
傳真 Fax: 2537 4874

香港特別行政區
立法會
立法會內會主席
劉健儀女士

立法會CB(2)2464/11-12(02)號文件
(只備中文本)
LC Paper No. CB(2) 2464/11-12(02)
(Chinese version only)

劉主席：

引用權力及特權法索閱候任行政長官大宅僭建的相關文件

早前，政府當局查證候任行政長官位於港島山頂貝璐道 4 號的 4 號及 5 號屋有至少 6 項違規僭建物，包括約 110 平方呎的玻璃棚及另一個花棚，由業主興建，另四項僭建物包括車位下挖掘有約 200 多平方呎地庫、一個 40 平方呎的單層構築物、車位加建上蓋及僭建大閘。

但候任行政長官一直公開表示他不知道自己的大宅有僭建物，並表示會委託律師及專業人士驗證，確保沒有僭建物，而沒有提出任何證明文件，顯示他曾獲得專業意見指他的大宅確實沒有僭建物。究意他在買入上述物業時，是否知悉已有不合法或違規僭建物？抑或是香港的專業人士在驗證僭建物方面真的如此不濟事？

另外，政府當局處理這宗被受社會廣泛關注的僭建個案的做法亦備受批評，被指有偏幫之嫌，特別是當中涉及僭建地庫，與之前的處理手法不同，不是要求保存作進一步跟進調查，反之，要求業主盡快填回，進行糾正工程。政府在調查這宗涉及多項僭建物的工作有否疏忽、有否從輕發落？

為此，本人要求立法會內會作出討論，擬根據《立法會（權力及特權）條例》（第 382 章）賦予的權力，分別命令行政長官及發展局局長到立法會發展事務委員會，出示就山頂貝璐道 4 號的 4 號及 5 號屋的違例建築工程，俗稱僭建物的所有相關文據、簿冊、紀錄或文件，以便利公眾有更多資料監察行政長官大宅的僭建情況、其本人的誠信問題，以及政府的處理手法是否恰當？該兩個議案的措辭的草擬本隨附於後。

本人謹請 主席批准本人於內會提出這事項進行討論，並希望能獲得各議員的支持，以便取得更充足的資料，在照顧公眾利益之下，讓公眾更有效監察行政長官的操手和品格，以及政府執法打擊違規僭建的情況。

謹祝
工作愉快！

李永達

民主黨立法會議員李永達

2012 年 6 月 26 日

附件：擬提出的權力及特權法議案措辭的草擬本

2012年7月11日的立法會會議
李永達議員根據《立法會(權力及特權)條例》
動議的擬議決議案

議案措辭

本會根據《立法會(權力及特權)條例》(第 382 章)第 9(2)條授權發展事務委員會行使該條例第 9(1)條所授予的權力，以命令香港特別行政區行政長官於 2012 年 7 月 18 日前，到發展事務委員會席前，出示就山頂貝璐道 4 號及 5 號的物業的違例建築工程（“僭建物”）的所有與下列事宜相關的文據、簿冊、紀錄或文件：

- (一) 行政長官或其代表為就該物業的轉讓交易而委託的律師及專業人士，就該物業有否僭建物所提供的詳細資料和意見；
- (二) 就行政長官於 2011 年 5 月時曾向記者表示他已找過律師及專業人士及確保該物業沒有僭建，當時行政長官所得到的專業意見的詳細資料；及
- (三) 行政長官就該物業涉及僭建物的所有作為。

DRAFT

**Proposed resolution under the
Legislative Council (Powers and Privileges) Ordinance
to be moved by Hon LEE Wing-tat
at the Council meeting of 11 July 2012**

Wording of the Motion

That the Panel on Development be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of the Ordinance to order the Chief Executive of the Hong Kong Special Administrative Region to attend before the Panel on Development before 18 July 2012 to produce all papers, books, records or documents in relation to the following matters regarding the unauthorized building works (UBWs) in the premises at No. 4 and No. 5 Peel Rise on the Peak:

- (a) the detailed information and opinion provided by the lawyers and professional person(s) appointed by the Chief Executive or his representative for the assignment transaction of the premises in relation to whether the premises have UBWs;
- (b) the detailed information of the professional opinion obtained by the Chief Executive when he told the reporters in May 2011 that he had asked lawyers and professional person(s) and ensured that the premises have no UBWs; and
- (c) all the acts of the Chief Executive in relation to the UBWs of the premises.

2012年7月11日的立法會會議
李永達議員根據《立法會(權力及特權)條例》
動議的擬議決議案

議案措辭

本會根據《立法會(權力及特權)條例》(第 382 章)第 9(2)條授權發展事務委員會行使該條例第 9(1)條所授予的權力，以命令香港特別行政區政府發展局局長於 2012 年 7 月 18 日前，到發展事務委員會席前，出示就山頂貝璐道 4 號及 5 號的物業的違例建築工程(“僭建物”)的所有與下列事宜相關的文據、簿冊、紀錄或文件：

- (一) 屋宇署持有該物業的所有核准圖則及在視查僭建物時畫下的實地圖則及拍了的照片；
- (二) 屋宇署就該物業所搜集到的資料及對比這些資料與核准圖則後經整理及分析得出的結果及任何潛在問題；
- (三) 屋宇署向業主發送的任何文件，包括處理僭建物的勸諭信，以及業主的回應；
- (四) 屋宇署就調查及處理停車位地下的空間而向業主提出的要求和糾正建議，以及業主的回應；
- (五) 在發現該物業有僭建物後，屋宇署就有關問題與其他政府部門的任何文件和書信來往；
- (六) 屋宇署就調查該物業外部及內部有否僭建物的詳細報告，包括向業主查詢在購入該物業時有否確保該物業沒有僭建物，以及業主的回應；
- (七) 屋宇署接獲業主自己或連同認可人士提交的資料，包括委託專業人士就該物業有否僭建物進行審視的結果、僭建物興建的時間及詳細資料、安排註冊專業人士或承建商進行清拆僭建物的文件和紀錄、就僭建金屬大閘需要補辦手續的文件，以及關於該物業結構的審查報告；
- (八) 屋宇署於 1992 年就該物業簽發佔用許可證而進行驗證所得的資料；
- (九) 該物業可能違反的任何條例的條款及當局的跟進工作；
- (十) 地政總署就該物業與業主的任何文件和書信來往；
- (十一) 規劃署就該物業與業主的任何文件和書信來往；
- (十二) 各政府部門就該等僭建物與業主或其代表會面的紀錄；
- (十三) 當局就業主進行品格審查時就該物業提述的資料；及
- (十四) 當局接獲業主就該物業所申報的資料。

**Proposed resolution under the
Legislative Council (Powers and Privileges) Ordinance
to be moved by Hon LEE Wing-tat
at the Council meeting of 11 July 2012**

Wording of the Motion

That the Panel on Development be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of the Ordinance to order the Secretary for Development of the Government of the Hong Kong Special Administrative Region to attend before the Panel on Development before 18 July 2012 to produce all papers, books, records or documents in relation to the following matters regarding the unauthorized building works (UBWs) in the premises at No. 4 and No. 5 Peel Rise on the Peak:

- (a) all the approved building plans and the on-site plans drawn and the photographs taken at the time of inspecting the UBWs held by the Buildings Department;
- (b) the information gathered about the premises and the results and any potential problem found after the Buildings Department processing and analysing the comparison of these information with the approved building plans;
- (c) any document, including the advisory letters of handling the UBWs, sent to the owner by the Buildings Department and the reply from the owner;
- (d) the request and rectification works proposed by the Buildings Department to the owner regarding the investigation and handling of the space beneath the parking space and the reply from the owner;
- (e) any documents and letters between the Buildings Department and other Government departments regarding the related problem after finding the UBWs in the premises;
- (f) the detailed report of the Buildings Department's investigation on whether there are UBWs in the exterior and interior of the premises, including the inquiry against the owner on whether it was assured that there were no UBWs in the premises at the time of purchasing the premises and the reply from the owner;
- (g) the information the Buildings Department received from the owner himself or together with recognized person(s), including the inspection results of appointed professional person(s) on whether there are UBWs in the premises, the detailed information and time of constructing UBWs, the documents and records of arranging registered professional persons or

contractors to conduct removal of the UBWs, the documents of subsequent procedures required for the unauthorized metal gate, and the inspection report related to the structure of the premises;

- (h) the information obtained by the Buildings Department in 1992 when inspecting the premises in order to issue the occupation permit;
- (i) the section(s) of any ordinance possibly violated regarding the premises and the following up work of the authority;
- (j) any documents and letters between the Lands Department and the owner regarding the premises;
- (k) any documents and letters between the Planning Department and the owner regarding the premises;
- (l) the records of meetings regarding the UBWs between all Government departments and the owner or his representatives;
- (m) the information mentioned regarding the premises when conducting integrity check against the owner by the authority; and
- (n) the information the authority received as declared by the owner regarding the premises.