

立法會
Legislative Council

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(These minutes have been seen by
the Administration)

Ref : CB2/BC/3/11

Bills Committee on Buildings Legislation (Amendment) Bill 2011

Minutes of meeting
held on Thursday, 12 January 2012, at 10:45 am
in Conference Room 2A of the Legislative Council Complex

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LEE Wing-tat
Hon CHEUNG Hok-ming, GBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Starry LEE Wai-king, JP
Hon Tanya CHAN
- Members absent** : Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Cyd HO Sau-lan
- Public Officers attending** : Item II
Mr Rex CHANG Wai-yuen, JP
Deputy Secretary for Development (Planning and Lands) 2

Mr Ryan CHIU Pit-ming
Principal Assistant Secretary for Development
(Planning and Lands) 3

Mr HUI Siu-wai
Deputy Director of Buildings
Buildings Department

Mr Alex CHOW Kim-ping
Assistant Director/Corporate Services
Buildings Department

Ms Rayne CHAI Chih-hui
Senior Government Counsel
Department of Justice

Mr Henry CHAN Ngai-him
Government Counsel
Department of Justice

Clerk in attendance : Mrs Sharon TONG
Principal Council Secretary (2)

Staff in attendance : Miss Winnie LO
Assistant Legal Adviser 7

Mr Jove CHAN
Senior Council Secretary (2) 8

Ms Camy YOONG
Clerical Assistant (2) 7

I. Election of Chairman

Mr IP Kwok-him was elected Chairman of the Bills Committee.

II. Meeting with the Administration

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

3. The Bills Committee requested the Administration to provide the following information -

- (a) the number of cases that officers of the Buildings Department ("BD") had failed to enter premises and details of such cases;
- (b) the number of cases that BD's officers had broken into premises as authorized by section 22 of the Buildings Ordinance;
- (c) whether an owner or occupier of a premises had the right to respond to the Building Authority's application to the court for a warrant to enter his/her premises and the procedures for the aggrieved owner/occupier to follow up;
- (d) the reason for the long time required for the demolition of the unauthorized building works in the Ma Tau Wai fire incident case and the Larch Street case; and
- (e) the procedures for carrying out special operations to inspect buildings by BD after major incidents.

4. The Bills Committee agreed to receive views from deputations on the Bill at the next meeting. The Clerk would consult members on the list of organizations to be invited.

5. The Bills Committee also agreed that the Development Bureau should coordinate the representative of the Fire Services Department ("FSD") to attend meetings when issues related to FSD were discussed.

III. Date of next meeting

6. The Chairman asked the Clerk to schedule the next two meetings, one to receive views from the deputations and another one for discussion with the Administration, in consultation with him.

7. There being no other business, the meeting ended at 12:14 pm.

**Proceedings of meeting of
Bills Committee on Buildings Legislation (Amendment) Bill 2011
held on Thursday, 12 January 2012, at 10:45 am
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action Required
000122 - 000248	Clerk Ms Miriam LAU Mr Abraham SHEK Ms Starry LEE Mr IP Kwok-him	Election of Chairman	
000249 - 000501	Chairman	Opening remarks	
000502 - 001341	Chairman Admin	Briefing on the Buildings Legislation (Amendment) Bill 2011 ("the Bill") (Legislative Council Brief: File Ref.: DEVB(PL-B) 30/30/122)	
001342 - 001517	Chairman Ir Dr Raymond HO	Inviting deputations to give views on the Bill	
001518 - 003112	Chairman Ir Dr Raymond HO Mrs Sophie LEUNG Admin	Members' concern about the possible nuisances to be caused to occupants by the proposed warrant for entry into individual premises; and The considerations of a magistrate on the issue of the proposed warrant, particularly the "reasonable grounds" to be considered	
003113 - 004204	Chairman Prof Patrick LAU Admin	The difference between the use of the proposed warrant for entry into the concerned premises and the existing authorized entry into any premises empowered by section 22 of the Buildings Ordinance (Cap. 123) ("BO"); and The right of an owner or occupier of a premises to respond to the application by the Building Authority ("BA") to the court for a warrant to enter the concerned premises	The Administration to provide - (a) the number of cases that officers of Buildings Department ("BD") had failed to enter premises and details of such cases; (b) the number of cases that BD's officers had broken into premises; and (c) information on whether an owner or occupier of a premises had the right to respond to the BA's application to the court for a warrant to enter his/her premises and the procedures

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			for the aggrieved owner/occupier to follow up.
004205 - 012029	Chairman Mr Abraham SHEK Mr LEE Wing-tat Prof Patrick LAU Admin	<p>The previous discussion of the five proposed measures by the Bills Committee on Buildings (Amendment) Bill 2010;</p> <p>Application of the proposed warrant and the scope of section 22 of BO;</p> <p>The right of an owner or occupier of a premises to respond to the application by BA to the court for a warrant to enter the concerned premises;</p> <p>The difference between the use of the proposed warrant for entry into the concerned premises and the existing authorized entry into any premises empowered by section 22 of BO;</p> <p>Restricting the application of the proposed warrant to inspections relating to building safety matters only;</p> <p>The prolonged procedures to take law enforcement actions against unauthorized building works ("UBW") in the Ma Tau Wai fire incident and the Larch Street case;</p> <p>The procedures and coverage of inspection of UBW by BD, the Lands Department and the Fire Services Department;</p> <p>Comprehensive review of and amendments to BO; and</p> <p>Attendance of representative of the Fire Services Department when issues related to the Department were discussed</p>	<p>The Administration to provide -</p> <p>(a) the reasons for the long time required for the demolition of UBW in the Ma Tau Wai fire incident case and the Larch Street case; and</p> <p>(b) the procedures for carrying out special operations to inspect buildings by BD after major incidents.</p>

Time marker	Speaker	Subject(s)	Action Required
012030 - 012924	Chairman Mr Abraham SHEK Admin	Wide scope of the proposed section 22(1B)(a)(i) and (ii) of BO; and Restricting the application of the proposed warrant to inspections relating to building safety matters only	
012925 - 013101	Chairman Mr Abraham SHEK Admin	Dates of subsequent meetings; and Closing remarks	

Council Business Division 2
Legislative Council Secretariat
16 March 2012