



香港建築師學會

The Hong Kong Institute of Architects

28 February 2012

By Fax and By Post

Fax No. : 2840 0269

Our Ref. : BLA/LCBC/DL/cw/1202

Your Ref. : CB2/BC/3/1

Hon IP Kwok-him, GBS, JP  
Chairman  
Bills Committee on Buildings Legislation (Amendment) Bill 2011  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear Mr Ip

**Buildings Legislation (Amendment) Bill 2011**

Thank you for your letter dated 16 January 2012 inviting the Institute to provide views on the Buildings Legislation (Amendment) Bill 2011.

The Institute generally supports Government's introduction of the five measures proposed in the Building Legislation (Amendment) Bill 2011 to further enhance building safety. However, apart from introducing surcharge and penalty to those building owners who refuse to respond to orders / notices issued by the Buildings Department (BD), we believe the Government should also address the following core issues of the problem on unauthorised building works (UBW) and buildings in disrepair:

1. We consider the root of the problem for building owners' default of the statutory orders issued by BD is the current protracted process undertaken by BD against UBW and buildings in disrepair. Usually this can be dragged on for years especially for those cases considered to present no imminent danger to property or life, hence presenting an impression that the defaulting owners can drag on and defer the carrying out of the rectification works. For cases in common areas of a building, very often the issue is passed down from 1 owners' corporation to another upon expiration of its 2-year term, hence resulting in discontinued attention by the owners' corporation. This may largely be due to the insufficient resources designated by Government on control of existing buildings by BD. Hence, to complement the introduction of a surcharge / penalty as proposed in the subject Bill, Government should consider substantially increasing resources for BD to monitor existing buildings especially on efforts to combat UBW and enforcement of repair orders, with an objective to substantially shorten the processing time for the enforcement of these orders / notices.



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2. It seems that the proposed measures to impose surcharge / penalty are of a punitive nature indiscriminate of the conditions of the owners, some of them are old and poor. This is particularly relevant to old buildings occupied by less privileged owners. The proposed measures may serve no purpose to address UBW of this nature. Instead it should be complemented by a mechanism whereby a fund is established through legislation to be drawn to help those under-privileged on one hand, and to do preventive maintenance on the other. A fund endowed by developers, plus regularly contribution from government rate or some other means can be explored. It is also noted that Government has allotted funding to both Hong Kong Housing Society and Urban Renewal Authority (Operation Building Bright Scheme) to help building owners carry out maintenance, repair and removal of UBW for dilapidated and old buildings. Government should consider expanding the scheme to cover those less privileged owners. The surcharge and penalty collected from defaulting owners can also be contributed to such fund.

Yours sincerely

Dominic K K Lam, FHKIA RA  
President

c.c. Prof Hon Patrick Lau, SBS, JP, Member, Legislative Council (Architectural, Surveying & Planning)