

Buildings Legislation (Amendment) Bill 2011

Committee Stage

Amendments to be moved by the Secretary for Development

<u>Clause</u>	<u>Amendment Proposed</u>
1	By deleting subclause (2) and substituting— “(2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.”.
1	By deleting subclause (3) and substituting— “(3) Sections 5 and 6 come into operation on a day to be appointed by the Secretary by notice published in the Gazette.”.
1	By adding— “(4) In subsection (3)— <i>Secretary</i> (局長) has the meaning given by section 2(1) of the Buildings Ordinance (Cap. 123).”.
2	By deleting “sections 3 to 6” and substituting “sections 2A to 6A”.
New	By adding— “ 2A. Section 2 amended (interpretation) Section 2(3)—

Repeal

“Schedule 4 or 5”

Substitute

“Schedule 4, 5 or 8”.

- 3(3) In the proposed section 22(1B)(a), in the English text, by deleting “that”.
- 3(3) By deleting the proposed section 22(1B)(a)(i) and substituting—
- “(i) with respect to building works that have been or are being carried out to the premises or land—
 - (A) that they are in contravention of section 14(1);
 - (B) that there is a material divergence or deviation from any plan approved by the Building Authority under this Ordinance or required to be submitted to the Building Authority under the simplified requirements; or
 - (C) that they are not in compliance with the standard of structural stability, public health or fire safety established by regulations;”.
- 3(3) By deleting the proposed section 22(1B)(a)(ii) and substituting—
- “(ii) that the use of the premises has been changed in contravention of section 25(1) or (2);”.
- 3(3) In the proposed section 22(1B)(a)(iii), in the English text, by adding “that” before “the premises have”.
- 3(3) In the proposed section 22(1B)(a)(iv), in the English text, by adding “that” before “the drains”.
- 3(3) In the proposed section 22(1B)(a)(v), in the English text, by adding “that” before “a notice”.
- 5 By adding—
- “(ic) the prescription of the details in relation to any prescribed building or building works specified in

Schedule 8;”.

6 By deleting subclauses (8) and (9) and substituting—

“(8) Section 39C(6)—

Repeal paragraph (b)

Substitute

“(b) *prescribed building or building works* (訂明建築物或建築工程)—

- (i) in relation to subsection (1), means a building or building works prescribed in the Minor Works Regulation as prescribed building or building works;
- (ii) in relation to subsection (1A), means a building or building works specified in Schedule 8; and
- (iii) in relation to subsection (2) or (4), means a building or building works falling within subparagraph (i) or (ii).”.

New By adding immediately after clause 6—

“6A. Schedule 8 added

At the end of the Ordinance—

Add

“Schedule 8 [ss. 2, 38
&39C]

Prescribed Building or Building Works

Item	Description
1.	Signboard of a kind prescribed under section 38(1)(ke)(ic).”.

New

By adding—

“Part 2A

**Amendment to Building (Minor Works)
Regulation**

6B. Building (Minor Works) Regulation amended

The Building (Minor Works) Regulation (Cap. 123 sub. leg. N) is amended as set out in section 6C.

6C. Section 62 amended (provisions relating to section 39C of Ordinance)

Section 62(1)—

Repeal

“in section 39C(6)(b)”

Substitute

“given by section 39C(6)(b)(i) of the Ordinance in relation to section 39C(1)”.’”.