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Hong Kong

6 May 2000

**BY FAX**

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(Attn. : Mr. G.F. Woodhead  
Principal Assistant Secretary)

Dear Mr. Woodhead,

### **Buildings (Amendment) Bill 2000**

I am scrutinizing the legal and drafting aspects of the above Bill on behalf of Members and shall be grateful if you would clarify the following :

#### **Clause 6     Offences**

Please clarify the policy intent of Clause 6(b) of the Bill which proposes to amend section 40 of the Buildings Ordinance (Cap. 123) ("the Ordinance"). According to paragraph 17 of the LegCo Brief, the Administration proposes to increase the penalty in respect of a change of use without the prior approval of the Building Authority of a hotel or a hotel area which enjoys concession. The legal effect of Clause 6(b) is to increase the penalty in respect of a failure to give notice of any intended material change in the use of a building under section 25(1) of the Ordinance, or in respect of a contravention of any condition of a permit granted by the Building Authority under section 42. Such failure or contravention is not limited to the change of use of a hotel or hotel area.

**Clause 1**     **Commencement**

Clause 1(3) of the Bill proposes that Clause 6 shall come into operation at the beginning of the day on which the Bill is published in the Gazette as an Amendment Ordinance. However, paragraph 4 of the Schedule to the Bill would not commence until the day to be appointed by the Secretary for Planning and Lands. If both provisions are related, please explain the discrepancy in the commencement of the two amendments.

**Paragraph 9 of the Schedule**     **Refuse storage and material recovery chambers or material recovery chambers to be provided for in plans**

Paragraph 9 of the Schedule to the Bill amends Regulation 3 of the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations to require that every plan relating to a domestic building, non-domestic building, industrial building or composite building shall show provision for a refuse storage and material recovery chamber or material recovery chamber.

Please clarify whether it is the policy intent that refuse storage and material recovery *rooms* referred to in the proposed regulation 4B in paragraph 11 of the Schedule need not be provided.

Yours sincerely,

(Bernice Wong)  
Assistant Legal Adviser

c.c. Department of Justice  
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