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*Legislative Council*

LC Paper No. LS 84/99-00

**Paper for the House Committee Meeting  
of the Legislative Council  
on 18 February 2000**

**Legal Service Division Report on  
Buildings (Amendment) Bill 2000**

**Objects of the Bill**

To amend the Buildings Ordinance (Cap. 123) ("the Ordinance") so as  
to -

- (a) revise the fee structure for the registration of authorized persons and registered structural engineers;
- (b) enable the Building Authority ("the Authority") to require performance review of geotechnical design for certain categories of sites;
- (c) require the provision of access facilities for telecommunication and broadcasting services;
- (d) require the provision of floor space and facilities for material recovery and separation of refuse;
- (e) empower the Authority to grant building concessions to hotel developments and to increase the penalty for those who change the use of the hotel building without the prior approval of the Authority; and
- (f) make a technical amendment consequential to the enactment of the Buildings (Amendment) Ordinance 1996 (54 of 1996).

**LegCo Brief Reference**

2. PLB(B) 30/30/88(98) issued by the Planning and Lands Bureau in February 2000.

## **Date of First Reading**

3. 16 February 2000.

## **Comments**

### *Fees for the registration of authorized persons and registered structural engineers*

4. Clause 2 and paragraph 1 of the Schedule to the Bill propose to divide the fees for the registration of authorized persons and registered structural engineers into two parts: an application fee payable upon submission of an application, and an inclusion fee upon the application being granted.

5. The fees are imposed on a full cost recovery basis. A reduction of fees is proposed in the manner as set out in paragraph 10 of the LegCo Brief. The fees were last revised in November 1994.

### *Performance review of geotechnical design*

6. Clauses 3 and 4 of the Bill propose to enable the Authority to require performance review of geotechnical design for certain categories of sites outside the areas specified in the Fifth Schedule of the Ordinance. Such requirement could be imposed where there is an application for approval of building work plans or consent to commence building works. The Authority would be able to refuse to issue an occupation permit or a temporary occupation permit if the performance review fails to meet the standards prescribed.

### *Provision of access facilities for telecommunication and broadcasting services*

7. Clause 5 and paragraphs 2, 3 and 5 of the Schedule to the Bill propose to empower the Secretary for Planning and Lands ("the Secretary") to make regulations requiring the provision of access facilities for telecommunication and broadcasting services in commercial, industrial, residential (other than a building for the residence of a single family) and hotel buildings. The floor area of such facilities would be disregarded when determining the gross floor area for the purpose of calculating the permitted site coverage or permitted plot ratio of a building.

### *Provision of floor space and facilities for material recovery and separation of refuse*

8. Clause 5, paragraphs 3 and 6 to 22 of the Schedule to the Bill propose to empower the Secretary to make regulations requiring the provision of floor space and facilities for material recovery and separation of refuse. The Building (Refuse Storage Chambers and Chutes) Regulations (Cap. 123 sub. leg.) would be amended to increase the minimum floor space requirement for refuse storage and material recovery chambers in domestic, non-domestic and composite buildings and require the provision of material recovery chambers in industrial buildings. The floor area of

such chambers would be disregarded when determining the gross floor area for the purpose of calculating the permitted site coverage or permitted plot ratio of a building.

*Building concessions to hotel developments*

9. Clauses 5 and 6 and paragraph 4 of the Schedule to the Bill propose to empower the Authority to grant building concessions to hotel developments and to increase the penalty for those who change the use of the hotel building without the prior approval of the Authority. The penalty would be increased from \$10,000 and 6 months imprisonment to a fine at level 6 (\$100,000), a daily fine of \$5,000 and imprisonment for 2 years.

*Technical amendment*

10. Clause 6 proposes a technical amendment to section 40 of the Ordinance which was omitted in the Buildings (Amendment) Ordinance 1996 (54 of 1996).

**Public Consultation**

11. According to the LegCo Brief, the Administration has consulted the Building Sub-committee of the Land and Building Advisory Committee, the Hong Kong Tourist Association, the Federation of Hong Kong Hotel Owners Limited and the Authorized Persons and Registered Structural Engineers Committee.

**Consultation with the LegCo Panel**

12. An information paper on the Bill has been circulated to members of the LegCo Panel on Planning, Lands and Works in January 2000.

**Conclusion**

13. The Legal Service Division will seek clarification from the Administration on certain legal and drafting aspects. Since the Bill introduces various policy changes, Members may wish to set up a Bills Committee to study the Bill in detail.

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