

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

房屋及規劃地政局

香港花園道美利大廈



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Clerk to Bills Committee
(Attn : Ms Odelia Leung)
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Ms Leung,

**Bills Committee on
Buildings (Amendment) Bill 2003**

Some Members have raised a question during the Bills Committee meeting on 8 January 2004 on whether the Buildings Ordinance (BO) will apply to public housing blocks which belong to the Housing Authority (HA) but were partly sold to members of the public.

Buildings owned by the HA are under the control and management of the Housing Department (HD). Under section 41(1)(aa) of the BO, these buildings and all building works carried out therein are exempted from the provisions of the BO. Alteration and addition (A&A) works to these buildings may be carried out by HD itself or by the tenants with the agreement of the HD. Any A&A works without HD's agreement are not allowed and will be subject to enforcement actions by HD.

Under section 18(3) of the Housing Ordinance (Cap. 283), if an HA building or any part of the building is sold, such as under the Home Ownership Scheme or the Tenants Purchase Scheme, the BO would apply

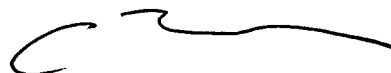
to the whole building. Any A&A works to the building carried out thereafter would be subject to control under the BO. If such A&A works are carried out in contravention of the provisions of the BO, they are unauthorized building works and would be subject to enforcement actions under the BO.

At the same Bills Committee meeting, Members asked if the deposit of as-built plans with the Building Authority (BA) in connection with minor works specified in new regulation 25 of the Building (Administration) Regulation might affect conveyancing, and have requested the Administration to discuss the matter with the Law Society.

We have consulted the Chairman of the Property Committee of the Law Society after the Property Committee has discussed the subject. The response was that the conveyancing solicitors would seek from the BA as-built plans for minor works as appropriate but this should not unduly affect how the conveyancing work would be conducted in future. Whether an architect's certificate would be required normally depends on the wish of the purchaser and this would remain the same in future. The Property Committee has requested that consideration be given to speeding up the process for obtaining copies of the as-built records and for briefing sessions to be held with conveyancing solicitors after the passage of the Bill to enable them to better understand the minor works scheme. The Buildings Department (BD) is now implementing a computer system for electronic imaging of building records and has planned to include as-built records of minor works in the system with a view to reducing the response time in making available copies of such records. BD will also organize briefing sessions of the minor works scheme with various stakeholders, including conveyancing solicitors.

I would be grateful if you could convey the above information to Bills Committee Members.

Yours sincerely,



(Rick Chan)

for Secretary for Housing, Planning and Lands

c.c.	DB	(Attn : Mr C K Au)	[Fax : 2840 0451]
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