### BUILDINGS (AMENDMENT) BILL 2003

#### COMMITTEE STAGE

## Amendments to be moved by the Secretary for Housing, Planning and Lands

### Clause

#### Amendment Proposed

2

- (a) By deleting paragraphs (a) and (e).
- (b) In paragraph (f) -
  - (i) by deleting the proposed definitions
     of "category I minor works",
     "category II minor works" and
     "category III minor works",
     "certify", "class A registered minor
     works contractor", "class B
     registered minor works contractor",
     "minor works", "registered minor
     works contractor" and "relevant
     class A registered minor works
     contractor" and "relevant class B
     registered minor works contractor";
  - (ii) by deleting the proposed definition of "signboard" and substituting ""signboard" (招牌) means a hoarding, framework, scaffolding or other

structure erected solely
for the purpose of
displaying any
advertisement, making any
announcement or
notification, or
displaying any visual
image or other
information;".

4 (a) In paragraph (d) -

(i) by deleting the proposed section
3(5CA)(a)(vi) and substituting -

"(vi) an Assistant Director of
 Civil Engineering and
 Development nominated by
 the Director of Civil
 Engineering and
 Development; and";

(ii) by deleting the proposed section
3(5CA)(b)(vi) and substituting -

"(vi) an Assistant Director of
Civil Engineering and
Development nominated by
the Director of Civil
Engineering and
Development; and".

(b) In paragraph (h), in the proposed section

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3(5GA)(c), by adding "and Development" after "Civil Engineering".
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- 5 By deleting paragraphs (b) and (e).
- 8 By deleting the clause.
- 9 (a) By deleting paragraph (a)(i).
  - (b) In paragraph (d) -
    - (i) by deleting the proposed section 7(2B), (2C), (2D) and (2E);
    - (ii) by deleting the semicolon at the end and substituting a full stop.
  - (c) By deleting paragraph (e).
- 10 (a) By deleting paragraph (a).
  - (b) In paragraph (c), by deleting the proposed section 8(3B).
  - (c) In paragraph (d), by deleting the semicolon
    and substituting a full stop.
  - (d) By deleting paragraph (e).
- 11 By deleting the clause.
- 12 (a) By deleting paragraphs (a), (d), (e), (f), (g), (h) and (i).
  - (b) By deleting paragraph (j) and substituting "(j) in subsection (10), by adding

"relevant" before "Contractors
Registration Committee";".

- (c) By deleting paragraph (k).
- 13 By deleting the clause.
- 14 (a) By deleting paragraphs (c) and (d)(ii).
  - (b) In paragraph (e), by deleting the proposed section 8C(8).
- 15 (a) By deleting paragraph (b)(ii).
  - - "(5) A registration
      restored under this section
      expires, unless the
      contractor's name is removed
      from the relevant register by
      order of a disciplinary board,
      on the expiry of 3 years
      beginning on the date of
      restoration of the applicant's
      name to the register.".".
- By deleting paragraphs (a), (b), (c), (d), (e) and (f).
- 19 (a) In paragraph (b), by deleting the semicolon at

the end and substituting a full stop. (b) By deleting paragraphs (c), (d) and (e). 20 By deleting the clause. 21 By deleting the clause and substituting -Disciplinary proceedings "21. for contractors Section 13 is amended -(a) in subsection (4) in paragraph (c), by (i) repealing "; and" and substituting a full stop; (ii) by repealing paragraph (d); (b) by adding -"(4A) Where the disciplinary board makes an order under subsection (4), it shall order that its findings and order be published in the Gazette.".". By deleting the clause. 22

By deleting the clause.

23

New	By adding -
	"24A. Conditions may be imposed in certain cases
	Section 17(2) is repealed.".
25	By deleting the clause and substituting -
	"25. Provision for urgent work
	Section $19(4)(c)$ is amended by adding ",
	the registered geotechnical engineer" after
	"engineer".".
26	By deleting the clause.
27	By deleting the clause.
28	By deleting the clause.
29	(a) By deleting paragraph (a).
	(b) In paragraph (b), in the proposed sections
	24(2) and $(2A)$ , by deleting "or $(1A)$ ".
	(c) By deleting paragraph (c).
30	In the proposed section 24C -
	(a) by deleting subsection (1)(d) and
	substituting -
	"(d) specifying a date after which

the notice will be registered

with the Land Registry in accordance with subsection (4) if before that date -

- (i) the building or
  building works is or
  are not demolished;
  or
- (ii) the building or
   building works is or
   are not altered in
   such a manner as to
   cause the building or
   building works to
   comply with those
   provisions, or
   otherwise to put an
   end to the
   contraventions of
   those provisions.";
- (b) in subsection (4), by deleting "to his
   satisfaction" and substituting "in the
   manner described in subsection
   (1)(d)(ii)";
- (c) in subsection (6) -
  - (i) by deleting "warning";
  - (ii) by deleting "to the
     satisfaction of the Building
     Authority" and substituting "in

the	manner	described	in
subs	section	(1)(d)(ii)	".

32	In	the	proposed	sect	cion	29A(1),	by	deleting	"to
	the	: sat	cisfaction	ı of	the	Building	r Aı	uthority".	

- 36 By deleting paragraphs (a)(ii) and (b).
- 37 By deleting everything after "amended by" and substituting "adding "registered geotechnical engineer," after "engineer,".".
- 38 By deleting the clause.
- 39 (a) In paragraph (a), by deleting the proposed 40(1AA) and substituting -

"(1AA) Any person who contravenes section 14(1) shall be guilty of an offence and shall be liable on conviction -

- (a) to a fine of \$400,000 and
   to imprisonment for 2
   years; and
- (b) to a fine of \$20,000 for each day during which it is proved to the satisfaction of the court that the offence has

#### continued.".

- (b) In paragraph (d), by deleting the proposed section 40(1BA) and substituting -
  - "(1BA) Any person who, without reasonable excuse, fails to comply with an order served on him under section 24(1) shall be guilty of an offence and shall be liable on conviction -
    - (a) to a fine of \$200,000 and
       to imprisonment for 1
       year; and
    - (b) to a fine of \$20,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.".
- (c) By deleting paragraph (e)(ii) and
  substituting -
  - "(ii) by repealing "\$250,000" and
    substituting "\$1,000,000";".
- (d) By deleting paragraph (f)(ii), (iii) and (iv)
  and substituting -
  - "(ii) by repealing "and to imprisonment
    for 3 years";".
- (e) In paragraph (h), by deleting "\$200,000" and substituting "\$150,000".
- (f) By deleting paragraph (i) and substituting -

- "(i) in subsection (2AC), by repealing
  "\$250,000" and substituting
  "\$750,000";".

"\$250,000" and substituting

"\$1,000,000";".

- - (i) in paragraph (a), by
    repealing "\$250,000" and
    substituting "\$1,000,000";
  - (ii) in paragraph (b), by
    repealing "\$50,000" and
    substituting "\$200,000".".
- (i) By deleting paragraph (1).
- 40 By deleting the clause.
- 41 By deleting the clause.
- By deleting "sections 53J and 53K" and substituting "section 53K".
- By deleting the proposed section 53J.
- By deleting "ERGISTERED" and substituting "REGISTERED".

48	(a) In the heading, by deleting ", specialist
	contractors and minor works contractors and
	substituting "and specialist contractors".
	(b) By deleting paragraphs (a)(i) and (c).
50	By deleting the clause.
51	By deleting the clause.
52	By deleting paragraph (b).
53	By deleting the clause.
54	By deleting "or from 2 or more registered general building contractors, registered specialist
	contractors or registered minor works
	contractors".
55	By deleting the clause.
56	(a) By deleting paragraph (a).
	(b) By deleting paragraph (b) and substituting -
	"(b) by repealing "or by the registered
	structural engineer" and
	substituting ", registered

structural engineer or registered

geotechnical engineer".".

- By deleting paragraph (b).
- 58 (a) By deleting paragraphs (a), (b), (d) and (e).
  - (b) In paragraph (c), by deleting the semicolon and substituting a full stop.
- 59 (a) By deleting paragraphs (a)(ii), (b)(ii), (d) and (e).
  - (b) In paragraph (c), by deleting the semicolon and substituting a full stop.
- By deleting the clause.
- By deleting the clause and substituting -
  - "62. Certificate to be given by registered contractor and authorized person on completion of building works

Regulation 25 is amended -

- in paragraph (1), by repealing
   "or registered structural
   engineer" and substituting ",
   registered structural engineer
   or registered geotechnical
   engineer";
- (b) in paragraph (3) -
  - (i) by adding "or

registered

geotechnical

engineer" after

"structural engineer"

where it twice

appears;

- (ii) by repealing
   "structurally safe"
   and substituting
   "structurally or
   geotechnically (as
   the case may be)
   safe";
- (c) in paragraph (4), by repealing
   "and the registered structural
   engineer" and substituting ",
   registered structural engineer
   and registered geotechnical
   engineer".".
- By deleting the clause.
- By deleting the clause and substituting -
  - "64. Certificate to be given by authorized person, registered structural engineer, registered geotechnical engineer and registered contractor engaged in respect of emergency work

Regulation 28 is amended by repealing "and registered structural engineer" and substituting ", registered structural engineer and registered geotechnical engineer".".

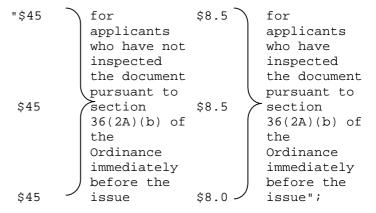
- In paragraphs (a) and (b), by deleting ",
  registered specialist contractor or registered
  minor works contractor" and substituting "or
  registered specialist contractor".
- (a) By deleting paragraphs (a), (b), (c)(iii) and (d).
  - (b) In paragraph (c)(ii), by deleting the semicolon and substituting a full stop.
- 72 By deleting the clause and substituting -

# "72. Duty of registered contractor to keep approved plans and supervision plans on site

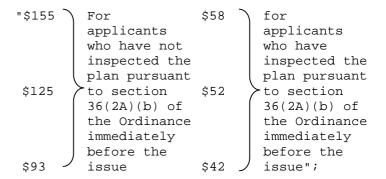
Regulation 40 is amended by repealing "or registered structural engineer" and substituting ", registered structural engineer or registered geotechnical engineer".".

- 73 By deleting the clause.
- 74 (a) By deleting paragraph (j).
  - (b) In paragraph (k) -
    - (i) in the proposed item 10(a)(i), (ii)

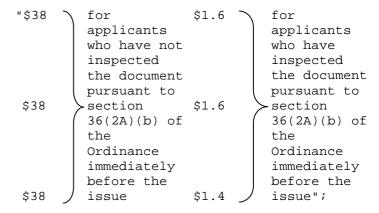
and (iii), by deleting "\$45" and substituting -



(ii) in the proposed item 10(b)(i), (ii)
and (iii), by deleting "\$97", "\$70"
and "\$56" and substituting -



(iii) in the proposed item 11(a)(i), (ii)
and (iii), by deleting "\$38" and
substituting -



(iv) in the proposed item 11(b)(i), (ii)
and (iii), by deleting "\$72", "\$51"
and "\$38" and substituting -

(v) in the proposed item 12(a)(ii), by
deleting "\$85" and substituting
"\$58".

By deleting the clause and substituting -

75

"75. Duty of authorized person, registered structural engineer or registered geotechnical engineer who has prepared plans to supply

# to Building Authority such information as he may require

Regulation 44 is amended by repealing "or registered structural engineer" and substituting ", registered structural engineer or registered geotechnical engineer".".

76 By deleting the clause and substituting -

"76. Duty of authorized person, registered structural engineer, registered geotechnical engineer, registered contractor, etc. to notify Building Authority of change of business address

Regulation 45 is amended by adding "registered geotechnical engineer," after "engineer,".".

- 77 By deleting the clause.
- 78 By deleting the clause.
- By deleting "The following is added" and substituting "The Building (Planning) Regulations (Cap. 123 sub. leg. F) are amended by adding".
- New By adding immediately under the heading "Consequential Amendments" -

"Prevention of Bribery Ordinance

#### 79A. Public Bodies

Schedule 1 to the Prevention of Bribery
Ordinance (Cap. 201) is amended by adding "104. Geotechnical Engineers Registration
Committee.".".

80 By deleting the clause.

81 (a) By deleting "Schedule 2 is amended" and substituting "Schedule 2 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) is amended".

(b) By deleting paragraph (b) and substituting "(b) in item 5, in column 3, by repealing
 "(2) and (3)" and substituting "(2),
 (3) and (5)".".