

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

3(5GA)(c), by adding "and Development" after
"Civil Engineering".

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).

(b) By deleting paragraph (c) and substituting -
"(c) by adding -

"(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."."

18 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 -

**"21. Disciplinary proceedings
for contractors**

Section 13 is amended -

(a) in subsection (4) -

(i) in paragraph (c), by
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."."

22 By deleting the clause.

23 By deleting the clause.

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
subsection (1)(d)(ii)".

32 In the proposed section 29A(1), by deleting "to
the satisfaction of the Building Authority".

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";".

(g) By deleting paragraph (j) and substituting -

"(j) in subsection (2B), by repealing
"\$250,000" and substituting
"\$1,000,000";".

(h) By deleting paragraph (k) and substituting -

"(k) in subsection (2C) -

(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 (l).

40 By deleting the clause.

41 By deleting the clause.

42 By deleting "sections 53J and 53K" and
substituting "section 53K".

43 By deleting the proposed section 53J.

45 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".".

57 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.

61 By deleting the clause.

62 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 -

(a) 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".

63 By deleting the clause.

64 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".

67 In paragraphs (a) and (b), by deleting ", registered specialist contractor or registered minor works contractor" and substituting "or registered specialist contractor".

69 (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 -

"\$45	}	for	\$8.5	}	for
		applicants			applicants
		who have not			who have
		inspected		inspected	
		the document		the document	
		pursuant to		pursuant to	
\$45		section	\$8.5		section
		36(2A)(b) of			36(2A)(b) of
		the			the
		Ordinance			Ordinance
		immediately			immediately
		before the			before the
\$45		issue	\$8.0		issue";

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

"\$155	}	For	\$58	}	for
		applicants			applicants
		who have not			who have
		inspected the		inspected the	
		plan pursuant		plan pursuant	
\$125		to section	\$52		to section
		36(2A)(b) of			36(2A)(b) of
		the Ordinance			the Ordinance
		immediately			immediately
		before the			before the
\$93		issue	\$42		issue";

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

"\$38	}	for applicants who have not inspected the document pursuant to	\$1.6	}	for applicants who have inspected the document pursuant to
\$38	}	section 36(2A)(b) of the Ordinance immediately before the	\$1.6	}	section 36(2A)(b) of the Ordinance immediately before the
\$38	}	issue	\$1.4	}	issue";

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

"\$135	}	for applicants who have not inspected the plan pursuant	\$40	}	for applicants who have inspected the plan pursuant
\$110	}	to section 36(2A)(b) of the Ordinance immediately before the	\$34	}	to section 36(2A)(b) of the Ordinance immediately before the
\$74	}	issue	\$24	}	issue";

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

75

By deleting the clause and substituting -

"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.

79 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)"."