

Buildings (Amendment) Bill 2003
Proposed revision to sections 39B and 40(4B)

Section 39B: Obstruction of owners' corporation

(1) No person who has been notified by an owners' corporation of a building that an order has been served on the owners' corporation under sections 24(1) ~~or (1A)~~, 26(1), 26A(1) or (3), 27A(1) or (2B), 27C(1) or (4) or; 28(2)(a), (3) or (5), ~~29(2)(a), 29A(2), 30(3) or 31(2)(a)~~ in relation to any common parts of the building shall –

- (a) obstruct a person employed or engaged by the owners' corporation in the carrying out of any works or other action that is required for the purpose of complying with the order; or
- (b) refuse to allow a person employed or engaged by the owners' corporation access to or the use of any premises, which is reasonably necessary for the carrying out of any works or other action that is required for the purpose of complying with the order.

(2) In this section –

"common parts" (公用部分) has the meaning assigned to it in section 2 of the Building Management Ordinance (Cap. 344);

"owners' corporation" (擁有人法團) means a corporation registered under section 8 of the Building Management Ordinance (Cap. 344).

Section 40(4B): Offence

Any person who without reasonable excuse contravenes section 39B(1) shall be guilty of an offence and shall be liable on conviction to a fine at level 3 and to imprisonment for 6 months. –

- ~~(a) subject to paragraph (b), to a fine of \$50,000 and to imprisonment for 1 year; or~~
- ~~(b) in the case where the contravention is in relation to an order served under section 24(1) or (1A), to a fine of \$300,000 and to imprisonment for 1 year.~~