

4th September 2003

Bills Committee
Legislative Council Secretariat,
3/F, Citibank Tower,
3 Garden Road,
Central, Hong Kong

Attn.: Ms. Odelia Leung

Dear Ms. Leung,

Re: Request for HIREA comments on LegCo Bill on Buildings
Ordinance Amendment dated April 2003

With reference to your request for our comments on your Bill on Buildings Ordinance Amendment dated April 2003, we write to advise you our comments as follows:

Referring to your summary of amendments item 66: *Clause 30 adds a new section 24C to the Ordinance to empower the Building Authority to issue notices of unauthorized buildings or building works, and to provide for registration and deregistration of such notices in the Land Registry:*

We agree the principle of your proposal of empowering BA to issue notices of unauthorized buildings or building works (UBW) to Land Registry and would like to suggest that such notices shall only be issued to Land Registry for registration after a certain reasonable period of time if such notice issued to the owner or owners' committee is ignored with no rectification action taken as stated in such notice.

The reasons for the above suggestion are as follows:

- 1 Should the owner who receives such notice take rectification action to the UBW within a reasonable period of time, no registration of such UBW at the Land Registry is required. This will reduce BA's unnecessary administrative workload to register and deregister such notices in the Land Registry so as to save cost and time.
- 2 Equally, this will reduce the unnecessary administrative (registration and deregistration) workload to the Land Registry (LR).
- 3 It is also fair to the property owner who takes rectification action promptly. No record of such notice will then be registered at the Land Registry as such registration record may cause concern to the property owner and affect his or her property value and mortgage with the Bank, etc.

In addition, we are pleased to advise you that HIREA members are experienced property professional with different basic professional backgrounds. Some of our members are sitting on various advisory boards and committees of the HKSAR Government. In future, should there be an advisory body on matters concerning the Buildings Ordinance, we shall be pleased to assist and participate.

Thank you very much for your kind attention.

Yours sincerely,
For and on behalf of
HONG KONG INSTITUTE OF
REAL ESTATE ADMINISTRATION

Albert C.H. So
President

*c.c. Mr. Valentino Lin, Chairman of External Affairs Committee
Mr. P.C. Lee, Hon. Secretary*