

Bills Committee on Buildings (Amendment) Bill 2003

**List of follow-up actions arising from the discussion
at the meeting on 11 November 2003**

The Administration was requested -

- (a) to ascertain the reference to which the level of fines had been made when the provisions relating to fines in the Buildings Ordinance (BO) (Cap.123) were enacted;
- (b) to review whether it was appropriate to link the level of fines with the Building Cost Index. It had been suggested that reference might be made to the Consumer Price Index;
- (c) to review the proposal to increase the maximum fine from \$250,000 to \$1.5 million under section 40(2AA) of BO for failure to notify the Building Authority of any contravention of building regulations resulting from the carrying out of works shown on approved plans;
- (d) to review whether it was appropriate for the proposed offence under section 40(2AA) of BO to be a strict liability offence;
- (e) to review comprehensively the present situation about display of street names and building numbers and report the outcome of the review to the Panel on Planning, Lands and Works. Members were concerned about inadequate display of street names and building numbers in the territory. A member was also concerned that normally a building number was only shown at the entrance of a large shopping arcade but the shops which fronted or abutted the street concerned were numberless; and
- (f) to answer at the next meeting the following questions raised by members:
 - (i) would the proposed minor works control scheme backfire as contractors and building owners might be reluctant or unable to comply with the proposed provisions, defeating the purpose for introducing the scheme;
 - (ii) whether works which altered fire services installations without changing the structural elements of a building would be regarded as exempted works under section 41(3AA)(a) of BO;

- (iii) whether the contractor and/or the owner concerned would be held liable if the as-built plan for a supporting frame for an air-conditioning unit was found to be incorrect;
- (iv) whether the contractor for installing a new air-conditioning unit using an existing supporting frame and/or the owner concerned would be held liable if the existing supporting frame was used and it fell off during installation of the unit and caused injury to a person; and
- (v) were there any mechanism and measures to deal with existing supporting frames and whether the owners concerned would be held criminally liable under BO if these structures fell off causing injury to a person.

Council Business Division 1
Legislative Council Secretariat
24 November 2003