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21 May 2008

Clerk to Bills Committee
(Attn : Ms. YUE Tin-po)
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Ms. Yue,

**Buildings (Amendment) Bill 2007
Response to Bills Committee's Request at Meetings
on 22 and 29 April 2008**

At the Bills Committee meetings of the Buildings (Amendment) Bill 2007 ("the Bill") held on 22 and 29 April 2008, the Administration was requested to:

- (a) provide written information on whether the time when the appointment of registered professionals/registered minor works contractors ("RMWCs") was made or the minor works actually commenced should be regarded as the material time in proving that "a person for whom minor works are to be carried out" had knowingly contravened the proposed section 40(1AB);
- (b) consider spelling out more clearly in the Bill the legislative intent that when an agent, on behalf of a building owner/tenant, directly appointed registered professionals and/or RMWCs to undertake a minor works project, the agent would be regarded as "the person for whom minor works are to be carried out" as stated in proposed sections 4A and 9AA;

- (c) further consider how the criminal liabilities against non-compliance with the proposed minor works control regime by building professionals, contractors and building owners/tenants should be defined; and
- (d) provide written information to set out the provisions, in the form of a table, stipulating offences applicable to building owners/tenants.

Our response is at ensuing paragraphs.

Offences applicable to building owners/tenants

To address Members' comments made in the aforementioned items (a), (b) and (c), we have revised the relevant provisions of the Bill and propose to introduce committee stage amendments as attached at Annex A.

With an aim to clarifying the liabilities of building owners/tenants in the appointment of building professionals/contractors under the proposed minor works control system, we propose to revise the draft sections 4A and 9AA as attached at Annex A. The revised provisions clearly state that the person who arranged for the carrying out of minor works will commit an offence if he has knowingly failed to appoint the qualified building professionals or contractors. Besides, if a person has appointed another person to arrange for the carrying out of minor works (for example, when a building owner purchases an air conditioner and the electrical appliance company undertakes to arrange for the installation of the machine at the owner's apartment), such appointed person (i.e. the electrical appliance company) will be regarded as the person who arranged for the carrying out of minor works and the first-mentioned person (i.e. the building owner) will not be responsible.

The revised draft provisions also clarify that the aforementioned offence concerning appointment will only be applicable to cases with the minor works actually commenced or carried out. That is to say, if a person has merely appointed an unqualified building professional/contractor but the minor works have not yet been actually carried out, that person will not commit an offence.

Consequential to the proposed amendments to sections 4A and 9AA, sections 2(1B), 14AA and 40(1AB) have to be refined to preserve the consistency of the various provisions constituting the minor works control system in the Buildings Ordinance. Section 40(1AB) is adjusted to spell out

the penalties for breaching the revised sections 4A and 9AA concerning the appointment of qualified building professionals and contractors for the carrying out of minor works under simplified requirements. We also propose to amend section 40(1AA) to remove the application of the penalty provision for minor works contained therein.

The proposed package of amendments will better define the criminal liabilities against non-compliance of the proposed minor works control regime by building owners/tenants vis-à-vis building professionals and contractors.

In response to the Bills Committee's request for a summary table stipulating offences applicable to building owners/tenants, we have prepared the same at **Annex B** for Members' reference. Such table has incorporated the latest proposed amendments to the Bill.

Registration information of contractors

Some Members suggested that minor works contractors should be required to show their registration numbers and relevant details in their publicity materials so as to facilitate building owners to identify and distinguish the contractors' qualifications. We agree with such a suggestion, and will map out the detailed requirements in the regulations to be made in consultation with the industry. As a first step, we need to refine the regulation making power in the Buildings Ordinance to cater for the additional requirement. As such, we propose to amend section 38 as set out in **Annex A**.

Inspection of Building Plans/Records via the Internet

We informed the Bills Committee at the previous meeting that we intended to move further committee stage amendments to empower the Building Authority to make available building plans in an electronic form via the Internet for public inspection. The draft provisions are at **Annex C**. This service would enable members of the public to view and place orders for hard copies of building records, including those for minor works, over the Internet.

Yours sincerely,



(Jerry Cheung)
for Secretary for Development

| | | | |
|------|---------|-------------------------------------------------------------|----------------------------------------|
| c.c. | DB | (Attn : Mr H W Cheung/ Mr S T Lam) | [Fax : 2840 0451] |
| | S for J | (Attn : Mr Allen Lai/ Miss Selina Lau/ Ms Carmen Chu) | [Fax : 2869 1302] [Fax : 2536 8137] |

Buildings (Amendment) Bill 2007
Proposed amendments to the Sections 4A and 9AA

1. Section 4A

The existing subsection (1) and (2) is to be deleted and the following substituted (further consequential amendments will be made to other provisions) –

“(1) This section applies to minor works –

- (a) that are commenced or carried out without the approval and consent of the Building Authority under section 14(1); and
- (b) in respect of which one or more prescribed building professionals are required to be appointed by the regulations.

(2) If minor works to which this section applies have been commenced or carried out and the person who arranged for the works to be commenced or carried out has knowingly failed to appoint the prescribed building professional or the prescribed building professionals (as the case may be) required by the regulations to be appointed in respect of the minor works concerned, that person commits an offence.

(2A) For the purposes of subsection (2), a person who has appointed another person to arrange for the commencement or carrying out of minor works is not to be regarded as a person who arranged for the commencement or carrying out of minor works.”

2. Section 9AA

The existing subsection (1) and (2) are to be deleted and the following substituted (further consequential amendments will be made to other provisions) –

“(1) This section applies both to minor works commenced or carried out with the approval and consent of the Building Authority under section 14(1) and to minor works that are commenced or carried out without that approval and consent.

(2) If minor works to which this section applies have been commenced or carried out and the person who arranged for the works to be commenced or carried out has knowingly failed to appoint a prescribed registered contractor required by the regulations to be appointed in respect of the minor works concerned, that person commits an offence.

(2A) For the purposes of subsection (2), a person who has appointed another person to arrange for the commencement or carrying out of minor works is not to be regarded as a person who arranged for the commencement or carrying out of minor works.”

3. Other Amendments

(i) Section 2

a. New definition

“prescribed building professional” (訂明建築專業人士) means an authorized person, a registered structural engineer or a registered geotechnical engineer;”

b. Revised version of subsection (1B)

“(1B) For the purposes of this Ordinance, minor works that are commenced or carried out without the approval and consent of the Building Authority under section 14(1) are to be regarded as minor works commenced under the simplified requirements if –

- (a) a prescribed building professional or a prescribed registered contractor has been appointed in respect of the works; or
- (b) the works are commenced or carried out by a prescribed registered contractor.”

(ii) Section 14AA

“Section 14(1) does not apply in respect of minor works commenced under the simplified requirements.”

(iii) Section 38

“(1) The Secretary may by regulation provide for –

(kca) matters relating to the display or indication of information relating to –

- (i) the registration number of any prescribed registered contractor; and
- (ii) the class, type and item of the minor works in respect of which any prescribed registered contractor is registered,

in order to facilitate any member of the public to ascertain whether he is, in relation to any matter connected with any activity under this Ordinance, dealing with a contractor registered under this Ordinance;”

(iv) Section 40(1AA)

“(1AA) Any person who knowingly contravenes section 14(1) in respect of building works (other than minor works) or street works 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.”

(v) Section 40(1AB)

“(1AB) Any person who commits an offence under section 4A(2) or 9AA(2) shall be liable on conviction to a fine at level 6.”

-END-

Buildings (Amendment) Bill 2007
Summary Table of Offences Applicable to Building Owners/Tenants
under the Proposed Minor Works Control System

1. Concerning appointment of building professionals and contractors

| Sections | Extract of the relevant Provisions | Explanatory Notes |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4A, 9AA and 40(1AB) | <p>Any person who knowingly commits an offence under section 4A or 9AA shall be liable on conviction to a fine at level 6.</p> <p>If minor works have been commenced or carried out and the person who arranged for the works to be commenced or carried out has knowingly not appointed the prescribed building professional or the prescribed registered contractor required by the regulations to be appointed in respect of the minor works concerned, that person commits an offence.</p> <p>A person who has appointed another person to arrange for the commencement or carrying out of minor works will not be regarded as a person who arranged for the commencement or carrying out of minor works.</p> | <p>Under the revised provisions, the person who arranges for the commencement or carrying out of minor works shall be responsible for the appointment of relevant building professionals/contractors. For example, if a building owner purchases an air conditioner and the electrical appliance company undertakes to arrange for the installation of the machine at the owner's apartment, and if the company has appointed an unregistered contractor and the works have been carried out, the company, instead of the owner, shall be liable for an offence.</p> |

2. Concerning carrying out of minor works

| Sections | Extract of the relevant Provisions | Explanatory Notes |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 40(2G) | <p>Any person other than a registered general building contractor, a registered specialist contractor or a registered minor works contractor or a person acting under the supervision of any such contractor, who, without reasonable excuse, certifies or carries out minor works shall be guilty of an offence and shall be liable on conviction –</p> <p>(a) to a fine at level 6 and to imprisonment for 6 months; and</p> <p>(b) to a fine of \$5,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.</p> | <p>This provision imposes sanctions on persons who are not qualified registered contractors and have carried out minor works. The works so completed may not be up to standard and may pose risks to public safety.</p> |

3. Concerning non-compliance with orders issued by the Building Authority

| Sections | Extract of the relevant Provisions | Explanatory Notes |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 40(1BB) | <p>Any person who, without reasonable excuse, fails to comply with statutory orders issued under 24AA (demolition, removal or alteration orders for minor works carried out under simplified requirements that have contravened the Buildings Ordinance or the Town Planning Ordinance) shall be guilty of an offence and shall be liable on conviction –</p> <p>(a) to a fine at level 5 and to imprisonment for 3 months and</p> <p>(b) to a fine of \$5,000 for each day during which it is proved to the satisfaction of the court that the</p> | <p>Orders issued under section 24A are to cease or remedy dangerous building works. Those under section 24AA are for demolition, removal, or alteration of simplified requirement minor works. BD will only issue such orders after inspection and confirmation that the minor works are conducted in a dangerous manner or are not in compliance with the specified requirements. Building owners are obliged to follow such orders to take remedial measures of defective building works to eliminate risk to public safety.</p> |

| Sections | Extract of the relevant Provisions | Explanatory Notes |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 40 (2C) | <p>offence has continued.</p> <p>Any person who, without reasonable excuse, fails to comply with statutory orders issued under section 24A (cease or remedy dangerous works order) shall be guilty of an offence and shall be liable on conviction –</p> <p>(a) to a fine at \$500, 000 and to imprisonment for 18 months and</p> <p>(b) to a fine of \$100,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.</p> | |

-END-

Buildings (Amendment) Bills 2007
Draft Provisions relating to the Building Records e-Search System

1. Interpretation

Section 2(1) is amended by adding –

““electronic record” () has the same meaning as in section 2(1) of the Electronic Transactions Ordinance (Cap. 553);

“specified document” () means –

- (a) a document made, issued or given, or a plan submitted to or approved by the Building Authority, under or for the purposes of this Ordinance or the Buildings Ordinance 1935 (18 of 1935); or
- (b) any part of the document or plan.

“specified document record” () means –

- (a) a record of a specified document made under section 36C(a);
- (b) an electronic record made under section 36C(b); or
- (c) a copy of an electronic record made under section 36C(c).”

2. Sections repealed

Sections 36, 36A and 36B are repealed.

3. Sections added

The following is added –

“36C. Powers to make records of specified documents and copy records

The Building Authority or a person authorized by the Authority may –

- (a) make a record in the form of –
 - (i) a paper document;
 - (ii) a microfilm; or
 - (iii) an electronic record,of any specified document;
- (b) convert a record in the form of a paper document or a microfilm made under paragraph (a) into an electronic record; or
- (c) make a copy of a record made under paragraph (a) or (b).

36D. Disposal of documents

Where it is not necessary or desirable to maintain a specified document in the form in which it was submitted to or approved by the Building Authority, the document may be destroyed or disposed of after a specified document record of it is made.

36E. Specified document records to be treated as specified documents

A specified document record is to be treated for all purposes as the specified document from which the specified document record is made.

36F. Making available specified document records to public through electronic networks

The Building Authority or a person authorized by the Authority may make a specified document record available for inspection by any person through the Internet, an intranet or a similar electronic network.

36G. Issue, certification and inspection of copies etc. of specified documents or specified document records

(1) The Building Authority or a person authorized by the Authority, may, on the payment of the prescribed fee, issue to a person a copy, a print or an extract of or from a specified document or a specified document record, to facilitate the ascertaining by that person of any matter mentioned in subsection (4).

(2) The Building Authority or a person authorized by the Authority, may, on the payment of the prescribed fee, issue to a person a copy, a print or an extract of or from a specified document or a specified document record, that is certified under section 36H, to facilitate the ascertaining by that person of any matter mentioned in subsection (4).

(3) The Building Authority or a person authorized by the Authority may, on the payment of the prescribed fee, make available for inspection –

- (a) at any reasonable time, a specified document or a specified document record, at a place

specified by the Building Authority or by a person authorized by the Building Authority;
or

- (b) a specified document record by the means mentioned in section 36F,

to facilitate the ascertaining by any person of any matter mentioned in subsection (4).

(4) The matters referred to in subsections (1), (2) and (3) are —

- (a) matters relating to the construction of any building or the carrying out of any building works or street works;
- (b) whether a building, building works or street works have been completed or carried out in compliance with the provisions of this Ordinance or any other enactment; and
- (c) any other matter that the Building Authority considers appropriate to be made available in the interest of the public.

36H. Power to certify copies etc, of specified documents or specified document records

The Building Authority or a public officer authorized by the Authority may certify a copy, a print or an extract of or from a specified document or a specified document record as a true copy, print or extract of the specified document or the specified document record.

36I. Admissibility in evidence of copies, etc.

(1) A copy, print or extract of or from a specified document or a specified document record that purports to be a true copy, print or extract of or from the specified document or the specified document record, is admissible in evidence in criminal or civil proceedings before any court on its production without further proof if it is certified under section 36H.

(2) The court before which the certified copy, print or extract is produced shall, unless there is evidence to the contrary, presume that –

- (a) the certification or signature is made by the Building Authority or a public officer authorized by the Authority; and
- (b) it is a true copy, print or extract.

(3) Nothing in this section –

- (a) affects any claim of the Government to withhold the original of any specified document or a specified document record on the ground that its production would be contrary to the public interest; or
- (b) affects the admissibility of any evidence which would be admissible apart from the provisions of this section.”.

CONSEQUENTIAL AMENDMENT

Building (Administration) Regulations**4. Fees**

(1) Regulation 42(10) of the Building (Administration) Regulations (Cap. 123 sub. leg. A) is amended –

(a) in paragraph (a) –

- (i) by repealing “For issue under section 36(2) of the Ordinance of a certified copy, print or extract of or from any document (other than a plan) which is recorded in –” and substituting “For issue under section 36G(2) of the Ordinance of a certified copy, print or extract of or from a document made, issued or given under or for the purposes of the Ordinance or the Buildings Ordinance 1935 (18 of 1935), or a certified copy, print or extract of or from a specified document record that is made from the document, that is in –”;
- (ii) by repealing “pursuant to 36(2A)(b)” where it twice appears and substituting “or record pursuant to 36G(3)”;

(b) in paragraph (b) –

- (i) by repealing “For issue under 36(2) of the Ordinance of a certified copy, print or extract of or from any plan which is recorded in –” and substituting “For issue under section 36G(2) of the Ordinance of a certified copy,

print or extract of or from a plan submitted to or approved by the Building Authority under or for the purposes of the Ordinance or the Buildings Ordinance 1935 (18 of 1935), or a certified copy, print or extract of or from a specified document record that is made from the plan, that is in –”;

- (ii) by repealing “pursuant to 36(2A)(b)” where it twice appears and substituting “or record pursuant to 36G(3)”.

(2) Regulation 42(11) is amended –

(a) in paragraph (a) –

- (i) by repealing “For issue under section 36(2A)(a) of the Ordinance of a copy, print or extract of or from any document (other than a plan) which is recorded in –” and substituting “For issue under section 36G(1) of the Ordinance of a copy, print or extract of or from a document made, issued or given under or for the purposes of the Ordinance or the Buildings Ordinance 1935 (18 of 1935), or a copy, print or extract of or from a specified document record that is made from the document, that is in –”;
- (ii) by repealing “pursuant to 36(2A)(b)” where it twice appears and substituting “or record pursuant to 36G(3)”;

- (b) in paragraph (b) –
 - (i) by repealing “For issue under section 36(2A)(a) of the Ordinance of a copy, print or extract of or from any plan which is recorded in –” and substituting “For issue under section 36G(1) of the Ordinance of a copy, print or extract of or from a plan submitted to or approved by the Building Authority under or for the purposes of the Ordinance or the Buildings Ordinance 1935 (18 of 1935), or a copy, print or extract of or from a specified document record that is made from the plan, that is in –”;
 - (ii) by repealing “pursuant to 36(2A)(b)” where it twice appears and substituting “or record pursuant to 36G(3)”.

- (3) Regulation 42(12) is amended –
 - (a) by repealing “For inspection under section 36(2A)(b) of the Ordinance of a plan or document which is recorded in –” and substituting “For inspection under section 36G(3) of the Ordinance of a specified document or a specified document record, that is in –”;
 - (b) by repealing “plans or documents” wherever it appears and substituting “specified documents or specified document records”.

-END-

36. 文件的經核證文本作為證據的可接納性等

(1) 任何文件看來是——

(a) 任何呈交建築事務監督或獲他批准的圖則的文本、印刷本或摘錄，或任何根據本條例或《1935 年建築物條例》* (1935 年第 18 號) 或為施行該等條例而擬備、發出或給予的文件的文本、印刷本或摘錄，或上述圖則或文件的微縮影片或其他紀錄的文本、印刷本或摘錄；及

(b) 經建築事務監督或獲他就此以書面授權的任何公職人員簽署和核證為真實文本、印刷本或摘錄，

則在任何法庭的刑事或民事法律程序中交出時，須被接納為證據而無須再加證明，且直至相反證明成立為止，法庭須推定——

(i) 文件上的簽署及核證，為建築事務監督或任何上述公職人員的簽署及核證；及

(ii) 文件為真實文本、印刷本或摘錄。

(2) 建築事務監督或獲他授權的任何公職人員，可在獲繳付訂明費用後，為任何人核證和發出該人所要求的該等文本、印刷本或摘錄。

(2A) 建築事務監督或獲他授權的任何公職人員，可在訂明費用獲繳付後——

(a) 向某人發出——

(i) 第 (1)(a) 款指明的任何圖則或文件的文本、印刷本或摘錄；或

(ii) 該圖則或文件的任何微縮影片或任何其他形式紀錄的文本、印刷本或摘錄；或

(b) 容許某人查閱該圖則或文件。 (由 2004 年第 15 號第 25 條增補)

(3) 本條不得——

(a) 當作影響政府以交出某份文件會有違公眾利益為理由所提出的扣起該文件的要求；及 (由 2000 年第 62 號第 3 條修訂)

(b) 損害若非根據本條條文亦可接納的證據的可接納性。

(由 1992 年第 42 號第 7 條代替)

36A. 記錄於微縮影片或其他形式的紀錄內的文件等的效力

凡任何呈交建築事務監督或獲他批准的圖則或任何根據本條例或為施行本條例而擬備、發出或給予的文件記錄於微縮影片或任何其他形式的紀錄內，就各方面而言，該圖則或文件的微縮影片紀錄或其他形式的紀錄須視為該圖則或文件的正本。

(由 1992 年第 42 號第 8 條增補。由 2004 年第 15 號第 26 條修訂)

*，《1935 年建築物條例》乃“Buildings Ordinance 1935”之譯名。

36. Admissibility in evidence of certified copies of documents, etc.

(1) A document purporting to be a copy, print or extract—

(a) of or from any plan submitted to or approved by the Building Authority or any document made, issued or given under or for the purposes of this Ordinance or the Buildings Ordinance 1935 (18 of 1935) or any microfilm or other record thereof; and

(b) signed and certified as a true copy, print or extract by the Building Authority, or any public officer authorized by him in writing in that behalf,

shall be admissible in evidence in criminal or civil proceedings before any court on its production without further proof and, until the contrary is proved, the court shall presume that—

(i) the signature and certification to the document is that of the Building Authority or any such public officer; and

(ii) the document is a true copy, print or extract.

(2) The Building Authority or any public officer authorized by him may, upon payment of the prescribed fee, certify and issue any such copy, print or extract to any person requiring the same.

(2A) The Building Authority or any public officer authorized by him may upon payment of the prescribed fee—

(a) issue to a person a copy, print or extract of or from—

(i) any plan or document specified in subsection (1)(a); or

(ii) any microfilm or any other form of record of the plan or document; or

(b) permit a person to inspect such a plan or document. (Added 15 of 2004 s. 25)

(3) Nothing in this section shall—

(a) be deemed to affect any claim of the Government to withhold any document on the ground that its production would be contrary to the public interest; and (Amended 62 of 2000 s. 3)

(b) prejudice the admissibility of any evidence which would be admissible apart from the provisions of this section.

(Replaced 42 of 1992 s. 7)

36A. Effect of documents, etc. recorded on microfilm or other form of record

Where any plan submitted to or approved by the Building Authority, or any document made, issued or given under or for the purposes of this Ordinance, is recorded on microfilm or any other form of record, the microfilm record or other form of record of the plan or document shall be treated for all purposes as the original plan or document.

(Added 42 of 1992 s. 8. Amended 15 of 2004 s. 26)

36B. 文件的處置

凡任何圖則或文件根據本條例由建築事務監督保存，而建築事務監督認為無需或不宜以該圖則或文件在呈交或獲他批准時的形式保存，建築事務監督可在事先製備該圖則或文件的微縮影片或任何其他形式的紀錄作保留之用後，銷毀或處置該圖則或文件。

(由 1992 年第 42 號第 8 條增補。由 2004 年第 15 號第 27 條修訂)

37. 公職人員的法律責任的限制

(1) 政府或任何公職人員均不會因任何建築工程按照本條例條文進行，或該等建築工程或其圖則或其所需物料須經公職人員檢查或批准而負上法律責任；本條例亦不規定建築事務監督有義務檢查任何建築物、建築工程或物料或任何擬建建築物的地盤以確定本條例條文獲得遵從或確定任何向他呈交的圖則、證明書及通知乃屬準確。

(2) 建築事務監督或按其指示行事的公職人員所進行的任何事宜或事情，如屬為執行本條例條文而真誠地進行的，則不會令建築事務監督或該公職人員個人承受任何訴訟、法律責任、申索或要求。

(3) 除非有條文明確制定，否則本條例並不豁免任何人於任何履行義務令、強制令、禁止令或其他命令的法律程序之外。

(由 1966 年第 31 號第 102 條修訂)

38. 規例

(1) 房屋及規劃地政局局長可就以下事項訂立規例—— (由 1997 年第 362 號法律公告修訂；由 1999 年第 330 號法律公告修訂；由 2002 年第 106 號法律公告修訂)

(a) 下列的人的註冊及管制——

(i) 認可人士；

(ii) 註冊結構工程師；

(iia) 註冊岩土工程師； (由 2004 年第 15 號第 28 條增補)

(iii) 註冊一般建築承建商； (由 1996 年第 54 號第 20 條修訂)

(iv)-(v) (由 1987 年第 43 號第 44 條廢除)

(vi) 註冊專門承建商； (由 1974 年第 52 號第 10 條代替。由 1996 年第 54 號第 20 條修訂)

36B. Disposal of document

Where any plan or document is maintained by the Building Authority under this Ordinance and the Building Authority considers that it is not necessary or desirable to maintain such plan or document in the form in which it was submitted to or approved by him he may destroy or dispose it after having first made a microfilm or any other form of record thereof for his retention.

(Added 42 of 1992 s. 8. Amended 15 of 2004 s. 27)

37. Limitation of public liability

(1) No liability shall rest upon Government or upon any public officer by reason of the fact that any building works are carried out in accordance with the provisions of this Ordinance or that such building works or the plans thereof or materials therefor are subject to inspection or approval by a public officer, nor shall anything in this Ordinance make it obligatory for the Building Authority to inspect any building, building works or materials or the site of any proposed building to ascertain that the provisions of this Ordinance are complied with or that plans, certificates and notices submitted to him are accurate.

(2) No matter or thing done by the Building Authority or by any public officer acting under his direction shall if it were done bona fide for the purpose of executing this Ordinance subject him or such public officer personally to any action, liability, claim or demand whatsoever.

(3) Nothing in this Ordinance contained shall exempt any person from any proceeding by way of mandamus, injunction, prohibition or other order unless it is expressly so enacted.

(Amended 31 of 1966 s. 102)

38. Regulations

(1) The Secretary for Housing, Planning and Lands may by regulation provide for— (Amended L.N. 330 of 1999; L.N. 106 of 2002)

(a) registration and control of—

(i) authorized persons;

(ii) registered structural engineers;

(iia) registered geotechnical engineers; (Added 15 of 2004 s. 28)

(iii) registered general building contractors; (Amended 54 of 1996 s. 20)

(iv)-(v) (Repealed 43 of 1987 s. 44)

(vi) registered specialist contractors; (Replaced 52 of 1974 s. 10. Amended 54 of 1996 s. 20)