

政府總部
環境局

香港灣仔告士打道五號
稅務大樓四十六樓



ENVIRONMENT BUREAU
GOVERNMENT SECRETARIAT
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本函檔號 Our Ref: ENB 24/26/22

來函檔號 Your Ref: LS/B/5/09-10

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9 March 2010

Ms Kitty Cheng
Assistant Legal Adviser
Legal Service Division
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road, Central
Hong Kong

By Fax (2877 5029)

Dear Ms Cheng,

Buildings Energy Efficiency Bill

Thank you for your letter dated 2 March 2010 referring to Part 5 of the Buildings Energy Efficiency Bill (the Bill).

2. Clause 26(6) of the Bill provides that if, after an improvement notice has been issued to a developer, owner or responsible person (“the former party”) but before the period specified in the notice expires and before the contravention concerned is remedied, a person replaces the former party as the developer, owner or responsible person of the relevant building, common area or unit, the former party must, within 7 days after the change, inform the Director of Electrical and Mechanical Services (DEMS) of the change. With such notification, the improvement notice issued to the former party ceases to have effect.

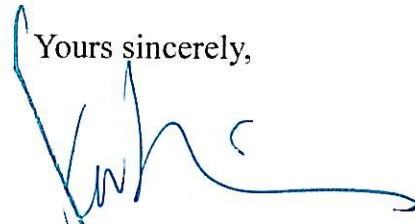
3. To ensure that the contravention (if continues after the change of ownership or control) would be remedied, the Electrical and Mechanical Services Department (EMSD) will, after receiving a notice from the former party under clause 26(6), review the situation on a case-by-case basis and consider whether a fresh improvement notice is to be issued in accordance with clause 26 to the successor. The successor would then be required to remedy the contravention as set out in the above improvement notice.

4. If the change of ownership or control occurs very shortly before the expiry of the time for remedy as specified in the improvement notice, there may be chances that DEMS will only be informed of such change after the expiry of the time for remedy under clause 26. However, since the former party must, within 7 days after the change of ownership or control, inform the Director of the change, we consider that the current arrangement is adequate to allow DEMS to be timely informed of such change.

5. Since there may be cases where a responsible person of a building (especially in the case of a tenant) would not have the knowledge of the successor, we therefore do not propose an obligation for the developer, owner or responsible person to inform the successor or potential successor of the improvement notice before the change of ownership or control.

6. The Bill does not provide for registering the improvement notice as an order against the property. We are considering means to enable potential purchasers of real properties to access relevant information. We will encourage the solicitor profession to develop appropriate conveyancing practices to ensure that potential purchasers of real properties are informed of improvement notices issued in respect of the properties.

Yours sincerely,



(Miss Katharine Choi)
for Secretary for the Environment