

Bills Committee on Buildings (Amendment) Bill 2010

**List of follow-up actions arising from the discussion
at the meeting on 11 February 2011**

The Administration is requested to --

1. In respect of the proposed surcharge on the cost incurred by the Building Authority (BA) to be recovered from an owner who has failed to comply with a notice served under the proposed new sections 30B(3), (4), (5) or (6) or proposed new sections 30(3) or (4) of the Buildings Ordinance (Cap. 123) (BO), provide a response to members' suggestion of setting 20% as the maximum ceiling for the surcharge, and that BA has discretion to impose a lower surcharge or waive the surcharge if the owner has a reasonable excuse for failing to comply with BA's notice.
2. Provide information on the number and details of cases over the last five years where Buildings Department (BD) staff has entered and broke into premises to ascertain building safety;
3. Provide an assessment on the estimated number of cases that BA would need to apply to the court for a warrant to enter private premises under the new clause 16A (that amends section 22 of BO).
4. Provide a paper to explain how the Bill should be revised to make it clear that the proposal to require BD to apply for a warrant to enter any private premises for enforcement action would in effect narrow, rather than expand, BD's power under BO. The paper should also set out under what emergency circumstances would persons appointed by BA enter a private premises without a warrant.