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19 April 2011

Ms Annette LAM  
Clerk to Bills Committee  
Legislative Council Building  
8 Jackson Road, Central

Dear Ms LAM,

**Bills Committee on Buildings (Amendment) Bill 2010  
Administration's Response to Follow-up Issues**

In response to the discussions at the meetings of the Bills Committee on the Buildings (Amendment) Bill 2010 (the Bill) on 11 February, 16 March and 28 March 2011, we are pleased to provide below information in relation to the matters about which Members enquired.

**Warrants for Entry into Interiors of Individual Premises**

At the meetings of the Bills Committee on 11 February and 28 March 2011, Members discussed the Administration's proposal (the proposal) to provide in law that the Buildings Department (BD) can apply to the Court for warrants to enter into private premises under certain circumstances.

In our previous paper for the Bills Committee entitled "Proposed Major Committee Stage Amendments" (ref. CB(1)1423/10-11(01) and the letter to the Bills Committee dated 25 March 2011 (ref. CB(1)1706/10-11(04)), we have explained that the purpose of the proposal is to enable the BD to respond to complaints and take enforcement actions more efficiently and effectively against

building safety problems to protect public safety. To briefly recap, section 22 of the Buildings Ordinance (Cap. 123) (BO) currently empowers officers of BD to enter into any individual premises and where necessary, in the presence of a police officer, break into such premises to ascertain their safety. Nevertheless, in practice, the BD seldom exercises this power given the public's general concern over the disturbance this may cause and private property rights. On the other hand, the work of BD is often frustrated by uncooperative owners or occupants who refuse to grant entry to BD's staff, despite the department's manpower-intensive effort of paying visits to the flats during different times of the day and week. The BD will only resort to its power of forced entry in extreme cases where there is a clear sign of imminent danger. Operational experience of other departments reveals that with the issue of a warrant from the Court, owners will more readily cooperate and grant entry for inspection and/or necessary repair works. As such, in our package of measures to enhance building safety in Hong Kong announced in October 2010, with particular reference to effective enforcement, we have proposed to introduce legislative amendments in the Bill to provide for application to the Court for warrants under the BO. This will be particularly useful for inspections relating to sub-divided units and other building safety problems within individual premises (e.g. owners' refusal to conduct mandatory window inspection/repair works under the Mandatory Window Inspection Scheme (MWIS)).

We discussed the proposal at the meetings of the Bills Committee on 11 February and 28 March 2011. Members' reactions towards the proposal were mixed. While some Members were of the view that the proposal might have wide implications for the modus operandi of the BD as well as the daily life of individual owners and occupants, other were concerned about the practical problems encountered by the BD in carrying out their duties efficiently and effectively including taking the necessary enforcement actions to safeguard public safety, in particular in implementing the new package of measures to enhance building safety. In general, Members were of the view that careful deliberations would be required in taking forward the proposal. At the same time, some Members have suggested refinements and further safeguards to the proposed provisions concerning the application of warrants from the Court.

As we have previously explained, enforcement is a key part of our strategy to enhance building safety. The purpose of the proposal is to enable

the BD to respond to complaints and take enforcement actions against building safety problems efficiently and effectively. Based on operational experience, it is very difficult and protracted for BD staff to be given access by the owners or tenants to their premises under complaint, setting aside the issue of the resources required. On the other hand, present day public expectations are making it almost inconceivable for BD to invoke the current power in the BO to break into private premises accompanied by the Police unless under very extreme circumstances. Our proposed amendment of applying to the Court for warrant will enhance the Department's efficiency and effectiveness to follow-up on cases with uncooperative owners and occupiers, including cases with unauthorized building works (UBWs) relating to sub-divided units in old buildings and enforcement of the MWIS. The proposal has been formulated with reference to the experience of other departments with similar power of entry (e.g. investigation of water seepage cases by the Food and Environmental Hygiene Department). Such arrangements have been operating smoothly with no particular adverse comment from the community. In addition, the Court would act as the gatekeeper to ascertain that the warrants would only be granted in accordance with statutory requirements in force and are genuinely necessary for enhancing building safety. We consider that the proposal has attained a fine balance between public concerns over building safety and those over private property rights.

Despite the Administration's intentions and justifications, we acknowledge that this particular proposal is not included in the Bill and we would wish to obtain the Bills Committee's support for effecting this through committee stage amendments (CSAs). As such, we feel that we should fully respect Members' wish expressed at an earlier meeting for the proposal to be discussed more thoroughly before deciding whether the same could be enacted into law. Thus, as an alternative, in order not to delay passage of the Bill, we have earlier proposed for Members' consideration the option of taking the "warrant" proposal out from the proposed CSAs in the current exercise, and implementing the same through a separate bill within the next legislative year. However, at the last Bills Committee meeting held on 28 March 2011, Members present raised concern that proposals to handle building safety issues within individual premises should form an integral part of the Mandatory Building Inspection Scheme (MBIS)/MWIS, and the package would otherwise be incomplete without a practical solution to tackle prominent problems such as

sub-divided units. Some Members also pointed out that as the term of the current Legislative Council would end in just one year's time, there might not be enough time for processing a separate legislative exercise to amend the BO. They suggested that the Administration take into account Members' comments and present a revised proposal for the Bills Committee's further consideration.

At the request of the Bills Committee as set out in the "List of follow-up actions arising from the discussion at the meeting on 28 March 2011" (ref. CB(1)1896/10-11(01)), we have given the matter further consideration. To enable BD to tackle uncooperative owners/occupants against a backdrop of general community support for effective enforcement, we are of the considered view that early enactment of the "warrant" proposal is in the best public interest. It is relevant to note that in its latest direct investigation into enforcement actions against UBWs in New Territories Exempted Houses, the Ombudsman has lent its support to the Administration's proposal to amend the law relating to entry into premises for inspection of UBWs which should help tackle stalling tactics by owners. We have taken this opportunity to review the proposed CSAs and suggest a revised proposal for the new clause 16A of the Bill (which amends section 22 of the BO). In the previous discussion, Members were most concerned about the proposed subsection (1B) of section 22 which deals with the reasons for the application of a warrant. We propose to impose **additional safeguards and requirements** for the BD's application for a warrant from the Court. Under the revised proposal, a magistrate may issue a warrant authorizing the Building Authority (BA) or any authorized officer to enter and, if necessary, break into the premises, for exercising his power only if the magistrate is satisfied by information on oath that -

- (a) there are reasonable grounds for suspecting that -
  - (i) building works have been or are being carried out in the premises or on the land in contravention of the provisions of the BO [*e.g. erections of UBWs in relation to sub-divided units and carrying out of sub-standard building works*];
  - (ii) the use of the premises has contravened the provisions of the BO [*e.g. change of industrial premises for domestic use*];
  - (iii) the premises or land has been rendered dangerous or liable to become dangerous [*e.g. dangerous or defective buildings such as*

- structural cracks and dangerous slopes with washing down of excessive soil during storm];*
- (iv) the drains or sewers of the premises or land are in a defective or insanitary condition [*e.g. defective drainage systems with obvious signs of leaking drain pipes such as stains found in ceilings of premises below*]; or
  - (v) a notice or order served under the BO in relation to the premises or land is not being complied [*e.g. non-compliance of statutory notices under MBIS/MWIS or removal order for UBWs*]; and
- (b) the entry into the premises or upon the land cannot be gained by the BA or any authorized officer despite visits made for at least two times on different days, or entry to the premises or land has been refused; and
- (c) a notice of intention to apply for a warrant has been served on the owner or occupier of the premises or land.

A flow chart showing the BD's proposed operation procedures is at **Annex A**. The proposed refinements would require the BA to submit relevant information to the Court to facilitate consideration of whether the issue of warrants is genuinely necessary. The BD estimates that there would be around 300 applications for warrants every year.

As requested by Members, we attach at **Annex B** the legal provisions in other Ordinances empowering the relevant authorities to enter into private premises for inspection or law enforcement purposes, to which we have made reference in considering the "warrant" proposal, for reference.

Subject to Members' support, we will proceed to revise the relevant CSAs for Members' further consideration.

### **Consultants and Contractors Engaged in Operation Building Bright**

At the Bills Committee meeting on 16 March 2011, Members asked for further information regarding the engagement of consultants and contractors for repair works under the Operation Building Bright (OBB).

As at the end of March 2011, 392 OBB target buildings with repair works carried out by owners' corporations (OCs) voluntarily had commenced or completed repair works. Among the 985 cases and 371 cases for which consultants and contractors had been appointed, a total of 75 consultant companies and 96 contractors respectively were involved. Two tables showing the participation of these appointed consultants and contractors are at **Annex C**. We anticipate that as more buildings assisted under OBB have works commenced, more building professionals and practitioners will be involved. The Hong Kong Housing Society (HKHS) and Urban Renewal Authority (URA) will continue to assist owners in tendering and selecting suitable building professionals and contractors for conducting repair works. As regards the MBIS/MWIS, since they are regular territory-wide initiatives instead of a one-off funding scheme such as OBB, we anticipate that the more constant and regular demand arising from the Schemes will attract more practitioners to get involved in bidding for the inspections and repair works.

Whilst HKHS and URA provide advice and technical support to OCs in the appointment and selection of consultant companies, the two organizations have not kept records of the number of consultant companies submitting bids in tendering for OBB projects on behalf of the OCs.

### **Assistance/Advice to Owners on Tendering Process**

At the Bills Committee meeting on 28 March 2011, Members suggested that the Administration explore with the HKHS and URA on how best to provide professional advice on tender prices of building inspection and repair for building owners and to develop a database on the cost involved in various building inspection and repair projects.

As elaborated in our previous paper for the Bills Committee entitled "Selection of Target Buildings and Assistance to Owners in Need in Mandatory Building and Window Inspection Schemes" (ref. CB(1)1787/09-10(01)), the Government, together with the HKHS and URA, will provide a comprehensive range of assistance to building owners during the various stages of building inspection and repair. Apart from the financial assistance to owners in need, the HKHS and URA will provide a full range of technical assistance to OCs and owners to guide them in carrying out inspection and repair works. Practical

advice covers details concerning the tendering process and selection of inspectors and contractors as well as monitoring of the progress of works. The organizations will draw building owners' special attention to anti-corruption and anti-tender-rigging procedures. The owners of all buildings, including those with good management, may obtain information from the HKHS and URA on matters concerning MBIS, MWIS and other building maintenance issues. With their local network, including the HKHS's ten Property Management Advisory Centres and URA's district agencies, the two organizations will provide necessary information to all building owners in Hong Kong.

We are mindful that many building owners may not have prior experience in conducting large-scale building maintenance and repair works, and may not be conversant with tendering procedures and, in particular, analyzing the tender prices submitted. To facilitate the work of the owners in this regard, HKHS has developed a Building Maintenance Tool kit in consultation with the Independent Commission Against Corruption (ICAC) which contains guidelines/ standard templates/ checklists for tendering procedures for the use of building owners. Owners may also make reference to the maintenance guidelines issued by HKHS, URA and Hong Kong Institute of Surveyors (HKIS) containing objective points to consider their evaluation of tender submissions. Taking into account experience obtained from OBB and the implementation details of the MBIS, HKHS and URA will, in consultation with the professional institutes, update the toolkit and relevant guidelines accordingly. Such documents will guide OCs/owners in requiring potential bidders to submit the essential information, including the resources of their companies, the number of hours they can allocate to the inspection and repair works of the building, etc. to help owners consider the bids and manage their agents. Building owners may seek advice from HKHS/URA on the aforementioned procedures if in doubt. The HKIS published a set of "Standard Form of Contract for Decoration, Repair and Maintenance Works" with the essential terms and conditions for building owners so that they can adequately protect their interests and may make claims should the registered inspectors (RIs)/contractors fail to deliver their services satisfactorily in accordance with the contracts. HKHS and URA will also explore developing a standard tender document for the use of OCs applying for subsidy of first building inspection.

Regarding Members' suggestion of developing a database on prices of past OBB projects, in practice, the Administration has been publicizing information about OBB projects from time to time through, for example, replies to questions of the Special Finance Committee of the Legislative Council. We are in parallel discussing with the HKIS with a view to developing a price list that will provide objective reference to owners. The Institute is conducting a study with the objective of formulating a set of maintenance cost data, which would summarize a range of prices of various typical items of works, for publication. We are mindful that such a list should be carefully compiled so as not to create a false impression to building owners or the building industry that the prices therein represent standard prices applicable in every repair situation. The actual costs for each inspection and repair projects might vary considerably due to a number of factors, in particular the condition of the individual buildings. We will continue our discussion with the professional institutions to make the best use of information already available in our database for dissemination to the public so as to provide useful reference and at the same time not to mislead owners.

Upon implementation of the MBIS and MWIS, the Government will enhance publicity and public education for building owners, OCs and management companies (in particular those target buildings under the MBIS/MWIS) to adopt suitable monitoring practices. The draft Practice Note on Best Practices on Tendering Procedures as attached in our letter to the Bills Committee dated 11 February 2011 (ref. CB(1)1266/10-11(02)) aims to provide clear guidelines for building professionals to follow throughout the whole tendering process. We will also advise owners, through publicity and public education, to follow such best practices. The best practices are modeled on the guidelines on maintenance works issued by the HKHS and URA (in consultation with the ICAC) for the OBB.

Moreover, as explained in our letter to the Bills Committee dated 28 February 2011 (ref. CB(1)1451/10-11(01)), owners of buildings which have joined the OBB are required to include in their invitation list a number of potential bidders (who have recently expressed interest in repair and renovation works to HKHS) from a list of such qualified personnel/companies maintained by the HKHS. Such arrangement has been accepted and welcomed by OCs/owners participating in the OBB. In the implementation of MBIS/MWIS,



we will explore with the HKHS, URA and the professional institutes the provision of similar service (such as maintaining a list of building professionals who have indicated that they are interested in providing inspection and repair services to building owners) to the OCs/owners when they prepare bidders' lists of RIs and registered contractors.

Yours sincerely,

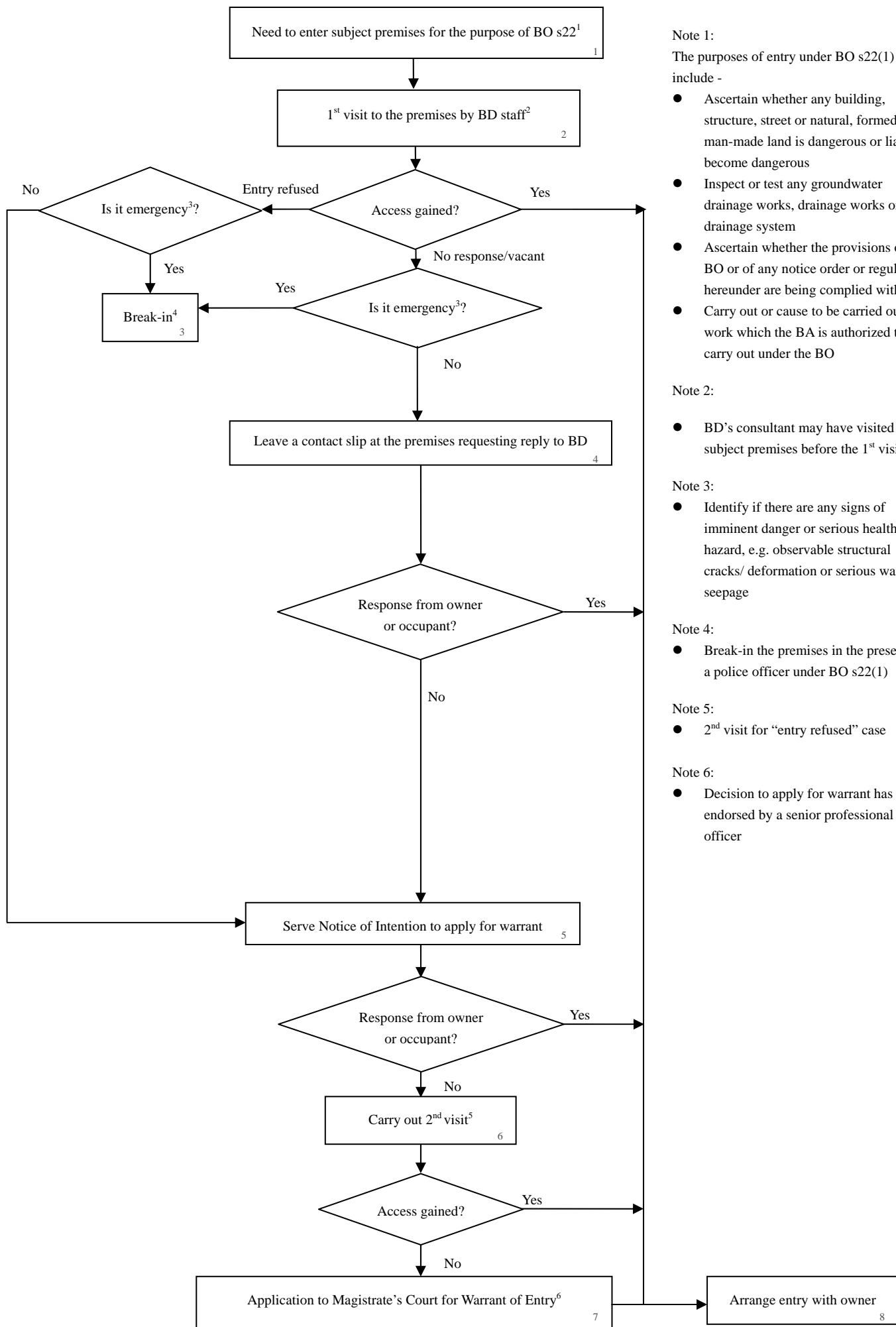


( Daniel Fong )  
for Secretary for Development

c.c.

Department of Justice  
Director of Buildings

**Flowchart for the proposed warrant in section 22 of the Buildings Ordinance**



- Note 1:  
The purposes of entry under BO s22(1) include -
- Ascertain whether any building, structure, street or natural, formed or man-made land is dangerous or liable to become dangerous
  - Inspect or test any groundwater drainage works, drainage works or drainage system
  - Ascertain whether the provisions of the BO or of any notice order or regulation hereunder are being complied with
  - Carry out or cause to be carried out any work which the BA is authorized to carry out under the BO

- Note 2:
- BD's consultant may have visited the subject premises before the 1<sup>st</sup> visit

- Note 3:
- Identify if there are any signs of imminent danger or serious health hazard, e.g. observable structural cracks/ deformation or serious water seepage

- Note 4:
- Break-in the premises in the presence of a police officer under BO s22(1)

- Note 5:
- 2<sup>nd</sup> visit for "entry refused" case

- Note 6:
- Decision to apply for warrant has to be endorsed by a senior professional officer

**Empowering Provisions in Other Ordinances  
for Entry into Interiors of Individual Premises**

Chapter: 102	Title: WATERWORKS	Gazette
	ORDINANCE	Number:
Section: 12	Heading: <b>Power of entry into premises</b>	Version Date: 30/06/1997

(1) Subject to subsection (2), the Water Authority, and any person authorized by him in writing, may enter at any reasonable time, or in case of urgency at any time, any premises to-

- (a) ascertain consumption;
- (b) restrict or suspend a supply under section 9;
- (c) disconnect a fire service or inside service under section 10 or 19(2);
- (d) ascertain whether there is in respect of a fire service or inside service on the premises any contravention of this Ordinance;
- (e) install, inspect, test, regulate, alter, repair or remove any part of the waterworks or any fire service or inside service therein.

(2) Except in case of urgency, neither the Water Authority nor a person authorized by him may enter any premises under subsection (1) unless he-

- (a) first obtains the consent of the occupier of such premises; or
- (b) first obtains a warrant under subsection (3).

(3) If it is shown to the satisfaction of a magistrate on sworn information in writing that-

- (a) admission to any premises has been refused, or refusal is apprehended, or the premises are unoccupied, or the occupier is temporarily absent, or an application for admission would defeat the object of the entry;
- (b) there is reasonable ground for entry into the premises for any purpose specified in subsection (1); and
- (c) notice of the intention to apply for the warrant has been served on the occupier of the premises, or such notice cannot be served because the premises are unoccupied or the occupier is

temporarily absent, or the serving of such notice would defeat the object of the entry,

the magistrate may by warrant authorize the Water Authority, or any person authorized by the Water Authority in writing, to enter the premises, if need be by force. (Amended 47 of 1997 s. 10)

(4) The Water Authority, or any person authorized by him, entering any premises under this section may take with him such persons as may be necessary, and on leaving any unoccupied premises which he has entered shall leave them as effectually secured against trespassers as he found them to be at the time of entry.

(5) Every warrant issued under subsection (3) shall continue in force until the purpose of which the entry is necessary has been satisfied.

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Chapter: 132	Title:	PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE	Gazette Number:	L.N. 320 of 1999
Section: 126	Heading:	<b>General powers of entry</b>	Version Date:	01/01/2000

(1) Subject to the provisions of this section, any public officer authorized in writing by a public officer (referred to in this section as the authorizing authority), shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises, vehicle, vessel or aircraft at any time between the hours of 7 a.m. and 7 p.m., and, in the case of any workplace or any premises or vessel used for business purposes, at any time during which work or business is carried on- (Amended 78 of 1999 s. 7)

(a) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises, vehicle, vessel or aircraft any contravention of the provisions of this Ordinance, being provisions which it is the duty of the authorizing authority to enforce;

(b) for the purpose of ascertaining whether or not circumstance exist which would authorize or require the authorizing authority to take any action, or execute any work, under the provisions of this Ordinance, and for this purpose, such officer may take and

carry away samples of any article or thing, including water, found there;

(c) for the purpose of taking any action, or executing any work, authorized or required by the provisions of this Ordinance to be taken or executed by the authorizing authority;

(d) for the purpose of carrying out any tests the carrying out of which is authorized under the provisions of this Ordinance;

(e) generally, for the purpose of the performance by the authorizing authority of his functions under the provisions of this Ordinance: (Amended 78 of 1999 s. 7)

Provided that admission to any premises or vessel, not being premises or a vessel used for business purposes or as a workplace, shall not be demanded as of right unless not less than 2 hours' notice in writing of the intended entry has been given to the occupier of such premises or the person in charge of such vessel, or, in the absence of such person, posted in some conspicuous place on such premises or vessel, as the case may be.

(2) If it is shown to the satisfaction of a magistrate on sworn information in writing-

(a) that admission to any premises or vessel has been refused or that refusal is apprehended, or that such premises are unoccupied or such vessel unattended, as the case may be, or that the occupier or attendant is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry, or that it is reasonable for the purposes of this Ordinance in the circumstances of the case that entry be effected between the hours of 7 p.m. and 7 a.m.;

and

(b) that there is reasonable ground for entry into the premises or vessel for any such purpose as aforesaid,

the magistrate may by warrant in the form of Form B prescribed in the Seventh Schedule authorize any public officer authorized in that behalf by the public officer for whose purposes such entry is necessary to effect entry, if need be by force:

(Amended 78 of 1999 s. 7)

Provided that such warrant shall not be issued unless the magistrate is satisfied either that notice of the intention to apply for a warrant has been given to the occupier of the premises or to the person in charge of the vessel, as the case may be, or that the premises are unoccupied or the vessel unattended, or that the occupier or attendant is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry, or that it is reasonable for the purposes of this

Ordinance in the circumstances of the case that entry be effected between the hours of 7 p.m. and 7 a.m. (Amended 47 of 1997 s. 10)

(3) Any public officer entering any premises or vessel by virtue of the provisions of subsection (1) or of a warrant issued under subsection (2) may take with him such persons as may be necessary, and, on leaving any unoccupied premises or any unattended vessel which he has entered by virtue of such provisions or such warrant, shall leave such premises or vessel as effectually secured against trespassers as he found the same to be at the time of entry.

(4) Every warrant granted under the provisions of subsection (2) shall continue in force until the purpose for which the entry is necessary has been satisfied.

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Chapter: 502	Title:	FIRE SAFETY (COMMERCIAL PREMISES) ORDINANCE	Gazette Number:	L.N. 234 of 1998
Section: 15	Heading:	<b>Power to enter premises or building and other powers of authorized officers</b>	Version Date:	01/06/1998

(1) An authorized officer may enter and inspect premises or a building without warrant if the officer reasonably believes that-

- (a) the premises or building are or may be prescribed commercial premises or a specified commercial building; or
- (b) an offence against this Ordinance is being or has been committed on those premises or buildings.

(2) An authorized officer may also enter and inspect prescribed commercial premises or a specified commercial building without warrant in order to ascertain whether or not a fire safety direction, fire safety improvement direction, fire safety compliance order or fire safety improvement compliance order, as the case may be, made in respect of the premises or building has been complied with. (Replaced 15 of 1998 s. 16)

(3) If, on the application of an enforcement authority, it is proved to the satisfaction of a magistrate on sworn information-

- (a) that admission to premises or a building has been refused, or

that refusal of admission is reasonably expected, or that the premises or building are unoccupied or that the case is one of urgency; and

(b) that there is a good reason for an authorized officer to enter the premises or building,

the magistrate may issue a warrant authorizing an authorized officer to enter the premises or building with such force as may be necessary.

(4) On leaving unoccupied premises or an unoccupied building entered in accordance with this section, an authorized officer must ensure that they are as effectively secured against trespassers as the officer found them at the time of entry.

(5) A warrant issued under this section continues in force for 1 month from the date of its issue or until the purpose for which entry is required has been fulfilled, whichever first occurs.

(Amended 15 of 1998 s. 16)

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Chapter: 572	Title:	FIRE SAFETY (BUILDINGS) ORDINANCE	Gazette Number:	L.N. 63 of 2007
Section: 16	Heading:	<b>Power to enter a building, etc. and other powers of authorized officers</b>	Version Date:	01/07/2007

(1) An authorized officer may enter and inspect a building or part of a building without warrant if the officer reasonably believes that-

(a) it is or may be a composite building or domestic building or a part thereof; or

(b) an offence against this Ordinance is being or has been committed therein.

(2) An authorized officer may also enter and inspect a building or part of a building without warrant in order to ascertain whether or not a fire safety direction or fire safety compliance order, as the case may be, made in respect of it has been complied with.

(3) An authorized officer must not enter under subsection (1) or (2) any part of a building-

(a) intended for domestic purposes; and

(b) in respect of which the occupier of that part of the building has an exclusive right of use and enjoyment, unless no less than 24 hours' notice in writing of an intended entry by such officer has been given to that occupier.

(4) If, on the application of an enforcement authority, it is proved to the satisfaction of a magistrate on sworn information-

(a) that admission to a building or part of a building has been refused, or that refusal of admission is reasonably expected, or that it is unoccupied or that the case is one of urgency; and

(b) that there is a good reason for an authorized officer to enter it,

the magistrate may issue a warrant authorizing an authorized officer to enter the building or part of a building with such force as may be necessary.

(5) On leaving an unoccupied building or part of a building entered in accordance with this section, an authorized officer must ensure that it is as effectively secured against trespassers as the officer found it at the time of entry.

(6) A warrant issued under this section continues in force for 1 month from the date of its issue or until the purpose for which entry is required has been fulfilled, whichever first occurs.

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Chapter: 603	Title: PRODUCT	Gazette	L.N. 86 of
	ECO-RESPONSIBILITY	Number:	2009
	ORDINANCE		
Section: 8	Heading: <b>Power of entry and search</b>	Version Date:	30/04/2009

(1) Where a warrant has been issued under subsection (2) in respect of a place, an authorized officer may enter and search the place in accordance with this section.

(2) A magistrate may issue a warrant authorizing an authorized officer to enter and search a place only if—

(a) the magistrate is satisfied by information on oath that there are reasonable grounds for suspecting that—

(i) an offence against this Ordinance has been or is being committed in the place; or

(ii) there is in the place anything that constitutes, or is likely to constitute, evidence that an offence against this



Ordinance has been or is being committed; and

(b) the magistrate is satisfied that—

(i) it is not practicable to communicate with a person entitled to grant entry to the place;

(ii) such a person has unreasonably refused entry to the place by an authorized officer;

(iii) an authorized officer apprehends on reasonable grounds that entry to the place is unlikely to be granted unless a warrant is issued; or

(iv) the purpose of entry to the place would be prejudiced unless an authorized officer arriving at the place can secure immediate entry.

(3) An authorized officer who enters and searches a place under a warrant must, if required, produce the warrant for inspection.

(4) A warrant issued under this section continues in force until the purpose for which the entry is necessary has been satisfied.

(5) An authorized officer who enters a place under this section may do all or any of the following—

(a) require any person present at the place to provide such assistance or information as may be necessary to enable the officer to perform his functions under this Ordinance;

(b) search and seize anything that the officer reasonably believes to be evidence of the commission of an offence under this Ordinance;

(c) retain the thing for such period as may be reasonably necessary for further examination or reproduction, or until the relevant proceedings under this Ordinance have been heard and finally determined.

(6) An authorized officer must perform his functions under this section at a reasonable hour unless he believes that the purpose of their performance could be frustrated if he performs them at a reasonable hour.

(7) In this section, “place” (地方) includes any vehicle and vessel.

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Chapter: 313 Title: SHIPPING AND PORT Gazette L.N. 282 of  
CONTROL Number: 2006  
ORDINANCE  
Section: 60A Heading: **Powers of authorized officers to enter  
premises, etc.** Version Date: 02/01/2007

(1) Subject to this section, an authorized officer may, on producing, if so required, some duly authenticated document showing his authority, enter any non-domestic premises at any time between the hours of 7 a.m. and 7 p.m. for the purposes of-

(a) (Repealed 43 of 1999 s. 91)

(b) taking any action authorized or required to be taken by or under this Ordinance in respect of any such vessel found on the premises.

(2) A magistrate may, if satisfied by information on oath that-

(a) admission to any non-domestic premises has been refused or that refusal is apprehended, or that such premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry, or that it is reasonable for the purposes of this Ordinance in the circumstances of the case that entry be effected between the hours of 7 p.m. and 7 a.m.; and

(b) there is reasonable ground for entry into the premises for any of the purposes of subsection (1),

issue a warrant authorizing an authorized officer to effect entry, if need be by force: Provided that such warrant shall not be issued unless the magistrate is satisfied that notice of the intention to apply for a warrant has been given to the occupier of the premises, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry, or that it is reasonable for the purposes of this Ordinance in the circumstances of the case that entry be effected between the hours of 7 p.m. and 7 a.m., as may be appropriate.

(3) A magistrate may, if satisfied by information on oath that there is reasonable ground for entry into domestic premises for any of the purposes of subsection (1), issue a warrant authorizing an authorized officer to effect entry between the hours of 7

a.m. and 7 p.m., if need be by force:

Provided that such warrant shall not be issued unless the magistrate is satisfied that notice of the intention to apply for a warrant has been given to the occupier of the premises, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

(4) Any authorized officer entering any premises by virtue of the provisions of subsection (1) or of a warrant issued under subsection (2) or (3) may take with him such persons as may be necessary, and on leaving any unoccupied premises which he has so entered, shall leave such premises as effectually secured against trespassers as he found the same to be at the time of entry.

(5) Every warrant issued under subsection (2) or (3) shall continue in force until the purpose for which the entry is necessary has been satisfied.

(6) For the purposes of this section-

"domestic premises" (住宅處所) means any premises used wholly or mainly for residential purposes and constituting a separate household unit; and

"non-domestic premises" (非住宅處所) means any premises other than domestic premises.

(Added 46 of 1981 s. 10)

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Chapter: 548	Title:	MERCHANT SHIPPING (LOCAL VESSELS) ORDINANCE	Gazette Number:	L.N. 282 of 2006
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Section: 62	Heading:	<b>Powers of authorized officers to enter premises, etc.</b>	Version Date: 02/01/2007
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(1) Subject to this section, an authorized officer may, on producing, if so required, some duly authenticated document showing his authority, enter any premises, other than domestic premises, at any time between the hours of 7 a.m. and 7 p.m. for the purposes of-

(a) ascertaining whether there is, or has been, on the premises, any local vessel that appears to be or to have been possessed or used in contravention of any of the provisions of this Ordinance; and

(b) taking any action authorized or required to be taken by or

under this Ordinance in respect of any such vessel found on the premises.

(2) A magistrate may, if satisfied by information on oath that-

- (a) admission to any premises, other than domestic premises, has been refused or that refusal is apprehended, or that such premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry, or that it is reasonable for the purposes of this Ordinance in the circumstances of the case that entry be effected between the hours of 7 p.m. and 7 a.m.; and
- (b) there is reasonable ground for entry into the premises for any of the purpose of subsection (1),

issue a warrant authorizing an authorized officer to effect entry, if need be by force :  
Provided that such warrant shall not be issued unless the magistrate is satisfied that notice of the intention to apply for a warrant has been given to the occupier of the premises, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry, or that it is reasonable for the purposes of this Ordinance in the circumstances of the case that entry be effected between the hours of 7 p.m. and 7 a.m. as may be appropriate.

(3) A magistrate may, if satisfied by information on oath that there is reasonable ground for entry into domestic premises for any of the purposes of subsection (1), issue a warrant authorizing an authorized officer to effect entry between the hours of 7 a.m. and 7 p.m., if need be by force:

Provided that such warrant shall not be issued unless the magistrate is satisfied that notice of the intention to apply for a warrant has been given to the occupier of the premises, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

(4) Any authorized officer entering any premises by virtue of the provision of subsection (1) or of a warrant issued under subsection (2) or (3) may take with him such persons as may be necessary, and on leaving any unoccupied premises which he has so entered, shall leave such premises as effectually secured against trespassers as he found the same to be at the time of entry.

(5) Every warrant issued under subsection (2) or (3) shall continue in force until the purpose for which the entry is necessary has been satisfied.

**Project Distribution of Consultants and Contractors  
under Operation Building Bright**

**Table 1: Project Distribution of Consultants (as at 23 March 2011)**

	Number of Projects
1 Consultant 1	134
2 Consultant 2	95
3 Consultant 3	64
4 Consultant 4	54
5 Consultant 5	53
6 Consultant 6	39
7 Consultant 7	35
8 Consultant 8	31
9 Consultant 9	28
10 Consultant 10	27
11 Consultant 11	22
12 Consultant 12	21
13 Consultant 13	21
14 Consultant 14	20
15 Consultant 15	20
16 Consultant 16	19
17 Consultant 17	19
18 Consultant 18	17
19 Consultant 19	16
20 Consultant 20	15
21 Consultant 21	14
22 Consultant 22	13
23 Consultant 23	13
24 Consultant 24	13
25 Consultant 25	11
26 Consultant 26	11
27 Consultant 27	10
28 Consultant 28	9
29 Consultant 29	9
30 Consultant 30	9
31 Consultant 31	8
32 Consultant 32	8
33 Consultant 33	8
34 Consultant 34	6
35 Consultant 35	6

36	Consultant 36	6
37	Consultant 37	5
38	Consultant 38	5
39	Consultant 39	4
40	Consultant 40	4
41	Consultant 41	4
42	Consultant 42	4
43	Consultant 43	4
44	Consultant 44	4
45	Consultant 45	4
46	Consultant 46	3
47	Consultant 47	3
48	Consultant 48	4
49	Consultant 49	2
50	Consultant 50	2
51	Consultant 51	2
52	Consultant 52	2
53	Consultant 53	2
54	Consultant 54	2
55	Consultant 55	1
56	Consultant 56	1
57	Consultant 57	1
58	Consultant 58	1
59	Consultant 59	1
60	Consultant 60	1
61	Consultant 61	1
62	Consultant 62	1
63	Consultant 63	1
64	Consultant 64	1
65	Consultant 65	1
66	Consultant 66	1
67	Consultant 67	1
68	Consultant 68	1
69	Consultant 69	1
70	Consultant 70	1
71	Consultant 71	1
72	Consultant 72	1
73	Consultant 73	1
74	Consultant 74	1
75	Consultant 75	1
	<b>Total</b>	<b>985</b>

**Table 2 : Project Distribution of Contractors (as at 4 March 2011)**

		Number of Projects
1	Contractor 1	24
2	Contractor 2	17
3	Contractor 3	14
4	Contractor 4	14
5	Contractor 5	11
6	Contractor 6	10
7	Contractor 7	9
8	Contractor 8	9
9	Contractor 9	9
10	Contractor 10	9
11	Contractor 11	9
12	Contractor 12	8
13	Contractor 13	8
14	Contractor 14	8
15	Contractor 15	6
16	Contractor 16	6
17	Contractor 17	6
18	Contractor 18	6
19	Contractor 19	6
20	Contractor 20	6
21	Contractor 21	5
22	Contractor 22	5
23	Contractor 23	5
24	Contractor 24	5
25	Contractor 25	5
26	Contractor 26	5
27	Contractor 27	5
28	Contractor 28	5
29	Contractor 29	5
30	Contractor 30	5
31	Contractor 31	4
32	Contractor 32	4
33	Contractor 33	4
34	Contractor 34	3
35	Contractor 35	3
36	Contractor 36	3
37	Contractor 37	3
38	Contractor 38	3
39	Contractor 39	3
40	Contractor 40	3
41	Contractor 41	3
42	Contractor 42	3
43	Contractor 43	3
44	Contractor 44	3
45	Contractor 45	3
46	Contractor 46	3
47	Contractor 47	3
48	Contractor 48	3
49	Contractor 49	3
50	Contractor 50	3
51	Contractor 51	3

52	Contractor 52	3
53	Contractor 53	3
54	Contractor 54	2
55	Contractor 55	2
56	Contractor 56	2
57	Contractor 57	2
58	Contractor 58	2
59	Contractor 59	2
60	Contractor 60	2
61	Contractor 61	2
62	Contractor 62	2
63	Contractor 63	2
64	Contractor 64	2
65	Contractor 65	1
66	Contractor 66	1
67	Contractor 67	1
68	Contractor 68	1
69	Contractor 69	1
70	Contractor 70	1
71	Contractor 71	1
72	Contractor 72	1
73	Contractor 73	1
74	Contractor 74	1
75	Contractor 75	1
76	Contractor 76	1
77	Contractor 77	1
78	Contractor 78	1
79	Contractor 79	1
80	Contractor 80	1
81	Contractor 81	1
82	Contractor 82	1
83	Contractor 83	1
84	Contractor 84	1
85	Contractor 85	1
86	Contractor 86	1
87	Contractor 87	1
88	Contractor 88	1
89	Contractor 89	1
90	Contractor 90	1
91	Contractor 91	1
92	Contractor 92	1
93	Contractor 93	1
94	Contractor 94	1
95	Contractor 95	1
96	Contractor 96	1
<b>Total</b>		<b>371</b>