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7 June 2011

Ms Annette LAM
Clerk to Bills Committee on Buildings (Amendment) Bill 2010
Legislative Council Building
8 Jackson Road, Central

Dear Ms LAM,

Bills Committee on Buildings (Amendment) Bill 2010
Proposed Committee Stage Amendments by Administration

At the meeting of the Bills Committee on the Buildings (Amendment) Bill 2010 (the Bill) on 20 May 2011, Members further discussed whether the committee stage amendments to the Bill proposed by the Administration to further strengthen the existing statutory building safety control regime are within the scope of the Bill. We would like to set out the Administration's position in this regard.

Since the Administration informed Members of the Bills Committee of our plan to introduce a set of proposed committee stage amendments (the proposed CSAs) to amend the Bill through the paper entitled "Proposed Major Committee Stage Amendments" (ref. CB(1)1423/10-11(01)) at the meeting of the Bills Committee on 11 February 2011, the Bills Committee had discussed thoroughly the proposed enhancement arrangements which would form a crucial part of the Government's new package of multi-pronged measures to strengthen the building safety control regime in Hong Kong. Members discussed our proposed CSAs in detail at six meetings of the Bills Committee on 11 February, 1 March, 16 March, 28 March, 20 April and 20 May 2011. Clause-by-clause


scrutiny of the proposed CSAs was also completed at the meeting of 28 March 2011. At the request of Members, we had provided supplementary information and alternatives for Members' reference and consideration through five written replies to the Bills Committee dated 25 February, 14 March, 25 March, 19 April and 13 May 2011 respectively (ref. CB(1)1423/10-11(04), CB(1)1584/10-11(02), CB(1)1706/10-11(04), CB(1)1896/10-11(02) and CB(1)2177/10-11(02)).

At the meeting on 20 May 2011, the Administration expressed its disagreement with the view that the proposed CSAs are not within the scope of the Bill. We reiterated our stance, as spelt out in our letter to the Bills Committee dated 13 May 2011 (ref. CB(1)2177/10-11(02)), that the proposed CSAs fall squarely within the objective of the Bill which is to introduce initiatives to arrest the building safety problem through regular inspections and associated repairs to prevent buildings and windows from becoming unsafe. The proposed CSAs carry the same objective to enhance building safety in Hong Kong through programmes and initiatives complementing the Mandatory Building Inspection Scheme (MBIS) and Mandatory Window Inspection Scheme (MWIS) on regular inspections and repairs of buildings. We, as well as some Members, took the view that the MBIS/MWIS would be incomplete without a practical solution to tackle prominent problems such as building works associated with sub-divided units which very often could lead to building safety concerns. At the same meeting, we invited Members present to express clearly whether they would support the introduction of the proposed CSAs. The Chairman has also invited views from all Members after the meeting.

We note that after the detailed discussions in the Bills Committee, while the majority of the Members support the principles of the proposed CSAs, only a few Members have indicated clearly that they would support the introduction of the proposed CSAs by the Administration. Although we maintain our stance that the proposed CSAs are within the scope of the Bill, we would not like to see the passage of the Bill and hence the implementation of the MBIS and MWIS delayed because of the time required for Members to further discuss whether the proposed CSAs should be allowed. We have therefore decided to remove all the proposed CSAs from the current legislative exercise but, given Members' support for the contents of the proposed CSAs which have already been scrutinized by Members, we would pursue a separate Bill containing the provisions of the proposed CSAs as soon as possible.

For the avoidance of doubt, we will propose to retain in the Bill the CSAs for which no doubt has been cast from the scope angle, and have been discussed and agreed by the Bills Committee. A list of these draft CSAs is at **Annex A** and a bilingual marked-up copy of the relevant provisions showing the CSAs is at **Annex B** for Members' easy reference.

Yours sincerely,



(Daniel Fong)
for Secretary for Development

c.c.

Secretary for Justice
Director of Buildings

BUILDINGS (AMENDMENT) BILL 2010

COMMITTEE STAGE

Amendments to be moved by the Secretary for Development

<u>Clause</u>	<u>Amendment Proposed</u>
4(6)	In the Chinese text, in the proposed definition of “合資格人士”, in paragraph (e), by deleting “類別” and substituting “類型”.
6(18)	In the Chinese text, by deleting ““或岩土工程師名冊的申請”而代以“” and substituting ““任何名單、結構工程師名冊或岩土工程師名冊的申請”而代以“中任何名單、結構工程師名冊”.
10(3)	By deleting “(as amended by section 9 of the Buildings (Amendment) Ordinance 2008 (20 of 2008) (referred to as the “amending Ordinance” in the following provisions))”.
10(4), (5), (6), (8), (9), (10), (11), (12) and (13)	By deleting “(as amended by section 9 of the amending Ordinance)”.
10	By deleting subclause (16).

- New By adding –
- “10A. Registers of contractors, etc.**
- (1) Section 8A(1)(c) is amended, in the Chinese text, by repealing “類別” and substituting “類型”.
- (2) Section 8A(4)(c) is amended, in the Chinese text, by repealing “類別” and substituting “類型”.”.
- 11 By deleting subclause (1).
- 13(1), (2), (3), (4) and (5) By deleting “(as amended by section 15 of the amending Ordinance)”.
- 13(6) By deleting ““within 28 days of the order of the disciplinary board” after “Instance”” and substituting ““registered minor works contractor,” before “director,””.
- 14 By deleting subclause (1).
- 19 In the proposed section 30A, in the heading, by deleting **“Interpretation and application”** and substituting **“Application”**.
- 19 By deleting the proposed section 30A(1).

- 19 In the proposed section 30B(5), by deleting “(other than a signboard)” and substituting “as prescribed in the regulations”.
- 19 In the proposed section 30B(5), in the Chinese text, by deleting “建築物內” and substituting “建築物”.
- 19 In the proposed section 30B(6), in the Chinese text, by deleting “建築物內” and substituting “建築物的”.
- 19 In the proposed section 30B(11), by adding “not exceeding” after “surcharge of”.
- 19 In the proposed section 30C(8)(b), by deleting “30E(1)” and substituting “30E(1)(a)”.
- 19 In the proposed section 30C(9), by adding “not exceeding” after “surcharge of”.
- 19 In the proposed section 30E(1), by deleting everything after “must appoint” and substituting –
- “_
- (a) a qualified person to carry out the

prescribed inspection; and

- (b) a qualified person to supervise the prescribed repair.”.

19 In the proposed section 30E, by adding –

“(1A) The qualified person appointed under subsection (1)(b) may be the same qualified person appointed under subsection (1)(a).”.

19 In the proposed section 30E(2), by deleting everything after “subsection” and substituting –

“(1)(a) is a natural person, the qualified person must –

- (a) carry out the prescribed inspection personally; and
- (b) comply generally with this Ordinance.”.

19 In the proposed section 30E(3), by deleting everything after “subsection” and substituting –

“(1)(a) is not a natural person, a representative of the qualified person as prescribed in the regulations must –

- (a) carry out the prescribed inspection personally; and
- (b) comply generally with this Ordinance.”.

- 19 In the proposed section 30E(4), by deleting “(1)” and substituting
“(1)(b)”.
- 19 In the proposed section 30E(5), by deleting “(1)” and substituting
“(1)(a) or (b)”.
- 19 In the proposed section 30E(6), by deleting “(1)” and substituting
“(1)(a) or (b)”.
- 19 In the proposed section 30E(6), by deleting “repair.” and substituting
“repair (as the case requires).”.
- 19 In the proposed section 30E(7), by deleting “(1)” and substituting
“(1)(a) or (b)”.
- 19 In the proposed section 30E(8), by deleting “(1)” and substituting
“(1)(a) or (b)”.
- 23 By adding –
- “(2A) Section 38(1)(ka)(ii) is amended, in the
Chinese text, by repealing “類別” and substituting “類型”.
- (2B) Section 38(1)(ka)(iii) is amended, in the

Chinese text, by repealing “類別” and substituting “類型”.

(2C) Section 38(1)(ka)(iv) is amended, in the Chinese text, by repealing “類別” and substituting “類型”.

(2D) Section 38(1)(kd)(ii) is amended, in the Chinese text, by repealing “類別” and substituting “類型”.

23(3) By deleting the proposed section 38(1)(kg)(ii).

24(1) By deleting “(as amended by section 26 of the amending Ordinance)”.

25 By deleting subclause (1) and substituting –

“(1) Section 39B(1) is amended by repealing everything before paragraph (a) and substituting –

“(1) A person who has been notified by an owners’ corporation of a building that an order has been served on the owners’ corporation under section 24(1), 26(1), 26A(1) or (3), 27A(1) or (2B), 27C(1) or (4) or 28(2)(a), (3) or (5), or a notice has been served on the owners’ corporation under section 30B(3), (5) or (6) or 30C(3), in relation to any

common parts of the building must not –”.”.

25 By deleting subclause (2) and substituting –

“(2) Section 39B(1)(a) is amended by repealing “works or other action that is required for the purpose of complying with the order” and substituting “inspection, investigation, works or other action that is required for the purpose of complying with the order or notice”.”.

25 By deleting subclause (3) and substituting –

“(3) Section 39B(1)(b) is amended by repealing “works or other action that is required for the purpose of complying with the order” and substituting “inspection, investigation, works or other action that is required for the purpose of complying with the order or notice”.”.

25 By deleting subclause (4) and substituting –

“(4) Section 39B is amended by adding –

“(1A) A person who has been notified by an owners’ corporation of a building that a notice has been served on the owners’ corporation under section 30B(3), (5) or (6) or 30C(3) in relation to any common parts of the

building must not refuse to contribute to the cost of the inspection, investigation, works or other action that is required for the purpose of complying with the notice.”.”.

26 By deleting “(as amended by section 27 of the amending Ordinance)”.

27(1), (2), (5), (6) and (7) By deleting “(as amended by section 28 of the amending Ordinance)”.

27(8) In the proposed section 40(2AD), by deleting “30E(2)” and substituting “30E(2)(a)”.

27(8) In the proposed section 40(2AD), by deleting “30E(3)” and substituting “30E(3)(a)”.

27(9), (10), (13) and (14) By deleting “(as amended by section 28 of the amending Ordinance)”.

27 By adding –

“(14A) Section 40(2E) is amended, in the Chinese text, by repealing “類別” and substituting “類型”.”.

- 27(15) By deleting “(as amended by section 28 of the amending Ordinance)”.
- 27 By adding –
- “(16) Section 40 is amended by adding –
- “(4C) Any person who without reasonable excuse contravenes section 39B(1A) commits an offence and is liable on conviction to a fine at level 4.”.”.
- 36 In the proposed Schedule 7, in section 3, in the Chinese text, by deleting “在有申請以本附表第4條所述的方式提出時” and substituting “應以本附表第4條所述的方式而提出的申請”.
- 44 By deleting “(as amended by section 47 of the amending Ordinance)”.
- New By adding –
- “Fire Safety (Commercial Premises) Ordinance**
- 45A. Offence to disclose information obtained officially**
- Section 21(2) of the Fire Safety (Commercial Premises) Ordinance (Cap. 502) is amended by adding –

“(ba) in relation to exercising a power or performing a function under the Buildings Ordinance (Cap. 123), or for the purpose of enabling or facilitating any thing or work to be done by any person under that Ordinance; or”.”.

New By adding –

“Fire Safety (Buildings) Ordinance

47. Offence to disclose information obtained officially

Section 22(2) of the Fire Safety (Buildings) Ordinance (Cap. 572) is amended by adding –

“(ba) in relation to exercising a power or performing a function under the Buildings Ordinance (Cap. 123), or for the purpose of enabling or facilitating any thing or work to be done by any person under that Ordinance;”.”.

**Marked-up Version Showing
Administration's Latest Proposed
Committee Stage Amendments
to Buildings (Amendment) Bill 2010**

(Version as at 1 June 2011)

**顯示當局最新的擬議委員會審議階段修正案
對《2010年建築物(修訂)條例草案》的修訂
的標示版本**

(2011年6月1日版本)

Legend:

Proposed amendments under Buildings (Amendment) Bill 2010 (the Bill)

Administration's proposed Committee Stage Amendments: Proposed new amendments

Administration's proposed Committee Stage Amendments: Proposed further amendments to the Bill's proposed amendments

說明：

《2010年建築物(修訂)條例草案》下的擬議修訂

當局的擬議委員會審議階段修正案：新增的擬議修訂

當局的擬議委員會審議階段修正案：擬議對《條例草案》的擬議修訂作進一步修訂

Note:

The document is for reference only. The final wording to be adopted in the Committee Stage Amendments is subject to the discussion of the Bills Committee.

備註：

本文件僅供參考。委員會審議階段修正案的最終用詞仍需視乎法案委員會的討論而定。

Buildings Ordinance (Cap. 123)

Long title

To provide for the planning, design and construction of buildings and associated works; to make provision for the rendering safe of dangerous buildings and land; to make provision for regular inspections of buildings and the associated repairs to prevent the buildings from becoming unsafe; and to make provision for matters connected therewith.

Section 2 Interpretation

(1) In this Ordinance, unless the context otherwise requires –

“access road” (通路) means a road on land held under lease, licence or otherwise from the Government or on land over which the Government has granted a right of way, providing access only to buildings used or intended to be used wholly or mainly for purposes of habitation, and which is not a street;

“Architects Registration Board” (建築師註冊管理局) means the Architects Registration Board established by section 4 of the Architects Registration Ordinance (Cap 408);

“authorized person” (認可人士) means a person whose name is on the authorized persons’ register kept under section 3(1) –

- (a) as an architect;
- (b) as an engineer; or
- (c) as a surveyor;

“building” (建築物) includes the whole, or any part, of any domestic or public building or building which is constructed or adapted for use for public entertainment, arch, bridge, cavern adapted or constructed to be used for the storage of petroleum products, chimney, cook-house, cowshed, dock, factory, garage, hangar, hoarding, latrine, matshed, office, oil storage installation, out-house, pier, shelter, shop, stable, stairs, wall, warehouse, wharf, workshop or tower, sea-wall, breakwater, jetty, mole, quay, cavern or any underground space adapted or constructed for occupation or use for any purpose including its associated access tunnels and access shafts, pylon or other similar structure supporting an aerial ropeway and such other structures as the Building Authority may by notice in the Gazette declare to be a building;

“Building Authority” (建築事務監督) means the Director of Buildings;

《建築物條例》(第 123 章)

詳題

本條例旨在就建築物及相關工程的規劃、設計和建造訂定條文，就使危險建築物及危險土地安全訂定條文，就為防止建築物變得不安全而對建築物作定期檢驗及相關修葺訂定條文，以及就相關事宜訂定條文。

第 2 條 釋義

(1) 在本條例中，除文意另有所指外 –

“人工挖掘沉箱”(hand-dug caisson)指任何基礎或擋土構築物或其任何部分，而該基礎或構築物或該部分的建造包括由任何人在有機械工具輔助或無機械工具輔助的情況下以在豎井內進行挖掘的方式在地下挖掘豎井；

“土地勘測”(ground investigation)指任何為獲取與土地狀況有關的資料而對土地作出的勘探性鑽孔、沖孔、挖掘和探測工程，並包括裝置儀器、取樣、工地測試、任何其他地盤作業及從該等作業獲取的樣本的實驗室測試；

“土地註冊處”(Land Registry)指《土地註冊條例》(第 128 章)第 2(1)條所提述的土地註冊處；

“小型工程”(minor works)指在規例中為施行本定義而被指定為小型工程的建築工程；

“工程師註冊管理局”(Engineers Registration Board)指根據《工程師註冊條例》(第 409 章)第 3 條設立的工程師註冊管理局；

“升降機”(lift) 具有《升降機及自動梯(安全)條例》(第 327 章)第 2 條給予該詞的涵義；

“公用部分”(common parts) 具有《建築物管理條例》(第 344 章)第 2 條給予該詞的涵義；

“公眾娛樂場所”(place of public entertainment)、“公眾娛樂”(public entertainment) 具有《公眾娛樂場所條例》(第 172 章)分別給予該兩詞的涵義；

“水管”(water pipe)指任何並非排水渠或污水渠的輸水喉管及附連的裝

“building owner” (建築物擁有人) means a person desiring to build a new building or to alter an existing building and shall include the agent of and authorized person appointed by a building owner;

“building works” (建築工程) includes any kind of building construction, site formation works, ground investigation in the scheduled areas, foundation works, repairs, demolition, alteration, addition and every kind of building operation, and includes drainage works;

“common parts” (公用部分) has the meaning given by section 2 of the Building Management Ordinance (Cap. 344);

“composite building” (綜合用途建築物) means a building that is partly domestic and partly non-domestic;

“contraventions of the provisions of this Ordinance” (違反本條例的條文) includes –

- (a) failure to comply with any order given, notice served, or any condition imposed by the Building Authority under this Ordinance;
- (b) in the case of building works (other than minor works commenced under the simplified requirements), material divergence or deviation from any plan approved by the Building Authority under this Ordinance;
- (c) in the case of minor works commenced under the simplified requirements, material divergence or deviation from any plan required to be submitted to the Building Authority under the simplified requirements; and
- (d) in the case of minor works commenced under the simplified requirements, failure to submit to the Building Authority any certificate required to be submitted under the simplified requirements;

“dangerous building” (危險建築物) means any building in such a condition as to cause risk of injury either to the occupiers or users of such building or to the occupiers or users of any neighbouring building or to the general public;

“design assumption” (設計假定) means an assumption stated or implied in the design calculations or other documentation in respect of building works submitted to the Building Authority;

“domestic” (住用), when used in relation to a part of a composite building, means a part that is constructed or intended for habitation;

“domestic building” (住用建築物) means a building constructed or intended to be

置，但不包括任何組成《水務設施條例》(第 102 章)所指的消防供水系統或內部供水系統任何部分的喉管或裝置(根據該條例第 17(2)(b)條，該等系統的保養費用須由水務監督承擔)；

“外牆”(external wall) 指建築物外部牆壁的全部或任何部分，即使與另一幢建築物的牆壁毗鄰者亦然，並包括共用牆；

“石油產品”(petroleum products)指原油或石油原料，並包括在所處的周圍溫度及壓力下處於液體或固體狀態的—

- (a) 半提煉石油；及
- (b) 煉油；

“地下水排水工程”(groundwater drainage works)指任何與在地面下流動、滲流或停聚的水的排放相關的工程或裝置，但不包括本條所界定的排水工程；

“地盤平整工程”(site formation works)包括在傾斜土地上的挖掘工程、填土工程、防止山泥傾瀉工程、山泥傾瀉補救工程及地下水排水工程；

“名冊”(register)指根據本條例備存的名冊，包括分冊；

“合資格人士”(qualified person)指當其時不受第 7(2)(bb)或(d)或 13(4)(d)或(e)條所指的紀律命令所規限的名列下列任何名冊的人 —

- (a) 根據第 3(1)條備存的認可人士名冊；
- (b) 根據第 3(3)條備存的結構工程師名冊；
- (c) 根據第 3(3B)條備存的檢驗人員名冊；
- (d) 根據第 8A 條備存的一般建築承建商名冊；
- (e) 根據第 8A 條備存的小型工程承建商名冊或臨時小型工

程承建商名冊，並名列關乎窗戶的小型工程的級別、類型類別及項目之下；

“污水渠”(sewer)不包括本條所界定的排水渠，但包括所有供多於一幢建築物及其附屬的任何建築物和庭院作排水之用的污水渠及排水渠；

“自動梯”(escalator)具有《升降機及自動梯(安全)條例》(第 327 章)第 2 條給予該詞的涵義；

“危險建築物”(dangerous building)指任何建築物，而其所處狀況會導致其佔用人或使用人、或任何鄰近建築物的佔用人或使用人、或公

used for habitation and the expression “domestic purposes” (住用用途) shall be construed accordingly;

“drain” (排水渠) means a drain used for the drainage of one building and any buildings and yards appurtenant thereto;

“drainage works” (排水工程) means any work connected with the construction, repair, alteration, disconnexion, trapping and ventilation of drains or sewers;

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

“emergency vehicular access” (緊急車輛通道), in relation to a building, means a vehicular access used or to be used for access of a vehicle of the Fire Services Department to the building in the event of a fire or other emergency;

“Engineers Registration Board” (工程師註冊管理局) means the Engineers Registration Board established by section 3 of the Engineers Registration Ordinance (Cap 409);

“escalator” (自動梯) has the meaning assigned to it in section 2 of the Lifts and Escalators (Safety) Ordinance (Cap 327);

“external wall” (外牆) means the whole, or any part, of an outer wall of a building even though adjoining a wall of another building and includes a party wall;

“frontagers” (臨街處所擁有人) means, in the case of a private street the owners of premises fronting, joining or abutting on such street, and in the case of an access road the owners of premises to which such road provides access;

“ground investigation” (土地勘測) means any exploratory drilling, boring, excavating and probing of land for obtaining any information on ground conditions and includes the installation of instruments, sampling, field testing, any other site operation and laboratory testing of samples obtained from such operations;

“groundwater drainage works” (地下水排水工程) means any work or installation connected with the draining of water flowing, percolating or lying under the surface of land but does not include drainage works as defined in this section;

“habitation” (居住) in relation to the use of a building, or part of a building, includes use of it for hotel, guest-house, boarding-house, hostel, dormitory or similar accommodation;

“hand-dug caisson” (人工挖掘沉箱) means any foundation or earth-retaining structure, or part thereof, the construction of which includes the excavation

眾遭受損傷的危險；

“住用”(domestic)就綜合用途建築物的某部分而言，指為供居住而建或擬供居住的部分；

“住用建築物”(domestic building)指為居住用途而建或擬作居住用途的建築物，而“住用用途”(domestic purposes)一詞亦須據此解釋；

“佔用人”(occupier)就住用建築物而言，指在其內居住的人；就任何其他建築物而言，指在該建築物內全時間工作的人；

“局長”(Secretary)指發展局局長；

“私家街道”(private street)指位於根據租契、特許或其他方式從政府取得而持有的土地上的街道，或位於政府已批予通道權的土地上的街道；

“居住”(habitation)就建築物或建築物某部分的使用而言，包括將其作為旅館、賓館、公寓、宿舍、集體寢室或相類的住宿設施而使用；

“非住用”(non-domestic)就綜合用途建築物的一部分而言，指為居住以外用途而建或擬作居住以外用途的部分；

“非住用建築物”(non-domestic building)指並非住用建築物的建築物；

“附表所列地區”(scheduled areas)指附表 5 所指明的各個地區；凡提述附表所列地區內任何建築物或建築工程，如該建築物或建築工程只部分位於附表所列地區的其中一個地區內，則為提述該建築物或建築工程位於該地區的部分；

“表現檢討”(performance review)指認可人士就任何建築工程所呈交的報告，述明並列出理由證明該建築工程在建造期間曾受檢查與監察，以及該建築工程所根據的岩土設計假定均屬真確；

“招牌”(signboard)指只是為展示任何廣告、作出任何公布或通知或展示任何視像或其他資料的目的而豎設的展示板、構架、棚架或其他構築物；

“指明”(specified)就表格而言，指根據第 22(4)條由建築事務監督指明；

“指明文件”(specified document)指—

(a) 根據本條例或《1935 年建築物條例》(1935 年第 18 號)或為施行任何該等條例，而由建築事務監督擬備、發出或給予的文件，或向建築事務監督呈交或由建築事務監督批准的圖則；或

(b) 該文件或圖則的任何部分；

of a shaft in the ground by means of digging carried out by any person inside the shaft with or without the aid of machine tools;

“Land Registry” (土地註冊處) means the Land Registry referred to in section 2(1) of the Land Registration Ordinance (Cap 128);

“lift” (升降機) has the meaning assigned to it in section 2 of the Lifts and Escalators (Safety) Ordinance (Cap 327);

“minor works” (小型工程) means building works designated in the regulations as minor works for the purposes of this definition;

“new building” (新建築物) means any building hereafter erected and also any existing building of which not less than one half measured by volume is rebuilt or which is altered to such an extent as to necessitate the reconstruction of not less than one half of the superficial area of the main walls;

“non-domestic” (非住用), when used in relation to a part of a composite building, means a part that is constructed or intended for use otherwise than for habitation;

“non-domestic building” (非住用建築物) means a building that is not a domestic building;

“occupier” (佔用人) means in the case of domestic buildings a person resident therein and in the case of other buildings means a person carrying on an occupation full-time in such building;

“oil storage installation” (貯油裝置) means any tank having a capacity of not less than 110,000 litres, or a group of tanks any one of which is a tank having a capacity of not less than 110,000 litres, constructed above ground level for the purpose of storing petroleum products;

“owner” (擁有人) includes any person holding premises direct from the Government whether under lease, licence or otherwise, any mortgagee in possession and any person receiving the rent of any premises, solely or with another, on his own behalf or that of any person, or who would receive the same if such premises were let to a tenant, and where such owner as above defined cannot be found or ascertained or is absent from Hong Kong or is under disability, the agent of such owner;

“performance review” (表現檢討) means a report in respect of building works, submitted by an authorized person, stating and justifying that the building works have been inspected and monitored in the course of construction and that the geotechnical design assumptions upon which the building works

“指明文件”(specified document)指—

- (a) 根據本條例或為施行本條例而擬備、發出或給予的文件，或向建築事務監督呈交或由建築事務監督批准的圖則，或根據《1935年建築物條例》(1935年第18號)或為施行該條例而擬備、發出或給予的文件，或向建築事務監督呈交或由建築事務監督批准的圖則；或
- (b) 該文件或圖則的任何部分；

“指明文件紀錄”(specified document record)指—

- (a) 根據第36C(a)條製作的指明文件的紀錄；
- (b) 根據第36C(b)條製作的電子紀錄；或
- (c) 根據第36C(c)條製作的電子紀錄的副本；

“訂明建築專業人士”(prescribed building professional)指認可人士、註冊結構工程師或註冊岩土工程師、註冊岩土工程師或註冊檢驗人員；

“訂明修葺”(prescribed repair)指規例訂明的對建築物的任何修葺或測試；

“訂明註冊承建商”(prescribed registered contractor)指註冊一般建築承建商、註冊專門承建商或註冊小型工程承建商；

“訂明資格”(prescribed qualification)指根據本條例或由有關的註冊條例就名列有關名冊或註冊紀錄冊而訂明的資格；

“訂明檢驗”(prescribed inspection)指規例訂明的對建築物的任何檢查或評估；

“建築工程”(building works)包括任何種類的建築物建造工程、地盤平整工程、附表所列地區內的土地勘測、基礎工程、修葺、拆卸、改動、加建，以及各類建築作業，此外，亦包括排水工程；

“建築事務監督”(Building Authority)指屋宇署署長；

“建築物”(building)包括任何住用或公共建築物或經建造或改裝作公眾娛樂用途的建築物、拱門、橋梁、經改裝或建造以用作貯存石油產品的洞穴、煙囪、廚房、牛棚、船塢、工廠、車房、飛機庫、圍板、廁所、茅棚、辦公室、貯油裝置、外屋、碼頭、遮蔽處、店舖、馬廄、樓梯、牆壁、倉庫、貨運碼頭、工場或塔、海堤、防波堤、突堤式碼頭、突堤、埠頭、經改裝或建造以供佔用或作

have been based are valid;

“petroleum products” (石油產品) means crude petroleum or petroleum feed-stock and includes –

(a) semi-refined petroleum; and

(b) wholly refined petroleum,

which is liquid or solid at ambient temperatures and pressures;

“place of public entertainment” (公眾娛樂場所) and “public entertainment” (公眾娛樂) have the same meanings assigned to them, respectively, by the Places of Public Entertainment Ordinance (Cap 172);

“plan” (圖則) includes drawings, details, diagrams, calculations, structural details, structural calculations, geotechnical details and geotechnical calculations;

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

“prescribed inspection” (訂明檢驗) means an examination or assessment of a building as prescribed in the regulations;

“prescribed qualification” (訂明資格) means the qualification prescribed under this Ordinance or by the respective Registration Ordinance for inclusion in the respective register;

“prescribed registered contractor” (訂明註冊承建商) means a registered general building contractor, registered specialist contractor or registered minor works contractor;

“prescribed repair” (訂明修葺) means a repair or testing of a building as prescribed in the regulations;

“private street” (私家街道) means a street on land held under lease, licence or otherwise from the Government or on land over which the Government has granted a right of way;

“qualified person (合資格人士) means a person whose name is for the time being on any of the following registers –

(a) authorized persons’ register kept under section 3(1);

(b) structural engineers’ register kept under section 3(3);

(c) inspectors’ register kept under section 3(3B);

(d) register of general building contractors kept under section 8A;

(e) register or provisional register of minor works contractors, under

任何用途的洞穴或任何地下空間，包括相關的隧道通道及豎井通道、塔架或其他相類的用以承托架空纜車設施的構築物，以及建築事務監督藉憲報公告宣布為建築物的其他構築物的全部或任何部分；

“建築物擁有人”(building owner)指意欲興建新建築物或改動現有建築物的人，包括建築物擁有人的代理人及建築物擁有人所委任的認可人士；

“建築師註冊管理局”(Architects Registration Board)指根據《建築師註冊條例》(第 408 章)第 4 條設立的建築師註冊管理局；

“排水工程”(drainage works)指與排水渠或污水渠的建造、修葺、改動、截斷、隔氣和通風相關的任何工程；

“排水渠”(drain)指供一幢建築物及其附屬的任何建築物及庭院作排水之用的排水渠；

“專門工程”(specialized works)指根據第 2A 條被指定為專門工程的建築工程或街道工程；

“規例”(regulations)指根據本條例訂立的規則及規例；

“通風系統”(ventilating system)指用以引進或排出空氣的機械系統；

“通路”(access road)指並非街道而位於根據租契、特許或其他方式從政府取得而持有的土地上的道路，或位於政府已批予通道權的土地上的道路，而該等道路只供通往完全或主要用作或擬用作居住用途的建築物；

“設計假定”(design assumption)指就建築工程向建築事務監督呈交的設計計算資料或其他文件內所述明或隱含的假定；

“註冊一般建築承建商”(registered general building contractor)指當其時名列根據第 8A 條備存的一般建築承建商名冊的人；

“註冊小型工程承建商”(registered minor works contractor)指當其時名列根據第 8A 條備存的小型工程承建商名冊或臨時小型工程承建商名冊的人；

“註冊岩土工程師”(registered geotechnical engineer)指當其時名列根據第 3(3A)條備存的岩土工程師名冊的人；

“註冊事務委員會”(Registration Committee)指認可人士註冊事務委員會、結構工程師註冊事務委員會、岩土工程師註冊事務委員會或委員會、檢驗人員註冊事務委員會或承建商註冊事務委員會

the class, type and item of minor works in respect of windows, kept under section 8A,

and who is not subject to any disciplinary order under section 7(2)(bb) or (d) or 13(4)(d) or (e);

“register” (名冊) means a register maintained under this Ordinance and includes a sub-register;

“registered architect” (註冊建築師) means a person whose name is on the register of registered architects established and maintained under section 8 of the Architects Registration Ordinance (Cap 408);

“registered general building contractor” (註冊一般建築承建商) means a person whose name is for the time being on the register of general building contractors maintained under section 8A;

“registered inspector” (註冊檢驗人員) means a person whose name is for the time being on the inspectors' register kept under section 3(3B);

“registered geotechnical engineer” (註冊岩土工程師) means a person whose name is for the time being on the geotechnical engineers' register kept under section 3(3A);

“registered minor works contractor” (註冊小型工程承建商) means a person whose name is for the time being on the register or provisional register of minor works contractors maintained under section 8A;

“registered professional engineer” (註冊專業工程師) means a person whose name is on the register of registered professional engineers established and maintained under section 7 of the Engineers Registration Ordinance (Cap 409);

“registered professional surveyor” (註冊專業測量師) means a person whose name is on the register of registered professional surveyors established and maintained under section 7 of the Surveyors Registration Ordinance (Cap 417);

“registered specialist contractor” (註冊專門承建商) means a person whose name is for the time being on the register of specialist contractors maintained under section 8A;

“registered structural engineer” (註冊結構工程師) means a person whose name is for the time being on the structural engineers' register kept under section 3(3);

“Registration Committee” (註冊事務委員會) means an Authorized Persons Registration Committee, a Structural Engineers Registration Committee, a

(視情況所需而定)；

“註冊建築師”(registered architect)指名列根據《建築師註冊條例》(第 408 章)第 8 條設置和備存的註冊建築師註冊紀錄冊的人；

“註冊條例”(Registration Ordinance)指《建築師註冊條例》(第 408 章)、《工程師註冊條例》(第 409 章)或《測量師註冊條例》(第 417 章)(視屬何情況而定)；

“註冊專門承建商”(registered specialist contractor)指當其時名列根據第 8A 條備存的專門承建商名冊的人；

“註冊專業工程師”(registered professional engineer)指名列根據《工程師註冊條例》(第 409 章)第 7 條設置和備存的註冊專業工程師註冊紀錄冊的人；

“註冊專業測量師”(registered professional surveyor)指名列根據《測量師註冊條例》(第 417 章)第 7 條設置和備存的註冊專業測量師註冊紀錄冊的人；

“註冊結構工程師”(registered structural engineer)指當其時名列根據第 3(3)條備存的結構工程師名冊的人；

“註冊檢驗人員”(registered inspector)指當其時名列根據第 3(3B)條備存的檢驗人員名冊的人；

“貯油裝置”(oil storage installation)指為貯存石油產品而在地面上建造的任何油缸或一組油缸，而該油缸的容量，或該組油缸其中一個的容量，不少於 110000 升；

“測量師註冊管理局”(Surveyors Registration Board)指根據《測量師註冊條例》(第 417 章)第 3 條設立的測量師註冊管理局；

“街道”(street)包括任何坊、短巷或巷、公路、里、道路、道路橋、行人路或通道(不論是否能穿過的)，或其任何部分；

“街道工程”(street works)指為任何私家街道或通路的建造、平整或鋪設而進行的任何工程，包括路面鋪設、渠道敷設、排水及照明，或為該等街道或通路的重新建造、改動或修葺而進行的任何工程；

“電子紀錄”(electronic record)的涵義與《電子交易條例》(第 553 章)第 2(1)條中該詞的涵義相同；

“違反本條例的條文”(contraventions of the provisions of this Ordinance)

(a) 包括不遵從建築事務監督根據本條例作出的命令、送達

Geotechnical Engineers Registration ~~Committee or~~ Committee, an Inspectors Registration Committee or or a Contractors Registration Committee, as the case requires;

“Registration Ordinance” (註冊條例) means the Architects Registration Ordinance (Cap 408), the Engineers Registration Ordinance (Cap 409) or the Surveyors Registration Ordinance (Cap 417), as the case may be;

“regulations” (規例) means rules and regulations made under this Ordinance;

“scheduled areas” (附表所列地區) means the areas specified in ~~the Fifth Schedule~~ Schedule 5 and references to a building or building works in the scheduled areas are, in the case of a building or building works situated partly in one of the scheduled areas, references to that part of the building or building works so situated;

“Secretary” (局長) means the Secretary for Development;

“sewer” (污水渠) does not include a drain as defined in this section, but includes all sewers and drains used for the drainage of more than one building and any buildings and yards appurtenant thereto;

“signboard” (招牌) means a hoarding, framework, scaffolding or other structure erected solely for the purpose of displaying any advertisement, making any announcement or notification, or displaying any visual image or other information;

“simplified requirements” (簡化規定) means any requirements prescribed in the regulations as simplified requirements for the purposes of this definition;

“site formation works” (地盤平整工程) includes excavations on sloping land, filling, landslip preventive works, landslip remedial works and ground water drainage works;

“specialized works” (專門工程) means building works or street works designated as specialized works under section 2A;

“specified” (指明), in relation to a form, means specified by the Building Authority under section 22(4);

“specified document” (指明文件) 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” (指明文件紀錄) means –

- (a) a record of a specified document made under section 36C(a);

的通知或施加的條件；

- (b) 就建築工程(根據簡化規定展開的小型工程除外)而言,包括嚴重偏離建築事務監督根據本條例批准的圖則,或與之嚴重相歧；
- (c) 就根據簡化規定展開的小型工程而言,包括嚴重偏離根據簡化規定須呈交予建築事務監督的圖則,或與之嚴重相歧；及
- (d) 就根據簡化規定展開的小型工程而言,包括沒有向建築事務監督呈交根據簡化規定須呈交的證明書；

“新建築物”(new building)指今後建成的任何建築物,以及任何以體積計不少於一半是重新興建的現有建築物,或任何曾予改動而其程度致使主牆的表面面積不少於一半需要重新建造的現有建築物；

“監工計劃書”(supervision plan)指載列遵從根據第 39A 條發出的技術備忘錄而製備的建築工程或街道工程的安全管理計劃的計劃書；

“認可人士”(authorized person)指名列根據第 3(1)條備存的認可人士名冊的以下人士 –

- (a) 以建築師身分名列於名冊者；
- (b) 以工程師身分名列於名冊者；或
- (c) 以測量師身分名列於名冊者；

“綜合用途建築物”(composite building)指部分屬住用而部分屬非住用的建築物；

“圖則”(plan)包括繪圖、詳圖、簡圖、計算資料、結構詳圖、結構計算資料、岩土詳圖及岩土計算資料；

“緊急車輛通道”(emergency vehicular access)就任何建築物而言,指用作或將會用作供消防處車輛在火警或其他緊急情況中通往該建築物的任何車輛通道；

“擁有人”(owner)包括任何根據租契、特許或其他方式直接從政府取得而持有處所的人、任何管有承按人、任何單獨或與他人共同為其本人或為任何人收取任何處所租金的人,或若處所租給租客時任何本會收取該處所租金的人；此外,在不能尋獲或不能確定符合上述定義的擁有人時,或在符合上述定義的擁有人不在香港或無行為能力時,則此詞亦包括如此的擁有人的代理人；

“臨街處所擁有人”(frontagers)就任何私家街道而言,指臨向、連接或緊

- (b) an electronic record made under section 36C(b); or
- (c) a copy of an electronic record made under section 36C(c);
- “street” (街道) includes the whole or any part of any square, court or alley, highway, lane, road, road-bridge, footpath, or passage whether a thoroughfare or not;
- “street works” (街道工程) means any work for the construction, formation or laying out of any private street or access road, including the surfacing, channelling, draining and lighting thereof, or for the reconstruction, alteration or repair thereof;
- “supervision plan” (監工計劃書) means a plan setting out the plan of safety management of building works or street works prepared in compliance with the technical memorandum issued under section 39A;
- “Surveyors Registration Board” (測量師註冊管理局) means the Surveyors Registration Board established by section 3 of the Surveyors Registration Ordinance (Cap 417);
- “ventilating system” (通風系統) means a mechanical system for introducing or exhausting air;
- “water pipe” (水管) means any water carrying pipe and fittings thereto other than a drain or sewer but does not include any pipe or fitting forming any part of a fire service or inside service within the meaning of the Waterworks Ordinance (Cap 102) the costs of maintenance of which shall, under section 17(2)(b) of that Ordinance, be borne by the Water Authority.
- (1A) Where this Ordinance refers to a person’s certifying minor works commenced under the simplified requirements, it means the certification by the person of anything that is required by the regulations to be certified in respect of such minor works.
- (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.
- (2) The duties imposed on and the powers granted to the Building Authority under this Ordinance may be carried out and exercised by an officer of any Department of the Government specified in ~~the Fourth Schedule~~ Schedule 4 who is authorized by the Director of Buildings either generally or particularly and subject to his instructions.
- (3) The Legislative Council may by resolution amend ~~the Fourth or Fifth Schedule~~

- 連該街道的處所的擁有人；就任何通路而言，則指該通路通往的處所的擁有人；
- “簡化規定”(simplified requirements)指在規例中為施行本定義而訂明為簡化規定的任何規定。
- (1A) 凡本條例提述某人核證根據簡化規定展開的小型工程，指該人核證根據規例規定須就該小型工程核證的事情。
- (1B) 如小型工程在沒有第 14(1)條所指的建築事務監督的批准及同意下展開或進行，而—
- (a) 一名訂明建築專業人士或訂明註冊承建商，已就該工程獲委任；或
- (b) 該工程是由訂明註冊承建商展開或進行的，則為施行本條例，該工程視為根據簡化規定展開的小型工程。
- (2) 根據本條例向建築事務監督施加的職責及授予的權力，可由獲屋宇署署長一般地或就個別情況授權而在附表 4 中指明的任何政府部門的任何人員執行和行使，該人員並須受建築事務監督的指示所規限。
- (3) 立法會可藉決議修訂附表 4 或 5。
- (4) 凡第 I 或 VII 部提述在任何名冊註冊，須解釋作某人的姓名列入、重新列入、保留或繼續保留於有關的名冊內(視情況所需而定)。

Schedule 4 or 5.

- (4) Any reference in Part I or VII to registration in any register shall be construed as the inclusion, retention, further retention or restoration of a person's name in or to the relevant register, as the case may require.

PART I

AUTHORIZED PERSONS, REGISTERED STRUCTURAL ENGINEERS, REGISTERED GEOTECHNICAL ENGINEERS, REGISTERED INSPECTORS AND REGISTERED CONTRACTORS

Section 3 Registers of authorized persons, structural engineers and geotechnical engineers, geotechnical engineers and inspectors

- (1) The Building Authority shall keep a register (hereinafter referred to as the "authorized persons' register") of all persons who are qualified to perform the duties and functions of an authorized person in accordance with this Ordinance.
- (2) The authorized persons' register contains –
- a list of architects;
 - a list of engineers; and
 - a list of surveyors.
- (3) The Building Authority shall keep a register (hereinafter referred to as the "structural engineers' register") of all persons who are qualified to perform the duties and functions of structural engineers (relating to more advanced structural designs of building works or street works) in accordance with this Ordinance.
- (3A) The Building Authority shall keep a register (hereinafter referred to as the "geotechnical engineers' register") of all persons who are qualified to perform the duties and functions of geotechnical engineers (relating to geotechnical designs of building works or street works) in accordance with this Ordinance.
- (3B) The Building Authority must keep a register (the "inspectors' register") of all persons who are qualified to perform the duties and functions of inspectors in accordance with this Ordinance.
- (3C) The inspectors' register contains –
- a list of architects;
 - a list of engineers; and
 - a list of surveyors.
- (4) The Building Authority shall publish annually in the Gazette the names of –
- the persons included in each of the lists in the authorized persons' register;
 - the persons included in the structural engineers' register; and

第 I 部

認可人士、註冊結構工程師、註冊岩土工程師、註冊檢驗人員及註冊承建商

第 3 條 認可人士、結構工程師及岩土工程師、岩土工程師及檢驗人員的名冊

- (1) 建築事務監督須備存一份所有按照本條例有資格執行認可人士職責及職能的人的名冊(以下稱為“認可人士名冊”)。
- (2) 認可人士名冊包含 –
- 建築師名單；
 - 工程師名單；及
 - 測量師名單。
- (3) 建築事務監督須備存一份所有按照本條例有資格執行結構工程師職責及職能(此等職責及職能是關於建築工程或街道工程的較高深結構設計的)的人的名冊(以下稱為“結構工程師名冊”)。
- (3A) 建築事務監督須備存一份所有按照本條例有資格執行岩土工程師職責及職能(此等職責及職能是關於建築工程或街道工程的岩土設計的)的人的名冊(以下稱為“岩土工程師名冊”)。
- (3B) 建築事務監督須備存一份名冊(“檢驗人員名冊”)，載列所有按照本條例有資格執行檢驗人員職責及職能的人。
- (3C) 檢驗人員名冊包含 –
- 建築師名單；
 - 工程師名單；及
 - 測量師名單。
- (4) 建築事務監督須每年在憲報刊登 –
- 認可人士名冊中每份名單所列的人的姓名；
 - 結構工程師名冊所列的人的姓名；及
 - 岩土工程師名冊所列的人的姓名；及

- (c) the persons included in the geotechnical engineers' register; and
 (d) the persons included in each of the lists in the inspectors' register.
- (5) The Building Authority is to establish 34 panels with sufficient members from whom he is to appoint committees to be known respectively as Authorized Persons Registration Committees, Structural Engineers Registration Committees and ~~Geotechnical Engineers Registration Committees~~, Geotechnical Engineers Registration Committees and Inspectors Registration Committees. The Building Authority may appoint more than one Registration Committee of each type at any one time.
- (5A) The function of a Registration Committee is to assist the Building Authority in considering applications for inclusion in the relevant register by –
- examining the qualifications of applicants;
 - inquiring as the relevant Registration Committee considers necessary to ascertain whether an applicant has the relevant experience;
 - conducting professional interviews with applicants; and
 - advising the Building Authority to accept, defer or reject applications for inclusion in the relevant register.
- (5B) An Authorized Persons Registration Committee consists of –
- 4 authorized persons nominated by the Architects Registration Board from the list of architects in the authorized persons' register;
 - 2 authorized persons nominated by the Engineers Registration Board from the list of engineers in the authorized persons' register;
 - 1 authorized person nominated by the Surveyors Registration Board from the list of surveyors in the authorized persons' register;
 - an Assistant Director of Buildings nominated by the Building Authority; and
 - 1 person selected by the Building Authority from among the persons nominated in accordance with subsection (5E).
- (5C) A Structural Engineers Registration Committee consists of –
- 3 registered structural engineers nominated by the Engineers Registration Board;
 - 1 authorized person nominated by the Architects Registration Board from the list of architects in the authorized persons' register;
 - 1 authorized person nominated by the Surveyors Registration Board from the list of surveyors in the authorized persons' register;
 - an Assistant Director of Buildings nominated by the Building Authority; and

(d) 檢驗人員名冊中每份名單所列的人的姓名。

- (5) 建築事務監督須設立 34 個有足夠成員的委員團，並從該等委員團委出分別稱為認可人士註冊事務委員會、結構工程師註冊事務委員會及~~岩土工程師註冊事務委員會~~、岩土工程師註冊事務委員會及檢驗人員註冊事務委員會的委員會。建築事務監督可就上述每類委員會在同一時間委出多於一個註冊事務委員會。
- (5A) 註冊事務委員會的職能是進行以下事宜，以協助建築事務監督考慮要求名列於有關名冊的申請 –
- 審查申請人的資格；
 - 作出有關的註冊事務委員會認為需要的查訊，以確定申請人是否具備有關的經驗；
 - 與申請人進行專業面試；及
 - 就接受、押後或拒絕要求名列於有關名冊的申請，向建築事務監督提供意見。
- (5B) 認可人士註冊事務委員會由以下人士組成 –
- 由建築師註冊管理局從認可人士名冊的建築師名單中提名的認可人士 4 名；
 - 由工程師註冊管理局從認可人士名冊的工程師名單中提名的認可人士 2 名；
 - 由測量師註冊管理局從認可人士名冊的測量師名單中提名的認可人士 1 名；
 - 由建築事務監督提名的屋宇署助理署長一名；及
 - 由建築事務監督從按照第(5E)款獲提名的人之中選出的人 1 名。
- (5C) 結構工程師註冊事務委員會由以下人士組成 –
- 由工程師註冊管理局提名的註冊結構工程師 3 名；
 - 由建築師註冊管理局從認可人士名冊的建築師名單中提名的認可人士 1 名；
 - 由測量師註冊管理局從認可人士名冊的測量師名單中提名的認可人士 1 名；
 - 由建築事務監督提名的屋宇署助理署長一名；及
 - 由建築事務監督從按照第(5E)款獲提名的人之中選出的人 1 名。

- (e) 1 person selected by the Building Authority from among the persons nominated in accordance with subsection (5E).
- (5CA) A Geotechnical Engineers Registration Committee consists of –
- (a) 3 registered geotechnical engineers nominated by the Engineers Registration Board;
 - (b) 1 authorized person nominated by the Architects Registration Board from the list of architects in the authorized persons' register;
 - (c) 1 authorized person nominated by the Surveyors Registration Board from the list of surveyors in the authorized persons' register;
 - (d) 1 registered structural engineer nominated by the Engineers Registration Board;
 - (e) 1 person nominated by the Building Authority as his representative;
 - (f) 1 public officer of the rank of Government Geotechnical Engineer nominated by the Director of Civil Engineering and Development; and
 - (g) 1 person selected by the Building Authority from among the persons nominated in accordance with subsection (5E).

(5CB) An Inspectors Registration Committee consists of –

- (a) 1 registered inspector nominated by the Architects Registration Board from the list of architects in the inspectors' register;
- (b) 1 registered inspector nominated by the Engineers Registration Board from the list of engineers in the inspectors' register;
- (c) 1 registered inspector nominated by the Surveyors Registration Board from the list of surveyors in the inspectors' register;
- (d) 1 person nominated by the Building Authority as the Building Authority's representative; and
- (e) 1 person selected by the Building Authority from among the persons nominated in accordance with subsection (5E).

(5D) The Building Authority is to appoint an officer of the Buildings Department as the secretary of each Registration Committee, who is not a member of either Registration Committee and may not cast a vote.

(5E) For the purpose of subsections (5B), (5C) ~~and (5CA), (5CA) and (5CB)~~, the Building Authority is to invite such bodies as the Building Authority may think fit to nominate persons for the Building Authority to consider for appointment to each of the respective Registration Committees.

(5F) A person appointed to be a member of the Authorized Persons', Registered Structural Engineers' and Registered Geotechnical Engineers' Disciplinary Board Panel under section 5A must not be a member of a Registration Committee ~~(other~~

(5CA) 岩土工程師註冊事務委員會由以下人士組成 –

- (a) 由工程師註冊管理局提名的註冊岩土工程師 3 名；
- (b) 由建築師註冊管理局從認可人士名冊的建築師名單中提名的認可人士 1 名；
- (c) 由測量師註冊管理局從認可人士名冊的測量師名單中提名的認可人士 1 名；
- (d) 由工程師註冊管理局提名的註冊結構工程師 1 名；
- (e) 由建築事務監督提名作為其代表的人 1 名；
- (f) 由土木工程拓展署署長提名的職級屬政府土力工程師的公職人員 1 名；及
- (g) 由建築事務監督從按照第(5E)款獲提名的人之中選出的人 1 名。

(5CB) 檢驗人員註冊事務委員會由以下人士組成 –

- (a) 由建築師註冊管理局從檢驗人員名冊的建築師名單中提名的註冊檢驗人員 1 名；
- (b) 由工程師註冊管理局從檢驗人員名冊的工程師名單中提名的註冊檢驗人員 1 名；
- (c) 由測量師註冊管理局從檢驗人員名冊的測量師名單中提名的註冊檢驗人員 1 名；
- (d) 由建築事務監督提名作為其代表的人 1 名；及
- (e) 由建築事務監督從按照第(5E)款獲提名的人之中選出的人 1 名。

(5D) 建築事務監督須委任一名屋宇署人員出任每個註冊事務委員會的秘書，該人員並非任何一個註冊事務委員會的成員，亦不得投票。

(5E) 為施行第(5B)、(5C) ~~及(5CA)、(5CA)及(5CB)~~款，建築事務監督須邀請其認為適合的團體提名人選，供其考慮分別委任為各註冊事務委員會的成員。

(5F) 根據第 5A 條獲委任為認可人士、註冊結構工程師及註冊岩土工程師紀律委員團成員者，不得是註冊事務委員會 ~~(檢驗人員註冊事務委員會除外)~~ 成員。

- than an Inspectors Registration Committee).
- (5FA) A person appointed to be a member of the Registered Inspectors' Disciplinary Board Panel under section 5A must not be a member of an Inspectors Registration Committee.
- (5G) The quorum for a meeting of a Registration Committee (other than a Geotechnical Engineers Registration ~~Committee~~) Committee or an Inspectors Registration Committee) is –
- the Chairman of the committee;
 - the Assistant Director of Buildings nominated under subsection (5B)(d) or (5C)(d); and
 - 3 other members for an Authorized Persons Registration Committee and 2 other members for a Structural Engineers Registration Committee.
- (5GA) The quorum for a meeting of a Geotechnical Engineers Registration Committee is –
- the Chairman of the committee;
 - the Building Authority's representative under subsection (5CA)(e);
 - the public officer nominated under subsection (5CA)(f); and
 - 2 other members.
- (5GB) The quorum for a meeting of an Inspectors Registration Committee is –
- the Chairman of the committee;
 - the Building Authority's representative under subsection (5CB)(d);
 - 1 other members.
- (5H) At least one member of the Registration Committee (other than an Inspectors Registration Committee) at a meeting hearing an application for inclusion in a register must be –
- for an Authorized Persons Registration Committee, on the same list in the authorized persons' register as that on which the applicant wishes to be included;
 - for a Structural Engineers Registration Committee, a registered structural engineer; and
 - for a Geotechnical Engineers Registration Committee under subsection (5CA)(a), a registered professional engineer nominated under that subsection.
 - (–)
- (5I) The Chairman of a Registration Committee is elected by its members.
- (5J) A Registration Committee is required to meet as often as the Building Authority directs.
- (6) Every applicant for inclusion in the authorized persons' register, the structural

- (5FA) 根據第 5A 條獲委任為註冊檢驗人員紀律委員團成員者，不得是檢驗人員註冊事務委員會成員。
- (5G) 註冊事務委員會(岩土工程師註冊事務委員會除外)委員會及檢驗人員註冊事務委員會(除)會議的法定人數為下述成員 –
- 委員會主席；
 - 根據第(5B)(d)或(5C)(d)款提名的屋宇署助理署長；及
 - 3 名其他成員(如屬認可人士註冊事務委員會)及 2 名其他成員(如屬結構工程師註冊事務委員會)。
- (5GA) 岩土工程師註冊事務委員會會議的法定人數為下述成員 –
- 委員會主席；
 - 第(5CA)(e)款所指的建築事務監督的代表；
 - 根據第(5CA)(f)款提名的公職人員；及
 - 2 名其他成員。
- (5GB) 檢驗人員註冊事務委員會會議的法定人數為下述成員 –
- 委員會主席；
 - 第(5CB)(d)款所指的建築事務監督的代表；及
 - 1 名其他成員。
- (5H) 在註冊事務委員會(檢驗人員註冊事務委員會除外)聆聽要求名列於名冊的申請的會議中 –
- 如屬認可人士註冊事務委員會，最少須有一名成員亦是名列於申請人意欲名列的認可人士名冊內同一名單；
 - 如屬結構工程師註冊事務委員會，最少須有一名成員為註冊結構工程師；及
 - 如屬第(5CA)(a)款所指的岩土工程師註冊事務委員會，最少須有一名成員為根據該款獲提名的註冊專業工程師。
 - (–)
- (5I) 註冊事務委員會主席由其成員選出。
- (5J) 註冊事務委員會須按照建築事務監督所指示的次數舉行會議。
- (6) 每名要求名列認可人士名冊、結構工程師名冊或岩土工程師名冊、岩土工程師名冊或檢驗人員名冊的申請人，須以指明的表格向有關的註冊事務委員會秘書呈交申請。

- engineers' register ~~or the geotechnical engineers' register~~, the geotechnical engineers' register or the inspectors' register shall submit his application in the specified form to the secretary of the respective Registration Committee.
- (6A) An applicant under subsection (6) –
- (a) (–)
 - (b) shall pay –
 - (i) upon submission of the application, the non-refundable prescribed fee for processing of the application;
 - (ii) upon the application being granted, the respective prescribed fees for inclusion and retention of his name in the appropriate register.
- (7) A person must not be included in a register unless –
- (a) he has obtained the prescribed qualifications; and
 - (b) subject to subsection (7AA), he is recommended by the respective Registration Committee for inclusion.
- (7AA) A person may be included in the inspectors' register without recommendation by an Inspectors Registration Committee if the person is –
- (a) an authorized person or a registered structural engineer with relevant experience as prescribed in the regulations; or
 - (b) within the period of 12 months beginning on the commencement of section 6 of the Buildings (Amendment) Ordinance 2010 (of 2010) –
 - (i) a registered architect nominated by the Architects Registration Board with not less than 5 years of experience in building design, construction, repair and maintenance before the nomination;
 - (ii) a registered professional engineer nominated by the Engineers Registration Board with not less than 5 years of experience in building design, construction, repair and maintenance before the nomination; or
 - (iii) a registered professional surveyor nominated by the Surveyors Registration Board with not less than 5 years of experience in building design, construction, repair and maintenance before the nomination.
- (7A) If an applicant for inclusion in a register fails to satisfy subsection (7), the Building Authority shall refuse the application.
- (7B) If an applicant for inclusion in a register satisfies subsection (7), the Building Authority shall grant the application unless for other reasons he thinks fit to refuse the application.

- (6A) 第(6)款所提述的申請人須 –
- (a) (–)
 - (b) (i) 於呈交申請時，繳付處理其申請的訂明費用，該費用將不予發還；
 - (ii) 於申請獲得批准時，繳付將其姓名列入和保留於適當的名冊的各別訂明費用。
- (7) 任何人除非 –
- (a) 已取得訂明資格；及
 - (b) 在第(7AA)款的規限下，獲有關的註冊事務委員會推薦名列於名冊，否則不得名列於名冊。
- (7AA) 任何人如符合下列說明，可在沒有獲檢驗人員註冊事務委員會推薦的情況下，列入檢驗人員名冊 –
- (a) 該人屬認可人士或註冊結構工程師，並有規例訂明的有關經驗；或
 - (b) 在自《2010年建築物(修訂)條例》(2010年第 號)第6條生效起計的12個月期間內 –
 - (i) 該人屬由建築師註冊管理局提名的註冊建築師，並於獲提名前在建築物設計、建造、修葺及保養方面有不少於5年經驗；
 - (ii) 該人屬由工程師註冊管理局提名的註冊專業工程師，並於獲提名前在建築物設計、建造、修葺及保養方面有不少於5年經驗；或
 - (iii) 該人屬由測量師註冊管理局提名的註冊專業測量師，並於獲提名前在建築物設計、建造、修葺及保養方面有不少於5年經驗。
- (7A) 如要求名列於名冊的申請人不符合第(7)款的規定，建築事務監督須拒絕申請。
- (7B) 如要求名列於名冊的申請人符合第(7)款的規定，則建築事務監督除非基於其認為適合拒絕申請的其他理由，否則須批准申請。
- (7C) 建築事務監督須以書面 –

- (7C) The Building Authority shall give reasons in writing to –
- (a) the applicant for the refusal of an application for inclusion in a register;
 - (b) the respective Registration Committee for the refusal of an application for inclusion in a register,

and the reasons must refer to the requirements of subsections (7) and (7B).

- (7D) ~~In subsections (7) to (7C), "register" (名冊) means the authorized persons' register kept under subsection (1), the structural engineers' register kept under subsection (3) or the geotechnical engineers' register kept under subsection (3A), as the case may be.~~

In subsections (7), (7A), (7B) and (7C), "register" (名冊) means the authorized persons' register kept under subsection (1), the structural engineers' register kept under subsection (3), the geotechnical engineers' register kept under subsection (3A) or the inspectors' register kept under subsection (3B), as the case requires.

- (8) Subject to subsection (7), a person's name may be included in more than one of the following registers –

- (a) the authorized persons' register;
- (b) the structural engineers' register; ~~and~~
- (c) the geotechnical engineers' register; ~~and~~
- (d) the inspectors' register.

and in more than one list in the authorized persons' ~~register~~ register or the inspectors' registers.

- (9) In respect of every application for inclusion in any list in the authorized persons' register, in the structural engineers' register ~~or in the geotechnical engineers' register~~, in the geotechnical engineers' register or in any list in the inspectors' register (except for an application made by a person mentioned in subsection (7AA)), the Building Authority shall within 3 months from the date of the meeting of the respective Registration Committee at which the application was considered –

- (a) on payment by the applicant of the prescribed fees mentioned in subsection (6A)(b)(ii), publish in the Gazette and enter in the appropriate list or, as the case may be, register the name of that applicant; or
- (b) inform the applicant that his application is deferred for a period not exceeding 12 months; or
- (c) refuse his application.

- (9AA) For an application made by a person mentioned in subsection (7AA) for inclusion in any list in the inspectors' register, the Building Authority must within 1 month after the date of receiving the application –

- (a) on payment by the applicant of the prescribed fees mentioned in subsection

- (a) 向申請人述明拒絕名列於名冊的申請的理由；
- (b) 向有關的註冊事務委員會述明拒絕名列於名冊的申請的理由，而該等理由必須參照第(7)及(7B)款的規定。

- (7D) 在第(7)至(7C)款中，“名冊”(register)指根據第(1)款備存的認可人士名冊、根據第(3)款備存的結構工程師名冊或根據第(3A)款備存的岩土工程師名冊(視屬何情況而定)。在第(7)、(7A)、(7B)及(7C)款中，“名冊”(register)指根據第(1)款備存的認可人士名冊、根據第(3)款備存的結構工程師名冊、根據第(3A)款備存的岩土工程師名冊或根據第(3B)款備存的檢驗人員名冊(視乎情況所需而定)。

- (8) 在符合第(7)款的規定下，任何人可名列多於一份下述名冊—

- (a) 認可人士名冊；
- (b) 結構工程師名冊；~~及~~
- (c) 岩土工程師名冊~~；及~~
- (d) 檢驗人員名冊，

並且可在認可人士名冊中名冊或檢驗人員名冊中名列多於1份名單。

- (9) 對於每項要求名列認可人士名冊 ~~中任何名單、結構工程師名冊任何名單、結構工程師名冊或岩土工程師名冊的申請~~、岩土工程師名冊或檢驗人員名冊中任何名單的申請(由第(7AA)款所述的人提出的申請除外)，建築事務監督須在有關的註冊事務委員會考慮該申請的會議的日期起計3個月內—

- (a) 在申請人繳付第(6A)(b)(ii)款所述的訂明費用後，將申請人姓名刊登於憲報，並記入認可人士名冊中適當的名單、結構工程師名冊或岩土工程師名冊(視屬何情況而定)；或
- (b) 通知申請人其申請押後一段期間，為期不超過12個月；或
- (c) 拒絕其申請。

- (9AA) 對於每項由第(7AA)款所述的人提出的、要求名列檢驗人員名冊中任何名單的申請，建築事務監督須在接獲申請的日期後1個月內—

- (a) 在申請人繳付第(6A)(b)(ii)款所述的訂明費用後，將申請人姓名刊登於憲報，並記入檢驗人員名冊中適當的名單；或
- (b) 拒絕該申請。

(6A)(b)(ii), publish in the Gazette and enter in the appropriate list the name of that applicant; or

(b) refuse the application.

(9A) An application that has been deferred under subsection (9)(b) shall, when it comes up for consideration again –

- (a) be accepted, so that the applicant is included in the appropriate list or registered, as the case may be, upon payment of the prescribed fee; or
- (b) be refused.

(9B) A person –

- (a) whose name is included or retained in or restored to the authorized persons' register, the structural engineers' register ~~or the geotechnical engineers' register~~, the geotechnical engineers' register or the inspectors' register, under this section,
- (b) (–)

may apply to the Building Authority, in accordance with subsection (9C), for the further retention or retention, as may be appropriate, of his name in the register for a period of 5 years.

(9C) An application under subsection (9B) shall be –

- (a) in the specified form;
- (b) made so as to be received by the Building Authority not earlier than 4 months and not later than 28 days prior to the date of the expiry of the relevant registration;
- (c) accompanied by the appropriate prescribed fee; and
- (d) accompanied by a copy of a valid certificate of registration or of renewal of registration issued under the respective Registration Ordinance.

(9D) The Building Authority shall refuse an application under subsection (9B) unless the applicant holds the prescribed qualifications for registration as an authorized person, a registered structural engineer ~~or a registered geotechnical engineer~~, a registered geotechnical engineer or a registered inspector.

(9E) The registration of an authorized person, structural engineer ~~or geotechnical engineer~~, geotechnical engineer or inspector will continue to be in force if he makes an application for retention within the time limit and pays the retention fee until his application for retention is finalised by the Building Authority, subject to any decision of the relevant Disciplinary Board.

(10) (–)

(11) The Building Authority may remove from the authorized persons' register, the structural engineers' register ~~or the geotechnical engineers' register~~, the geotechnical

(9A) 如根據第(9)(b)款申請被押後，則於再次考慮該申請時，須 –

- (a) 予以接受，使申請人在繳付訂明費用後，得以列入認可人士名冊中適當的名單，或得以在結構工程師名冊中註冊(視屬何情況而定)；或
- (b) 予以拒絕。

(9B) 如 –

- (a) 任何人的姓名根據本條列入或重新列入或保留於認可人士名冊、結構工程師名冊~~或岩土工程師名冊~~、岩土工程師名冊或檢驗人員名冊內，
- (b) (–)

則該人可按照第(9C)款向建築事務監督申請將其姓名繼續保留或保留(視何者適當而定)於名冊內，為期 5 年。

(9C) 根據第(9B)款提出的申請 –

- (a) 須以指明的表格提出；
- (b) 所提出的方式會致使建築事務監督在不早於有關註冊有效期屆滿日期之前 4 個月但又不遲於該日期前 28 天接獲申請；
- (c) 附同有關的訂明費用；及
- (d) 附同根據有關的註冊條例發出的有效註冊證明書或註冊續期證明書文本一份。

(9D) 除非申請人具備註冊為認可人士、註冊結構工程師~~或註冊岩土工程師~~、註冊岩土工程師或註冊檢驗人員的訂明資格，否則建築事務監督須拒絕根據第(9B)款提出的申請。

(9E) 如認可人士、結構工程師~~或岩土工程師~~、岩土工程師或檢驗人員在時限內提出保留註冊的申請，並繳付保留註冊的費用，則除有關的紀律委員會另有決定外，其註冊繼續有效，直至其所提出的保留註冊的申請獲建築事務監督作出最後決定為止。

(10) (–)

(11) 建築事務監督可在以郵遞方式將其意向通知寄往下述的人最後為人所知的地址後，將其姓名從認可人士名冊、結構工程師名冊~~或岩土工程師名冊~~、岩土工程師名冊或檢驗人員名冊刪除 –

- ~~engineers' register or the inspectors' register~~, after sending by post notice of his intention to the last known address of the person, the name of any person who –
- (a) is deceased; or
 - (b) is not practising the profession in respect of which the name of that person was included in the register.
 - (c) (–)
- (11A) Subject to subsection (11AA), the Building Authority shall remove the name of a person from the authorized persons' register, the structural engineers' register ~~or the geotechnical engineers' register~~, the geotechnical engineers' register or the inspectors' register if the Building Authority –
- (a) does not receive an application made by the person in accordance with subsection (9C); or
 - (b) has refused an application made by the person under subsection (9D) and sent a notice by registered post to his last known address notifying him of the refusal.
- (11AA) The removal of a name under subsection (11A)(a) becomes effective immediately after the date of expiry of the existing registration.
- (11AB) A notice under subsection (11A)(b) shall specify the effective date of removal, which shall not be earlier than the date of expiry of the existing registration.
- (11B) The Building Authority shall remove a name included or retained in or restored to the authorized persons' register, the structural engineers' register ~~or the geotechnical engineers' register~~, the geotechnical engineers' register or the inspectors' register under this section if the Building Authority receives notice that an authorized person, a registered structural engineer ~~or a registered geotechnical engineer~~, a registered geotechnical engineer or a registered inspector has ceased to hold the prescribed qualifications by virtue of which he was registered.
- (11C) The Building Authority shall give notice of the removal of a name from a register under subsection (11B), by prepaid registered post to the person's last known address.
- (12) A person whose name is removed under subsection (11A), (11B) or (11C) may, within 2 years beginning on the date the relevant registration expires, apply for the restoration of his name to the relevant register.
- (13) An application under subsection (12) shall –
- (a) be in the specified form;
 - (b) (–)
 - (c) be accompanied by the prescribed fee for such restoration and the prescribed fee for retention of registration for 5 years; and
- (a) 已身故的人；或
 - (b) 就某專業而名列於名冊但並非正在從事該專業的人。
 - (c) (–)
- (11A) 在符合第(11AA)款的規定下，建築事務監督須在以下情況下，從認可人士名冊、結構工程師名冊~~或岩土工程師名冊~~、岩土工程師名冊或檢驗人員名冊刪除某人的姓名或名稱 –
- (a) 建築事務監督沒有收到該人按照第(9C)款提出的申請；或
 - (b) 建築事務監督根據第(9D)款拒絕該人的申請，並以掛號郵遞方式，寄出通知往該人最後為人所知的地址，將該項拒絕告知該人。
- (11AA) 根據第(11A)(a)款從名冊刪除某姓名或名稱，在緊接有關現行註冊的屆滿日期之後生效。
- (11AB) 根據第(11A)(b)款給予的通知須指明刪除的生效日期，而該日期不得早於有關現行註冊的屆滿日期。
- (11B) 如建築事務監督獲通知某認可人士、註冊結構工程師~~或註冊岩土工程師~~、註冊岩土工程師或註冊檢驗人員已不再具備其藉以註冊的訂明資格，則建築事務監督須將根據本條列入或重新列入或保留於認可人士名冊、結構工程師名冊~~或岩土工程師名冊~~、岩土工程師名冊或檢驗人員名冊內的有關姓名刪除。
- (11C) 建築事務監督須以預付郵費的掛號郵件，將根據第(11B)款從名冊除名的通知寄往被除名的人最後為人所知的地址。
- (12) 如根據第(11A)、(11B)或(11C)款將任何人除名，該人可於有關註冊有效期屆滿之日起計 2 年內，申請將其姓名重新列入有關名冊。
- (13) 根據第(12)款提出的申請須 –
- (a) 以指明的表格提出；
 - (b) (–)
 - (c) 附同重新名列於名冊所需的訂明費用，及保留註冊 5 年所需的訂明費用~~–~~；及
 - (d) 附同根據有關的註冊條例發出的有效註冊證明書或註冊續期證明書文本一份。

- (d) be accompanied by a copy of a valid certificate of registration or of renewal of registration issued under the respective Registration Ordinance.
- (13A) The Building Authority shall refuse an application under subsection (12) unless the applicant holds the prescribed qualifications for registration as an authorized person, a registered structural engineer or a registered geotechnical engineer, a registered geotechnical engineer or a registered inspector.
- (14) Where the Building Authority allows an application made under subsection (6), (9B) or (12) he shall –
- (a) issue to the applicant as regards the relevant registration a certificate of registration, which shall be in effect until the expiry of that registration; and
- (b) in the case of an application under subsection (12), restore the name of the applicant to the relevant register.
- (15) A registration under this section shall –
- (a) be effective, in the case of –
- (i) an inclusion in or restoration to a register of a person's name, from the date of such inclusion or restoration; and
- (ii) a retention or further retention of a person's name in a register, from the date of the expiry of the previous registration; and
- (b) expire, unless the person's name is removed from the relevant register by order of a disciplinary board, at the expiry of 5 years from the effective date of registration calculated in accordance with paragraph (a).
- (16) The Building Authority is required to give reasons in writing for a decision not to include, retain or restore a person's name in a register at the time of giving notice of the refusal.
- (17) The Building Authority shall make available the information specified in subsection (18) for public inspection at any reasonable time to facilitate any member of the public to ascertain –
- (a) whether he is, in relation to any matter connected with any activity under this Ordinance, dealing with a person registered under this section; and
- (b) the particulars of a person so registered.
- (18) The information specified for the purposes of subsection (17) is the name, the registration number and the expiry date of the registration of any person registered under this section.
- (13A) 除非申請人具備註冊為認可人士、註冊結構工程師或註冊岩土工程師、註冊岩土工程師或註冊檢驗人員的訂明資格，否則建築事務監督須拒絕根據第(12)款提出的申請。
- (14) 凡建築事務監督批准根據第(6)、(9B)或(12)款提出的申請 –
- (a) 他須就有關註冊向申請人發出註冊證明書，證明書有效至該項註冊有效期屆滿時為止；及
- (b) 如屬根據第(12)款提出的申請，他須將申請人的姓名重新列入有關名冊。
- (15) 根據本條作出的註冊 –
- (a) 由以下日期起生效 –
- (i) 如屬將某人的姓名列入或重新列入名冊的情況，則由將姓名列入或重新列入名冊之日起生效；及
- (ii) 如屬將某人的姓名保留或繼續保留於名冊內的情況，則由上次註冊有效期屆滿之日起生效；及
- (b) 除非紀律委員會命令將該人的姓名從有關名冊中刪除，否則註冊有效期須於按照(a)段計算的註冊生效日期起計滿 5 年時屆滿。
- (16) 建築事務監督須在發出拒絕申請的通知時，以書面述明決定不將某人的姓名列入、重新列入或保留於名冊內的理由。
- (17) 建築事務監督須將第(18)款指明的資料於任何合理時間內供公眾查閱，以利便任何公眾人士確定 –
- (a) 他是否正在就與根據本條例進行的任何活動有關連的事宜，與根據本條註冊的人往來；及
- (b) 經如此註冊的人的詳情。
- (18) 為施行第(17)款而指明的資料是根據本條註冊的人的姓名或名稱、註冊號碼及註冊的屆滿日期。

Section 5 Appointment and powers of disciplinary board

- (1) For the purposes of section 7, the Secretary may, from time to time, appoint a disciplinary board.
- (2) Every ~~such board shall consist~~ disciplinary board to conduct a hearing of disciplinary proceedings against an authorized person, a registered structural engineer or a registered geotechnical engineer consists of –
- (a) 4 persons who are members of the Authorized Persons', Registered Structural Engineers' and Registered Geotechnical Engineers' Disciplinary Board Panel appointed under section 5A, at least 1 of whom is on the same register and, in the case of the authorized persons' register, on the same list of the register as the person about whom the inquiry is being held; and
- (b) 1 person selected from among the persons nominated in accordance with subsection (3A).
- (c) (–)
- (2AA) Every disciplinary board to conduct a hearing of disciplinary proceedings against a registered inspector consists of –
- (a) 4 persons who are members of the Registered Inspectors' Disciplinary Board Panel appointed under section 5A, of whom at least –
- (i) 1 is a person mentioned in section 5A(2A)(a);
- (ii) 1 is a person mentioned in section 5A(2A)(b);
- (iii) 1 is a person mentioned in section 5A(2A)(c); and
- (b) 1 person selected from among the persons nominated in accordance with subsection (3A).
- (2A) The chairman of a disciplinary board shall appoint a legal adviser to assist in the conduct of the hearing of the disciplinary proceedings and to advise the disciplinary board on points of law that arise during the hearing. The disciplinary board may confer with the legal adviser after the conclusion of the hearing and before it hands down its decision but only after giving the person who is the subject of the hearing and his legal representative, if any, the right to be present while the legal adviser gives advice to the disciplinary board and the right to comment on the matters raised by the legal adviser to the disciplinary board.
- (2B) An authorized person, a registered structural engineer ~~or a registered geotechnical engineer~~, a registered geotechnical engineer or a registered inspector, against whom disciplinary proceedings are taken, is entitled to be represented by a legal practitioner at disciplinary proceedings.

第 5 條 紀律委員會的委任及權力

- (1) 為施行第 7 條，局長可不時委出紀律委員會。
- (2) 每個就認可人士、註冊結構工程師或註冊岩土工程師進行紀律處分程序聆訊的紀律委員會由以下人士組成 –
- (a) 屬根據第 5A 條委出的認可人士、註冊結構工程師及註冊岩土工程師紀律委員會成員的人 4 名，其中最少 1 名須與研訊所關乎的人名列同一名冊，如屬認可人士名冊，則須與研訊所關乎的人名列該名冊內同一名單；及
- (b) 從按照第(3A)款獲提名的人之中選出的人 1 名。
- (c) (–)
- (2AA) 每個就註冊檢驗人員進行紀律處分程序聆訊的紀律委員會由以下人士組成 –
- (a) 屬根據第 5A 條委出的註冊檢驗人員紀律委員會成員的人 4 名，其中最少 –
- (i) 1 名屬第 5A(2A)(a)條所述的人；
- (ii) 1 名屬第 5A(2A)(b)條所述的人；
- (iii) 1 名屬第 5A(2A)(c)條所述的人；及
- (b) 從按照第(3A)款獲提名的人之中選出的人 1 名。
- (2A) 紀律委員會主席須委任一名法律顧問，協助紀律處分程序聆訊的進行，並就聆訊中產生的法律問題向紀律委員會提供意見。紀律委員會可在聆訊完結之後及宣布決定之前，與法律顧問商議，但須事先給予聆訊的標的及其法律代表(如有的話)權利，使其可於法律顧問向紀律委員會提供意見時在場，和就法律顧問向紀律委員會提出的事項表示意見。
- (2B) 紀律處分程序所針對的認可人士、註冊結構工程師或註冊岩土工程師、註冊岩土工程師或註冊檢驗人員，有權在紀律處分程序中由法律執業者代表。
- (3) 根據本條委出的紀律委員會的主席由委員會成員從該委員會的成員之中選出。
- (3A) 為施行第(2)(b)款第(2)(b)及(2AA)(b)款，建築事務監督須邀請其認為適合的團體提名人選，供局長考慮委任為紀律委員會的成員。

- (3) The chairman of a disciplinary board appointed under this section shall be elected from the members of the board by its members.
- (3A) For the purpose of ~~subsection (2)(b)~~ subsections (2)(b) and (2AA)(b), the Building Authority is to invite such bodies as the Building Authority may think fit to nominate persons for the Secretary to consider for appointment to the disciplinary board.
- (4) For the purposes of any inquiry under section 7, a disciplinary board appointed under this section shall have all such powers as are vested in the Court of First Instance in relation to –
- enforcing the attendance of witnesses and examining them upon oath or otherwise;
 - compelling the production of documents;
 - ordering the inspection of premises; and
 - entering upon and viewing premises.
- (5) The members of any disciplinary board appointed under this section, other than persons who are in full-time employment in any office of emolument under the Government, shall be remunerated at such rate as the Chief Executive may determine from time to time or in any particular case.

Section 5A Authorized Persons', Registered Structural Engineers' and Registered Geotechnical Engineers' Disciplinary Board Panel and Registered Inspectors' Disciplinary Board Panel

- (1) There shall be an Authorized Persons', Registered Structural Engineers' and Registered Geotechnical Engineers' Disciplinary Board ~~Panel~~, ~~Panel and a Registered Inspectors' Disciplinary Board Panel~~, both of ~~which~~ shall be appointed by the Chief Executive.
- (2) The Authorized Persons', Registered Structural Engineers' and Registered Geotechnical Engineers' Disciplinary Board Panel consists of not more than 25 members, of whom not less than 1 and not more than –
- 5 are authorized persons in the list of architects;
 - 5 are authorized persons in the list of engineers;
 - 5 are authorized persons in the list of surveyors;
 - 5 are registered structural engineers; and
 - 5 are registered geotechnical engineers.

- (2A) The Registered Inspectors' Disciplinary Board Panel consists of not more than 15 members, of whom not less than 1 and not more than –
- 5 are registered inspectors in the list of architects;

- (4) 為根據第 7 條進行研訊，根據本條委出的紀律委員會具有就下列事項而歸於原訟法庭的所有權力 –
- 強制證人出席，並在其宣誓或不宣誓後加以訊問；
 - 強迫出示文件；
 - 命令檢查處所；及
 - 進入和查看處所。
- (5) 根據本條委出的任何紀律委員會成員，除全職受僱擔任政府任何受薪職位的人外，須獲發酬金，酬金數額由行政長官不時或就個別情況釐定。

第 5A 條 認可人士、註冊結構工程師及註冊岩土工程師紀律委員會及註冊檢驗人員紀律委員會

- (1) 現設立認可人士、註冊結構工程師及註冊岩土工程師紀律委員會、委員會及註冊檢驗人員紀律委員會，兩者皆由行政長官委出。
- (2) 認可人士、註冊結構工程師及註冊岩土工程師紀律委員會由不多於 25 名成員組成，其中不少於 1 名但不多於 –
- 5 名為名列建築師名單的認可人士；
 - 5 名為名列工程師名單的認可人士；
 - 5 名為名列測量師名單的認可人士；
 - 5 名為註冊結構工程師；及
 - 5 名為註冊岩土工程師。

- (2A) 註冊檢驗人員紀律委員會由不多於 15 名成員組成，其中不少於 1 名但不多於 –
- 5 名為名列建築師名單的註冊檢驗人員；
 - 5 名為名列工程師名單的註冊檢驗人員；及
 - 5 名為名列測量師名單的註冊檢驗人員。

(b) 5 are registered inspectors in the list of engineers; and

(c) 5 are registered inspectors in the list of surveyors.

(2B) For the purpose of subsections (2) and (2A), each member of the relevant Panel may only take up one seat of membership in the Panel even if the member's name is included in more than one of the lists or registers mentioned in those subsections.

(3) A person must not be appointed to be a member of the Panel referred to in subsection (2) or (2A) unless he has been recommended for the appointment by the Building Authority after consultation with the Architects Registration Board, the Engineers Registration Board or the Surveyors Registration Board respectively, as appropriate.

(4) Members of the panel shall hold office for 3 years but shall be eligible for reappointment.

Section 5AA Secretary to the disciplinary board

(1) There shall be a ~~Secretary~~ secretary to the disciplinary board for the purpose of providing administrative services to a disciplinary board appointed under section 5.

(2) The ~~Secretary to secretary to~~ the disciplinary board shall be-

(a) appointed by the Secretary ~~for Development~~;

(b) a public officer; and

(c) a person who is not a member of the disciplinary board appointed under section 5.

Section 7 Disciplinary proceedings for authorized person, registered structural engineer or registered geotechnical engineer, registered geotechnical engineer or registered inspector

(1) The Building Authority may bring to the notice of a disciplinary board appointed under section 5 the matters set out in subsection (1A) in relation to an authorized person, a registered structural engineer ~~or a registered geotechnical engineer, a registered geotechnical engineer or a registered inspector~~ if the conduct referred to the disciplinary board may –

(a) render the person unfit to remain on the relevant register;

(b) make further inclusion of the person on the relevant register prejudicial to the due administration of this Ordinance;

(ba) render the person unfit for certifying any minor works commenced or to be commenced under the simplified requirements;

(bb) make further certification of minor works commenced or to be commenced under the simplified requirements by him prejudicial to the due

(2B) 就第(2)及(2A)款而言，有關委員團的每位成員即使名列於多於一份該兩款所述的名單或名冊中，亦只能在委員團的成員中佔一席位。

(3) 任何人除非獲建築事務監督經諮詢建築師註冊管理局、工程師註冊管理局或測量師註冊管理局(視何者適當而定)之後予以推薦，否則不得獲委任為第(2)或(2A)款所提述的委員團的成員。

(4) 委員團成員的任期為 3 年，但有資格再獲委任。

第 5AA 條 紀律委員會秘書

(1) 為向根據第 5 條委出的紀律委員會提供行政服務，現設立紀律委員會秘書一職。

(2) 紀律委員會秘書須—

(a) 由發展局局長委任；

(b) 為公職人員；及

(c) 不是根據第 5 條委出的紀律委員會的成員。

第 7 條 就認可人士、註冊結構工程師或註冊岩土工程師、註冊岩土工程師或註冊檢驗人員進行的紀律處分程序

(1) 建築事務監督可將第(1A)款所列與任何認可人士、註冊結構工程師或註冊岩土工程師、註冊岩土工程師或註冊檢驗人員有關的事項，通知根據第 5 條委出的紀律委員會，但轉介紀律委員會處理的有關行為須是—

(a) 可使該人不宜保持名列於有關名冊的；

(b) 可使該人如繼續名列於有關名冊則會損及本條例的妥善執行的；

(ba) 可使該人不宜核證任何已根據或將會根據簡化規定展開的小型工程的；

(bb) 可使該人如繼續核證已根據或將會根據簡化規定展開的小型工程則會損及本條例的妥善執行的；或

administration of this Ordinance; ~~or~~

(bc) render the person unfit for certifying any prescribed inspection, or certifying or supervising any prescribed repair;

(bd) make further certification of any prescribed inspection, or certification or supervision of any prescribed repair, by that person prejudicial to the due administration of this Ordinance;

(be) render the person deserving of suspension from certifying any prescribed inspection, or certifying or supervising any prescribed repair; or

(c) render the ~~authorized person, registered structural engineer or registered geotechnical engineer~~ person deserving of suspension from the ~~relevant~~ register, a fine or a reprimand.

(1A) The matters referred to in subsection (1) are that the person –

(a) has been convicted by any court of an offence related to carrying out his professional duties;

(b) has been negligent or has misconducted himself in a professional way;

(c) has permitted a material deviation from a supervision plan for which he is responsible without reasonable cause;

(d) has drawn up a supervision plan that does not comply with the material requirements of this Ordinance;

(e) has repeatedly drawn up supervision plans that do not comply with the requirements of this Ordinance;

(f) has certified minor works commenced under the simplified requirements that have been carried out in contravention of this Ordinance;

(g) has supervised minor works commenced under the simplified requirements that have been carried out in such a manner that they have caused injury to a person (whether or not while under such supervision);

(h) has certified building works (other than minor works) as if it were minor works commenced under the simplified requirements;

(i) has supervised building works (other than minor works) as if it were minor works commenced under the simplified requirements; ~~or~~

(j) has not carried out his duties under section 4B(2)(d), (e) or (f) in respect of minor works commenced under the simplified requirements; ~~;~~

(k) has failed to discharge the duties, or abide by the requirements, imposed on a registered inspector under this Ordinance; or

(l) has failed to discharge the duties, or abide by the requirements, imposed on a qualified person under this Ordinance.

(bc) 可使該人不宜核證任何訂明檢驗，或核證或監督任何訂明修葺的；

(bd) 可使該人如繼續核證任何訂明檢驗，或核證或監督任何訂明修葺，則會損及本條例的妥善執行的；

(be) 可使該人應被暫時禁止核證任何訂明檢驗，或核證或監督任何訂明修葺的；或

(c) 可使該~~認可人士、註冊結構工程師或註冊岩土工程師人~~應被暫時從~~有關~~名冊中除名、罰款或受譴責的。

(1A) 第(1)款所提述的事項為該人 –

(a) 已就一項與執行其專業職責有關的罪行被任何法庭定罪；

(b) 曾犯有專業上的行為不當或疏忽；

(c) 曾無合理因由而容許嚴重偏離其負責的監工計劃書；

(d) 曾擬定不符合本條例各項重要規定的監工計劃書；

(e) 屢次擬定不符合本條例各項規定的監工計劃書；

(f) 曾核證在違反本條例的情況下進行的根據簡化規定展開的小型工程；

(g) 曾監督根據簡化規定展開的小型工程，而該工程的進行方式曾導致有人受傷(不論是否在該項監督期間發生)；

(h) 曾核證建築工程(小型工程除外)，猶如該工程是根據簡化規定展開的小型工程一樣；

(i) 曾監督建築工程(小型工程除外)，猶如該工程是根據簡化規定展開的小型工程一樣； ~~或~~

(j) 沒有就根據簡化規定展開的小型工程，執行他在第 4B(2)(d)、(e) 或(f)條下的職責 ~~一~~；

(k) 沒有履行或遵守根據本條例施加於註冊檢驗人員的職責或要求；或

(l) 沒有履行或遵守根據本條例施加於合資格人士的職責或要求。

(2) Where, after due inquiry, the disciplinary board is satisfied that the authorized person, the registered structural engineer ~~or the registered geotechnical engineer,~~ the registered geotechnical engineer or the registered inspector has been convicted as described in subsection (1A)(a) or done an act described in subsection (1A)(b), (c), (d), (e), (f), (g), (h) or (i) or has not carried out the duties mentioned in subsection (1A)(j) in respect of minor works commenced or to be commenced under the simplified ~~requirements,~~ requirements, or has failed to discharge the duties or abide by the requirements mentioned in subsection (1A)(k) or (l), the disciplinary board may –

- (a) order that the name of such person be removed –
 - (i) from the authorized persons', structural engineers' or geotechnical engineers' register, as the case may be; or
 - (ii) if his name appears in more than one such register, from those registers, either permanently or for such period as the board thinks fit; ~~or~~

(aa) order that the name of the person be removed from the inspectors' register, either permanently or for any period that the board thinks fit;

(b) order that such person be reprimanded;

(ba) order that ~~authorized person, registered structural engineer or registered geotechnical engineer person~~ be fined –

- (i) in the case of a prescribed inspection (other than a prescribed inspection in respect of a window in a building) or building works (other than minor works), a sum not exceeding \$250,000; or
- (ii) in the case of a prescribed inspection in respect of a window in a building or minor works, a sum not exceeding \$150,000; ~~or~~

(bb) order that the ~~authorized person, registered structural engineer or registered geotechnical engineer person~~ be prohibited from certifying any minor works commenced or to be commenced under the simplified requirements, either permanently or for such period as the disciplinary board thinks fit; ~~or~~

(c) (–)

(d) order that the person be prohibited from certifying any prescribed inspection, or certifying or supervising any prescribed repair, in respect of a window in a building, either permanently or for any period that the disciplinary board thinks fit.

(2A) Where the disciplinary board makes an order under subsection (2), it shall order that its findings and order be published in the Gazette.

(2) 如經適當研訊後，紀律委員會信納有關認可人士、註冊結構工程師~~或註冊岩土工程師~~、註冊岩土工程師或註冊檢驗人員已如第(1A)(a)款所述般被定罪，或曾作出第(1A)(b)、(c)、(d)、(e)、(f)、(g)、(h)或(i)款所描述的行爲，或沒有就根據簡化規定展開的小型工程執行第(1A)(j)款所述的職責，~~或沒有履行或遵守第(1A)(k)或(l)款所述的職責或要求~~，則紀律委員會可 –

- (a) 命令將該人的姓名永久地或在一段委員會認為適合的期間內 –
 - (i) 從認可人士名冊、結構工程師名冊或岩土工程師名冊(視屬何情況而定)中刪除；或
 - (ii) (如該人的姓名出現在多於一份該等名冊內)從該等名冊中刪除；~~或~~

(aa) 命令將該人的姓名永久地或在一段委員會認為合適的期間內，~~從檢驗人員名冊中刪除；~~

(b) 命令譴責該人；

(ba) 命令對該~~認可人士、註冊結構工程師或註冊岩土工程師人~~處以 –

- (i) 如屬訂明檢驗(對建築物窗戶的訂明檢驗除外)或~~建築工程(小型工程除外)~~，不超過\$250,000的罰款；或
- (ii) 如屬對建築物窗戶的訂明檢驗或~~小型工程~~，不超過\$150,000的罰款；~~或~~

(bb) 命令該~~認可人士、註冊結構工程師或註冊岩土工程師人~~永久地或在一段紀律委員會認為合適的期間內，被禁止核證任何根據簡化規定展開的小型工程~~–~~；~~或~~

(c) (–)

(d) 命令該人永久地或在一段委員會認為合適的期間內，被禁止核證對建築物窗戶的任何訂明檢驗，或核證或監督對建築物窗戶的任何訂明修葺。

(2A) 凡紀律委員會根據第(2)款作出命令，它須命令將其裁斷及命令刊登於憲報。

- (3) On an inquiry under this section, a disciplinary board may make such order as it thinks fit with regard to the payment of the costs of the inquiry and the costs of the Building Authority or of the authorized person, registered structural engineer ~~or registered geotechnical engineer~~, registered geotechnical engineer or registered inspector in respect of whom the inquiry is held.
- (3A) The amount referred to in subsection (2)(ba) and any costs of inquiry ordered to be paid under subsection (3) are recoverable as a debt due to the Government.
- (4) (a) Any authorized person, registered structural engineer ~~or registered geotechnical engineer~~, registered geotechnical engineer or registered inspector aggrieved by any order made in respect of him under this section may appeal to a judge of the Court of First Instance ~~within 28 days of the order of the disciplinary board~~ and upon any such appeal the judge may confirm, reverse or vary the order of the disciplinary board.
- (b) The practice in relation to any such appeal shall be subject to any rules of court made under the High Court Ordinance (Cap 4).
- (c) ~~(-)The decision of the judge on any such appeal shall be final.~~

Section 8A Registers of contractors, etc.

- (1) The Building Authority is to keep –
- (a) a register of general building contractors who are qualified to perform the duties of a general building contractor;
- (b) a register of specialist contractors who are qualified to carry out specialized works specified in the category in the sub-register in which they are entered; and
- (c) a register or provisional register of minor works contractors who are qualified to carry out minor works belonging to the class, type and item specified in the register in which they are registered.
- (2) The Building Authority may by notice in the Gazette specify different categories of specialized works and is to maintain sub-registers in the register of specialist contractors for the different categories.
- (3) The Building Authority is required to publish a list of the names of the contractors in each register annually in the Gazette.
- (4) The Building Authority may remove from –
- (a) the register of general building contractors the name of a registered general building contractor who ceases, for any reason, to engage in the business of building works or street works;
- (b) the register of specialist contractors the name of a registered specialist

(3) 紀律委員會根據本條進行研訊時，可就研訊費用以及就建築事務監督方面或研訊所關乎的認可人士、註冊結構工程師~~或註冊岩土工程師~~、註冊岩土工程師~~或註冊檢驗人員~~方面的費用的支付，作出委員會認為適合的命令。

- (3A) 第(2)(ba)款提述的款項及根據第(3)款命令支付的任何研訊費用，可作為欠政府的債項予以追討。
- (4) (a) 任何認可人士、註冊結構工程師~~或註冊岩土工程師~~、註冊岩土工程師~~或註冊檢驗人員~~如因根據本條就其作出的任何命令而感到受屈，可~~在紀律委員會作出命令的28天內~~向原訟法庭法官提出上訴；而當有該等上訴提出時，法官可確認、推翻或更改紀律委員會的命令。
- (b) 有關任何該等上訴的常規，不得與任何根據《高等法院條例》(第4章)訂立的法院規則相抵觸。
- (c) ~~(-)法官對任何該等上訴的決定，為最終決定。~~

第 8A 條 承建商名冊等

- (1) 建築事務監督須備存 –
- (a) 一份一般建築承建商名冊，所載列的承建商有資格執行一般建築承建商的職責；
- (b) 一份專門承建商名冊，所載列的專門承建商有資格進行其所名列的分冊所屬類別所指明的專門工程；及
- (c) 一份小型工程承建商名冊或臨時小型工程承建商名冊，所載列的小型工程承建商有資格進行在名冊中指明的屬於該等承建商註冊所屬級別、~~類型類別~~及項目的小型工程。
- (2) 建築事務監督可藉憲報公告指明不同類別的專門工程，並須在專門承建商名冊中就不同類別備存分冊。
- (3) 建築事務監督須每年在憲報刊登每份名冊內的承建商名單。
- (4) 建築事務監督可將 –
- (a) 因任何理由而不再從事建築工程或街道工程業務的一般建築承建商的姓名或名稱，從一般建築承建商名冊中刪除；
- (b) 因任何理由而不再從事所註冊承辦的有關專門工程的註冊專門承建商的姓名或名稱，從專門承建商名冊中刪除；及
- (c) 因任何理由而不再進行屬於其註冊所屬的在名冊中指明的級

contractor who ceases, for any reason, to engage in the relevant specialized works for which he is registered; and

- (c) the register or provisional register of minor works contractors the name of a registered minor works contractor who ceases, for any reason, to carry out minor works belonging to the class, type and item specified in the register in which he is registered.
- (5) The Building Authority may remove the name of a partner, director or other person appointed by a body corporate to act for it for the purposes of this Ordinance of a registered general building contractor, a registered specialist contractor or a registered minor works contractor –
- (a) whose name is removed under subsection (4); or
- (b) if a disciplinary board appointed under section 11 orders the removal of the name.
- (6) The Building Authority shall make available the information specified in subsection (7) for public inspection at any reasonable time to facilitate any member of the public to ascertain –
- (a) whether he is, in relation to any matter connected with any activity under this Ordinance, dealing with a contractor registered under this Ordinance; and
- (b) the particulars of a contractor so registered.
- (7) The information specified for the purposes of subsection (6) is –
- (a) the name, registration number and the expiry date of the registration of any registered general building contractor, registered specialist contractor or registered minor works contractor; and
- (b) the name of the person appointed by a registered contractor referred to in paragraph (a) to act on the registered contractor's behalf for the purposes of this Ordinance.

Section 9A Appeals from Registration Committees

- (1) A person who is aggrieved by a decision of a Registration Committee under this Part may appeal to a judge of the Court of First Instance ~~within 28 days of the notification of the decision of the Registration Committee by the Building Authority to the person.~~
- (2) On an appeal the judge may confirm, reverse or vary the order decision of the Registration Committee.
- (3) The practice for the appeal is subject to any rules of court made under the High Court Ordinance (Cap 4).

別、~~類型類別~~及項目的小型工程的承建商的姓名或名稱，從小型工程承建商名冊或臨時小型工程承建商名冊中刪除。

- (5) 建築事務監督可將下列的註冊一般建築承建商、註冊專門承建商或註冊小型工程承建商的合夥人、董事或由法人團體就本條例而委任以代其行事的其他人除名 –
- (a) 根據第(4)款被除名者；或
- (b) 被根據第 11 條委出的紀律委員會命令除名者。
- (6) 建築事務監督須將第(7)款指明的資料於任何合理時間內供公眾查閱，以利便任何公眾人士確定 –
- (a) 他是否正在就與根據本條例進行的任何活動有關連的事宜，與根據本條例註冊的承建商往來；及
- (b) 經如此註冊的承建商的詳情。
- (7) 為施行第(6)款而指明的資料是 –
- (a) 註冊一般建築承建商、註冊專門承建商或註冊小型工程承建商的姓名或名稱、註冊號碼及註冊的屆滿日期；及
- (b) 獲(a)段提述的註冊承建商委任為施行本條例而代他行事的人的姓名或名稱。

第 9A 條 就註冊事務委員會的決定而提出的上訴

- (1) 任何人如因註冊事務委員會根據本部作出的決定而感到受屈，可 ~~在建築事務監督將註冊事務委員會的決定通知該人的 28 天內，~~向原訟法庭法官提出上訴。
- (2) 當有任何上訴提出時，法官可確認、推翻或更改註冊事務委員會的 命令 決定。
- (3) 上訴的常規不得與任何根據《高等法院條例》(第 4 章)訂立的法院規則相抵觸。

- (4) ~~(-)The decision of the judge is final.~~

Section 11AA Secretary to the disciplinary board

- (1) There shall be a ~~Secretary~~ secretary to the disciplinary board for the purpose of providing administrative services to a disciplinary board appointed under section 11.
- (2) The ~~Secretary to secretary to~~ the disciplinary board shall be –
- appointed by the Secretary ~~for Development~~;
 - a public officer; and
 - a person who is not a member of the disciplinary board appointed under section 11.

Section 13 Disciplinary proceedings for contractors

- (1) The Building Authority may bring to the notice of a disciplinary board appointed under section 11 the matters set out in subsection (2) in relation to a registered general building contractor, a registered specialist contractor or a registered minor works contractor if the conduct referred to the disciplinary board may –
- render the contractor unfit to be on the register;
 - make the further inclusion of the contractor in the register prejudicial to the due administration of this Ordinance;
 - render the contractor deserving of suspension from the register, a fine or a reprimand;
 - render the contractor unfit for certifying or carrying out minor works commenced under the simplified requirements;
 - make further certification of or carrying out minor works commenced under the simplified requirements by the contractor prejudicial to the due administration of this Ordinance; ~~or~~
 - render the contractor deserving of suspension from certifying or carrying out minor works commenced under the simplified requirements; ~~;~~
 - ~~render the contractor unfit for certifying any prescribed inspection, or certifying or supervising any prescribed repair, in respect of a window in a building;~~
 - ~~make further certification of any prescribed inspection, or certification or supervision of any prescribed repair, in respect of a window in a building by that contractor prejudicial to the due administration of this Ordinance; or~~
 - ~~render the contractor deserving of suspension from certifying any prescribed inspection, or certifying or supervising any prescribed repair, in~~

- (4) ~~(-)法官的決定為最終決定。~~

第 11AA 條 紀律委員會秘書

- (1) 為向根據第 11 條委出的紀律委員會提供行政服務，現設立紀律委員會秘書一職。
- (2) 紀律委員會秘書須 –
- 由發展局局長委任；
 - 為公職人員；及
 - 不是根據第 11 條委出的紀律委員會的成員。

第 13 條 承建商的紀律處分程序

- (1) 建築事務監督可將第(2)款所列與任何註冊一般建築承建商、註冊專門承建商或註冊小型工程承建商有關的事項，通知根據第 11 條委出的紀律委員會，但轉介紀律委員會處理的有關行為須是 –
- 可使該承建商不宜名列於名冊的；
 - 可使該承建商如繼續名列於名冊則會損及本條例的妥善執行的；
 - 可使該承建商應被暫時從名冊中除名、罰款或受譴責的；
 - 可使該承建商不宜核證或進行根據簡化規定展開的小型工程的；
 - 可使該承建商如繼續核證或進行根據簡化規定展開的小型工程則會損及本條例的妥善執行的；~~或~~
 - 可使該承建商應被暫時禁止核證或進行根據簡化規定展開的小型工程的~~[-]~~；
 - ~~可使該承建商不宜核證對建築物窗戶的任何訂明檢驗，或核證或監督對建築物窗戶的任何訂明修葺的；~~
 - ~~可使該承建商如繼續核證對建築物窗戶的任何訂明檢驗，或核證或監督對建築物窗戶的任何訂明修葺，則會損及本條例的妥善執行的；或~~
 - ~~可使該承建商應被暫時禁止核證對建築物窗戶的任何訂明檢驗，或核證或監督對建築物窗戶的任何訂明修葺的。~~
- (2) 第(1)款所提述的事項為該人 –

respect of a window in a building.

- (2) The matters referred to in subsection (1) are that the person –
- (a) has been convicted by any court of an offence relating to building works or street works;
 - (b) has been negligent or has misconducted himself in building works or street works;
 - (c) has deviated in a material manner from a supervision plan without reasonable cause;
 - (d) has drawn up a supervision plan that does not comply with the material requirements of this Ordinance;
 - (e) has repeatedly drawn up supervision plans that do not comply with the requirements of this Ordinance;
 - (f) has certified minor works commenced under the simplified requirements that have been carried out in contravention of this Ordinance;
 - (g) has supervised minor works commenced under the simplified requirements that have been carried out in such a manner that they have caused injury to a person (whether or not while under such supervision);
 - (h) has carried out minor works commenced under the simplified requirements in such a manner that they have caused injury to a person;
 - (i) has carried out building works (other than minor works) under the simplified requirements as if it were minor works commenced under the simplified requirements; ~~or~~
 - (j) has certified building works (other than minor works) as if it were minor works commenced under the simplified requirements; or
 - (k) has failed to discharge the duties, or abide by the requirements, imposed on a qualified person, registered general building contractor or registered minor works contractor under this Ordinance in respect of a prescribed inspection or prescribed repair.
- (3) The Building Authority may, in bringing to the notice of a disciplinary board a conviction, negligence or misconduct of a registered contractor that is a body corporate or is operating as a partnership, refer the names of the directors, officers, any person appointed to act for the body corporate for the purposes of this Ordinance and its partners to the disciplinary board for its consideration and action.
- (4) Where, after due inquiry, the disciplinary board is satisfied that the registered contractor or the director or officer or the person appointed by the registered contractor to act on his behalf for the purposes of this Ordinance has been convicted as described in subsection (2)(a) or done an act described in subsection (2)(b), (c),

- (a) 已就一項與建築工程或街道工程有關的罪行被任何法庭定罪；
 - (b) 在建築工程或街道工程方面曾犯有疏忽或行為不當；
 - (c) 曾無合理因由而嚴重偏離監工計劃書；
 - (d) 曾擬定不符合本條例各項重要規定的監工計劃書；
 - (e) 屢次擬定不符合本條例各項規定的監工計劃書；
 - (f) 曾核證在違反本條例的情況下進行的根據簡化規定展開的小型工程；
 - (g) 曾監督根據簡化規定展開的小型工程，而該工程的進行方式曾導致有人受傷(不論是否在該項監督期間發生)；
 - (h) 曾進行根據簡化規定展開的小型工程，而該工程的進行方式曾導致有人受傷；
 - (i) 曾根據簡化規定進行建築工程(小型工程除外)，猶如該工程是根據簡化規定展開的小型工程一樣；或
 - (j) 曾核證建築工程(小型工程除外)，猶如該工程是根據簡化規定展開的小型工程一樣；~~或~~；或
 - (k) 沒有履行或遵守根據本條例就訂明檢驗或訂明修葺施加於合資格人士、註冊一般建築承建商或註冊小型工程承建商的職責或要求。
- (3) 建築事務監督將屬法人團體或以合夥方式經營的註冊承建商的定罪、疏忽或行為不當通知紀律委員會時，可將董事、高級人員、任何就本條例而委任以代該法人團體行事的人及其合夥人的姓名或名稱，轉介紀律委員會考慮和採取行動。
- (4) 如經適當研訊後，紀律委員會信納有關註冊承建商、董事、高級人員或獲該註冊承建商委任代其為本條例的目的而行事的人士已如第(2)(a)款所描述般被定罪，或曾作出第(2)(b)、(c)、(d)、(e)、(f)、(g)、(h)、(i)或(j)款所描述的行爲，或沒有履行或遵守第(2)(k)款所述的職責或要求，則委員會可 –
- (a) 命令將該註冊承建商的姓名或名稱或該董事、高級人員或人士的姓名或名稱永久地或在一段委員會認為合適的期間內，從有關名冊中刪除；
 - (b) 命令對該註冊承建商或該董事、高級人員或人士處以 –
 - (i) 如屬建築工程(小型工程除外)，不超過\$250,000 的罰款；或

(d), (e), (f), (g), (h), (i) or ~~(j)~~(j) or failed to discharge the duties or abide by the requirements mentioned in subsection (2)(k), the disciplinary board may –

(a) order that the name of the registered contractor or the name of the director, officer or person be removed from the relevant register, either permanently or for such period as the disciplinary board thinks fit;

(b) order that the registered contractor or the director, officer or person be fined –

(i) in the case of building works (other than minor works), a sum not exceeding \$250,000; or

(ii) in the case of a prescribed inspection in respect of a window in a building or minor works, a sum not exceeding \$150,000;

(c) order that the registered contractor or the director, officer or person be reprimanded; ~~or~~

(d) in the case of a registered contractor who is a registered general building contractor or a registered specialist contractor, order that he be prohibited from certifying or carrying out any minor works commenced under the simplified requirements, either permanently or for such period as the disciplinary board thinks fit; ~~or~~

~~(e) in the case of a registered contractor who is a registered general building contractor or registered minor works contractor, order that the contractor be prohibited from certifying any prescribed inspection, or certifying or supervising any prescribed repair, in respect of a window in a building, either permanently or for any period that the disciplinary board thinks fit.~~

(4A) Where the disciplinary board makes an order under subsection (4), it shall order that its findings and order be published in the Gazette.

(5) In making an order in respect of a director, officer or other person appointed by a registered contractor to act on its behalf for the purposes of this Ordinance, the board may remove the director, officer or other person from any other company with respect to which he is registered under this Ordinance.

(6) A disciplinary board may make an order as it thinks fit for the payment of the costs of the inquiry or for the payment of the costs of the Building Authority or of the contractor, director, officer or other person about whom the inquiry is held.

(6A) The amount referred to in subsection (4)(b) and any costs of inquiry ordered to be paid under subsection (6) are recoverable as a debt due to the Government.

(7) A registered general building contractor, registered specialist contractor, **registered minor works contractor**, director, officer or other person aggrieved by an order made in respect of him under this section may appeal to a judge of the Court of First

(ii) 如屬對建築物窗戶的訂明檢驗或小型工程，不超過 \$150,000 的罰款；

(c) 命令譴責該註冊承建商或該董事、高級人員或人士；~~或~~

(d) (如該註冊承建商是註冊一般建築承建商或註冊專門承建商)命令該註冊承建商永久地或在一段委員會認為合適的期間內，被禁止核證或進行任何根據簡化規定展開的小型工程；~~或~~

~~(e) (如該註冊承建商是註冊一般建築承建商或註冊小型工程承建商)命令該承建商永久地或在一段委員會認為合適的期間內，被禁止核證對建築物窗戶的任何訂明檢驗，或核證或監督對建築物窗戶的任何訂明修葺。~~

(4A) 凡紀律委員會根據第(4)款作出命令，它須命令將其裁斷及命令刊登於憲報。

(5) 凡就任何董事、高級人員或由註冊承建商就本條例而委任以代其行事的其他人作出命令，委員會可將該董事、高級人員或其他人從任何其他公司除名(如該董事、高級人員或其他人根據本條例作出的註冊是關乎該公司的)。

(6) 紀律委員會可就研訊費用的支付，或就建築事務監督方面或研訊所關乎的承建商、董事、高級人員或其他人方面的費用的支付，作出委員會認為適合的命令。

(6A) 第(4)(b)款提述的款項及根據第(6)款命令支付的任何研訊費用，可作為欠政府的債項予以追討。

(7) 任何註冊一般建築承建商、註冊專門承建商、**註冊小型工程承建商**、董事、高級人員或其他人如因根據本條就其作出的命令而感到受屈，可在**紀律委員會作出命令的28天內**，向原訟法庭法官提出上訴。

(8) 當有任何上訴提出時，法官可確認、推翻或更改紀律委員會的命令。

(9) 上訴的常規不得與任何根據《高等法院條例》(第4章)訂立的法院規則相抵觸。

(10) ~~(-)法官的決定為最終決定。~~

Instance within 28 days of the order of the disciplinary board.

- (8) On an appeal the judge may confirm, reverse or vary the order of the disciplinary board.
- (9) The practice for the appeal is subject to any rules of court made under the High Court Ordinance (Cap 4).
- (10) (-)The decision of the judge is final.

Section 13A Appeal against Building Authority's decision

- (1) An applicant for registration, renewal of registration or restoration of his name to a register who is dissatisfied with a decision of the Building Authority may appeal to a judge of the Court of First Instance within 28 days of the notification of the decision of the Building Authority by the Building Authority to the applicant.
- (2) On an appeal the judge may confirm, reverse or vary the decision of the Building Authority.
- (3) The practice for the appeal is subject to any rules of court made under the High Court Ordinance (Cap 4).
- (4) (-)The decision of the judge is final.

Section 17 Conditions may be imposed in certain cases

- (1) Where an application is made to the Building Authority in respect of any of the building works or street works set out in Column A, he may take such action by way of imposing conditions and requirements by orders in writing, and refusing his approval of plans or his consent to commence the building works or street works as is set out in Column B opposite the particular item in Column A.

A	B
1. Approval of plans of building works in connexion with an existing building which would result in a new building.	1. For the purpose of making such new building comply with the standard of structural stability and public health established from time to time by regulations – (a) require plans to be submitted showing additional building works, and refuse approval of the plans already submitted pending his approval of such plans together with the plans required to be submitted under this section; and (b) require to be carried out the building works

第 13A 條 針對建築事務監督的決定而提出的上訴

- (1) 申請註冊、註冊續期或重新名列於名冊的人如對建築事務監督的決定感到不滿，可在建築事務監督將其決定通知申請人的 28 天內，向原訟法庭法官提出上訴。
- (2) 當有任何上訴提出時，法官可確認、推翻或更改建築事務監督的命令。
- (3) 上訴的常規不得與任何根據《高等法院條例》(第 4 章)訂立的法院規則相抵觸。
- (4) (-)法官的決定為最終決定。

第 17 條 在某些情況下可施加條件

- (1) 凡有申請就 A 欄所列的任何建築工程或街道工程向建築事務監督提出，建築事務監督可藉書面命令施加條件及規定，和拒絕批准圖則或拒絕同意建築工程或街道工程的展開，藉此而作出與 A 欄各項目相對的 B 欄內的行動。

A	B
1. 批准與現有建築物相關並會產生新建築物的建築工程的圖則。	1. 為使該新建築物符合不時由規例訂立的結構穩定性標準及公眾衛生標準 – (a) 規定呈交顯示增補建築工程的圖則，並在對已呈交的圖則與本條規定呈交的圖則一併給予批准之前，拒絕批准已呈交的圖則；及 (b) 規定進行上述經批准的增補圖則所顯示的建築工程，或他認為需要的其他建築工程。

	shown on such approved additional plans or such other building works as he may consider necessary.
2. Approval of plans of building works for the erection of a new building to which access is to be obtained by means of an existing access road which does not comply with the regulations.	2. For the purpose of making such access road comply with the regulations – (a) require plans to be submitted showing the necessary street works; and (b) require street works to be carried out in accordance with an approved plan.
3. Approval of plans of street works where in the opinion of the Building Authority – (a) the bearing capacity of the ground forming the foundation of the carriage-way is such that the thicknesses of materials to be used in the surfacing thereof, as prescribed by regulations, are inadequate; or (b) that the volume of traffic which may be expected to use such street is such that a carriage-way constructed in accordance with the regulations will be inadequate.	3. Require such carriage-way to be constructed in such manner as he may prescribe.
4. Approval of plans of building works or street works involving the construction, formation, laying out or any alteration of any access to or opening to or from any street.	4. Require such access or opening to be constructed and sited in such manner as in his opinion will ensure the safety and convenience of traffic and pedestrians using or expected to use such street.
5. Consent to commence building works to be carried out on land – (a) abutting or fronting on a	5. For the purpose of making such private streets or access roads comply with the regulations – (a) require plans of street works to be submitted

2. 批准以下建築工程的圖則：建立新建築物的建築工程，而通往該建築物的現有通路並不符合規例。	2. 為使該通路符合規例 – (a) 規定呈交顯示所需的街道工程的圖則；及 (b) 規定按照經批准的圖則進行街道工程。
3. 批准建築事務監督認為有以下情況的街道工程的圖則 – (a) 就構成車路基礎的土地的承載力而言，按規例所訂明用以鋪設車路路面的物料的厚度並不足夠；或 (b) 就預期使用上述街道的交通流量而言，按規例所建造的車路並不足夠。	3. 規定按他訂明的方式建造該車路。
4. 批准涉及任何通往任何街道的通道或出入口的建造、平整、鋪設或任何改動的建築工程或街道工程的圖則。	4. 規定該通道或出入口按他認為會確保使用或預期會使用該街道的來往交通及行人安全便利的方式建造和定位。
5. 同意在下列土地展開建築工程 – (a) 緊連或臨向一條新私家街道的土地；或 (b) 須由一條新通路或一條須予改動的通路通往的土地。	5. 為使該等私家街道或通路符合規例 – (a) 規定呈交街道工程的圖則，並可拒絕同意該等建築工程的展開，直至他批准該等圖則為止；及 (b) 規定按照經批准的圖則進行街道工程。
6. 批准顯示下列建築工程的圖則或同意該等建築工程的展開 – (a) 涉及物料在結構方面的使用的建築工程； (b) 涉及地盤平整工程、挖掘工程、打樁工程、基礎工程或任何其他結構工程的建築工程；	6. 就下列事項作出規定和訂明條件 – (a) 最大荷載及應力； (b) 物料的測試； (c) 物料的使用； (ca) 查核設計假定和監察工程效果的儀器的使用；

<p>new private street; or (b) to which access is to be obtained by means of a new access road or an access road to which alterations are to be made.</p>	<p>and may refuse his consent to the commencement of the building works until he has approved such plans; and (b) require street works to be carried out in accordance with an approved plan.</p>
<p>6. Approval of plans showing, or consent to commence, building works involving – (a) the structural use of materials; (b) site formation works, excavation works, piling works, foundation works or any other structural works; or (c) ground investigation in the scheduled areas.</p>	<p>6. Require and prescribe conditions for – (a) maximum loads and stresses; (b) tests of materials; (c) the use of materials; (ca) instrumentation for checking design assumptions and monitoring the effect of the works; (d) standards of workmanship; (e) qualified supervision; (f) the sequence of works in respect of works in area number 1 of the scheduled areas; and (g) a performance review in respect of – (i) works in the scheduled areas; or (ii) works in sites outside the scheduled areas where – (A) the Building Authority considers that the geological conditions need to be verified during construction and before an application for occupation permit is made under section 21; (B) the groundwater regime will be adversely affected by the works; or (C) the Building Authority is of the opinion that the works incorporate unconventional designs, the performance of which has not been fully demonstrated by local case histories, tests and investigations.</p>
<p>7. Approval of plans showing, or</p>	<p>7. Prescribe conditions subject to which the works</p>

<p>或 (c) 涉及附表所列地區內的土地勘測的建築工程。</p>	<p>(d) 工作質量的水準； (e) 合格的監督； (f) 附表所列地區第 1 號地區內的工程的施工次序；及 (g) 以下工程的表現檢討 – (i) 附表所列地區內的工程；或 (ii) 有以下情況的在附表所列地區以外的地盤內的工程 – (A) 建築事務監督認為地質情況需在建築過程當中及在根據第 21 條要求發出佔用許可證的申請提出之前核實； (B) 有關工程將對地下水體系造成負面影響的；或 (C) 建築事務監督認為有關工程包含有非傳統的設計，而該等設計的工程的表現在本地的個案歷史、測試及審查中並未曾得到全面證明。</p>
<p>7. 批准顯示地盤平整工程、打樁工程、挖掘工程或基礎工程的圖則，或同意該等工程的展開。</p>	<p>7. 訂明進行工程所須遵從的條件，即建築事務監督認為需要的條件，以防止任何毗鄰的或其他的建築物、街道或土地整體或局部坍塌，或消除發生上述坍塌的可能性，或防止任何毗鄰的或其他的建築物、街道或土地變得危險以致會或相當可能會整體或局部坍塌，或消除任何上述建築物、街道或土地變</p>

consent to commence, site formation works, piling works, excavation works or foundation works.	may be carried out, being conditions that the Building Authority considers necessary to prevent a collapse, whether total or partial, or the likelihood of such a collapse, of any adjoining or other building, street or land or to prevent any adjoining or other building, street or land becoming so dangerous, or the likelihood of any such building, street or land becoming so dangerous, that it will collapse or be likely to collapse, either totally or partially.
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(2) (–)

Section 18 Authority to erect shoring in certain cases

- (1) Without prejudice to any other provision of this Ordinance and subject to subsection (2), where –
- (a) for the purpose of satisfying the Building Authority that such precautions as are referred to in section 16(5) have been taken; or
 - (b) for the purpose of complying with a condition prescribed by the Building Authority under section 17,
- the erection of shoring for any building is necessary, the person whose building works or proposed building works necessitate the erection of the shoring is hereby authorized to erect, or cause to be erected, such shoring as may be necessary, and the same may be affixed –
- (i) in or to or around the building for which it is erected, or otherwise in relation to that building as the circumstances require; or
 - (ii) with the permission of the Director of Buildings, or an officer of the Buildings Department authorized in that behalf by the Director of Buildings either by name or by reference to an office, granted under subsection (3) and in accordance with such permission, in or over or upon any street, whether or not the street is on land held under lease from the Government,
- and maintained for such time as may be necessary and thereafter removed.
- (2) Nothing in subsection (1) authorizes –
- (a) the affixing of shoring in or over or upon any land, not being a street, unless the land is owned by either the owner of the building for which the shoring is erected or the person whose building works or proposed building works necessitate the erection of the shoring; or

	得如此危險的可能性。
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(2) (–)

第 18 條 授權在某些情況下豎設撐柱

- (1) 在不損害本條例任何其他條文的原則下，除第(2)款另有規定外，凡 –
- (a) 為使建築事務監督信納已採取第 16(5)條所提述的預防措施；或
 - (b) 為遵從建築事務監督根據第 17 條訂明的條件，而需要為任何建築物豎設撐柱，現授權其建築工程或擬進行的建築工程導致需要豎設撐柱的人，豎設或安排豎設所需的撐柱，而該等撐柱可 –
- (i) 固定在其承托的建築物之內、外或四周，或按情況所需固定在該建築物其他位置；或
 - (ii) 在獲得屋宇署署長或一名獲屋宇署署長就此而以指名或指定職位授權的屋宇署人員根據第(3)款所給予的准許後，按照該准許，固定在任何街道之內或上方或之上，不論該街道是否位於根據租契從政府取得而持有的土地上，並可維持一段視需要而定的時間，然後移去。
- (2) 第(1)款並不授權 –
- (a) 將撐柱固定在任何並非街道的土地之內或上方或之上，但如該土地由撐柱所承托的建築物的擁有人所擁有，或由其建築工程或擬進行的建築工程導致需要豎設撐柱的人所擁有，則屬例外；或
 - (b) 將撐柱固定在其承托的建築物以外的任何建築物之內、外或四周，或固定在該建築物其他位置。

- (b) the affixing of shoring in or to or around, or otherwise in relation to, any building other than the building for which the shoring is erected.
- (3) Whenever it is necessary, for either of the purposes specified in subsection (1), to erect shoring in or over or upon a street, whether or not the street is on land held under lease from the Government, the Director of Buildings or an officer of the Buildings Department authorized in that behalf by the Director of Buildings, either by name or by reference to an office, may, if he thinks fit, permit the erection of such shoring, subject to such conditions as he considers necessary.
- (4) Any damage to a building for which shoring is erected pursuant to subsection (1) caused by or resulting from the erection, maintenance or dismantling of the shoring shall be made good as soon as practicable by the person whose building works or proposed building works necessitated the erection, maintenance or dismantling of the shoring.
- (5) (a) Any occupier of a building for which shoring is erected pursuant to subsection (1), and any other person whatsoever, who suffers any loss or damage by reason of the erection, maintenance or dismantling of the shoring shall be entitled to recover compensation from the person whose building works or proposed building works necessitated the erection, maintenance or dismantling of the shoring.
- (b) Where any dispute arises as to –
- (i) whether compensation is payable under this subsection,
 - (ii) the amount of any such compensation, or
 - (iii) the person to whom it is payable,
- the same shall be determined in accordance with the provisions of section 18A.
- (6) (a) Any person authorized by the Building Authority in writing may enter any building specified in such authorization for the purpose of ascertaining what shoring may be required for the building for either of the purposes specified in subsection (1) or of ascertaining the manner in which shoring for the building may be affixed or for the purpose of erecting shoring for the building pursuant to subsection (1) or of maintaining such shoring in good order or of inspecting the same.
- (b) An authorization granted to any person under paragraph (a) shall be deemed also to authorize any servant or agent of that person, and such an agent's servants, to enter the building for the like purpose.
- (c) If a magistrate is satisfied by evidence on oath that the entry to a building of any person authorized to enter the same by or under paragraph (a) or (b) has been obstructed, he may upon application by or on behalf of the person
- (3) 凡為第(1)款所指明的任何一個目的而需要在街道之內或上方或之上豎設撐柱，不論該街道是否位於根據租契從政府取得而持有的土地上，屋宇署署長或一名獲屋宇署署長就此而指名或指定職位授權的屋宇署人員如認為適合，可准許豎設該等撐柱，但須符合他認為需要的條件。
- (4) 如因豎設、保養或拆除撐柱而導致或造成依據第(1)款豎設該等撐柱以承托的建築物損毀，則其建築工程或擬進行的建築工程導致需要豎設、保養或拆除該等撐柱的人，須在切實可行範圍內盡快將損毀修復。
- (5) (a) 依據第(1)款豎設撐柱以承托的建築物的任何佔用人及任何其他人士，如因該等撐柱的豎設、保養或拆除而蒙受任何損失或損害，則有權向其建築工程或擬進行的建築工程導致需要豎設、保養或拆除該等撐柱的人追討補償。
- (b) 凡就以下事項引起任何爭議 –
- (i) 根據本款是否須付補償，
 - (ii) 任何該等補償的款額，或
 - (iii) 須獲付補償的人，
- 該爭議須按第 18A 條的條文予以裁定。
- (6) (a) 任何獲建築事務監督以書面授權的人，可為下述目的進入授權書所指明的任何建築物：確定需要何種撐柱承托該建築物，以達致第(1)款所指明的任何一項目的，或確定將該建築物的撐柱固定的方式，或依據第(1)款為該建築物豎設撐柱，或妥善保養或檢查撐柱。
- (b) 根據(a)段發給任何人的授權書，須當作亦授權該人的任何受僱人或代理人，以及該代理人的受僱人，為同一目的進入該建築物。
- (c) 裁判官如根據經宣誓而作的證供，信納任何藉(a)或(b)段或根據(a)或(b)段獲授權進入任何建築物的人在進入該建築物時受阻，則可應根據(a)段獲授權進入該建築物的人或其代表的申請，以附表 3 所載表格發出手令，授權 –
- (i) 每名在手令發出前已藉(a)或(b)段或根據(a)或(b)段獲授權進入該建築物的人；及
 - (ii) 任何督察級或以上的警務人員，及在他指示下行事的任何其他警務人員，在為達致根據(a)段授權的目的所需的情況及時間，進入該建築物，而在執行該手令時，上述

authorized to enter such building under paragraph (a) issue a warrant in the form in ~~the Third Schedule~~ Schedule 3 authorizing-

- (i) each and every person authorized prior to the issue of the warrant to enter such building by or under paragraph (a) or (b); and
- (ii) any police officer of or above the rank of inspector and any other police officer acting under his direction,

to enter such building on such occasion or occasions, and at such time or times, as may be necessary for the purpose for which the authorization under paragraph (a) was granted, and in the execution of such warrant any such police officer may use such force as may be necessary.

- (d) A copy, in the English language and in the Chinese language, of any warrant issued under paragraph (c) shall be posted in a conspicuous position on the building to which it relates.

Section 23 Building works, etc. to cease on order of Building Authority

- (1) Where in the opinion of the Building Authority –
 - (a) any building works or street works are being carried out in contravention of any of the provisions of this Ordinance or are connected with any building works that have been so carried out; or
 - (b) any building works that are being carried out –
 - (i) will cause, or will be likely to cause, a total or partial collapse of any adjoining or other building, street or natural, formed or man-made land~~;~~~~or~~
 - (ii) will render, or will be likely to render, any adjoining or other building, street or natural, formed or man-made land so dangerous that it will collapse, or be likely to collapse, either totally or partially~~;~~~~or~~~~or~~
 - (iii) are in dangerous conditions within the site of the building works,he may by order in writing served on the registered general building contractor, registered specialist contractor, registered minor works contractor or other person carrying out such works, as the case may be, require that such works cease until the order is withdrawn.
- (2) The Building Authority may by order in writing served on the registered general building contractor, registered specialist contractor, registered minor works contractor or other person carrying out building works or street works require that the works cease if there has been a material deviation –

任何警務人員可使用必需的武力。

- (d) 任何根據(c)段發出的手令，須有中英文本張貼在手令所關乎的建築物的顯眼位置。

第 23 條 建築工程在建築事務監督的命令下須停止等

- (1) 凡建築事務監督認為 –
 - (a) 任何建築工程或街道工程正在於違反本條例任何條文的情況下進行，或與曾如此進行的任何建築工程相關；或
 - (b) 正在進行的任何建築工程 –
 - (i) 會導致或相當可能會導致任何毗鄰的或其他的建築物、街道或天然、經平整或人工建築的土地整體或局部坍塌~~；或~~；
 - (ii) 會使或相當可能會使任何毗鄰的或其他的建築物、街道或天然、經平整或人工建築的土地變得危險，以致會或相當可能會整體或局部坍塌~~；或~~；或
 - (iii) 在建築工程地盤內處於危險狀況，建築事務監督可藉向註冊一般建築承建商、註冊專門承建商、註冊小型工程承建商或進行該工程的其他人(視屬何情況而定)送達的書面命令，規定停止該工程，直至命令被撤回為止。
- (2) 如有任何建築工程或街道工程嚴重偏離 –
 - (a) 供製備該建築工程或街道工程監工計劃書用的技術備忘錄；或
 - (b) 該工程的監工計劃書，而建築事務監督認為如此可造成危險或有潛在危險的情況，則建築事務監督可藉向註冊一般建築承建商、註冊專門承建商、註冊小

- (a) from the technical memorandum for the preparation of a supervision plan for the building works or street works; or
 - (b) from the supervision plan for the works, which in the opinion of the Building Authority may lead to a dangerous or potentially dangerous situation.
- (3) The Building Authority may by order in writing served on the registered general building contractor, registered specialist contractor, registered minor works contractor or other person carrying out building works or street works require that the works cease if he is satisfied that a condition imposed on the giving of his approval or consent has not been, or is not able to be, complied with.
 - (4) If the Building Authority orders that the works cease, the person carrying out the building works or street works shall cease to continue the works as quickly and as safely as possible.
 - (5) The Building Authority may in withdrawing an order that works cease make the withdrawal subject to reasonable conditions.

Section 28C Magistrate's warrant

- (1) If a magistrate is satisfied by evidence on oath that the entry upon any land or the carrying out or maintenance of any groundwater drainage works by any person authorized under section 28B(4) has been obstructed, he may upon application by or on behalf of the person so authorized issue a warrant in the form in ~~the Sixth Schedule~~ Schedule 6 authorizing –
 - (a) every person so authorized before the issue of the warrant to enter upon the land on such occasions and at such times as may be necessary for the purpose for which the authorization under section 28B(4) was granted and to carry out or maintain any such authorized works; and
 - (b) any police officer of or above the rank of inspector and any other police officer acting under his direction to enter upon the land in company with, and for the purpose of preventing the obstruction of, any person authorized under paragraph (a), and in the execution of the warrant any such police officer may use such force as may be necessary.
- (2) A copy, in the English language and in the Chinese language, of any warrant issued under subsection (1) shall be posted in a conspicuous position on the land to which it relates.

- (3) 型工程承建商或進行該工程的其他人送達的書面命令，規定停止工程。如建築事務監督信納他在給予批准或同意時施加的條件未獲遵從或不能獲得遵從，則建築事務監督可藉向註冊一般建築承建商、註冊專門承建商、註冊小型工程承建商或進行建築工程或街道工程的其他人送達的書面命令，規定停止工程。
- (4) 如建築事務監督命令停止工程，則進行建築工程或街道工程的人須盡快和在盡量安全的情況下停止進行工程。
- (5) 建築事務監督在撤回停止工程的命令時，可就該項撤回施加合理條件。

第 28C 條 裁判官的手令

- (1) 裁判官如根據經宣誓而作的證供，信納任何根據第 28B(4)條獲授權的人進入任何土地或進行或保養任何地下水排水工程時受阻，則可應如此獲授權的人或其代表的申請，以附表 6 所載表格發出手令，授權 –
 - (a) 每名在手令發出前已根據第 28B(4)條獲授權的人，在為達致該授權的目的所需的情況及時間，進入該土地，並進行或保養任何該等獲授權進行的工程；及
 - (b) 任何督察級或以上的警務人員，及在其指示下行事的任何其他警務人員，為防止任何根據(a)段獲授權的人受阻而陪同該人進入該土地，而在執行該手令時，任何上述警務人員可使用必需的武力。
- (2) 任何根據第(1)款發出的手令，須有中英文本張貼在手令所關乎的土地的顯眼位置。

PART IIA
INSPECTION AND REPAIR OF BUILDING

Section 30A Interpretation and application

- (1) (-) *In this Part, “projection” (伸出物) means a projection from a building as prescribed in the regulations.*
- (2) This Part does not apply to a domestic building not exceeding 3 storeys in height.

Section 30B Obligation on owners to carry out prescribed inspection and prescribed repair in respect of buildings

- (1) This section applies to any building aged 30 years or above.
- (2) The age of a building mentioned in subsection (1) is to be determined by the Building Authority –
- (a) if an occupation permit in respect of the building is issued by the Building Authority under section 21(2), according to the date the occupation permit is issued; and
- (b) in any other case, according to the evidence available to the Building Authority.
- (3) The Building Authority may by notice in writing served on any owner of a building require a prescribed inspection and, if necessary, prescribed repair in respect of the common parts of the building to be carried out within a specified time.
- (4) If an external wall of a building is not in the common parts of the building, the Building Authority may by notice in writing served on the owner of the external wall require a prescribed inspection and, if necessary, prescribed repair in respect of the external wall to be carried out within a specified time.
- (5) Without limiting subsections (3) and (4), the Building Authority may by notice in writing served on an owner of a building require a prescribed inspection and, if necessary, prescribed repair in respect of any projection *as prescribed in the regulations other than a signboard* that is connected to that owner’s premises in the building and is occupied or used by that owner or any occupier of that premises to be carried out within a specified time.
- (6) Without limiting subsections (3) and (4), if a signboard is erected on a building, the Building Authority may by notice in writing served on –
- (a) the person for whom the signboard is erected;

第 IIA 部
建築物的檢驗及修葺

第 30A 條 釋義及適用範圍

- (1) (-) 在本部中，“伸出物”(projection)指規例訂明的建築物的伸出物。
- (2) 本部不適用於不超過 3 層高的住用建築物。

第 30B 條 擁有人對建築物進行訂明檢驗及訂明修葺的義務

- (1) 本條適用於樓齡達 30 年或以上的建築物。
- (2) 第(1)款所述的建築物的樓齡，由建築事務監督—
- (a) (如建築事務監督根據第 21(2)條就該建築物發出佔用許可證)按該佔用許可證發出的日期斷定；及
- (b) (如屬其他情況)按建築事務監督可得的證據斷定。
- (3) 建築事務監督可藉向建築物的任何擁有人送達書面通知，規定在指明的限期內，對該建築物的公用部分進行訂明檢驗及(如有需要)訂明修葺。
- (4) 如建築物的外牆不屬該建築物的公用部分，建築事務監督可藉向該外牆的擁有人送達書面通知，規定在指明的限期內，對該外牆進行訂明檢驗及(如有需要)訂明修葺。
- (5) 在不局限第(3)及(4)款的原則下，建築事務監督可藉向建築物的擁有人送達書面通知，規定在指明的限期內，對與該擁有人在該建築物內的處所相連並由該擁有人或該處所的任何佔用人佔用或使用的任何伸出物(規例所訂明者招牌除外)，進行訂明檢驗及(如有需要)訂明修葺。
- (6) 在不局限第(3)及(4)款的原則下，如有招牌豎設在建築物內的某處所上，建築事務監督可藉向以下人士送達書面通知—
- (a) (如該招牌為某人而豎設)該人；
- (b) (如不能尋獲該人)在該招牌出租的情況下會收取任何租金或其他金錢代價的人，或正收取該等租金或代價的人；或
- (c) (如不能尋獲(a)及(b)段所提述的人)該處所的擁有人，
- 規定在指明的限期內，對該招牌進行訂明檢驗及(如有需要)訂明修葺。
- (7) 在根據第(3)、(4)、(5)或(6)款送達的通知中，建築事務監督可就建築物的有關部分指明—

- (b) if that person cannot be found, the person who would receive any rent or other money consideration if the signboard were hired out or the person who is receiving such rent or money consideration; or
- (c) if the persons referred to in paragraphs (a) and (b) cannot be found, the owner of the premises in the building on which the signboard is erected, require a prescribed inspection and, if necessary, prescribed repair in respect of the signboard to be carried out within a specified time.
- (7) In a notice served under subsection (3), (4), (5) or (6), the Building Authority may specify for a relevant part of a building –
- (a) the date by which a registered inspector must be appointed to carry out a prescribed inspection in respect of that part of the building;
- (b) the date by which a prescribed inspection in respect of that part of the building is required to be completed; and
- (c) the date by which a prescribed repair in respect of that part of the building, as may be required under subsection (8), is required to be completed.
- (8) If a prescribed inspection in respect of a relevant part of a building shows that that part of the building has been rendered dangerous, or is liable to become dangerous, the owner on whom the notice is served must carry out a prescribed repair in respect of that part of the building, in accordance with this Ordinance, to render that part of the building safe.
- (9) The Building Authority may cause a notice served under subsection (3), (4), (5) or (6) to be registered by memorial in the Land Registry against the building to which the notice relates.
- (10) If a notice served under subsection (3), (4), (5) or (6) is not complied with, the Building Authority may, without further notification, carry out or cause to be carried out –
- (a) any inspection in respect of the common parts, external wall, projection or signboard of the building that the Building Authority considers necessary for the purpose of that notice; and
- (b) any repair works that the Building Authority considers necessary or expedient to render the building safe, having had regard to the findings of an inspection in respect of the building, whether the inspection is carried out or caused to be carried out by the Building Authority under paragraph (a), or by a registered inspector appointed under section 30D(1)(a).
- (11) The cost of the inspection and repair works that the Building Authority has carried

- (a) 須委任註冊檢驗人員對該建築物部分進行訂明檢驗的最後日期；
- (b) 對該建築物部分的訂明檢驗須完成的最後日期；及
- (c) 對該建築物部分的訂明修葺(如第(8)款規定須進行)須完成的最後日期。
- (8) 如對建築物的任何有關部分的訂明檢驗，顯示該建築物部分已變得危險或可變得危險，則獲送達通知的擁有人須按照本條例，對該建築物部分進行訂明修葺，使該建築物部分變得安全。
- (9) 建築事務監督可安排將根據第(3)、(4)、(5)或(6)款送達的通知，以註冊摘要的方式，在土地註冊處針對通知所關乎的建築物而註冊。
- (10) 如根據第(3)、(4)、(5)或(6)款送達的通知不獲遵從，則建築事務監督可無需再行通知而進行或安排進行—
- (a) 建築事務監督認為就該通知而言屬必需的、對該建築物的公用部分、外牆、伸出物或招牌的任何檢驗；及
- (b) 建築事務監督在顧及對該建築物的檢驗的結果後(不論該項檢驗由建築事務監督根據(a)段進行或安排進行，或由根據第30D(1)(a)條委任的註冊檢驗人員進行)認為對使該建築物變得安全屬必需或合宜的任何修葺工程。
- (11) 建築事務監督根據第(10)款進行或安排進行的檢驗及修葺工程的費用，連同建築事務監督可施加的~~等於不多於~~該費用的 20%的附加費，可作為欠政府的債項向下列的人追討—
- (a) (如根據第(3)、(4)、(5)或(6)款送達的通知沒有根據第(9)款在土地註冊處註冊)獲送達該通知的人；或
- (b) (如根據第(3)、(4)、(5)或(6)款送達的通知已根據第(9)款在土地註冊處註冊)於下列日期屬該建築物的有關部分的擁有人—
- (i) (如建築事務監督只是已進行或安排進行第(10)(a)款所述的檢驗)該項檢驗完成的日期；或
- (ii) (如建築事務監督已進行或安排進行修葺工程，不論建築事務監督是否亦已進行或安排進行第(10)(a)款所述的檢驗)第(10)(b)款所述的修葺工程完成的日期。
- (12) 第(3)、(4)、(5)或(6)款所指的通知獲遵從後，在該通知的日期後的 10

out or has caused to be carried out under subsection (10), together with a surcharge of **not exceeding** 20% on the cost that the Building Authority may impose, is recoverable as a debt due to the Government from –

(a) if the notice served under subsection (3), (4), (5) or (6) has not been registered with the Land Registry under subsection (9), the person on whom the notice is served; or

(b) if the notice served under subsection (3), (4), (5) or (6) has been registered with the Land Registry under subsection (9), the person who is the owner of the relevant part of the building –

(i) as at the date of completion of the inspection if the Building Authority has carried out or has caused to be carried out the inspection mentioned in subsection (10)(a) only; or

(ii) as at the date of completion of the repair works mentioned in subsection (10)(b) if the Building Authority has carried out or has caused to be carried out the repair works, whether or not the Building Authority has also carried out or has also caused to be carried out the inspection mentioned in subsection (10)(a).

(12) After a notice under subsection (3), (4), (5) or (6) (the “preceding notice”) has been complied with, a fresh notice in respect of the same part of the building must not be served under that subsection before the expiry of 10 years after the date of the preceding notice.

(13) In this section, a reference to an inspection or repair of any part of a building does not include an inspection or repair of the windows in the building.

Section 30C Obligation on owners to carry out prescribed inspection and prescribed repair in respect of windows

(1) This section applies to any building aged 10 years or above.

(2) The age of a building mentioned in subsection (1) is to be determined by the Building Authority –

(a) if an occupation permit in respect of the building is issued by the Building Authority under section 21(2), according to the date the occupation permit is issued; and

(b) in any other case, according to the evidence available to the Building Authority.

(3) Subject to subsection (4), the Building Authority may by notice in writing served on

年期屆滿前，不得根據該款，就該建築物的同一部分送達新的通知。

(13) 在本條中，提述對建築物的部分的檢驗或修葺，不包括對該建築物窗戶的檢驗或修葺。

第 30C 條 擁有人就窗戶進行訂明檢驗及訂明修葺的義務

(1) 本條適用於樓齡達 10 年或以上的建築物。

(2) 第(1)款所述的建築物的樓齡，由建築事務監督—

(a) (如建築事務監督根據第 21(2)條就該建築物發出佔用許可證)按該佔用許可證發出的日期斷定；及

(b) (如屬其他情況)按建築事務監督可得的證據斷定。

(3) 除第(4)款另有規定外，建築事務監督可藉向建築物的任何擁有人送達書面通知，規定在指明的限期內，對該建築物的窗戶進行訂明檢驗及(如有需要)訂明修葺。

(4) 如建築物的任何窗戶由該建築物的任何擁有人獨家使用，或由該擁有人

any owner of a building require a prescribed inspection and, if necessary, prescribed repair in respect of the windows in the building to be carried out within a specified time.

(4) If any window in a building is exclusively used by an owner of the building or any occupier of that owner's premises, the Building Authority may by notice in writing served only on that owner require a prescribed inspection and, if necessary, prescribed repair in respect of the window to be carried out within a specified time.

(5) In a notice served under subsection (3) or (4), the Building Authority may specify for a window in a building –

(a) the date by which a qualified person must be appointed to carry out a prescribed inspection in respect of that window;

(b) the date by which a prescribed inspection in respect of that window is required to be completed; and

(c) the date by which a prescribed repair in respect of that window, as may be required under subsection (6), is required to be completed.

(6) If a prescribed inspection in respect of a window in a building shows that the window has been rendered dangerous, or is liable to become dangerous, the owner on whom the notice is served must carry out a prescribed repair in respect of the window, in accordance with this Ordinance, to render the window safe.

(7) The Building Authority may cause a notice served under subsection (3) or (4) to be registered by memorial in the Land Registry against the building to which the notice relates.

(8) If a notice served under subsection (3) or (4) is not complied with, the Building Authority may, without further notification, carry out or cause to be carried out –

(a) any inspection in respect of the window concerned that the Building Authority considers necessary for the purpose of that notice; and

(b) any repair works that the Building Authority considers necessary or expedient to render the window safe, having had regard to the findings of an inspection in respect of the window, whether the inspection is carried out or caused to be carried out by the Building Authority under paragraph (a), or by a qualified person appointed under section ~~30E(1)(a)~~ ~~30E(1)~~.

(9) The cost of the inspection and repair works that the Building Authority has carried out or has caused to be carried out under subsection (8), together with a surcharge of **not exceeding** 20% on the cost that the Building Authority may impose, is recoverable as a debt due to the Government from –

的處所的任何佔用人獨家使用，建築事務監督可藉只向該擁有人送達書面通知，規定在指明的限期內，對該窗戶進行訂明檢驗及(如有需要)訂明修葺。

(5) 在根據第(3)或(4)款送達的通知中，建築事務監督可就建築物窗戶指明—

(a) 須委任合資格人士對該窗戶進行訂明檢驗的最後日期；

(b) 對該窗戶的訂明檢驗須完成的最後日期；及

(c) 對該窗戶的訂明修葺(如第(6)款規定須進行)須完成的最後日期。

(6) 如對建築物窗戶的訂明檢驗，顯示該窗戶已變得危險或可變得危險，則獲送達通知的擁有人須按照本條例，對該窗戶進行訂明修葺，使該窗戶變得安全。

(7) 建築事務監督可安排將根據第(3)或(4)款送達的通知，以註冊摘要的方式，在土地註冊處針對通知所關乎的建築物而註冊。

(8) 如根據第(3)或(4)款送達的通知不獲遵從，則建築事務監督可無需再行通知而進行或安排進行—

(a) 建築事務監督認為就該通知而言屬必需的、對有關窗戶的任何檢驗；及

(b) 建築事務監督在顧及對該窗戶的檢驗的結果後(不論該項檢驗由建築事務監督根據(a)段進行或安排進行，或由根據第 ~~30E(1)(a)~~ ~~30E(1)~~ 條委任的合資格人士進行)認為對使該窗戶變得安全屬必需或合宜的任何修葺工程。

(9) 建築事務監督根據第(8)款進行或安排進行的檢驗及修葺工程的費用，連同建築事務監督可施加的 **等於不多於** 該費用的 20% 的附加費，可作為欠政府的債項向下列的人追討—

(a) (如根據第(3)或(4)款送達的通知沒有根據第(7)款在土地註冊處註冊)獲送達該通知的人；或

(b) (如根據第(3)或(4)款送達的通知已根據第(7)款在土地註冊處註冊)於下列日期屬該建築物的有關部分的擁有人—

(i) (如建築事務監督只是已進行或安排進行第(8)(a)款所述的檢驗)該項檢驗完成的日期；或

(a) if the notice served under subsection (3) or (4) has not been registered with the Land Registry under subsection (7), the person on whom the notice is served; or

(b) if the notice served under subsection (3) or (4) has been registered with the Land Registry under subsection (7), the person who is the owner of the relevant part of the building –

(i) as at the date of completion of the inspection if the Building Authority has carried out or has caused to be carried out the inspection mentioned in subsection (8)(a) only; or

(ii) as at the date of completion of the repair works mentioned in subsection (8)(b) if the Building Authority has carried out or has caused to be carried out the repair works, whether or not the Building Authority has also carried out or has also caused to be carried out the inspection mentioned in subsection (8)(a).

(10) After a notice under subsection (3) or (4) (the “preceding notice”) has been complied with, a fresh notice in respect of the same window must not be served under that subsection before the expiry of 5 years after the date of the preceding notice.

Section 30D Appointment and duties of registered inspectors

(1) Any person for whom a prescribed inspection or prescribed repair in respect of a building is to be carried out must appoint –

(a) a registered inspector to carry out the prescribed inspection; and

(b) a registered inspector to supervise the prescribed repair.

(2) The registered inspector appointed under subsection (1)(b) may be the same registered inspector appointed under subsection (1)(a).

(3) A registered inspector appointed under subsection (1)(a) must –

(a) carry out the prescribed inspection personally unless otherwise exempted by the regulations; and

(b) comply generally with this Ordinance.

(4) A registered inspector appointed under subsection (1)(b) must –

(a) provide proper supervision of the carrying out of the prescribed repair;

(b) ensure the repair materials to be used –

(i) are not defective and comply with this Ordinance; and

(ii) (如建築事務監督已進行或安排進行修葺工程，不論建築事務監督是否亦已進行或安排進行第(8)(a)款所述的檢驗)第(8)(b)款所述的修葺工程完成的日期。

(10) 第(3)或(4)款所指的通知獲遵從後，在該通知的日期後的5年期屆滿前，不得根據該款，就同一窗戶送達新的通知。

第30D條 註冊檢驗人員的委任及職責

(1) 任何須由他人代為對任何建築物進行訂明檢驗或訂明修葺的人，須委任 –

(a) 一名註冊檢驗人員進行訂明檢驗；及

(b) 一名註冊檢驗人員監督訂明修葺。

(2) 根據第(1)(b)款獲委任的註冊檢驗人員，可以是根據第(1)(a)款獲委任的同一註冊檢驗人員。

(3) 根據第(1)(a)款獲委任的註冊檢驗人員 –

(a) 除規例另有豁免外，須親自進行訂明檢驗；及

(b) 須全面遵守本條例。

(4) 根據第(1)(b)款獲委任的註冊檢驗人員 –

(a) 須對訂明修葺的進行，提供妥善監督；

(b) 須確保使用的修葺物料 –

(i) 並非欠妥，並符合本條例；及

- (ii) have been mixed, prepared, applied, used, erected, constructed, placed or fixed in the manner required for such materials under this Ordinance;
- (c) ensure the building, for which the registered inspector is appointed to supervise the prescribed repair, is safe or has been rendered safe; and
- (d) comply generally with this Ordinance.
- (5) A registered inspector appointed under subsection (1)(a) to carry out a prescribed inspection must notify the Building Authority of—
- (a) any case of emergency that is revealed during the course of the prescribed inspection; and
- (b) any building works that have been or are being carried out in contravention of any provision of this Ordinance in the common parts, or to an external wall that is not in the common parts, of the building, that is identified during the course of the prescribed inspection.
- (6) A registered inspector appointed under subsection (1)(b) to supervise a prescribed repair must notify the Building Authority of any case of emergency that is revealed during the course of supervision of the prescribed repair.
- (7) A registered inspector appointed under subsection (1)(a) or (b) must not act, at the same time, as a contractor to carry out the prescribed repair for the same part of the building.
- (8) If a registered inspector appointed under subsection (1)(a) or (b) becomes unwilling to act or unable, whether by reason of termination of appointment or for any other reason, to act, the person for whom the prescribed inspection or prescribed repair is to be, or is being, carried out must appoint another registered inspector to act instead of the original registered inspector.
- (9) A registered inspector appointed under subsection (1)(a) is not allowed to nominate another registered inspector to act in his or her stead even though he or she is temporarily unable to act by reason of illness or absence from Hong Kong.
- (10) If a registered inspector appointed under subsection (1)(b) is temporarily unable to act by reason of illness or absence from Hong Kong, he or she may nominate another registered inspector to temporarily act in his or her stead for the period of illness or absence.
- (11) In this section, a reference to an inspection or repair of a building does not include an inspection or repair of the windows in the building.

- (ii) 以本條例就該等物料所規定的方式，予以混合、預備、應用、使用、豎立、建造、放置或固定；
- (c) 如就某建築物獲委任，以監督訂明修葺，須確保該建築物安全或已被致使安全；及
- (d) 須全面遵守本條例。
- (5) 根據第(1)(a)款獲委任進行訂明檢驗的註冊檢驗人員，須將下列事宜通知建築事務監督—
- (a) 在該訂明檢驗期間發現的任何緊急情況；
- (b) 在該訂明檢驗期間找出的、已經或正在於違反本條例任何條文情況下於建築物的公用部分進行(或對建築物的不屬公用部分的外牆進行)的任何建築工程。
- (6) 根據第(1)(b)款獲委任監督訂明修葺的註冊檢驗人員，須將在監督該訂明修葺期間發現的任何緊急情況，通知建築事務監督。
- (7) 根據第(1)(a)或(b)款獲委任的註冊檢驗人員，不得同時擔任為同一建築物部分進行訂明修葺的承建商。
- (8) 如根據第(1)(a)或(b)款獲委任以代某人或將代某人進行訂明檢驗或訂明修葺的註冊檢驗人員，變得不願意行事，或不論因終止委任或任何其他理由而變得不能行事，則該人須委任另一名註冊檢驗人員，取代原來的註冊檢驗人員。
- (9) 根據第(1)(a)款獲委任的註冊檢驗人員，即使因患病或不在香港，而暫時不能行事，亦不得提名另一名註冊檢驗人員代其行事。
- (10) 根據第(1)(b)款獲委任的註冊檢驗人員，如因患病或不在香港，而在某期間暫時不能行事，可提名另一名註冊檢驗人員在該期間代其行事。
- (11) 在本條中，提述建築物的檢驗或修葺，不包括對該建築物窗戶的檢驗或修葺。

Section 30E Appointment and duties of qualified persons

(1) Any person for whom a prescribed inspection or prescribed repair in respect of a window in a building is to be carried out must appoint ~~a qualified person to carry out the prescribed inspection and, if a prescribed repair of the window is required, appoint the same qualified person to supervise the prescribed repair.~~

(a) a qualified person to carry out the prescribed inspection; and

(b) a qualified person to supervise the prescribed repair.

(1A) ~~The qualified person appointed under subsection (1)(b) may be the same qualified person appointed under subsection (1)(a).~~

(2) If a qualified person appointed under subsection ~~(1) is a natural person, the qualified person must carry out the prescribed inspection personally. (1)(a) is a natural person, the qualified person must –~~

(a) carry out the prescribed inspection personally; and

(b) comply generally with this Ordinance.

(3) If a qualified person appointed under subsection ~~(1) is not a natural person, a representative of the qualified person as prescribed in the regulations must carry out the prescribed inspection personally. (1)(a) is not a natural person, a representative of the qualified person as prescribed in the regulations must –~~

(a) carry out the prescribed inspection personally; and

(b) comply generally with this Ordinance.

(4) A qualified person appointed under subsection ~~(1)(b)(1) must –~~

(a) provide proper supervision of the carrying out of the prescribed repair;

(b) ensure the repair materials to be used –

(i) are not defective and comply with this Ordinance; and

(ii) have been mixed, prepared, applied, used, erected, constructed, placed or fixed in the manner required for such materials under this Ordinance;

(c) ensure the window, for which the qualified person is appointed to supervise the prescribed repair, is safe or has been rendered safe; and

(d) comply generally with this Ordinance.

(5) If a qualified person appointed under subsection ~~(1)(a) or (b)(1) is a registered general building contractor or registered minor works contractor, the qualified person may also act as a contractor to carry out the prescribed repair.~~

(6) A qualified person appointed under subsection ~~(1)(a) or (b)(1) must notify the Building Authority of any case of emergency that is revealed during the course of the prescribed inspection or supervision of the prescribed repair (as the case~~

第 30E 條 合資格人士的委任及職責

(1) 任何須由他人代為對建築物窗戶進行訂明檢驗或訂明修葺的人，須委任

(a) 合資格人士進行該項訂明檢驗；及

(b) 合資格人士監督該項訂明修葺。

~~合資格人士進行該項訂明檢驗，如被規定對窗戶作訂明修葺，則須委任同一合資格人士監督該項訂明修葺。~~

(1A) ~~根據第(1)(b)款獲委任的合資格人士，可以是根據第(1)(a)款獲委任的同一合資格人士。~~

(2) 如根據第(1)(a)款獲委任的合資格人士屬自然人，該合資格人士須 –

(a) 親自進行訂明檢驗；及

(b) 全面遵守本條例。第(1)款獲委任的合資格人士屬自然人，該合資格人士須親自進行訂明檢驗。

(3) 如根據第(1)(a)款獲委任的合資格人士並非自然人，該合資格人士的代表(規例所訂明者)須 –

(a) 親自進行訂明檢驗；及

(b) 全面遵守本條例。第(1)款獲委任的合資格人士並非自然人，該合資格人士的代表(規例所訂明者)須親自進行訂明檢驗。

(4) 根據第(1)(b)(1)款獲委任的合資格人士 –

(a) 須對訂明修葺的進行，提供妥善監督；

(b) 須確保使用的修葺物料 –

(i) 並非欠妥，並符合本條例；及

(ii) 以本條例就該等物料所規定方式，予以混合、預備、應用、使用、豎立、建造、放置或固定；

(c) 如就某窗戶獲委任，以監督訂明修葺，須確保該窗戶安全或已被致使安全；及

(d) 須全面遵守本條例。

(5) 如根據第(1)(a)或(b)(1)款獲委任的合資格人士屬註冊一般建築承建商，或屬註冊小型工程承建商，該合資格人士亦可擔任進行訂明修葺的承建商。

(6) 根據第(1)(a)或(b)(1)款獲委任的合資格人士，須將在該訂明檢驗或監督該訂明修葺(視乎情況所需而定)期間發現的任何緊急情況，通知建築事

requires).repair.

- (7) If a qualified person appointed under subsection (1)(a) or (b) becomes unwilling to act or unable, whether by reason of termination of appointment or for any other reason, to act, the person for whom the prescribed inspection or prescribed repair is to be, or is being, carried out must appoint another qualified person to act instead of the original qualified person.
- (8) A qualified person appointed under subsection (1)(a) or (b) is not allowed to nominate another qualified person to act in his or her stead even though he or she is temporarily unable to act by reason of illness or absence from Hong Kong.

Section 30F Duties of registered general building contractors and registered minor works contractors

A registered general building contractor or registered minor works contractor appointed to carry out a prescribed repair must ensure the part of the building for which the contractor is appointed to carry out the prescribed repair has been rendered safe.

Section 33 Recovery of costs of works and surcharge by Building Authority

- (1) In any case where under this Ordinance the Building Authority is authorized to recover the cost of any inspection, investigation or works carried out by him or caused to be carried out by him or to recover the costs of services provided by him or caused to be provided by him or to recover the cost of any abortive visit made by him or to recover any surcharge, he may certify under his hand the cost and surcharge due and names of the persons liable therefor, and may by such certificate apportion such cost and surcharge among such persons.
- (2) Such cost may include –
- the cost of materials supplied by the Building Authority for the purpose of carrying out such inspection, investigation or works; and
 - supervision charges.
- (3) A copy of the Building Authority's certificate shall be served upon each person affected thereby.
- (4) Interest at the rate of 10 per cent per annum from the expiry of 1 month from the date of such service shall be recoverable as part of such cost or surcharge.
- (5) The payment of such cost or surcharge by any person shall be without prejudice to his right to recover the same from any person liable to pay the expenses of the repair of, or of other building works in connexion with, any building or land.

務監督。

- (7) 如根據第(1)(a)或(b)款獲委任以代某人或將代某人進行訂明檢驗或訂明修葺的合資格人士，變得不願意行事，或不論因終止委任或任何其他理由而變得不能行事，則該人須委任另一名合資格人士，取代原來的合資格人士。
- (8) 根據第(1)(a)或(b)款獲委任的合資格人士，即使因患病或不在香港，而暫時不能行事，亦不得提名另一名合資格人士代其行事。

第 30F 條 註冊一般建築承建商及註冊小型工程承建商的職責

獲委任對建築物某部分進行訂明修葺的註冊一般建築承建商或註冊小型工程承建商，須確保該建築物部分已被致使安全。

第 33 條 由建築事務監督追討工程費用及附加費

- (1) 凡建築事務監督根據本條例獲授權追討由他進行或安排進行的任何檢驗、勘测或工程的費用，或追討由他提供或安排提供的服務的費用，或追討他前往施工未遂的費用，或追討任何附加費，他可簽署證明書，證明到期須付的費用以及有法律責任支付該費用及附加費，以及證明有法律責任支付該費用及附加費的人的姓名或名稱，並可藉該證明書規定各人如何分攤該費用及附加費。
- (2) 該費用可包括 –
- 建築事務監督為進行該等檢驗、勘测或工程而供應的物料的費用；及
 - 監督費。
- (3) 每名受建築事務監督所發出證明書影響的人，須獲送達其文本一份。
- (4) 由上述送達日期起計 1 個月屆滿後，即以年率 10 釐計算利息，該等利息可作為上述費用或附加費的一部分予以追討。
- (5) 任何人支付上述費用或附加費，並不損害他向任何有法律責任支付任何建築物或土地的修葺工程或與任何建築物或土地相關的其他建築工程的開支的人追討該費用的權利。

- (6) Without prejudice to any other remedy of the Building Authority for the recovery of such cost or surcharge, the same may be recovered as a debt due to the Government.
- (7) The writ of summons in connexion with such action shall be taken to have been duly served if it appears, to the satisfaction of the Court, that the writ was left at the defendant's residence or place of business, or in case the same is unknown, that it was left at the building or on the land in respect of which the claim is made.
- (8) A certificate purporting to be under the hand of the Building Authority, made under the provisions of subsection (1), and setting forth that the cost or surcharge claimed is due or payable to the Building Authority and that the person sued is liable for the payment thereof, and specifying the nature and particulars of the claim shall be prima facie evidence of the facts certified therein and of the signature of the Building Authority thereto.
- (9) At any time before such costs or surcharge and any interest accrued thereon has been wholly recovered, a memorial of the certificate referred to in subsection (1) may be registered in the Land Registry against the title of any premises or land in respect of which such cost or surcharge arose, and upon such registration the cost or surcharge and any interest accrued or thereafter accruing shall –
- (a) be recoverable by action in Court in accordance with the provisions of this section from any person who from such Land Registry register then or thereafter appears to be the owner of such premises or land:
Provided that –
- (i) the amount recovered by virtue of this subsection shall not exceed the value of that person's interest in the premises or land charged; and
- (ii) where the amount so recovered is equal to the value of the premises or land the charge created under paragraph (b) shall become void; and
- (b) constitute a first charge on the said premises or land which shall give the Building Authority the same powers and remedies in respect thereof as if he were a mortgagee under a mortgage by deed in common form having power of sale and lease and of appointing a receiver:
- Provided that the charge shall be void and no liability shall accrue under this subsection against a bona fide purchaser or mortgagee of the premises or land for valuable consideration who, subsequent to the completion of the works specified in the certificate and before the registration of the memorial thereof, has acquired and registered an interest in the premises or land to be charged.
- (10) Upon the recovery of any sum under this section the Building Authority shall lodge

- (6) 在不損害建築事務監督追討上述費用或附加費的任何其他補救方法的原則下，該費用可作為欠政府的債項予以追討。
- (7) 如與上述訴訟相關的傳訊令狀看似已留於被告人的住所或營業地點，或在不知其住所或營業地點的情況下，看似已留於與該項申索有關的建築物或土地上，而法庭亦信納如此，則該傳訊令狀須視作已妥為送達。
- (8) 一份看來是由建築事務監督簽署並根據第(1)款的條文發出的證明書，指出所申索的費用或附加費已到期須付或須予支付予建築事務監督，而被起訴的人有法律責任支付該筆費用或附加費，並且指明該項申索的性質及詳情，即為其內所證明的事實及建築事務監督在其上簽署的表面證據。
- (9) 在該等費用或附加費及其應累算的任何利息全數討回之前的任何時間，可將第(1)款所提述的證明書的註冊摘要，針對招致該等費用或附加費的處所或土地的業權在土地註冊處註冊；一經註冊，該等費用或附加費及其應累算的任何利息或以後應累算的任何利息 –
- (a) 可按照本條條文藉在法院提出訴訟而向當時或以後在土地註冊處註冊紀錄冊中看似是該處所或土地的擁有人的人追討：
但 –
- (i) 憑藉本款討回的款額，不得超逾該人在已押記的處所或土地所佔權益的價值；及
- (ii) 如討回的款額相等於該處所或土地的價值，則根據(b)段設定的押記即告無效；及
- (b) 構成上述處所或土地的第一押記，而該項押記就該處所或土地賦予建築事務監督的權力及補救，與根據普通形式的按揭契據有權出售、出租和委任接管人的承按人所享有的權力及補救相同：
但如該處所或土地的真誠購買人或承按人，在證明書所指明的工程完成後，並在證明書的註冊摘要註冊前，已以有值代價取得該將被押記的處所或土地的權益，並予以註冊，則該項押記對該人無效，亦不會根據本款而使該人負上法律責任。
- (10) 在根據本條討回任何款項後，建築事務監督須向土地註冊處遞交有關的清償註冊摘要，以抵銷他根據第(9)款向土地註冊處遞交的註冊摘要。

in the Land Registry an appropriate memorial of satisfaction against any memorial lodged there by him under subsection (9).

Section 35 Service of notices and orders

- (1) Any notice, order or certificate required to be served under this Ordinance may be served by serving a copy –
- personally; or
 - by registered post addressed to the last known place of business or residence of the person to be served; or
 - by leaving the same with an adult occupier of the premises or land to which the notice or order relates or by posting the same upon a conspicuous part of such premises or land:

Provided that in addition to or in substitution for any such method of service the publication in the Gazette of any such notice or order together with the available particulars of the person to whom it is addressed shall be deemed to be good service.

- (2) A certificate purporting to be signed by a person who states in that certificate that the person has effected service under subsection (1) is evidence of the facts stated in the certificate relating to that service.

Section 37 Limitation of public liability

- 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, forms, reports, notices and other documents submitted to him are accurate.
- 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.
- 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.

第 35 條 通知及命令的送達

- (1) 根據本條例須予送達的任何通知、命令或證明書，可用下列方法送達 –
- 面交；或
 - 以掛號郵遞方式寄往須獲送達有關文件的人最後為人所知的營業或居住地點；或
 - 留交通知或命令所關乎的處所或土地的一名成年佔用人，或張貼於該處所或土地的顯眼部分：

但在憲報刊登任何該等通知或命令以及收件人的可知詳情，作為附加或取代上述任何方法，亦須當作妥善送達。

- (2) 一份看來是由某人簽署，述明自己已根據第(1)款作出送達的證明書，即為證明書所述的關於該項送達的事實的證據。

第 37 條 公職人員的法律責任的限制

- 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，以確定本條例條文獲得遵守，或確定任何向他呈交的圖則、證明書、表格、報告、通知及其他文件屬準確。
- 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。
- 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。

Section 38 Regulations

- (1) The Secretary may by regulation provide for –
- (a) registration and control of –
 - (i) authorized persons;
 - (ii) registered structural engineers;
 - (iia) registered geotechnical engineers;
 - (iib) registered inspectors;
 - (iii) registered general building contractors;
 - (iv)-(v) registered specialist contractors;
 - (vi) registered minor works contractors;
 - (aa) restoration to and removal from the register of any person referred to in paragraph (a);
 - (b) the manner of making application for and granting of approval of plans of building works or street works, and the giving of consent to commence or carry on such works, including cases where it is desired –
 - (i) to add to or alter building works or street works the commencement of which has already been consented to, or
 - (ii) to commence certain parts of building works or street works before other parts;
 - (ba) the planning, design and construction of site formation works;
 - (bb) the planning, design and carrying out of ground investigation in the scheduled areas;
 - (c) planning and design of buildings including –
 - (i) streets;
 - (ii) projections;
 - (iii) heights, site coverage, plot ratio and open spaces including service lanes;
 - (iv) lighting and ventilation;
 - (v) sanitation;
 - (vi) staircases and fire-escapes;
 - (vii) domestic buildings;
 - (viii) buildings for special uses including industrial buildings, places of public entertainment and schools;
 - (ix) any sea-wall, breakwater, jetty, mole, quay, wharf or pier;
 - (x) exceptional structures;
 - (xi) timber yards and hoardings;
 - (xii) fire fighting equipment;

第 38 條 規例

- (1) 局長可就以下事項訂立規例 –
- (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;
 - (iib) 註冊檢驗人員;
 - (iii) 註冊一般建築承建商;
 - (iv)-(v) (一)
 - (vi) 註冊專門承建商;
 - (vii) 註冊小型工程承建商;
 - (aa) 將任何(a)段提述的人的姓名或名稱重新列入名冊，或將之從名冊刪除;
 - (b) 申請批准建築工程或街道工程圖則或就該等圖則給予批准的方式，以及就該等工程的展開或進行而給予同意的方式，包括 –
 - (i) 意欲對已獲同意展開的建築工程或街道工程作出加建或改動的申請及同意方式，或
 - (ii) 意欲先展開建築工程或街道工程的某些部分、然後才進行其他部分的申請及同意方式;
 - (ba) 地盤平整工程的規劃、設計及建造;
 - (bb) 附表所列地區內的土地勘測的規劃、設計及進行;
 - (c) 建築物的規劃及設計，包括 –
 - (i) 街道;
 - (ii) 伸出物;
 - (iii) 高度、上蓋面積、地積比率及空地，包括通道巷;
 - (iv) 照明及通風;
 - (v) 衛生設施;
 - (vi) 樓梯及走火通道;
 - (vii) 住用建築物;
 - (viii) 特別用途建築物，包括工業建築物、公眾娛樂場所及學校;
 - (ix) 任何海堤、防波堤、突堤式碼頭、突堤、埠頭、貨運碼頭或碼頭;

- (xiii) matters relating to the installation of lifts and escalators;
- (xiv) matters relating to the provision of access facilities for telecommunications and broadcasting services; and
- (xv) matters relating to the provision of emergency vehicular access;
- (d) the construction of buildings including –
 - (i) materials;
 - (ii) loads and stresses;
 - (iii) foundations, floors and sites;
 - (iv) walls and piers;
 - (v) roofs, flues and chimneys;
 - (vi) structural steel work, reinforced concrete, and timber;
 - (vii) fire-resisting construction;
 - (viii) retaining walls;
 - (ix) plumbing and drainage;
 - (x) wells;
 - (xi) matters relating to the installation of lifts and escalators;
 - (xii) refuse chutes, refuse storage chambers, and floor space and facilities for material recovery and separation of refuse; and
 - (xiii) matters relating to the provision of emergency vehicular access;
- (e) the supply of water to buildings for all purposes, including the connexion thereof to buildings and the arrangement, size, construction and type of piping therefor and the power of the Building Authority to require that the supply of water be obtained from a particular source or to prohibit or restrict the supply of water from any particular sources;
- (f) (–)
- (g) the construction, inspection, testing and safe working of ventilating systems;
- (h) the testing of drainage works and matters ancillary thereto;
- (i) the demolition of buildings and the safety precautions to be taken in respect thereof;
- (ia) the design, construction, licensing, inspection, testing and maintenance of oil storage installations and matters connected therewith, including the imposition of restrictions and conditions relating to the use of such installations for the storage of petroleum products; prohibiting the use of any oil storage installation, requiring any petroleum products to be removed from any oil storage installation, the seizure, removal and detention of any petroleum products not removed from any oil storage installation as required, the power of entry, inspection and examination; and for the establishment of a Standing Advisory Committee to advise the Building
 - (x) 特殊構築物；
 - (xi) 木料堆置場及圍板；
 - (xii) 消防設備；
 - (xiii) 關於升降機及自動梯的裝置的事宜；
 - (xiv) 關於為電訊及廣播服務提供接達設施的事宜；及
 - (xv) 關於緊急車輛通道的提供的事宜；
- (d) 建築物的建造，包括–
 - (i) 物料；
 - (ii) 荷載及應力；
 - (iii) 基礎、樓面及地盤；
 - (iv) 牆壁及支柱；
 - (v) 屋頂、煙道及煙囪；
 - (vi) 結構鋼製部分、鋼筋混凝土及木料；
 - (vii) 耐火結構；
 - (viii) 擋土牆；
 - (ix) 水管裝置及排水；
 - (x) 井；
 - (xi) 關於升降機及自動梯的裝置的事宜；
 - (xii) 垃圾槽、垃圾房以及為物料回收及垃圾分隔而設的樓面空間及設施；及
 - (xiii) 關於緊急車輛通道的提供的事宜；
- (e) 就各種用途向建築物供水，包括將供水接駁至建築物、接駁所用的喉管的排列、大小、建造及類型，以及建築事務監督規定由某特定來源取得供水或禁止或限制由任何特定來源取得供水的權力；
- (f) (–)
- (g) 通風系統的建造、檢查、測試及安全操作；
- (h) 排水工程的測試及附帶事宜；
- (i) 建築物的拆卸及就此而須採取的安全預防措施；
- (ia) 貯油裝置的設計、建造、領牌、檢查、測試與保養以及相關事宜，包括就使用該等裝置作貯存石油產品用途施加限制及條件；禁止使用任何貯油裝置，規定將任何石油產品移離任何貯油裝置，檢取、移走和扣留任何沒有按規定移離任何貯油裝置

- Authority on such matters relating to oil storage installations as may be specified in the regulations;
- (ib) as regards the conservation of energy –
- (i) requirements relating to the planning, design and construction of any building or buildings of a class or description specified in the regulations, including the furnishing of information regarding these matters;
- (ii) as regards buildings complying with or required to comply with regulations under subparagraph (i), exemptions from specified requirements in any other regulation made under this subsection;
- (j) the granting of permits for and control of buildings required for a limited time or constructed of shortlived materials;
- (k) plans, notices and certificates to be delivered to the Building Authority;
- (ka) matters relating to minor works, including –
- (i) the designation of any building works as minor works for the purposes of the definition of “minor works” in section 2(1);
- (ii) the classification of minor works into different classes, types or items;
- (iii) the appointment of prescribed building professionals in respect of different classes, types or items of minor works; and
- (iv) the appointment of prescribed registered contractors to carry out different classes, types or items of minor works;
- (kb) the prescription of any requirements as simplified requirements for the purposes of the definition of “simplified requirements” in section 2(1), including –
- (i) the duties of any prescribed building professionals and prescribed registered contractors, appointed in respect of minor works commenced under the simplified requirements (whether to be performed before or after the commencement of the minor works);
- (ii) the requirements for the commencement, carrying out, completion and certification of minor works under the simplified requirements; and
- (iii) the requirements for the submission or delivery of prescribed plans, certificates, notices or other documents to the Building Authority or other persons;
- (kc) matters relating to the enforcement of or other matters concerning the simplified requirements;
- (kd) matters relating to the display or indication of information relating to –

- 的石油產品，進入、檢查和訊問的權力；以及設立常務諮詢委員會，以就規例內所指明關於貯油裝置的事宜向建築事務監督提供意見；
- (ib) 在節約能源方面 –
- (i) 關於屬規例所指明類別或種類的建築物的規劃、設計及建造的規定，包括就此等事宜提供資料；
- (ii) 就任何符合或須符合根據第(4)(i)節訂立的規例的建築物而給予豁免，使其不受根據本款訂立的任何其他規例內指明的規定所規限；
- (j) 就僅在一段有限時間內需要的建築物，或以非耐用物料建造的建築物批予准許證，以及作出管制；
- (k) 須交付建築事務監督的圖則、通知及證明書；
- (ka) 關於小型工程的事宜，包括 –
- (i) 為施行第 2(1)條中“小型工程”的定義，指定任何建築工程為小型工程；
- (ii) 將小型工程劃分為不同級別、~~類型類別~~或項目；
- (iii) 就不同級別、~~類型類別~~或項目的小型工程，委任訂明建築專業人士；及
- (iv) 委任訂明註冊承建商，以進行不同級別、~~類型類別~~或項目的小型工程；
- (kb) 為施行第 2(1)條中“簡化規定”的定義，訂明任何規定為簡化規定，包括 –
- (i) 就根據簡化規定展開的小型工程獲委任的訂明建築專業人士及訂明註冊承建商的職責(不論是在該小型工程展開之前或之後履行者)；
- (ii) 根據簡化規定展開的小型工程的展開、進行、完成及核證的規定；及
- (iii) 向建築事務監督或其他人呈交或交付訂明圖則、證明書、通知或其他文件的規定；
- (kc) 關乎強制執行簡化規定的事宜，或其他關於簡化規定的事宜；
- (kd) 關乎利便任何公眾人士，就與本條例下的任何活動有關連的事宜，確定他是否與在本條例下註冊的承建商交往，而展示或顯示以下資料的事宜 –

- (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;
- (ke) matters relating to section 39C, including matters relating to –
- (i) the appointment of persons including a registered minor works contractor to inspect any building or building works for the purposes of that section;
- (ii) the prescription of any building or building works for the purposes of the definition of “prescribed building or building works” in section 39C(6)(b); and
- (iii) any plans, certificates, notices or other documents that are required to be submitted or delivered to the Building Authority or other persons;
- (kg) matters relating to a prescribed inspection or prescribed repair in respect of a building including –
- (i) the scope, standard and requirements of a prescribed inspection or prescribed repair in respect of a building;
- (ii) ~~(–) the scope, standard and requirements of a prescribed inspection or prescribed repair in respect of a window in a building;~~
- (iii) the requirements of the appointment of registered inspectors, qualified persons, registered general building contractors and registered minor works contractors for a prescribed inspection or prescribed repair;
- (iv) the duties of registered inspectors, qualified persons, registered general building contractors and registered minor works contractors in relation to a prescribed inspection or prescribed repair;
- (v) the prescription of any exemption for the purposes of section 30D(3)(a); and
- (vi) the prescription of representatives of qualified persons for the purposes of section 30E(3);
- (kf) the designation of any building works as designated exempted works for the purposes of section 41(3B);
- (l)-(m) (–)

- (i) 關乎任何訂明註冊承建商的註冊編號的資料；及
- (ii) (凡任何訂明註冊承建商就有關小型工程而獲註冊)關乎該工程的級別、**類型類別**及項目的資料；
- (ke) 關乎第 39C 條的事宜，包括關乎以下事項的事宜 –
- (i) 為施行該條，委任某些人(包括註冊小型工程承建商)檢查任何建築物或建築工程；
- (ii) 為施行第 39C(6)(b)條中“訂明建築物或建築工程”的定義，訂明任何建築物或建築工程；及
- (iii) 須呈交或交付予建築事務監督或其他人的任何圖則、證明書、通知或其他文件；
- (kf) 為施行第 41(3B)條，指定任何建築工程為指定豁免工程；
- (kg) 關乎就建築物的訂明檢驗或訂明修葺的事宜，包括 –
- (i) 對建築物的訂明檢驗或訂明修葺的涵蓋範圍、標準及規定；
- (ii) ~~(–)對建築物窗戶的訂明檢驗或訂明修葺的涵蓋範圍、標準及規定；~~
- (iii) 為訂明檢驗或訂明修葺委任註冊檢驗人員、合資格人士、註冊一般建築承建商及註冊小型工程承建商的要求；
- (iv) 註冊檢驗人員、合資格人士、註冊一般建築承建商及註冊小型工程承建商關於訂明檢驗或訂明修葺的職責；
- (v) 為施行第 30D(3)(a)條而訂明豁免；及
- (vi) 為施行第 30E(3)條而訂明合資格人士的代表；
- (l)-(m) (–)
- (n) 本條例條文的更有效施行。
- (1AA) 在不限第(1)款的一般性的原則下，局長可藉訂立規例，規定在臨時名冊中，註冊某些人為註冊小型工程承建商(不論是否作為補充或過渡性安排)。
- (1A) 行政長官會同行政會議可訂立規例，規定就任何與本條例或根據本條例訂立的規例所作出的規定有關的事宜，收取費用。
- (1B) 行政長官會同行政會議可就以下事項訂立規例 –
- (a) 關乎行使第 44 條所賦予的上訴權利的程序；

- (n) the better carrying into effect of the provisions of this Ordinance.
- (1AA) Without limiting the generality of subsection (1), the Secretary may by regulation provide for the registration of persons as registered minor works contractors in the provisional register (whether or not as supplemental or transitional arrangements).
- (1A) The Chief Executive in Council may by regulation provide for the imposition of fees in respect of any matter with regard to which provision is made in this Ordinance or in regulations made under this Ordinance.
- (1B) The Chief Executive in Council may by regulation provide for –
- (a) the procedure as regards the exercise of the right of appeal conferred by section 44;
 - (b) the practice and procedure of an Appeal Tribunal constituted under section 48; and
 - (c) matters ancillary or incidental to those specified under paragraph (a) or (b).
- (1C) Regulations made under subsection (1)(b) may provide that any requirement in such regulations applies to a building, any part of a building or parts of a building as are specified.
- (2) Regulations under this section may provide for the carrying out by the Building Authority of all building works required to be carried out therein, and for the recovery of the costs thereof from the person required to carry out such building works.
- (3) (a) Regulations under this section may provide that where the Building Authority issues permits thereunder he may –
- (i) endorse conditions on such permits;
 - (ii) cancel such permits for breaches thereof; and
 - (iii) require the permittee to deposit a sum not exceeding \$500 as security for the due compliance with such conditions.
- (b) Upon the breach of any such condition, any deposit required by this subsection shall upon application to a magistrate be declared by him to be forfeited to the Government.
- (3A) The amount of fees provided for in regulations made under subsection (1A) in respect of the making of application for or granting of approval of plans of building works or street works may be fixed at levels which provide for the recovery of expenditure incurred or likely to be incurred generally by the Government in relation to such application or approval and need not be limited by reference to the administrative or other costs incurred or likely to be incurred in the processing of any individual submission of plans.
- (4) Regulations under this section may provide that a contravention of any specific provision thereof shall be an offence and may prescribe penalties therefor of –
- (b) 根據第 48 條組成的上訴審裁小組的常規及程序；及
 - (c) 與(a)或(b)段指明的事宜有附屬或附帶關係的事宜。
- (1C) 根據第(1)(b)款訂立的規例，可規定該規例的任何規定按其指明的情況適用於某建築物、某建築物的任何部分或多個部分。
- (2) 根據本條訂立的規例可就由建築事務監督進行規例所規定進行的所有建築工程訂定條文，並可就向須進行該等建築工程的人追討工程費用訂定條文。
- (3) (a) 根據本條訂立的規例可規定凡建築事務監督根據該等規例發出准許證，他可 –
- (i) 在該等准許證上註明條件；
 - (ii) 因該等條件遭違反而取消該等准許證；及
 - (iii) 規定持證人繳存一筆不超逾\$500 的款項，作為妥為遵從該等條件的保證。
- (b) 任何該等條件遭違反後，任何根據本款而須繳存的款項須由裁判官應向他提出的申請宣布予以沒收歸政府所有。
- (3A) 根據第(1A)款訂立的規例就申請批准建築工程或街道工程的圖則或就該等圖則給予批准所規定的費用數額，可按收回政府一般地就該等申請或批准所招致或相當可能招致的開支而訂定，但並非僅限於參照處理任何個別呈交的圖則而招致或相當可能招致的行政費用或其他費用。
- (4) 根據本條訂立的規例可規定違反規例的任何指明條文即屬犯罪，並可就該罪行訂明 –
- (a) 不超過第 6 級的罰款；
 - (b) (在該罪行屬持續罪行的情況下)就該罪行持續期間的每一日，處以不超過\$5000 的罰款；及
 - (c) 不超過 2 年的監禁。
- (5) 根據本條訂立的規例須在開始實施前最少 3 星期，在憲報刊登一次：但如局長或行政長官會同行政會議(視屬何情況而定)認為合宜，則可免予刊登。

- (a) a fine not exceeding level 6;
 - (b) in the case of a continuing offence, a daily fine not exceeding \$5,000 for each day during which the offence continues; and
 - (c) imprisonment for a period not exceeding 2 years.
- (5) Regulations under this section shall be published once in the Gazette at least 3 weeks before coming into operation:
Provided that where the Secretary or the Chief Executive in Council, as the case may be, deems it expedient such publication may be dispensed with.

Section 39A Technical memorandum

- (1) The Secretary may issue a technical memorandum dealing with –
- (a) the circumstances in which a supervision plan is not required for building works or street works;
 - (b) the classes of supervision that the Building Authority identifies as appropriate to various types of building works and street works having regard to the complexity of the building works or street works, the manpower required and level of supervision required for each of the classes of supervision;
 - (c) detailed supervision requirements for various types of building works and street works including the management structure required to ensure site safety, the manpower required for each element of the management structure, the qualifications and experience of the personnel involved and the specific tasks to be associated in each element of the management structure;
 - (d) the method statement of various types of building works and street works, the types of precautionary and protective measures required to be undertaken for the safety of the site, the workers and the public, and such other details relating to site safety as the Building Authority may consider necessary;
 - (e) the qualifications and experience required for technically competent persons to be appointed for supervisory work under supervision plans;
 - (f) the circumstances in which an authorized person, registered structural engineer, registered geotechnical engineer, registered inspector, registered general building contractor, registered specialist contractor or registered minor works contractor is permitted to notify in retrospect for minor deviations from a supervision plan;
 - (g) the method and timing of notification of, and the amendment procedures for, a proposed or actual deviation from a supervision plan, including

第 39A 條 技術備忘錄

- (1) 局長可發出處理以下事項的技術備忘錄 –
- (a) 在何種情況下建築工程或街道工程不需要監工計劃書；
 - (b) 建築事務監督顧及建築工程或街道工程的複雜程度後確定為對各類建築工程及街道工程而言屬適當的監督級別、各監督級別所需的人力及監督水平；
 - (c) 各類建築工程及街道工程的詳細監督規定，包括確保地盤安全所需的管理架構、管理架構每一組成部分所需的人力、所涉及的職員的資格與經驗，以及管理架構每一組成部分所關乎的特定任務；
 - (d) 各類建築工程及街道工程的施工方法陳述、為地盤、工人與公眾的安全而須採取的預防措施與防護措施，以及與地盤安全有關而建築事務監督認為需要的其他細節；
 - (e) 根據監工計劃書為監督工作而委任的適任的技術人員所需具備的資格與經驗；
 - (f) 在何種情況下認可人士、註冊結構工程師、註冊岩土工程師、註冊檢驗人員、註冊一般建築承建商、註冊專門承建商或註冊小型工程承建商獲准就輕微偏離監工計劃書作出事後通知；
 - (g) 就擬偏離或實際偏離監工計劃書(包括因緊急情況而導致的偏離)作出通知的方法與時間，以及有關的修訂程序；
 - (h) 監工計劃書的形式及內容；
 - (i) 各類建築工程及街道工程的地盤監督職員的一般責任；
 - (j) 呈交監工計劃書的程序、時間及次序。
- (2) 發展局局長須將根據本條例發出的任何技術備忘錄在憲報刊登，並安排將該技術備忘錄在刊登後的隨後一次立法會會議席上提交立法會該局

- deviations caused by an emergency;
- (h) the form and content of a supervision plan;
- (i) the general responsibilities of the site supervision personnel for the various types of building works and street works;
- (j) the procedure, timing and sequence for the submission of supervision plans.
- (2) The Secretary must publish a technical memorandum issued under this Ordinance in the Gazette and cause it to be laid on the table of the Legislative Council at the next sitting after publication.
- (3) Where the Secretary has caused a technical memorandum to be laid on the table of the Legislative Council, the Legislative Council may, by resolution passed at a sitting of the Legislative Council held before the expiry of a period of 28 days after the sitting at which it was laid, provide that the technical memorandum be amended in any manner consistent with the power to issue the technical memorandum.
- (4) If the period for passing a resolution would, but for this subsection, expire –
- (a) after the end of a session of the Legislative Council or after a dissolution of the Legislative Council; but
- (b) on or before the day of the second sitting of the Legislative Council in the next following session of the Legislative Council,
- the period is deemed to extend to and expire on the day after that second sitting.
- (5) Before the expiry of the period referred to in subsection (3) or that period as extended by virtue of subsection (4), the Legislative Council may by resolution in relation to a technical memorandum specified therein –
- (a) in the case of the period referred to in subsection (3), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiry;
- (b) in the case where the period referred to in subsection (3) has been extended by virtue of subsection (4), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next following session.
- (6) A resolution passed by the Legislative Council under this section must be published in the Gazette not later than 14 days after the resolution is passed or within such further period as the Secretary may allow in any particular case.
- (7) A technical memorandum issued under subsection (1) is not subsidiary legislation.
- (8) In this section, “sitting” (立法會會議), when used to calculate time, means the day on which the sitting commences and only includes a sitting at which subsidiary legislation is included on the order paper.
- (9) Unless the Secretary appoints a later date either in the memorandum or by notice in

省覽。

- (3) 凡發展局局長已安排將任何技術備忘錄提交立法會會議席上省覽，立法會可在該次省覽的會議後 28 天期限屆滿前舉行的立法會會議上，藉通過決議，而以任何與發出該技術備忘錄的權力相符的方式對該技術備忘錄作出修訂。
- (4) 如通過決議的期限若非因本款原會在以下時間屆滿者 –
- (a) 在立法會會期結束後，或立法會解散後；但
- (b) 在立法會下一會期的立法會第二次會議日或該日之前，則該期限當作延展至該第二次會議翌日，並在該日屆滿。
- (5) 立法會可於第(3)款所指的期限或憑藉第(4)款而延展的該期限屆滿之前，藉決議就其中指明的技術備忘錄 –
- (a) (就第(3)款所指的期限而言)將該期限延展至在該期限屆滿之日後第 21 天或之後舉行的首次立法會會議；
- (b) (在第(3)款所指的期限已憑藉第(4)款而延展的情況下)將經如此延展的該期限延展至在該下一會期的立法會第二次會議日後第 21 天或之後舉行的首次立法會會議。
- (6) 立法會根據本條通過的決議，須在決議通過後不遲於 14 天，或於發展局局長就任何個別情況而容許的延長期限內，在憲報刊登。
- (7) 根據第(1)款發出的技術備忘錄並非附屬法例。
- (8) 在本條中，“立法會會議”(sitting)一詞用於計算時間時，指有關立法會會議開始舉行之日，並只包括有附屬法例列載於議事程序表上的立法會會議。
- (9) 除非發展局局長在備忘錄中或藉憲報公告指定一較後日期，否則技術備忘錄須於以下時間開始生效 –
- (a) 如立法會並無通過決議修訂技術備忘錄，則在通過修訂決議的期限或延展期限(視屬何情況而定)屆滿之時；及
- (b) 如立法會通過決議修訂技術備忘錄，則在該決議在憲報刊登當日開始之時。
- (10) 如發展局局長根據本條例發出技術備忘錄，他須將技術備忘錄的文本置於其指定的各政府辦事處，以供公眾人士於辦公時間內免費查閱。

the Gazette, a technical memorandum commences to have effect –

- (a) if the Legislative Council does not pass a resolution amending the technical memorandum, upon the expiry of the period, or the period as extended, as the case may be, for passing an amending resolution; and
 - (b) if the Legislative Council passes a resolution amending the technical memorandum, at the beginning of the day of the publication in the Gazette of the resolution.
- (10) If the Secretary issues a technical memorandum under this Ordinance, he must make available a copy of the technical memorandum for inspection by the public free of charge at such offices of the Government as the Secretary directs during business hours.

Section 39B Obstruction of owners' corporation

- (1) A person who has been notified by an owners' corporation of a building that an order has been served on the owners' corporation under section 24(1), 26(1), 26A(1) or (3), 27A(1) or (2B), 27C(1) or (4) or 28(2)(a), (3) or (5), or a notice has been served on the owners' corporation under section 30B(3), (5) or (6) or 30C(3), in relation to any common parts of the building must not - ~~No person who has been notified by an owners' corporation of a building that an order has been served on the owners' corporation under sections 24(1), 26(1), 26A(1) or (3), 27A(1) or (2B), 27C(1) or (4) or 28(2)(a), (3) or (5), or a notice has been served on the owners' corporation under section 30B(3), (5) or (6) or 30C(3), in relation to any common parts of the building shall-~~
- (a) obstruct a person employed or engaged by the owners' corporation in the carrying out of any inspection, investigation, works or other action that is required for the purpose of complying with the order or notices or other action that is required for the purpose of complying with the order or notice; ~~order; or~~
 - (b) refuse to allow a person employed or engaged by the owners' corporation access to or the use of any premises, which is reasonably necessary for the carrying out of any inspection, investigation, works or other action that is required for the purpose of complying with the order or notice. ~~works or other action that is required for the purpose of complying with the order, order or notice; or~~
 - (c) refuse to contribute to the cost of the inspection or repair works that is required for the purpose of complying with the notice served under section

第 39B 條 阻礙業主立案法團

- (1) 凡任何建築物的業主立案法團已通知某人，指某項關於該建築物的公用部分的命令，已根據第 24(1)、26(1)、26A(1)或(3)、27A(1)或(2B)、27C(1)或(4)或 28(2)(a)、(3)或(5)條送達該業主立案法團，或某項關於該建築物的公用部分的通知，已根據第 30B(3)、(5)或(6)或 30C(3)條送達該業主立案法團，該人 — 凡任何建築物的業主立案法團已通知某人，指某項與該建築物的公用部分有關的命令已根據第 24(1)、26(1)、26A(1)或(3)、27A(1)或(2B)、27C(1)或(4)或 28(2)(a)、(3)或(5)條送達該業主立案法團，或某項與該建築物的公用部分有關的通知已根據第 30B(3)、(5)或(6)或 30C(3)條送達該業主立案法團，該人 —
- (a) 不得阻礙受僱或受聘於該業主立案法團的人進行遵從該命令或通知所需的任何工程或其他行動；命令所需的任何工程或通知所需的檢驗、勘测、工程或其他行動；
 - (b) 在受僱或受聘於該業主立案法團的人為進行遵從該命令所需的工程或通知所需的檢驗、勘测、工程或其他行動是合理地需要通往或使用任何處所的情況下，不得拒絕上述的人通往或使用該處所。該命令或通知所需的工程或其他行動是合理地需要通往或使用任何處所的情況下，不得拒絕上述的人通往或使用該處所；或
 - (c) 不得拒絕分擔為遵從根據第 30B(3)、(5)或(6)或 30C(3)條送達的通知所需的檢驗或修葺工程的費用。

30B(3), (5) or (6) or 30C(3).

(1A) *A person who has been notified by an owners' corporation of a building that a notice has been served on the owners' corporation under section 30B(3), (5) or (6) or 30C(3) in relation to any common parts of the building must not refuse to contribute to the cost of the inspection, investigation, works or other action that is required for the purpose of complying with the notice.*

(2) In this section

“common parts” (公用部分) has the meaning assigned to it in section 2 of the Building Management Ordinance (Cap 344);

“owners' corporation” (業主立案法團) means a corporation registered under section 8 of the Building Management Ordinance (Cap 344);

(2) In this section, “owners' corporation” (業主立案法團) means a corporation registered under section 8 of the Building Management Ordinance (Cap. 344).

Section 39C Building Authority shall not serve order under section 24 or notice under section 24C

- (1) Notwithstanding sections 24 and 24C, if the requirements in subsections (2), (3) and (4) have been complied with in respect of a prescribed building or building works that have been completed or carried out before the date of commencement, the Building Authority shall not serve an order under section 24 or a notice under section 24C in respect of that building or building works on the ground that they have been completed or carried out in contravention of section 14(1).
- (2) An authorized person, a registered structural engineer, a registered inspector, a registered general building contractor, a registered specialist contractor or a registered minor works contractor as required by the regulations is to be appointed to inspect the prescribed building or building works.
- (3) The person appointed under subsection (2) is to submit or deliver to the Building Authority or other persons prescribed plans, certificates, notices and other documents as required by the regulations.
- (4) Where the person appointed under subsection (2) considers that for the safety of the prescribed building or building works, it is necessary to carry out minor works to alter, rectify or reinforce the prescribed building or building works, such works are to be carried out by a prescribed registered contractor under the simplified requirements.
- (5) Nothing in this section affects the power of the Building Authority to serve an order

(1A) *凡任何建築物的業主立案法團已通知某人，指某項關於該建築物的公用部分的通知，已根據第 30B(3)、(5)或(6)或 30C(3)條送達該業主立案法團，該人不得拒絕分擔為遵從該通知所需的檢驗、勘测、工程或其他行動的費用。*

(2) 在本條中—

“公用部分”(common parts)具有《建築物管理條例》(第 344 章)第 2 條給予該詞的涵義；

(2) 在本條中，“業主立案法團”(owners' corporation)指根據《建築物管理條例》(第 344 章)第 8 條註冊的法團。

第 39C 條 建築事務監督不得根據第 24 條送達命令或根據第 24C 條送達通知

- (1) 儘管有第 24 及 24C 條的規定，如第(2)、(3)及(4)款的規定，已就在生效日期前完成或進行的某訂明建築物或建築工程而獲遵守，建築事務監督不得以該建築物或建築工程在違反第 14(1)條的情況下完成或進行為理由，就該建築物或該建築工程，根據第 24 條送達命令或根據第 24C 條送達通知。
- (2) 認可人士、註冊結構工程師、註冊檢驗人員、註冊一般建築承建商、註冊專門承建商或註冊小型工程承建商須按規例規定獲委任，以檢查訂明建築物或建築工程。
- (3) 根據第(2)款委任的人，須根據規例的規定，向建築事務監督或其他人呈交或交付訂明圖則、證明書、通知及其他文件。
- (4) 凡根據第(2)款委任的人認為，為訂明建築物或建築工程的安全起見，有需要進行小型工程，以改動、糾正或加固訂明建築物或建築工程，該等工程須由訂明註冊承建商根據簡化規定進行。
- (5) 本條的規定，並不影響建築事務監督作出以下作為的權力：以第(1)款所提述的理由以外的其他理由，根據第 24 條送達命令或根據第 24C 條送達通知。
- (6) 在本條中—

under section 24 or a notice under section 24C on the grounds other than those referred to in subsection (1).

- (6) In this section –
- (a) “date of commencement” (生效日期) means the date of commencement of section 27 of the Buildings (Amendment) Ordinance 2008 (20 of 2008);
 - (b) “prescribed building or building works” (訂明建築物或建築工程) means a building or building works prescribed in the regulations as prescribed building or building works for the purposes of this definition.

PART IV OFFENCES

Section 40 Offences

(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.

(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.

(1) Any person who contravenes section 21(1) shall be guilty of an offence and shall be liable on conviction –

- (a) to a fine at level 6 and to imprisonment for 2 years; and
- (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.

(1A) Any person who contravenes section 22(2)(a), 24B(14) or 27(5)(a) shall be guilty of an offence and shall be liable on conviction to a fine of at level 2 and to imprisonment for 6 months.

(1B) Any person who –

- (a) contravenes section 30(1) or 31(1); or
- (b) without reasonable excuse, fails to comply with an order served on him under section 19(2), 20(2), 22(3), 23, 25(2), 26(1), 26A(1) or (3), 27A(1) or (2B), 27C(1) or (4), 28(2)(a) or (3) or (5), 29(2)(a), 29A(2), 30(3) or 31(2)(a),

shall be guilty of an offence and shall be liable on conviction –

- (i) to a fine at level 5 and to imprisonment for 1 year; and

(a) “生效日期” (date of commencement)指《2008 年建築物(修訂)條例》(2008 年第 20 號)第 27 條的生效日期；

(b) “訂明建築物或建築工程” (prescribed building or building works)指在規例中，為施行本定義而被訂明為訂明建築物或建築工程的建築物或建築工程。

第 IV 部 罪行

第 40 條 罪行

(1AA) 任何人明知而違反第 14(1)條，即屬犯罪，而如屬建築工程(小型工程除外)或街道工程的情況，一經定罪 –

- (a) 可處罰款\$400,000 及監禁 2 年；及
- (b) 可就經證明並獲法庭信納該罪行持續的每一天，另處罰款 \$20,000。

(1AB) 任何人犯第 4A(2)或 9AA(2)條所訂罪行，一經定罪，可處第 6 級罰款。

(1) 任何人違反第 21(1)條，即屬犯罪，一經定罪 –

- (a) 可處第 6 級罰款及監禁 2 年；及
- (b) 可就經證明並令法庭信納該罪行持續的每一天，另處罰款 \$5000。

(1A) 任何人違反第 22(2)(a)、24B(14)或 27(5)(a)條，即屬犯罪，一經定罪，可處第 2 級罰款及監禁 6 個月。

(1B) 任何人 –

- (a) 違反第 30(1)或 31(1)條；或
- (b) 無合理辯解而沒有遵從根據第 19(2)、20(2)、22(3)、23、25(2)、26(1)、26A(1)或(3)、27A(1)或(2B)、27C(1)或(4)、28(2)(a)或(3)或(5)、29(2)(a)、29A(2)、30(3)或 31(2)(a)條送達他的命令，

即屬犯罪，一經定罪 –

- (i) 可處第 5 級罰款及監禁 1 年；及
- (ii) 如屬沒有遵從根據第 23、25(2)、26(1)、26A(1)或(3)、27A(1)

(ii) in the case of an offence consisting of a failure to comply with an order served on him under section 23, 25(2), 26(1), 26A(1) or (3), 27A(1) or (2B), 27C(1) or (4) or 28(3) or (5) to a further fine of \$5,000 for each day during which it is proved to the satisfaction of the court that the failure to comply with the order has continued.

(1BA) Any person who, without reasonable excuse, fails to comply with an order served on him under section 24(1) shall be guilty of an offence and shall be liable on conviction –

- (a) to a fine of \$200,000 and to imprisonment for 1 year; 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.

(1BB) Any person who, without reasonable excuse, fails to comply with an order served on him under section 24AA(1) shall be guilty of an offence and shall be liable on conviction –

- (a) to a fine at level 5 and to imprisonment for 3 months; and
- (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.

(1BC) Any person who, without reasonable excuse, fails to comply with a notice served on the person under section 30B(3), (4), (5) or (6) commits an offence and is liable on conviction –

- (a) to a fine at level 5 and to imprisonment for 1 year; and
- (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.

(1BD) Any person who, without reasonable excuse, fails to comply with a notice served on the person under section 30C(3) or (4) commits an offence and is, subject to subsection (1BE), liable on conviction –

- (a) to a fine at level 4 and to imprisonment for 3 months; and
- (b) to a fine of \$2,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.

(1BE) Before taking court proceedings against a person for an offence under subsection (1BD), the Building Authority must serve on the person a penalty notice described in Schedule 7.

(1BF) Schedule 7 has effect in relation to a penalty notice.

(1BG) The Chief Executive in Council may, by notice published in the Gazette, amend Schedule 7.

(1C) Any person who –

或(2B)、27C(1)或(4)或 28(3)或(5)條送達他的命令而構成的罪行，可就經證明並令法庭信納該命令不獲遵從的情況持續的每一天，另處罰款\$5000。

(1BA) 任何人無合理辯解而沒有遵從根據第 24(1)條送達予他的命令，即屬犯罪，一經定罪 –

- (a) 可處罰款\$200000 及監禁 1 年；及
- (b) 可就經證明並令法庭信納該罪行持續的每一天，另處罰款 \$20000。

(1BB) 任何人無合理辯解而沒有遵從根據第 24AA(1)條送達予他的命令，即屬犯罪，一經定罪 –

- (a) 可處第 5 級罰款及監禁 3 個月；及
- (b) 可就經證明並獲法庭信納該罪行持續的每一天，另處罰款 \$5,000。

(1BC) 任何人無合理辯解而沒有遵從根據第 30B(3)、(4)、(5)或(6)條送達予該人的通知，即屬犯罪，一經定罪 –

- (a) 可處第 5 級罰款及監禁 1 年；及
- (b) 可就經證明並獲法庭信納該罪行持續的每一天，另處罰款 \$5,000。

(1BD) 任何人無合理辯解而沒有遵從根據第 30C(3)或(4)條送達予該人的通知，即屬犯罪，而在符合第(1BE)款規定下，一經定罪 –

- (a) 可處第 4 級罰款及監禁 3 個月；及
- (b) 可就經證明並獲法庭信納該罪行持續的每一天，另處罰款 \$2,000。

(1BE) 建築事務監督於就第(1BD)款所訂罪行針對任何人提起法律程序前，須向該人送達附表 7 所描述的罰款通知書。

(1BF) 附表 7 就罰款通知書具有效力。

(1BG) 行政長官會同行政會議可藉在憲報刊登的公告修訂附表 7。

(1C) 任何人 –

- (a) 無合理辯解而沒有遵從根據第 32(2)條送達他的命令；或
- (b) 違反第 24B(8)或 32(3)條，

- (a) without reasonable excuse, fails to comply with an order served on him under section 32(2); or
- (b) contravenes section 24B(8) or 32(3),
- shall be guilty of an offence and shall be liable on conviction to a fine at level 1 and to imprisonment for 6 months.
- (1D) Any owner who –
- (a) fails to serve upon all former occupiers who have notified him of their addresses, the copies required to be served under section 27(10)(a); or
- (b) fails to serve upon the Building Authority the certificate required to be served under section 27(10)(b),
- shall be guilty of an offence and shall be liable on conviction to a fine at level 3 and to imprisonment for 6 months.
- (1E) Any person who contravenes section 24B(6) shall be guilty of an offence and shall be liable on conviction to a fine at level 5 and to imprisonment for 1 year and to a further fine of \$5,000 for each day during which the offence continues.
- (2) Any person who –
- (a) fails to give any notice required to be given under section 25(1); or
- (b) contravenes any condition of a permit granted by the Building Authority under section 42,
- shall be guilty of an offence and shall, without prejudice to any other penalty, be liable on conviction to a fine at level 6 and to imprisonment for 2 years.
- (2AAA) Any person who obstructs the Building Authority, any officer authorized by him or any other public officer, in the exercise of his power under this Ordinance, shall be guilty of an offence and shall, without prejudice to any other penalty, be liable on conviction to a fine at level 3 and to imprisonment for 6 months.
- (2A) Any person for whom any ~~building works or street works are being carried out and any authorized person, registered structural engineer, registered geotechnical engineer, registered general building contractor, registered specialist contractor or registered minor works contractors directly concerned with any such~~ prescribed inspection or building works or street works are being carried out and any authorized person, registered structural engineer, registered geotechnical engineer, registered inspector, qualified person, registered general building contractor, registered specialist contractor or registered minor works contractor directly concerned with any such inspection or works who –
- (a) permits or authorizes to be incorporated in or used in the carrying out of any such ~~inspection or~~ works any materials which –
- (i) are defective or do not comply with the provisions of this

- 即屬犯罪，一經定罪，可處第 1 級罰款及監禁 6 個月。
- (1D) 任何擁有人 –
- (a) 沒有將根據第 27(10)(a)條規定送達的通知文本送達所有已將地址通知該擁有人的前佔用人；或
- (b) 沒有將根據第 27(10)(b)條規定送達的證明書送達建築事務監督，
- 即屬犯罪，一經定罪，可處第 3 級罰款及監禁 6 個月。
- (1E) 任何人違反第 24B(6)條，即屬犯罪，一經定罪，可處罰款第 5 級罰款及監禁 1 年，並可就罪行持續的每一天另處罰款\$5000。
- (2) 任何人 –
- (a) 沒有給予根據第 25(1)條規定給予的任何通知；或
- (b) 違反建築事務監督根據第 42 條批予的准許證的任何條件，即屬犯罪，一經定罪，在不損害任何其他罰則的原則下，可處第 6 級罰款及監禁 2 年。
- (2AAA) 任何人阻礙建築事務監督、任何獲其授權的人員或任何其他公職人員根據本條例行使其權力，即屬犯罪，一經定罪，在不損害任何其他罰則的原則下，可處第 3 級罰款及監禁 6 個月。
- (2A) 正由他人代為進行任何~~建築工程或街道工程的人，以及與該等工程直接有關的任何認可人士、註冊結構工程師、註冊岩土工程師、訂明檢驗或建築工程或街道工程的人，以及與該等檢驗或工程直接有關的任何認可人士、註冊結構工程師、註冊岩土工程師、註冊檢驗人員、合資格人士、註冊一般建築承建商、註冊專門承建商或註冊小型工程承建商 –~~
- (a) 准許或授權在進行該等~~檢驗或~~工程時加入或使用 –
- (i) 任何欠妥的或不符合本條例條文的物料；
- (ii) 任何物料，而該等物料並未按照根據本條例就該等物料所規定的方式而混合、預備、應用、使用、豎立、建造、放置或固定；
- (b) 嚴重偏離建築事務監督根據本條例批准的圖則所顯示的任何工程或與之嚴重相歧；
- (ba) 嚴重偏離根據簡化規定須呈交建築事務監督的關乎小型工程的圖則所顯示的任何工程，或與之嚴重相歧；或
- (c) 明知而在根據本條例給予建築事務監督的任何圖則、證明書、

Ordinance;

(ii) have not been mixed, prepared, applied, used, erected, constructed, placed or fixed in the manner required for such materials under this Ordinance;

(b) diverges or deviates in any material way from any work shown in a plan approved by the Building Authority under this Ordinance;

(ba) diverges or deviates in any material way from any works shown in a plan relating to minor works that is required to be submitted to the Building Authority under the simplified requirements; or

(c) knowingly misrepresents a material fact in any plan, certificate, form ~~or notice, report, notice or other document~~ given to the Building Authority under this Ordinance,

shall be guilty of an offence and shall be liable on conviction –

(d) in the case of ~~a prescribed inspection (other than a prescribed inspection in respect of a window in a building) or~~ building works (other than minor works) or street works, to a fine of \$1,000,000 and to imprisonment for 3 years; or

(e) in the case of ~~a prescribed inspection in respect of a window in a building or~~ minor works, to a fine of \$500,000 and to imprisonment for 18 months.

(2AA) Any authorized person, registered structural engineer or registered geotechnical engineer who contravenes section 4(3)(b), or any registered general building contractor or registered specialist contractor who contravenes section 9(5)(b) or (6)(b), shall be guilty of an offence and shall be liable on conviction to a fine of \$250,000:

Provided that it shall be a defence in any prosecution for a contravention of any section referred to in this subsection for the person charged to prove to the satisfaction of the court that he did not know, nor could reasonably have discovered, the contravention referred to in the charge.

(2AAAA) Any prescribed building professional who contravenes section 4B(2)(c), or any prescribed registered contractor who contravenes section 9AA(4)(b) or (6)(b), shall be guilty of an offence and shall be liable on conviction to a fine at level 5.

(2AAAB) It is a defence in any prosecution for a contravention of any section referred to in subsection (2AAAA) for the person charged to prove that he had no knowledge of, and could not have reasonably discovered, the contravention referred to in the charge.

(2AAAC) Any person who contravenes an order made by a disciplinary board under section 7(2)(bb) ~~, or 13(4)(d)~~ 7(2)(d), 13(4)(d) or 13(4)(e) shall be guilty of an

表格或通知、報告、通知或其他文件內就重要事實作出失實陳述，

即屬犯罪，一經定罪—

(d) 如屬訂明檢驗(對建築物窗戶的訂明檢驗除外)或~~建築工程(小型工程除外)~~或街道工程，可處罰款\$1,000,000及監禁3年；或

(e) 如屬對建築物窗戶的訂明檢驗或~~小型工程~~，可處罰款\$500,000及監禁18個月。

(2AA) 任何認可人士、註冊結構工程師或註冊岩土工程師違反第4(3)(b)條，或任何註冊一般建築承建商或註冊專門承建商違反第9(5)(b)或(6)(b)條，即屬犯罪，一經定罪，可處罰款\$250,000：

但在任何因違反本款所提述任何一條而作出的檢控中，被控的人如提出證明，令法庭信納他不知道而按理他亦不能發覺控罪中所提述的違反情況，即可以此作為該項檢控的免責辯護。

(2AAAA) 任何訂明建築專業人士違反第4B(2)(c)條，或任何訂明註冊承建商違反第9AA(4)(b)或(6)(b)條，即屬犯罪，一經定罪，可處第5級罰款。

(2AAAB) 在因違反第(2AAAA)款所提述任何條文而提出的檢控中，如被控的人能證明他當時並不知悉且按理亦不能發覺控罪所提述的違反情況，即可以此作為免責辯護。

(2AAAC) 任何人違反紀律委員會根據第7(2)(bb) ~~或13(4)(d)~~、7(2)(d)、13(4)(d)或13(4)(e)條作出的命令，即屬犯罪，一經定罪—

(a) 可處第6級罰款及監禁6個月；及

(b) 可就經證明並獲法庭信納該罪行持續的每一天，另處罰款

offence and shall be liable on conviction –

- (a) to a fine at level 6 and to imprisonment for 6 months; and
- (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.

(2AB) Any person (whether or not an authorized person, a registered structural engineer, a registered geotechnical engineer, a registered general building contractor, a registered specialist contractor or a registered minor works contractor) directly concerned with any building works or street works set out in items 1, 2, 3, 4, 5 and 6 of Column A in the table to section 17(1) who contravenes any condition imposed, or fails to comply with any requirement of an order in writing, under that section in respect of such building works or street works, or the plans thereof, shall be guilty of an offence and shall be liable on conviction –

- (a) in the case of building works (other than minor works) or street works, to a fine of \$150,000 and to imprisonment for 1 year; or
- (b) in the case of minor works, to a fine of \$35,000 and to imprisonment for 3 months.

(2AC) Any person (whether or not an authorized person, a registered structural engineer, a registered geotechnical engineer, a registered general building contractor, a registered specialist contractor or a registered minor works contractor) directly concerned with any site formation works, piling works, excavation works or foundation works who contravenes any condition imposed under item 7 in the table to section 17(1) in respect of such works, or the plans thereof, shall be guilty of an offence and shall be liable on conviction –

- (a) in the case of site formation works, piling works, excavation works or foundation works (other than minor works), to a fine of \$750,000 and to imprisonment for 3 years; or
- (b) in the case of site formation works, excavation works or foundation works that are minor works, to a fine of \$350,000 and to imprisonment for 18 months.

(2AD) Any registered inspector who contravenes section 30D(3)(a), or any qualified person who contravenes section ~~30E(2)~~30E(2)(a), or any representative of a qualified person who contravenes section ~~30E(3)~~30E(3)(a), commits an offence and is liable on conviction to a fine of \$250,000.

(2AE) Any registered inspector who contravenes section 30D(4)(a), or any qualified person who contravenes section 30E(4)(a), commits an offence and is liable on conviction –

- (a) in the case of supervision of a prescribed repair (other than minor works), to

\$5,000.

(2AB) 與第 17(1)條列表 A 欄第 1、2、3、4、5 及 6 項所列任何建築工程或街道工程直接有關的人(不論是否認可人士、註冊結構工程師、註冊岩土工程師、註冊一般建築承建商、註冊專門承建商或註冊小型工程承建商)，如違反根據該條就該等建築工程或街道工程或該等工程的圖則而施加的任何條件，或沒有遵從根據該條就該等建築工程或街道工程或該等工程的圖則而發出的書面命令的任何規定，即屬犯罪，一經定罪 –

- (a) 如屬建築工程(小型工程除外)或街道工程，可處罰款\$150,000 及監禁 1 年；或
- (b) 如屬小型工程，可處罰款\$35,000 及監禁 3 個月。

(2AC) 與任何地盤平整工程、打樁工程、挖掘工程或基礎工程直接有關的人(不論是否認可人士、註冊結構工程師、註冊岩土工程師、註冊一般建築承建商、註冊專門承建商或註冊小型工程承建商)，如違反根據第 17(1)條列表第 7 項就該等工程或該等工程的圖則而施加的任何條件，即屬犯罪，一經定罪 –

- (a) 如屬地盤平整工程、打樁工程、挖掘工程或基礎工程(小型工程除外)，可處罰款\$750,000 及監禁 3 年；或
- (b) 如屬是小型工程的地盤平整工程、挖掘工程或基礎工程，可處罰款\$350,000 及監禁 18 個月。

(2AD) 任何註冊檢驗人員違反第 30D(3)(a)條，或任何合資格人士違反第 ~~30E(2)~~30E(2)(a)條，或合資格人士的任何代表違反第 ~~30E(3)~~30E(3)(a)條，即屬犯罪，一經定罪，可處罰款\$250,000。

(2AE) 任何註冊檢驗人員違反第 30D(4)(a)條，或任何合資格人士違反第 30E(4)(a)條，即屬犯罪，一經定罪 –

- (a) 就訂明修葺(小型工程除外)的監督而言，可處罰款\$250,000；或
- (b) 就屬小型工程的訂明修葺的監督而言，可處罰款\$150,000。

(2AF) 任何註冊檢驗人員、合資格人士、註冊一般建築承建商或註冊小型工程承建商違反第 30D(4)(c)、30E(4)(c)或 30F 條(視屬何情況而定)，即屬犯

a fine of \$250,000; or

(b) in the case of supervision of a prescribed repair that is minor works, to a fine of \$150,000.

(2AF) Any registered inspector, qualified person, registered general building contractor or registered minor works contractor who contravenes section 30D(4)(c), 30E(4)(c) or 30F, as the case may be, commits an offence and is liable on conviction –

(a) in the case of a prescribed repair (other than minor works), to a fine of \$1,000,000 and to imprisonment for 3 years; or

(b) in the case of a prescribed repair that is minor works, to a fine of \$500,000 and to imprisonment for 18 months.

(2B) Any person (whether or not an authorized person, a registered structural engineer, a registered geotechnical engineer, a registered inspector, a qualified person, a registered general building contractor, a registered specialist contractor or a registered minor works contractor) directly concerned with any prescribed inspection, site formation works, piling works, foundation works or other form of building works who –

(a) carries out or has carried out such inspection or works, or authorizes or permits or has authorized or permitted such inspection or works to be carried out, in such manner that it causes injury to any person or damage to any property; or

(b) carries out or has carried out such inspection or works, or authorizes or permits or has authorized or permitted such inspection or works to be carried out, in such manner as is likely to cause a risk of injury to any person or damage to any property,

shall be guilty of an offence and shall be liable on conviction –

(c) in the case of a prescribed inspection (other than a prescribed inspection in respect of a window in a building), or site formation works, piling works, foundation works or other form of building works (other than minor works), to a fine of \$1,000,000 and to imprisonment for 3 years; or

(d) in the case of a prescribed inspection in respect of a window in a building, or site formation works, foundation works or other form of building works that are minor works, to a fine of \$500,000 and to imprisonment for 18 months.

(2C) Any person who, without reasonable excuse, fails to comply with an order served on him under section 24A, shall be guilty of an offence and shall be liable on conviction –

罪，一經定罪 –

(a) 就訂明修葺(小型工程除外)而言，可處罰款\$1,000,000 及監禁 3 年；或

(b) 就屬小型工程的訂明修葺而言，可處罰款\$500,000 及監禁 18 個月。

(2B) 與任何訂明檢驗、地盤平整工程、打樁工程、基礎工程或其他形式的建築工程直接有關的人(不論是否認可人士、註冊結構工程師、註冊岩土工程師、註冊檢驗人員、合資格人士、註冊一般建築承建商、註冊專門承建商或註冊小型工程承建商)，如一

(a) 進行或已進行該等檢驗或工程，或授權或准許或已授權或已准許進行該等檢驗或工程，而檢驗或工程進行方式導致任何人受傷或任何財產損毀；或

(b) 進行或已進行該等檢驗或工程，或授權或准許或已授權或已准許進行該等檢驗或工程，而檢驗或工程進行方式相當可能導致任何人受傷或任何財產損毀的危險，

即屬犯罪，一經定罪 –

(c) 如屬訂明檢驗(對建築物窗戶的訂明檢驗除外)，或地盤平整工程、打樁工程、基礎工程或其他形式的建築工程(小型工程除外)，可處罰款\$1,000,000 及監禁 3 年；或

(d) 如屬對建築物窗戶的訂明檢驗，或是小型工程的地盤平整工程、基礎工程或其他形式的建築工程，可處罰款\$500,000 及監禁 18 個月。

(2C) 任何人無合理辯解而沒有遵從根據第 24A 條送達他的命令，即屬犯罪，

- (a) in the case of building works (other than minor works) or street works –
 - (i) to a fine of \$1,000,000 and to imprisonment for 3 years; and
 - (ii) to a fine of \$200,000 for each day during which it is proved to the satisfaction of the court that the offence has continued; or
 - (b) in the case of minor works –
 - (i) to a fine of \$500,000 and to imprisonment for 18 months; and
 - (ii) 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.
- (2D) Any person who knowingly misrepresents a material fact in any report submitted to the Building Authority under section 27C(2)(c) shall be guilty of an offence and shall be liable on conviction to a fine of \$250,000 and to imprisonment for 3 years.
- (2E) Where a registered minor works contractor or a registered specialist contractor certifies or carries out minor works belonging to a class, type or item for which he is not registered, he shall be guilty of an offence and shall be liable on conviction –
- (a) to a fine at level 6 and to imprisonment for 6 months; and
 - (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.
- (2F) Any person other than a prescribed building professional, who, without reasonable excuse, certifies minor works shall be guilty of an offence and shall be liable on conviction –
- (a) to a fine at level 6 and to imprisonment for 6 months; and
 - (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.
- (2G) Any person other than a prescribed registered 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 –
- (a) to a fine at level 6 and to imprisonment for 6 months; and
 - (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.

(2H) Any person other than a registered inspector who, without reasonable excuse, certifies a prescribed inspection (other than a prescribed inspection in respect of a window in a building), or certifies or supervises a prescribed repair (other than a prescribed repair in respect of a window in a building), in respect of a building commits an offence and is liable on conviction –

- (a) to a fine at level 6 and to imprisonment for 6 months; and
- (b) to a fine of \$5,000 for each day during which it is proved to the satisfaction

一經定罪 –

- (a) 如屬建築工程(小型工程除外) 或街道工程 –
 - (i) 可處罰款\$1,000,000 及監禁 3 年; 及
 - (ii) 可就經證明並獲法庭信納該罪行持續的每一天, 另處罰款\$200,000; 或
 - (b) 如屬小型工程 –
 - (i) 可處罰款\$500,000 及監禁 18 個月; 及
 - (ii) 可就經證明並獲法庭信納該罪行持續的每一天, 另處罰款\$100,000。
- (2D) 任何人明知而在根據第 27C(2)(c)條呈交建築事務監督的任何報告內就重要事實作出失實陳述, 即屬犯罪, 一經定罪, 可處罰款\$250,000 及監禁 3 年。
- (2E) 凡任何註冊小型工程承建商或註冊專門承建商核證或進行不屬於他註冊所屬的級別、~~類型類別~~或項目的小型工程, 即屬犯罪, 一經定罪 –
- (a) 可處第 6 級罰款及監禁 6 個月; 及
 - (b) 可就經證明並獲法庭信納該罪行持續的每一天, 另處罰款 \$5,000。
- (2F) 任何並非訂明建築專業人士的人無合理辯解而核證小型工程, 即屬犯罪, 一經定罪 –
- (a) 可處第 6 級罰款及監禁 6 個月; 及
 - (b) 可就經證明並獲法庭信納該罪行持續的每一天, 另處罰款 \$5,000。
- (2G) 任何並非訂明註冊承建商亦非在任何該等承建商監督之下行事的人無合理辯解而核證或進行小型工程, 即屬犯罪, 一經定罪 –
- (a) 可處第 6 級罰款及監禁 6 個月; 及
 - (b) 可就經證明並獲法庭信納該罪行持續的每一天, 另處罰款 \$5,000。

(2H) 任何並非註冊檢驗人員的人無合理辯解而核證對建築物的訂明檢驗(對建築物窗戶的訂明檢驗除外), 或核證或監督對建築物的訂明修葺(對建築物窗戶的訂明修葺除外), 即屬犯罪, 一經定罪 –

- (a) 可處第 6 級罰款及監禁 6 個月; 及
- (b) 可就經證明並獲法庭信納該罪行持續的每一天, 另處罰款 \$5,000。

- of the court that the offence has continued.
- (2I) Any person other than a qualified person who, without reasonable excuse, certifies a prescribed inspection or certifies or supervises a prescribed repair, in respect of a window in a building commits an offence and is liable on conviction –
- (a) to a fine at level 6 and to imprisonment for 6 months; and
- (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.
- (3) Any person who unlawfully and maliciously removes, pulls down, demolishes or damages, or in any way whatsoever interferes with, any shoring erected for a building pursuant to section 18(1) or any groundwater drainage works carried out pursuant to section 28A shall be guilty of an offence and shall be liable to a fine at level 5 and to imprisonment for 1 year.
- (3A) Any person who without reasonable excuse fails to comply with a requirement imposed under section 28A to maintain groundwater drainage works shall be guilty of an offence and shall be liable to a fine at level 5 and imprisonment for 1 year and to a further fine of \$5,000 for each day during which it is proved to the satisfaction of the court that the failure to comply with the requirement has continued.
- (4) Any person who, after a copy of a warrant issued under section 18(6)(c) has been posted in accordance with section 18(6)(d), obstructs the entry to the building specified in such warrant of any police officer or other person authorized by such warrant to enter the same shall be guilty of an offence and shall be liable to a fine at level 5 and to imprisonment for 1 year.
- (4A) Any person who, after a copy of warrant issued under section 28C has been posted under subsection (2) of that section, obstructs the entry upon the land specified in the warrant by any police officer or other person authorized by the warrant to enter upon the land or obstructs the carrying out or maintenance of any groundwater drainage works by any person authorized by the warrant to carry out or maintain the works shall be guilty of an offence and shall be liable to a fine at level 5 and to imprisonment for 1 year.
- (4B) Any person who without reasonable excuse contravenes section 39B(1) shall be guilty of an offence and shall be liable on conviction to a fine at level 3 and to imprisonment for 6 months.
- (4C) Any person who without reasonable excuse contravenes section 39B(1A) commits an offence and is liable on conviction to a fine at level 4.**
- (5) Any person, being a person directly concerned in or with any building works or street works, who permits the commission of any offence specified in this section shall be deemed to be guilty of such offence and shall be liable to the penalty

- (2I) 任何並非合資格人士的人無合理辯解而核證對建築物窗戶的訂明檢驗，或核證或監督對建築物窗戶的訂明修葺，即屬犯罪，一經定罪 –
- (a) 可處第 6 級罰款及監禁 6 個月；及
- (b) 可就經證明並獲法庭信納該罪行持續的每一天，另處罰款 \$5,000。
- (3) 任何人非法和惡意移走、拆毀、拆卸或損毀或以任何方式干擾任何依據第 18(1)條為建築物豎設的撐柱，或任何依據第 28A 條進行的地下水排水工程，即屬犯罪，可處第 5 級罰款及監禁 1 年。
- (3A) 任何人無合理辯解而沒有遵從根據第 28A 條施加的保養地下水排水工程的規定，即屬犯罪，可處第 5 級罰款及監禁 1 年，並可就經證明並令法庭信納該項規定不獲遵從的情況持續的每一天，另處罰款 \$5000。
- (4) 根據第 18(6)(c)條發出的手令按照第 18(6)(d)條張貼後，任何人阻礙任何獲該手令授權進入該手令指明的建築物的警務人員或其他人進入該建築物，即屬犯罪，可處第 5 級罰款及監禁 1 年。
- (4A) 根據第 28C 條發出的手令在根據該條第(2)款張貼後，任何人阻礙任何獲該手令授權進入該手令指明的土地的警務人員或其他人進入該土地，或阻礙任何獲該手令授權進行或保養任何地下水排水工程的人進行或保養該工程，即屬犯罪，可處第 5 級罰款及監禁 1 年。
- (4B) 任何人無合理辯解而違反第 39B(1)條，即屬犯罪，一經定罪，可處第 3 級罰款及監禁 6 個月。
- (4C) 任何人無合理辯解而違反第 39B(1A)條，即屬犯罪，一經定罪，可處第 4 級罰款。**
- (5) 直接涉及任何建築工程或街道工程或直接與該等工程有關的人，如准許本條指明的任何罪行發生，即當作犯該罪行，可處以就該罪行訂明的刑罰。
- (6) 如本條例所訂罪行由法人團體所犯，且經證明是在該法人團體的任何董事、經理、其他與該法人團體的管理有關的高級人員，或本意是以上述任何身分行事的人的同意或縱容下所犯的，或可歸因於上述董事、經

prescribed therefor.

- (6) Where an offence under this Ordinance committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect or default on the part of, any director, manager, or other officer concerned in the management of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, is guilty of the offence.
- (6A) Where an offence under this Ordinance committed by a partner in a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect or default on the part of, any other partner of the partnership, that other partner is also guilty of the offence.
- (7) Where anything is required to be done by the owner of a building, and by virtue of section 2 there is more than one owner of such building, it shall be a defence to any charge of failing to do that thing –
- (a) that such thing was done by another owner of the building; or
- (b) that any notice or order in respect of such thing required under this Ordinance to be served on the owner was served on another owner of the building and not on the person charged.
- (7A) Where anything is required to be done by an owner of land or by a person referred to in section 27A(1), it shall be a defence to any charge of failing to do that thing that any notice or order in respect of such thing required under this Ordinance to be served on the owner or on such person was served on another owner of the land or on another such person and not on the person charged.
- (8) Any prosecution under the provisions of this Ordinance may be commenced within 12 months of the commission of the offence or within 12 months of the same being discovered by or coming to the notice of the Building Authority.

Section 46 Secretary to the Appeal Tribunal

- (1) There shall be a Secretary to the Appeal Tribunal for the purpose of providing administrative services to an Appeal Tribunal.
- (2) The Secretary to the Appeal Tribunal shall be –
- (a) appointed by the Secretary ~~for Development~~;
- (b) a public officer; and
- (c) a person other than a member of the Appeal Tribunal Panel.

Section 54 Saving

Notwithstanding the repeal of the Buildings Ordinance 1935 (18 of 1935), the provisions of sections 110 to 126 of that Ordinance set out in ~~the Second Schedule~~ Schedule 2 hereto shall

理、高級人員、或本意是以上述任何身分行事的人本身的疏忽或過失，則該人與該法人團體均屬犯有該罪行。

- (6A) 如本條例所訂罪行由合夥中的任何合夥人所犯，且經證明是在該合夥中的任何其他合夥人的同意或縱容下所犯的，或可歸因於上述其他合夥人本身的疏忽或過失，則該名其他合夥人亦屬犯有該罪行。
- (7) 如有任何事情須由某建築物的擁有人作出，而憑藉第 2 條的規定，該建築物的擁有人多於 1 人，則對於任何就沒有作出該事情而提出的控罪，以下情況即可作為免責辯護 –
- (a) 該事情已由該建築物的另一擁有人作出；或
- (b) 任何根據本條例須向擁有人送達的有關該事情的通知或命令，送達該建築物的另一擁有人，而非被控的人。
- (7A) 如有任何事情須由土地的擁有人或第 27A(1)條所提述的人作出，則對於任何就沒有作出該事情而提出的控罪，如任何根據本條例須向該擁有人或上述的人送達的通知或命令，送達該土地的另一擁有人或另一名上述的人，而非被控的人，即可以此作為免責辯護。
- (8) 任何根據本條例的條文而進行的檢控，可在罪行發生後 12 個月內，或在建築事務監督發覺或獲悉該罪行後 12 個月內展開。

第 46 條 上訴審裁小組秘書

- (1) 為向上訴審裁小組提供行政服務，現設立上訴審裁小組秘書一職。
- (2) 上訴審裁小組秘書 –
- (a) 須由發展局局長委任；
- (b) 須為公職人員；及
- (c) 須為上訴審裁團成員以外的人。

第 54 條 保留條文

儘管《1935 年建築物條例》(1935 年第 18 號)已廢除，附表 2 所列的該條例 110 至 126 條條文仍繼續實施，直至由根據第 38 條制定的規例或任何其他成文

continue in operation until such time as they are replaced by regulations enacted under section 38 or by any other enactment expressed to be in substitution for the provisions of the said sections:

Provided that any reference to an architect in the said sections 110 to 126 shall be taken as references to an authorized person.

Section 55 Validation

- (1) Any public officer whom the Director of Building Development purported to authorize for the purposes of section 2(2) of this Ordinance at any time before the commencement of the Buildings (Amendment) (No. 2) Ordinance 1985 (73 of 1985) shall be deemed to have been validly authorized, notwithstanding that the public officer was not an officer of the Building Development Department.
- (2) Every act or thing done by the Building Authority or by any public officer authorized by him in writing in that behalf before the commencement of the Buildings (Amendment) Ordinance 1992 (42 of 1992) that would have been lawful if section 28 (as amended by section 3(a) of that Ordinance) had been in force at the time when it was done is hereby validated and declared to have been lawfully done by him.
- (2A) Every act or thing done by the Building Authority or by any public officer authorized by him in writing in that behalf, before the commencement of the Buildings (Amendment) (No. 2) Ordinance 1992 (77 of 1992) that would have been lawful if –
 - (a) section 28(7)(a); and
 - (b) section 28(7)(c) (in so far as it relates to the power to carry out or cause to be carried out such drainage works as the Building Authority considers necessary or expedient but as if there was no requirement to have regard to the findings of an investigation),had been in force at the time when it was done is hereby validated and declared to have been lawfully done by him.
- (3) Every act or thing done by any officer of the Drainage Services Department before 21 November 1991 that would have been lawful if ~~the Fourth Schedule~~ Schedule 4 (as amended by the resolution of the Legislative Council (L.N. 406 of 1991)) had been in force and if the act or thing done had been authorized by the Director of Buildings and Lands at the time when it was done is hereby validated and declared to have been lawfully done by the officer.

法則(訂明取代該等條文者)代替為止：

但上述第 110 至 126 條凡提述建築師，須視為提述認可人士。

第 55 條 認可

- (1) 如建築拓展署署長在《1985 年建築物(修訂)(第 2 號)條例》(1985 年第 73 號)生效日期前任何時間，為施行本條例第 2(2)條而宣稱授權予任何公職人員，則該公職人員即使並非建築拓展署的人員，仍須當作已獲有效授權。
- (2) 建築事務監督或獲他就此以書面授權的任何公職人員在《1992 年建築物(修訂)條例》(1992 年第 42 號)生效日期前所作出的每項作為或事情，如在作出時第 28 條(經該條例第 3(a)條修訂者)經已施行即屬合法者，則每項該等作為或事情現予認可，並宣布是他所合法作出的。
- (2A) 建築事務監督或獲他就此以書面授權的任何公職人員在《1992 年建築物(修訂)(第 2 號)條例》(1992 年第 77 號)生效日期前所作出的每項作為或事情，如在作出時 –
 - (a) 第 28(7)(a)條；及
 - (b) 第 28(7)(c)條(只就該條有關進行或安排進行建築事務監督認為必需或合宜進行的排水工程的權力的範圍而言，但猶如無須考慮勘測結果一樣)，經已施行即屬合法者，則每項該等作為或事情現予認可，並宣布是他所合法作出的。
- (3) 任何渠務署人員在 1991 年 11 月 21 日前所作出的每項作為或事情，如在作出時附表 4(經立法局決議(1991 年第 406 號法律公告)修訂者)經已施行即屬合法，且已獲屋宇地政署署長授權作出，則每項該等作為或事情現予認可，並宣布是該人員所合法作出的。

Schedule 7

[ss. 40(1BE), (1BF) & (1BG)]

1. A penalty notice under section 40(1BE) must be made in writing stating –
 - (a) that the person served with the penalty notice is required to pay a fixed penalty of \$1,500 within 21 days after the date of the penalty notice;
 - (b) if the person wishes to dispute liability for the offence under section 40(1BD), that the person must notify the Building Authority in writing within 21 days after the date of the penalty notice;
 - (c) that the person is required to comply with the notice served under section 30C(3) or (4), and if the person's failure to comply with the notice continues, the Building Authority may –
 - (i) serve on the person a further penalty notice after the expiry of the penalty notice that is being served; or
 - (ii) proceed to take court proceedings for the person's failure to comply with the notice served under section 30C(3) or (4), and the person would be liable to the fine and imprisonment mentioned in section 40(1BD); and
 - (d) any other related matters, including payment instructions for payment of the fixed penalty.
2. Section 35 applies to the service of a penalty notice under section 40(1BE).
3. If any person on whom a penalty notice has been served has failed to pay the fixed penalty of \$1,500, and has not notified the Building Authority that the person wishes to dispute liability, within 21 days after the date of the penalty notice, a magistrate may, on an application being made in the manner mentioned in section 4 of this Schedule, order the person to pay the fixed penalty of \$1,500, together with a sum of \$300 by way of costs, within 21 days after the date of service of notice of the order.
4. An application under section 3 of this Schedule –
 - (a) may be made in the absence of the person on whom the penalty notice has been served; and
 - (b) must be made in the name of the Secretary for Justice, who may appoint any person or class of persons to make the application.
5. Despite the Magistrate Ordinance (Cap. 227), in an application under section 3 of

附表 7 罰款通知書

[第 40(1BE)、(1BF)及(1BG)條]

1. 第 40(1BE)條所指的罰款通知書須採用書面形式，並須述明—
 - (a) 獲送達罰款通知書的人，須於罰款通知書的日期後 21 天內，繳付定額罰款\$1,500；
 - (b) 如該人欲就第 40(1BD)條所訂罪行的法律責任提出爭議，該人須於罰款通知書的日期後 21 天內，以書面通知建築事務監督；
 - (c) 該人須遵從根據第 30C(3)或(4)條送達的通知，及如該人持續不遵從該通知，建築事務監督可—
 - (i) 在該罰款通知書期滿後，向該人再送達另一份罰款通知書；或
 - (ii) 就該人不遵從根據第 30C(3)或(4)條送達的通知，著手提起法律程序，而該人將可處第 40(1BD)條所述的罰款及監禁；及
 - (d) 任何其他有關事宜，包括繳付定額罰款的付款指示。
2. 第 35 條適用於第 40(1BE)條所指的罰款通知書的送達。
3. 如任何人獲送達罰款通知書，而該人沒有於罰款通知書的日期後 21 天內，繳付定額罰款\$1,500，亦沒有於該限期內通知建築事務監督該人欲就法律責任提出爭議，裁判官可應以本附表第 4 條所述的方式而提出的申請在有申請以本附表第 4 條所述的方式提出時，命令該人於命令的通知書的送達日期後 21 天內，繳付定額罰款\$1,500，連同訟費\$300。
4. 本附表第 3 條所指的申請—
 - (a) 可在獲送達罰款通知書的人缺席的情況下提出；及
 - (b) 須以律政司司長的名義提出，而律政司司長可指定任何人或任何類別人士提出該申請。
5. 儘管有《裁判官條例》(第 227 章)的規定，在根據本附表第 3 條提出的申請中，裁判官可在申請人向裁判官出示下列文件時，根據該條作出命令—
 - (a) 根據第 40(1BE)條送達的罰款通知書的副本；及

- this Schedule, a magistrate may make an order under that section on production by the applicant to the magistrate of –
- (a) a copy of the penalty notice served under section 40(1BE); and
 - (b) a certificate of service under section 35(2).
6. In an application under section 3 of this Schedule, a certificate stating –
- (a) that payment of the fixed penalty of \$1,500 had not been made before the date specified in the certificate; and
 - (b) that the person specified in it had not, before the date specified in the certificate, notified the Building Authority that the person wished to dispute liability for the offence under section 40(1BD),
- and purporting to be signed by or for the Building Authority is to be admitted in evidence without further proof on its production to the magistrate and, unless there is evidence to the contrary, it is presumed that the certificate is so signed and the certificate is evidence of the facts stated in it.
7. If an order is made under section 3 of this Schedule –
- (a) the magistrate must cause notice of the order to be served on the person to whom it relates; and
 - (b) the sending of the notice to the person by post at the person's address mentioned in the penalty notice constitutes good service.
8. If any person against whom an order under section 3 of this Schedule has been made fails to pay the fixed penalty and costs, the person is taken, for the purposes of section 68 of the Magistrates Ordinance (Cap. 227), to have failed to pay the sum adjudged to be paid by a conviction and is liable to be imprisoned under that section.
9. If there is evidence to show that a penalty notice served under section 40(1BE) has not come to the notice of the person to whom it relates before the date of the order made under section 3 of this Schedule, the magistrate may, on an application of which reasonable notice has been given to the Building Authority, rescind the order and –
- (a) if the person wishes to dispute liability for the offence under section 40(1BD), give leave to that effect; or
 - (b) if that person does not wish to dispute liability, order that person to pay the fixed penalty of \$1,500 within 21 days after the date of the order.
10. An application for rescission of an order under section 9 of this Schedule may be made in person or by counsel or solicitor on behalf of the applicant and the

- (b) 根據第 35(2)條的送達證明書。
6. 在本附表第 3 條所指的申請中，述明 –
- (a) 定額罰款\$1,500 沒有於證明書指明的日期前繳付；及
 - (b) 證明書指明的人沒有於證明書指明的日期前通知建築事務監督該人欲就第 40(1BD)條所訂罪行的法律責任提出爭議，
- 及看來是由建築事務監督或由他人代建築事務監督簽署的證明書，一經向裁判官交出，即須獲接納為證據，而無需再作證明，而除非有相反證據證明，否則須推定該證明書是經如此簽署的，及推定該證明書即為其內所述明事實的證據。
7. 如有命令根據本附表第 3 條作出 –
- (a) 裁判官須安排將關於該命令的通知書送達該命令所關乎的人；及
 - (b) 以郵遞將通知書寄往罰款通知書所述的該人的地址，即構成妥善送達。
8. 凡根據本附表第 3 條作出的命令針對的人沒有繳付有關的定額罰款及訟費，就《裁判官條例》(第 227 章)第 68 條而言，該人須視為沒有繳付根據定罪而判決須繳付的款項，並可根據該條判處監禁。
9. 如有證據顯示，根據第 40(1BE)條送達的罰款通知書所關乎的人，並沒有在根據本附表第 3 條作出的命令的日期前知悉有該通知書，則裁判官可應該人的申請(但該人須已就該申請給予建築事務監督合理通知)，將命令撤銷，而 –
- (a) 如該人欲就第 40(1BD)條所訂罪行的法律責任提出爭議，裁判官可給予該人所需的許可；或
 - (b) 如該人不欲就法律責任提出爭議，裁判官可命令該人在該命令的日期後 21 天內，繳付定額罰款\$1,500。
10. 根據本附表第 9 條撤銷命令的申請，可由申請人親自提出，亦可由大律師或律師代申請人提出；為了確保證人出庭，及概括而言為了有關法律程序的進行，裁判官具有任何裁判官在根據《裁判官條例》(第 227 章)聆訊一宗申訴時所具有的一切權力。
11. 根據本附表第 9 條撤銷命令的申請，須在根據本附表第 3 條作出的命令的送達日期後 21 天內提出，但裁判官如認為在有關情況下合

- magistrate, for the purpose of securing the attendance of witnesses and generally for conducting the proceedings, has all the powers of a magistrate hearing a complaint under the Magistrates Ordinance (Cap. 227).
11. An application for rescission of an order under section 9 of this Schedule must be made within 21 days after the date of service of notice of the order made under section 3 of this Schedule, but the magistrate may extend the period if he or she considers it appropriate to do so in the circumstances.
12. If a magistrate gives leave under section 9(a) of this Schedule, proceedings may be taken, despite section 26 of the Magistrates Ordinance (Cap. 227), within 6 months after the date on which the magistrate gives the leave.
13. A magistrate may for good cause, on an application by the Building Authority at any time, rescind any order for the payment of a fixed penalty and costs and any other order made in the same proceedings.
14. If any person against whom an order under section 9(b) of this Schedule has been made fails to pay the fixed penalty, the person is taken, for the purposes of section 68 of the Magistrates Ordinance (Cap. 227), to have failed to pay the sum adjudged to be paid by a conviction and is liable to be imprisoned under that section.
15. If any person on whom a penalty notice under section 40(1BE) has been served notifies the Building Authority that the person wishes to dispute liability or the person is given leave under section 9(a) of this Schedule, proceedings may be taken against that person, and a summons issued in those proceedings may be served on that person in accordance with section 8 of the Magistrates Ordinance (Cap. 227).
16. In proceedings under section 15 of this Schedule, if the court determines that the person is guilty of the offence of failing to comply with the notice served on the person under section 30C(3) or (4) without reasonable excuse, the person is liable to the fine and imprisonment under section 40(1BD).
17. After proceedings have been instituted but not less than 2 days (excluding any public holiday) before the day specified in the summons for the person's appearance, the person may pay the fixed penalty of \$1,500 and a sum of \$500 by way of costs with the production of the summons at any magistracy to terminate the proceedings.
18. If a person's failure to comply with the notice served on the person under section 30C(3) or (4) continues without reasonable excuse despite a penalty notice served under section 40(1BE), the Building Authority may –
(a) serve on the person a further penalty notice after the expiry of the penalty
- 適，則可延長該限期。
12. 裁判官如於某日根據本附表第 9(a)條給予許可，則儘管有《裁判官條例》(第 227 章)第 26 條的規定，有關法律程序可在該日後 6 個月內進行。
13. 裁判官可應建築事務監督在任何時間提出的申請，基於良好因因而撤銷任何飭令繳付定額罰款及訟費的命令，及撤銷在同一法律程序中作出的任何其他命令。
14. 凡根據本附表第 9(b)條作出的命令針對的人沒有繳付有關的定額罰款，就《裁判官條例》(第 227 章)第 68 條而言，該人須視為沒有繳付根據定罪而判決須繳付的款項，並可根據該條判處監禁。
15. 任何人如獲送達第 40(1BE)條所指的罰款通知書，並已通知建築事務監督該人欲就法律責任提出爭議，或該人根據本附表第 9(a)條獲得許可，則可針對該人提起法律程序，而在該法律程序中發出的傳票，可按照《裁判官條例》(第 227 章)第 8 條送達該人。
16. 在本附表第 15 條所指的 legal 程序中，如法庭裁定該人觸犯無合理辯解而不遵從根據第 30C(3)或(4)條送達該人的通知的罪行，則該人可處第 40(1BD)條所指的罰款及監禁。
17. 在法律程序提起後，但在有關傳票指明的該人的出庭日期的至少 2 天(任何公眾假日除外)前，該人可在任何裁判法院繳付定額罰款\$1,500 及訟費\$500，並同時出示該傳票，以終止該法律程序。
18. 如儘管有根據第 40(1BE)條送達的罰款通知書，該人無合理辯解而持續不遵從根據第 30C(3)或(4)條送達該人的通知，則建築事務監督可—
(a) 在該罰款通知書期滿後，向該人再送達另一份罰款通知書；或
(b) 根據第 40(1BD)條著手針對該人提起法律程序。
19. 如建築事務監督決定根據本附表第 18 條送達罰款通知書，任何人不得根據第 44 條就該項決定提出上訴。

notice that is being served; or

(b) proceed to take court proceedings against the person under section 40(1BD).

19. The decision of the Building Authority to serve a penalty notice under section 18 of this Schedule is not subject to appeal under section 44.

Fire Safety (Commercial Premises) Ordinance (Cap. 502)

Section 21 Offence to disclose information obtained officially

- (1) A person who, without lawful authority, discloses to another person information obtained while exercising or performing a function conferred or imposed on the person by this Ordinance is guilty of an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
- (2) A person has lawful authority to disclose information if the person discloses the information—
 - (a) in order to exercise or perform a function under this Ordinance; or
 - (b) in connection with proceedings brought under this Ordinance; or
 - (ba) in relation to the exercise of a power or performance of a function under the Buildings Ordinance (Cap. 123), or for the purpose of enabling or facilitating any thing or work to be done by any person under that Ordinance; or**
 - (c) in accordance with an order of the District Court; or
 - (d) with the consent of all persons who are entitled to have the information kept confidential.
- (3) For the purposes of subsection (2), information that a person is entitled to have kept confidential includes, but is not limited to, information that concerns the trade, business or profession of the person or another person with whom the person has business dealings.

Fire Safety (Buildings) Ordinance (Cap. 572)

Section 22 Offence to disclose information obtained officially

- (1) A person who, without lawful authority, discloses to another person information obtained while exercising or performing a function conferred or imposed on the person by this Ordinance is guilty of an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
- (2) A person has lawful authority to disclose information if the person discloses the information—
 - (a) in order to exercise or perform a function conferred or imposed by this Ordinance;

《消防安全(商業處所)條例》(第 502 章)

第 21 條 披露透過公職取得的資料的罪行

- (1) 任何人無合法權限而向另一人披露在執行或履行本條例所授予或委予他的職能時取得的資料，即屬犯罪，一經定罪，可處第5級罰款及監禁6個月。
- (2) 如任何人披露資料是—
 - (a) 為執行或履行本條例所訂職能的；或
 - (b) 與根據本條例提出的法律程序有關的；或
 - (ba) 與行使《建築物條例》(第123章)所訂權力或履行該條例所訂職能有關係的，或為使任何人能根據該條例作出行動或進行工程的，或便利任何人根據該條例作出行動或進行工程的；或**
 - (c) 按照區域法院的命令的；或
 - (d) 經所有有權使該等資料得以保密的人同意的，則該人即具有合法權限披露該等資料。
- (3) 就第(2)款而言，任何人有權使之得以保密的資料包括(但不局限於)關乎任何人或與該人有業務往還的人的行業、業務或專業的資料。

《消防安全(建築物)條例》(第 572 章)

第22條 披露透過公職取得的資料的罪行

- (1) 在執行或履行本條例所授予或委予的職能時取得資料的人，如無合法權限而向另一人披露該等資料，即屬犯罪，一經定罪，可處第5級罰款及監禁6個月。
- (2) 如披露資料的人—
 - (a) 為執行或履行本條例所授予或委予的職能；
 - (b) 在與根據本條例提出的法律程序相關的情況下；

- (b) in connection with proceedings brought under this Ordinance;
 - (ba) in relation to the exercise of a power or performance of a function under the Buildings Ordinance (Cap. 123), or for the purpose of enabling or facilitating any thing or work to be done by any person under that Ordinance;**
 - (c) in accordance with an order of the District Court; or
 - (d) with the consent of all persons who are entitled to have the information kept confidential.
- (3) For the purposes of subsection (2), information that a person is entitled to have kept confidential includes, but is not limited to, information that concerns the trade, business or profession of the person or another person with whom the person has business dealings.

- (ba) 與行使《建築物條例》(第123章)所訂權力或履行該條例所訂職能有關的，或為使任何人能根據該條例作出行動或進行工程的，或便利任何人根據該條例作出行動或進行工程的；**
 - (c) 按區域法院的命令；或
 - (d) 已取得所有有權要求將資料保密的人的同意，而披露資料，則他即有合法權限如此披露資料。
- (3) 就第(2)款而言，某人有權要求保密的資料包括(但不局限於)關乎他或與他有業務往還的人的行業、業務或專業的資料。