

政府總部
發展局
規劃地政科
香港花園道美利大廈



Planning and Lands Branch
Development Bureau
Government Secretariat
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本局檔號 Our Ref. DEVB(PL-B) 68/03/09 Pt. 3

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25 May 2010

Mr Wong Siu-yee
Clerk to Subcommittee
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central, Hong Kong

Dear Mr Wong,

**Subcommittee on Building Safety and Related Issues
Follow-up Actions of Meeting on 27 April 2010**

At the meeting of the Subcommittee on Building Safety and Related Issues on 27 April 2010, the Administration was requested to provide a copy of the latest statutory order issued in respect of the ground floor of 45J Ma Tau Wai Road. I attach herewith copies of the concerned statutory removal and repair orders issued by the Buildings Department in respect of the ground floor of 45J Ma Tau Wai Road for Members' reference. The two orders were outstanding as at the time of the collapse of the building in question.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Daniel Fong', written over a horizontal line.

(Daniel Fong)
for Secretary for Development

c.c. Director of Buildings

[Fax : 2868 0793]

**Superseding Order by the Building Authority under section 24(1)
of the Buildings Ordinance (Cap. 123) and under section 46
of the Interpretation and General Clauses Ordinance (Cap. 1)**

Order No. : C/TE/002195/09/K

Office of the Building Authority
12/F - 18/F, Pioneer Centre,
750 Nathan Road, Mongkok, Kowloon

BD Ref. : EB/4809/54/2/r07(BUC/04) Pt. II

To : HALESWEET LIMITED
(喜事佳有限公司)

Date : 2 * 2009

Owner(s) of the premises at: Whole piece of land of 45J Ma Tau Wai Road, Kowloon

on (Lot Number) K.L.L. 8627

It has been brought to my attention that the following building works have been carried out in or at the above premises:

- (i) A shopfront extension erected on the external wall at the front at G/F;
- (ii) A Structure together with canopy(ies) on and over the rear yard at G/F; and
- (iii) Door opening formed in the front escape staircase enclosure wall at cockloft level.

2. For the said building works:

- (a) The building works at item (i) and (ii) above have been carried out with out having first obtained from me the approval of building plans and consent for the commencement of such building works required by Section 14 of the Buildings Ordinance ; and
- (b) As a result of the building works at Items (iii) above, Regulation 90 of the Building (Construction) Regulations, which requires the building to be designed and constructed so as to inhibit or provide adequate resistance to the spread of fire and smoke; and to maintain stability of the building in case of fire, has been contravened.

3. In exercise of the powers vested in me under section 24(1) of the Buildings Ordinance, I hereby order you to :-

- (a) demolish the said building works described under items (i) and (ii) above; and
- (b) reinstate the parts of the building so affected by the building works under item (iii) above in accordance with the plans approved by the Building Authority.

Adequate precautionary measures to ensure public safety should be provided prior to and during the course of works.

4. You are required to commence the works ordered by me in paragraph 3 above within 30 days and complete such works within 60 days of the date of this order, all to the satisfaction of the Building Authority.

5. Section 46 of the Interpretation and General Clauses Ordinance (Cap. 1) provides, inter alia, that where any Ordinance confers power upon any person to make any order, such power shall include power to substitute another order for the one already made. Pursuant to that section, the Building Authority who is empowered under section 24(1) of the Buildings Ordinance (Cap. 123) to make the previous order i.e. Order No. UBZ/U27-22/0001/04 dated 8 November 2005 is also empowered to make this order which substitutes the previous order.

(Terry WAN Chi-wai)
Building Surveyor
for Building Authority

c.c. Land Registrar

Your attention is drawn to the provisions of sections 24(3), 24(4A) and 33 of the Buildings Ordinance.

BD 109s (Type b) (Rev. 12/2005)

BUILDING AUTHORITY OF HONG KONG
BUILDINGS ORDINANCE
(Chapter 123)
Order by the Building Authority under section 26

Order No. : D00427/K/09

Our Ref. No: EB/4809/54/R07

To : **HALESWEET LIMITED**
(喜事佳有限公司)

Date : 13 January 2010

I am of the opinion that *the building known as / ~~building works~~ at Whole piece of land of 45J Ma Tau Wai Road, Kowloon on K.I.L. 8627 ~~*has / have been rendered dangerous /~~ *is / are liable to become dangerous.

2. In exercise of the powers vested in me by section 26 of the Buildings Ordinance, I HEREBY DECLARE that such *building is / ~~building works are~~ *dangerous / liable to become dangerous and I HEREBY ORDER you as owner to carry out the following works and such works are to be commenced by 13 March 2010 and to be completed by 13 July 2010:

For common areas and exterior of the building

1. **Remove loose, cracked or otherwise defective concrete from the reinforced concrete structure of the building, clean existing exposed steel bars of loose rust and foreign matter, provide and securely fix in place additional steel bars as necessary and reinstate. New concrete is not to be placed prior to inspection by the Building Authority; and**
2. **Remove all loose or defective external and internal wall finishes.**

All works specified in this order shall be carried out to such standard acceptable to the Building Authority and in compliance with the regulations.

(Godwin KWONG Wai-lun)
Senior Building Surveyor/E2
for Building Authority

c.c. Land Registrar - for registration

* delete whichever is inapplicable