

立法會
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Tel : 2869 9206

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 29 June 2011

Buildings (Amendment) Bill 2010

Committee stage amendments

The Second Reading debate on the above Bill will be resumed at the Council meeting of 29 June 2011. Subject to the Bill receiving a Second Reading, the President has given permission for the Secretary for Development to move amendments to the Bill at its Committee stage.

2. As directed by the President, the amendments are attached for Members' consideration.



(Desmond LAM)
for Clerk to the Legislative Council

Encl.

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 immediately after clause 45 –

“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;”.”.