

立法會
Legislative Council

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(These minutes have been seen by
the Administration)

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Bills Committee on Buildings Legislation (Amendment) Bill 2011

Minutes of meeting
held on Monday, 16 April 2012, at 4:30 pm
in Conference Room 2A of the Legislative Council Complex

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LEE Wing-tat
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king, JP
Hon Tanya CHAN
- Members absent** : Hon Miriam LAU Kin-ye, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
- Public Officers attending** : Item I
- Mr Rex CHANG Wai-yuen, JP
Deputy Secretary for Development (Planning and Lands) 2
- Mr Ryan CHIU Pit-ming
Principal Assistant Secretary for Development
(Planning and Lands) 3
- Miss Florence LO Chung-man
Assistant Secretary for Development (Buildings) 1

Mr HUI Siu-wai
Deputy Director
Buildings Department

Mr Alex CHOW Kim-ping
Assistant Director/Corporate Services
Buildings Department

Mr Thomas LEUNG Tung-choi
Chief Building Surveyor/Legal Services
Buildings Department

Ms Rayne CHAI Chih-hui
Senior Government Counsel
Department of Justice

Mr Henry CHAN Ngai-him
Government Counsel
Department of Justice

Clerk in attendance : Mrs Sharon TONG
Principal Council Secretary (2)

Staff in attendance : Miss Winnie LO
Assistant Legal Adviser 7

Mr Jove CHAN
Senior Council Secretary (2) 8

Ms Camy YOONG
Clerical Assistant (2) 7

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration to -

- (a) consider reflecting the Administration's policy for handling complaints about matters relating to building safety to

avoid creating nuisances to the property owners or occupiers in the long title of the Bill;

- (b) provide information on the rank of officers who would exercise the discretion in determining the amount of surcharge on defaulted works; and
- (c) clarify whether the Administration could create a charge at the Land Registry on the property whose owner was convicted to a fine for his refusal to pay the relevant share of the inspection and repair costs for the common parts of the building for works being undertaken by the owners' corporation in compliance with any order or notice issued by the Building Authority but he refused to pay the fine.

3. The Bills Committee would commence the clause-by-clause examination of the Buildings Legislation (Amendment) Bill 2011 at the next meeting to be held on 24 April 2012 at 10:45 am.

II. Any other business

4. The Chairman suggested and members agreed that three additional meetings would be scheduled for 4 May 2012 at 10:45 am, 21 May 2012 at 4:30 pm, and 11 June 2012 at 10:45 am.

5. There being no other business, the meeting ended at 6:25 pm.

**Proceedings of meeting of
Bills Committee on Buildings Legislation (Amendment) Bill 2011
held on Monday, 16 April 2012, at 4:30 pm
in Conference Room 2A of the Legislative Council Complex**

| Time marker | Speaker | Subject(s) | Action Required |
|--------------------|---|---|--|
| 000439 - 000930 | Chairman | Opening remarks; and Dates of subsequent meetings | |
| 000931 - 001438 | Chairman Admin | Briefing on the scope and threshold of the proposed warrant for entry into interior of individual premises | |
| 001439 - 001911 | Chairman Admin | The rationale and procedures for the investigation/enforcement actions on unauthorized building works ("UBW") in response to a report filed by members of the public | |
| 001912 - 002836 | Chairman Prof Patrick LAU Admin | The differences between the use of the proposed warrant and the existing power of the Building Authority ("BA") for entry into interior of individual premises | |
| 002837 - 004501 | Chairman Mrs Sophie LEUNG Admin | The timing and circumstances under which the application for the proposed warrant would be initiated; The Buildings Department's ("BD") procedures for handling complaints about building safety matters; and Respect for owners' private property rights and privacy | |
| 004502 - 005007 | Chairman Miss Tanya CHAN Admin | The procedures and evidence to substantiate reasonable grounds under which officers of BD would apply to a magistrates' court for a warrant | |
| 005008 - 010714 | Chairman Prof Patrick LAU Admin Ir Dr Raymond HO Mrs Sophie LEUNG | The BD's procedures and rationale for handling non-genuine complaints about UBW to avoid creating nuisances to the property owners or occupiers | The Administration to consider reflecting its policy for handling complaints about matters relating to building safety to avoid creating nuisances to the property owners or occupiers in the long title of the Bill |

| Time marker | Speaker | Subject(s) | Action Required |
|--------------------|---|---|---|
| 010715 - 010901 | Chairman Admin | Briefing on the proposed surcharge on defaulted works undertaken by BD when a property owner ignored the statutory order / notice issued by BD, and the proposed penalty against persons who refused to share cost of works for the common parts of a building that were required to be carried out by the owners' corporation ("OC") for compliance with statutory orders or notices issued by BA ("the refusal to share cost of works") | |
| 010902 - 011441 | Chairman Admin | The authority of and procedures for BD's officers to exercise the discretion in determining the amount of surcharge on defaulted works; and The rate of surcharge upon the property owners under different scenarios | The Administration to provide information on the rank of officers who would exercise the discretion in determining the amount of surcharge on defaulted works |
| 011442 - 011608 | Chairman Admin | Briefing on the proposed statutory signboard control system | |
| 011609 - 011727 | Chairman Admin | The timing of safety checking under the proposed signboard control system | |
| 011728 - 013121 | Chairman Mr LEE Wing-tat Admin Ms Starry LEE | The responsibility of OCs/property owners for the removal of abandoned signboards; Limitations on the dimensions of signboards; and Enforcement actions to remove abandoned or dangerous signboards | |
| 013122 - 013308 | Chairman Admin | Briefing on the proposed penalty against the refusal to share cost of works | |
| 013309 - 013907 | Chairman Mr LEE Wing-tat Admin | Whether the Administration would proactively initiate a prosecution against the refusal to share cost of works; and The Administration's and OC's proceedings against persons who refused to comply with the court's order to pay his share of cost and the relevant fine | |

| Time marker | Speaker | Subject(s) | Action Required |
|--------------------|---|---|--|
| 013908 - 014731 | Chairman Ms Audrey EU Admin | Whether the Administration could create a charge at the Land Registry on the property whose owner was convicted to a fine for refusing to share cost of works but he refused to pay the fine; and Clarification on whether the refusal to share cost of works was a criminal offence | The Administration to clarify whether it could create a charge at the Land Registry on the property whose owner was convicted to a fine but he refused to pay the fine |
| 014732 - 014909 | Ms Audrey EU Chairman ALA7 Admin | The provisions for penalties in the existing ordinance and the Bill | |
| 014910 - 015112 | Chairman Admin | Briefing on the proposed measures of requiring registered inspectors to comprehensively report exterior UBWs under the Mandatory Building Inspection Scheme | |
| 015113 - 015525 | Ms Audrey EU ALA7 Chairman Admin | The provisions for penalties in the existing ordinance and the Bill | |
| 015526 - 015642 | Chairman | Closing remarks; and Date of the next meeting | |