

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2577/11-12  
(These minutes have been seen by  
the Administration)

Ref : CB2/BC/3/11

**Bills Committee on Buildings Legislation (Amendment) Bill 2011**

**Minutes of meeting**  
**held on Tuesday, 24 April 2012, at 10:45 am**  
**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 Miriam LAU Kin-ye, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, 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 Tanya CHAN

**Members absent** : Hon CHEUNG Hok-ming, GBS, JP  
Hon Starry LEE Wai-king, 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 of Building  
Buildings Department

Mr Alex CHOW Kim-ping  
Assistant Director/Corporate 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 Mina CHAN  
Council Secretary (2) 7

Ms Michelle LEE  
Legislative Assistant (2) 7

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## **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 expanding the scope of persons who would be entitled for the exemption of the proposed surcharge on defaulted works;
- (b) consider specifying in the bill the timeframe and the number of visits that the Buildings Department's officer should make before applying for a warrant to enter the premises;
- (c) provide the template of the notice to be issued to the property owner or occupier referred to in the proposed section 22(1B)(c);
- (d) consider informing the property owner or occupier the particulars of enforcement action when a warrant was issued by the court; and
- (e) consider imposing an expiry date on a warrant.

## **II. Any other business**

3. There being no other business, the meeting ended at 12:42 pm.

**Proceedings of meeting of  
Bills Committee on Buildings Legislation (Amendment) Bill 2011  
held on Tuesday, 24 April 2012, at 10:45 am  
in Conference Room 2A of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000648 - 000832	Chairman	Opening remarks	
000833 - 001549	Chairman Admin	LC Paper No. CB(2)1802/11-12(01)  Briefing by the Administration on its response to issues raised by members at the meeting held on 16 April 2012	
001550 - 001944	Chairman Ms Miriam LAU Admin	The Administration's stance on and procedures for following up building safety-related complaints and the consideration of the Buildings Department ("BD") that the investigation into the complaints should avoid creating nuisance to property owners or occupiers; and  Adequate warning should be given to the property owners or occupiers on the Administration's actions, i.e. to break into the premises or to apply to the magistrates' court for a warrant for entry into the premises	
001945 - 002853	Chairman Mrs Sophie LEUNG Admin	BD's procedures for following up anonymous complaints and measures to avoid creating nuisance to property owners or occupiers;  Nuisance caused to property owners or occupiers by BD's request to enter into the premises consequent to observation of unsubstantiated evidence of works during BD's inspection from the exterior and common parts of the building concerned; and  Abuse of making complaints to BD	
002854 - 003910	Chairman Ir Dr Raymond HO Admin	BD's procedures for following up anonymous complaints;  Nuisance caused by excessive inspections by BD's officers and contracted inspectors during the	

Time marker	Speaker	Subject(s)	Action Required
		<p>remedial works of unauthorized building works ("UBW") being carried out by the property owners; and</p> <p>The Administration's consideration of the balance between the respect for privacy and effective law enforcement in following up anonymous complaints</p>	
003911 - 004329	Chairman Mrs Sophie LEUNG Admin	<p>Whether there was law requiring the Administration to follow up anonymous complaints;</p> <p>Circumstances under which the investigation of UBW based on anonymous complaint should be ceased; and</p> <p>The details of cases of anonymous complaints raised by members</p>	
004330 - 005230	Chairman Ms Cyd HO Admin Mrs Sophie LEUNG	<p>Expression of objection to the application for a warrant by the Administration for entry into the premises based on an anonymous complaint without substantiated evidence obtained during the inspections from the exterior; and</p> <p>The philosophy of following up complaints that privacy of the property owners and occupiers should be respected and substantiated evidence should be obtained before raising a request to property owner or occupier for entry into the premises</p>	
005231 - 005419	Chairman Admin	Whether the arrears of shared cost of works by owners' corporation for compliance with statutory orders or notices could be registered at the Land Registry	
005420 - 010026	Chairman Ms Cyd HO Admin	Whether the surcharge for the defaulted work could be waived for persons who were of old age, infirmity, mental illness, or whose tenant refuses to grant entry	The Administration to consider expanding the scope of persons who would be entitled for the exemption of the proposed surcharge on defaulted works

Time marker	Speaker	Subject(s)	Action Required
010027 - 010437	Chairman Admin	<p><u>Clause-by-clause examination of the Bill</u></p> <p><u>Long title</u></p> <p>Briefing by the Administration</p>	
010438 - 010929	Chairman Admin Ms Cyd HO	Expected date for Part 2 to come into operation as proposed in clause 1(3)	
010930 - 011427	Chairman Admin	<p><u>Clauses 2 and 3</u> <u>(Section 22(1), section 22(1)(b), proposed section 22(1A), and proposed section 22(1B)(a))</u></p> <p>Briefing by the Administration on the amendment proposals</p>	
011428 - 012704	Chairman Ms Cyd HO Admin	<p><u>Proposed section 22(1A)</u></p> <p>Definition of the emergency situations that the Building Authority or authorized officer might enter or break into the premises and the suggestion of setting out such emergency situations in the Bill;</p> <p>The rank of authorized officer who might enter or break into premises; and</p> <p>Details of cases that the authorized officer had broken into the premises in the presence of a police officer with the power granted under the existing section 22(1)</p>	
012705 - 013405	Chairman Mr LEE Wing-tat Admin	<p>Whether the warrant proposal could enhance the effectiveness of law enforcement actions against UBWs with cogent evidence; and</p> <p>Anticipation of the enhancement on the efficiency of law enforcement actions when the warrant proposal was put into operation</p>	
013406 - 013907	Chairman Prof Patrick LAU Admin	The importance of informing the property owners or occupiers by BD the details of the reasonable grounds for a warrant for entry and breaking into the premises	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
013908 - 014751	Chairman Admin Ms Cyd HO	<u>Proposed section 22(1B)(b) and (c)</u>  Briefing by the Administration on the amendment proposals; and  Whether the timeframe was appropriate for BD to apply for a warrant if BD's officer could not enter the concerned premises despite visits made to it on two different days only	The Administration to consider specifying in the Bill the time span and the number of visits that BD's officer should make before applying for a warrant
014752 - 014848	Chairman Admin	<u>Proposed section 22(1C)</u>  Briefing by the Administration on the amendment proposals	
014849 - 015636	Chairman Ms Cyd HO Admin	<u>Proposed section 22(1B)(c)</u>  Whether BD would inform the property owner or occupier the particulars of enforcement action when a warrant was issued by the court  <u>Proposed section 22(1G)</u>  The expiry of a warrant; and  The suggestion of imposing an expiry date on a warrant	The Administration to -  (a) provide the template of the notice to be issued to the property owner or occupier referred to in the proposed section 22(1B)(c);  (b) consider informing the property owner or occupier the particulars of enforcement action when a warrant was issued by the court; and  (c) consider imposing an expiry date on a warrant
015637 - 015802	Chairman Admin	<u>Proposed section 22(1D), proposed section 22(1E) and proposed section 22(1F)</u>  Briefing by the Administration on the amendment proposals	
015803 - 015833	Chairman	Closing remarks; and  Date of the next meeting	