



香港地產建設商會

THE REAL ESTATE DEVELOPERS ASSOCIATION OF HONG KONG

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Comments on Buildings Legislation (Amendment) Bill 2011

REDA is generally supportive of the new measures to be introduced for enhancing building safety in Hong Kong.

Warrant for entry into interior of individual premises

In respect of the proposed warrant for entry into the interior of individual premises, REDA agrees with the Administration that such power should only be exercised in extreme cases where there is a clear sign of imminent danger or serious environmental / health hazard.

However, from the three criteria currently proposed under the Bill, there is no specific requirement that a warrant should be issued only in "emergency situations" and it seems that it would not be too difficult for the Building Authority to satisfy those criteria (in particular that the "reasonable ground" criterion can be satisfied even if the a building order served under the BO for some very minor unauthorised works is not complied with).

To strike a reasonable balance between public safety and private property rights, REDA considers that a sufficient degree of severity and imminence should be incorporated as an additional criterion for the Building Authority to justify why a warrant should be issued by the Court.

Signboard control system

If a new subsidiary legislation is to be enacted, we would suggest that all clauses related to signboard requirements (eg. Section 33B for 30 years old buildings) be transferred to the new legislation for easy reference.