

**Notice of Appeal
Section 47, Buildings Ordinance (Cap 123)**

To : Secretary to the Appeal Tribunal
Rooms 1005-06, 10/F, Wing On Kowloon Centre,
345 Nathan Road, Kowloon, Hong Kong
(Fax No. 3579 4971)

Please read the following points and the "Important Notes" on page 2 carefully before completing this form:

- (a) This form serves the purpose for persons who wish to lodge a statutory appeal to the Appeal Tribunal under section 44 of the Buildings Ordinance against the Building Authority's Decision/Order/Notice. Any such notice of appeal shall reach the Secretary to the Appeal Tribunal no later than **21 days** after the date notification of the decision is sent to the person concerned pursuant to section 47 of the Buildings Ordinance.
- (b) The Appeal Tribunal is an independent statutory body and is NOT the Building Authority. It is generally NOT the function of the Appeal Tribunal to handle complaints, enquiries or negotiations regarding the Building Authority; nor to provide advisory, mediation, mitigation or investigation services to the Appellant. If you wish to enquire about the Building Authority's decision/order/notice, please contact the Building Authority (Buildings Department) direct at 2626 1616.
- (c) An appeal to the Appeal Tribunal is a legal action and has legal consequences for the Appellant. Upon dismissal or determination of an appeal, the Appeal Tribunal may order the Appellant or the Respondent (i.e. Building Authority) to bear the costs of the other party to the appeal.

I hereby lodge a statutory appeal under section 44 of the Buildings Ordinance against the Building Authority's decision/order/notice, and give this notice of appeal under section 47 of the Buildings Ordinance:

1. Particulars of the Appellant, the subject property/land and the Building Authority's decision/order/notice no. being appealed against

A. Appellant's Full Name : _____
 Hong Kong Identity Card No. / Business : _____
 Registration no. if the Appellant is a company : _____
 Correspondence Address : _____

 Tel No. : _____ Fax No.: _____

B. Subject Property/Land : _____

C. Building Authority's decision/order/notice : _____
 no. being appealed against

Date of decision : _____

2. Statement of Particulars

I understand that I have an obligation to adhere to section 4 of the Building (Appeal) Regulation. I should furnish to the Secretary to the Appeal Tribunal a Statement of Particulars within **28 days** beginning on the date this Notice of Appeal (please see Note (d) of the Important Notes on page 2).

3. Serving of Copy of Documents to Building Authority

I understand that I have an obligation to furnish a copy of all the documents regarding the appeal (including this Notice of Appeal and the related Statement of Particulars) to the Building Authority (please mark for the attention of Litigation Units / Legal Services Section, Buildings Department). Such information may be disclosed to designated officer(s) who are required to enforce the related Building Authority's decision.

(Appellant's signature)
(with company chop and authorised signature, if applicable)

Date : _____

c.c. Building Authority
(Attn: Litigation Units / Legal Services Section, Buildings Department)
General Enquiry and Receipt Counter,
G/F, Buildings Department Headquarters,
North Tower, West Kowloon Government Offices,
11 Hoi Ting Road, Yau Ma Tei, Kowloon, Hong Kong
(Fax No.: 2877 6416)

Important Notes :

- (a) The Notice of Appeal must be completed in full and signed (with company chop and authorised signature, if applicable). It should be served on the Secretary to the Appeal Tribunal by registered or ordinary mail or facsimile transmission or by hand.
- (b) Underpaid mail items are subject to surcharge by Hongkong Post. The Secretary to the Appeal Tribunal will not accept underpaid mail items, which will be returned to the sender (with return address) or disposed of (without return address) by the Hongkong Post. For proper delivery of your mail items to the Secretary to the Appeal Tribunal, and to avoid unnecessary delivery delay or unsuccessful delivery, please ensure your mail items bear sufficient postage with return address before posting.
- (c) The information provided in the Notice of Appeal will be used for processing the appeal. It may be disclosed to other government departments/agencies for the same purpose. The Appeal Tribunal may not be able to process the appeal if the Appellant does not provide the necessary information.
- (d) You have the right to request access to or correction of personal data provided in this Notice of Appeal in accordance with the provisions of the Personal Data (Privacy) Ordinance. Such requests should be made in writing to –
 - (i) Secretary to the Appeal Tribunal at Rooms 1005-06, 10/F, Wing On Kowloon Centre, 345 Nathan Road, Kowloon, Hong Kong, and/or
 - (ii) Litigation Units / Legal Services Section, General Enquiry and Receipt Counter, G/F, Buildings Department Headquarters, North Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon, Hong Kong.
- (e) Section 4(1) of the Building (Appeal) Regulation stipulates that the Appellant shall, within 28 days beginning on the date Notice of Appeal is given or, where appropriate, within the extended period, furnish to the Secretary to the Appeal Tribunal a statement containing : -
 - (i) the particulars of the decision to which the appeal relates;
 - (ii) the grounds of appeal if they have not been specified in the notice of appeal;
 - (iii) a detailed description of the matter to which the appeal relates;
 - (iv) a description of each document the Appellant intends to produce at the hearing;
 - (v) where relevant, the address and description of any property or land to which the appeal relates and a statement of the interest of the Appellant in that property or land; and
 - (vi) the particulars of the witnesses the Appellant intends to call on his behalf at the hearing.

Please mark clearly on the top of the statement the title “Statement of Particulars” for easy identification.

- (f) The general enquiry telephone no. of the Secretary to the Appeal Tribunal is 3579 2270. If you require advice on the law regarding the appeal, you should consult your lawyer. If you wish to contact the Building Authority, you may telephone its hotline: 2626 1616.