

**立法會**  
**Legislative Council**

LC Paper No. CB(1)987/07-08  
(These minutes have been seen  
by the Administration)

Ref: CB1/BC/1/07

**Bills Committee on Buildings (Amendment) Bill 2007**

**Minutes of the fourth meeting on  
Friday, 15 February 2008, at 3:30 pm  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon KWONG Chi-kin (Chairman)  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
(Deputy Chairman)  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Miriam LAU Kin-yee, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon LI Fung-ying, BBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon LEE Wing-tat  
Hon CHEUNG Hok-ming, SBS, JP  
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Hon James TO Kun-sun  
Hon LI Kwok-ying, MH, JP  
Hon Daniel LAM Wai-keung, SBS, JP
- Public Officers attending** : Development Bureau  
  
Mr Edward TO Wing-hang  
Principal Assistant Secretary (Planning and Lands)3  
  
Mr Jerry CHEUNG Chun-yu  
Assistant Secretary (Buildings)1  
  
Buildings Department  
  
Mr CHEUNG Hau-wai, JP  
Director of Buildings

Mr LAM Siu-tong  
Assistant Director (Support)

Department of Justice

Mr Allen LAI Kai-pang  
Senior Government Counsel

Ms Carmen CHU Ying-hung  
Senior Government Counsel

**Clerk in attendance :** Ms YUE Tin-po  
Chief Council Secretary (1)3

**Staff in attendance :** Miss Monna LAI  
Assistant Legal Adviser 7

Ms Guy YIP  
Senior Council Secretary (1)5

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Action

**I. Confirmation of minutes of meeting**

(LC Paper No. CB(1)784/07-08 -- Minutes of meeting on 22 January 2008)

The minutes of the meeting held on 22 January 2008 were confirmed.

**II. Meeting with the Administration**

(LC Paper No. CB(1)785/07-08(01) -- Administration's response to issues raised at the Bills Committee meeting on 22 January 2008

LC Paper No. CB(1)785/07-08(02) -- Administration's response to views submitted by various organizations on the Buildings (Amendment) Bill 2007

LC Paper No. CB(1)785/07-08(03) -- Letter dated 11 February 2008 to the Development Bureau

Other relevant papers

LC Paper No. CB(3)173/07-08 -- The Bill

LC Paper No. CB(1)473/07-08(01) -- Marked-up copy of the Bill prepared by the Legal Service Division

Ref: DEVB(PL-B) 30/30/120 -- The Legislative Council Brief on "Buildings (Amendment) Bill 2007" issued by the Development Bureau)

2. The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

Admin 3. The Administration was requested to provide the following information:

- (a) whether and how registered minor works contractors (RMWCs), in particular the self-employed workers who would be allowed to register as Class III RMWCs, would be required to comply with the provisions of the Construction Sites (Safety) Regulations (Cap. 59, Sub. Leg. I) and Factories and Industrial Undertakings Ordinance (Cap. 59), and if yes, measures to help them to comply with the law;
- (b) response to the view expressed by the Hong Kong Institute of Surveyors (HKIS) on the appointment of registered geotechnical engineers for some Class I minor works (LC Paper No. CB(1)785/07-08(02) Part A(II) 2.5(a)) after consulting the Hong Kong Institute of Architects, the Hong Kong Institute of Structural Engineers and HKIS;
- (c) response to members' view that works which required the issuance of occupation permits should not be classified as minor works (LC Paper No. CB(1)785/07-08(02) Part A(II) 2.5(b)); and
- (d) whether the drafting of the proposed section 41(3)(b) of the Bill should be improved to more clearly reflect the policy intent of the Administration (LC Paper No. CB(1)785/07-08(02) Part A(II) 2.5(d)).

*(Post-meeting note: The Administration's paper in respect of (a) and interim reply to (b), (c) and (d) above has been circulated to members vide LC Paper No. CB(1)982/07-08(01) on 5 March 2008.)*

Date of next meeting

4. The Chairman reminded members that the fifth meeting of the Bills Committee would be held on Tuesday, 26 February 2008 at 10:45 am to continue discussion on the Administration's response to deputations' views. Subject to the progress of the discussion, the Bills Committee might proceed to commence clause-by-clause examination of the Bill. Members agreed.

**III. Any other business**

5. There being no other business, the meeting ended at 4:55 pm.

Council Business Division 1  
Legislative Council Secretariat  
6 March 2008

**Proceedings of the fourth meeting of the  
Bills Committee on Buildings (Amendment) Bill 2007  
on Friday, 15 February 2008, at 3:30 pm  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000143 – 000204	Chairman	Confirmation of the minutes of the second meeting on 22 January 2008 (LC Paper No. CB(1)784/07-08).	
000205 – 001914	Chairman Administration Ms LI Fung-ying Ir Dr Raymond HO Prof Patrick LAU Assistant Legal Adviser (ALA)	<p><u>The Administration's response to the Bills Committee's enquiries at the meeting on 22 January 2008</u> (LC Paper No. CB(1)785/07-08(01))</p> <p>(a) Discussion on the legislative framework provided under the Construction Sites (Safety) Regulations (Cap. 59, Sub. Leg. I) (CS(S)R) and the Factories and Industrial Undertakings Ordinance (Cap. 59) (FIUO) and their applicability to the proposed minor works control system.</p> <p>(b) Ir Dr Raymond HO's suggestion that the Administration's written information in respect of the requirement to comply with the provisions of the CS(S)R and the FIUO should be carefully studied during the clause-by-clause examination of the Bill.</p>	The Administration to take action as stated in paragraph 3(a) of the minutes.
001915 – 003247	Chairman Administration Ir Dr Raymond HO Ms LI Fung-ying	<p><u>The Administration's response to deputations' views on the proposed minor works control system raised at the meeting on 26 January 2008</u> (LC Paper No. CB(1)785/07-08(02))</p> <p><i>Part A(II) 2.3 - Hong Kong Bar Association's view on exempted buildings works</i></p> <p>(a) The Administration's advice that the list of designated exempted building works would be promulgated in the relevant Regulation. To facilitate the Bills Committee's scrutiny, the Administration would provide the relevant provisions of the proposed regulations on minor works relating to the registration requirements, operation procedures and designation of minor works items etc, as far as possible.</p> <p>(b) Members' concern that the relevant trades and the public should be fully consulted and well</p>	

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		<p>informed of the changes to be brought about by the proposed minor works system and the obligations for compliance on the part of the practitioners and the public.</p> <p>(c) The Administration's advice that relevant trades had been and would continue to be consulted. For example, a meeting had been convened between the Administration and the plumbing industry on 2 February 2008 to address plumbers' concern about their registration as RMWCs in future. Moreover, extensive publicity programmes to raise public awareness would be conducted before the proposed minor works control system became effective.</p> <p>(d) Ir Dr Raymond HO's suggestion that flexibility should be allowed for inclusion of new minor works and designated exempted works items in the Regulation or codes of practice from time to time.</p>	
003248 – 004039	Chairman Administration Ir Dr Raymond HO Prof Patrick LAU	<p><i>Part A(II) 2.5(a) - HKIS' view on the appointment of registered geotechnical engineers (RGEs) for minor works</i></p> <p>Discussion on whether works that would require the appointment of RGEs should be classified as minor works.</p>	The Administration to take action as stated in paragraph 3(b) of the minutes.
004040 – 004604	Chairman Administration Prof Patrick LAU Mr Abraham SHEK Ir Dr Raymond HO	<p><i>Part A(II) 2.5(b) - HKIS' view that works which would result in a new building should not be classified as minor works</i></p> <p>In relation to the Administration's response, members' view that works which required the issuance of occupation permits should not be classified as minor works.</p>	The Administration to take action as stated in paragraph 3(c) of the minutes.
004605 – 005239	Chairman Administration Prof Patrick LAU Ir Dr Raymond HO	<p><i>Part A(II) 2.5(d) - HKIS' request for clarification of the new criteria that building works which did not "bear any imposed load or dead load other than that due to their own weight" might be exempted from the statutory control of the BO</i></p> <p>Members considered that certain exempted works, such as the installation of hanging cabinets or hanging rails within buildings, would likely be required to bear imposed load. The drafting of the</p>	The Administration to take action as stated in paragraph 3(d) of the minutes.

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		<p>proposed section 41(3)(b) of the Bill could not clearly reflect the policy intent of exempting such works from the statutory control of the BO.</p>	
<p>005240 – 012554</p>	<p>Chairman Administration ALA Ms Miriam LAU Ms LI Fung-ying Mr Abraham SHEK</p>	<p><i>Part A(II) 2.7 - Hong Kong Water Works Professionals Association's view on the registration of licensed plumbers as RMWCs</i></p> <p>(a) The Administration's advice that the qualification requirements of licensed plumbers who might apply for registration as RMWCs had been clarified with the deputation.</p> <p>(b) ALA's query as to why licensed plumbers who might apply for registration as RMWCs on an individual basis would be required to attend a one-day top-up course before registration while those who might apply on a firm basis would not be required to attend such a course.</p> <p>(c) The Administration's advice that practitioners who might apply for registration as Class III RMWCs operating as individuals would be required to prove their formal qualification and/or relevant experience. In addition, they would be required to attend a top-up course to apprise themselves of the statutory requirements and basic safety issues of the relevant minor works. For practitioners who might apply for registration as RMWCs operating as firms, their applications would be assessed based on their representatives' formal qualification and/or relevant experience, comprehension of the statutory requirements, as well as professional experience in the management and supervision of works projects. The regulation framework for firm-based RMWCs would be the same as that adopted for the regulation of other firm-based contractors, such as the registered general building contractors, under the extant BO. Registered contractors found in breach of the BO would be subject to legal sanctions which ranged from the imposition of a financial penalty to revocation of their licence.</p> <p>(d) Ms Miriam LAU's concern that while not all RMWCs would be required to attend top-up courses, there was inadequate assurance that minor works would be undertaken by trained</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>and qualified workers in future. This would defeat the purpose of introducing the proposed control regime which was intended for enhancing building safety.</p> <p>(e) The Administration's advice that on one hand, the BO had provided for the regulation of firm-based contractors whereby technical directors and authorized signatories were required to supervise and coordinate building works. On the other hand, statutory requirements for the employment of trained workers were provided for under the Construction Workers Registration Ordinance (CWRO) (Cap. 583) whereby construction workers were required to register according to their specific areas of expertise for undertaking construction works.</p> <p>(f) Ms LI Fung-ying's request for clarification on whether practitioners would be required to register under the CWRO before their application for registration as RMWCs.</p> <p>(g) The Administration's advice that workers conducting "construction works" in "construction sites" were required to register under the CWRO.</p> <p>(h) ALA's concern that:</p> <ul style="list-style-type: none"> <li>(i) the registration requirements for Classes I, II and III RMWCs had not been clearly specified; and</li> <li>(ii) while the BO only regulated contractors but not workers, there would be leeway for firm-based and individual-based RMWCs to employ unqualified persons to carry out minor works.</li> </ul> <p>(i) The Administration's advice that:</p> <ul style="list-style-type: none"> <li>(i) the registration requirements for RMWCs would be specified in the relevant Regulation; and</li> <li>(ii) RMWCs would be required to employ registered workers to conduct minor works falling within the definition of "construction works" in "construction</li> </ul>	



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		<p>sites" stipulated under the CWRO. Employment of non-qualified persons would be regarded as non-compliant cases.</p> <p>(j) Noting the Administration's advice that registration under the CWRO was sufficient for the regulation of the minor works contractors, ALA queried the rationale for creating another registration system under the proposed minor works control system.</p> <p>(k) The Administration's explanation that the minor works registration system was intended for the registration of firm-based contractors. In view that the industry was characterized by the presence of many individual practitioners who were competent in carrying out simple Class III minor works, they would be allowed to apply for registration as Class III RMWCs. Firm-based RMWCs would be regulated according to the existing mechanism applicable to other firm-based contractors according to the BO. As regards individual-based RMWCs, they should undertake the items of Class III minor works they were qualified to carry out. Individual-based Class III RMWCs would personally carry out minor works, and in some cases with one or two assistants to provide support. Such assistants were also subject to the registration requirements under the CWRO.</p>	
012555 – 012618	Chairman Administration	Arrangements for the next meeting	