

立法會
Legislative Council

LC Paper No. CB(1)1178/07-08
(These minutes have been seen
by the Administration)

Ref: CB1/BC/1/07

Bills Committee on Buildings (Amendment) Bill 2007

**Minutes of sixth meeting on
Tuesday, 11 March 2008, at 2:30 pm
in Conference Room B of the Legislative Council Building**

- Members present** : Hon KWONG Chi-kin (Chairman)
Hon Jasper TSANG Yok-sing, 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
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
(Deputy Chairman)
Hon James TO Kun-sun
Hon Miriam LAU Kin-ye, GBS, JP
Hon LI Kwok-ying, MH, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon CHEUNG Hok-ming, SBS, JP
- Public Officers attending** : Development Bureau

Mr Tommy YUEN Man-chung, JP
Deputy Secretary for Development (Planning and Lands)²

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

Miss Selina LAU Suet-ching
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

Action

I. Confirmation of minutes of meeting

(LC Paper No. CB(1)987/07-08 -- Minutes of meeting on
15 February 2008)

The minutes of the meeting held on 15 February 2008 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1)982/07-08(01) -- Administration's response to
issues raised at the Bills
Committee meeting on
15 February 2008

LC Paper No. CB(1)927/07-08(01) -- Letter dated 25 February 2008 to
the Development Bureau

LC Paper No. CB(1)982/07-08(02) -- Letter dated 7 March 2008 from the Development Bureau

LC Paper No. CB(1)982/07-08(03) -- Administration's response to views submitted by Friends of the Earth (HK)

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

LC Paper No. CB(1)927/07-08(02) -- Preliminary draft of the Building (Minor Works and Related Matters) Regulation and Schedule of Minor Works provided by the Administration)

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

Admin 3. The Administration was requested to provide the guidelines on the erection and maintenance of signboards in respect of material and structural safety, etc., as well as measures to combat unauthorized signboards.

Clause-by-clause examination of the Bill

Admin 4. The Administration undertook to :

(a) consider moving a Committee Stage amendment (CSA) to amend clause 3(1)(c) (definition of "minor works") for the designation of minor works through gazettal/the issue of practice note instead of in the regulations; consequential amendments would be made to various proposed sections of the Bill;

(b) move CSAs to amend clause 3(1)(c) (definitions of "prescribed requirements" and "prescribed requirement minor works") for the replacement of the term "prescribed requirements" by "simplified requirements", deletion of the term "prescribed requirement minor

works" and its definition; and addition of new section 2(1B) to provide for the meaning of minor works commenced under the simplified requirements (LC Paper No. CB(1)1043/07-08(01)); consequential amendments would be made to various proposed sections of the Bill;

- (c) consider specifying in the Building (Minor Works and Related Matters) Regulation the appointment of registered minor works contractors (RMWCs) for carrying out classes II and III minor works; and
- (d) consider improving the drafting of the new sections 4A(1) and 9AA(1) in respect of the appointment of qualified persons to carry out minor works and section 40(1AA) in relation to an offence for any person knowingly contravening section 14(1) on approval and consent required for commencement of building works (including minor works) so as to facilitate comprehension of the general public.

Date of next meetings

5. The Chairman reminded members that the seventh meeting of the Bills Committee would be held on Thursday, 27 March 2008 at 2:30 pm to continue clause-by-clause examination of the Bill starting from clause 7.

III. Any other business

6. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 1
Legislative Council Secretariat
3 April 2008

**Proceedings of the sixth meeting of the
Bills Committee on Buildings (Amendment) Bill 2007
on Tuesday, 11 March 2008, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 000204	Chairman	Confirmation of minutes of the meeting held on 15 February 2008 (LC Paper No. CB(1)987/07-08)	
000205 – 001055	Chairman Administration	<u>The Administration's response to issues raised at the meeting on 15 February 2008</u> (LC Paper No. CB(1)987/07-08(01)) Members raised no query.	
001056 – 001252	Chairman Administration Assistant Legal Adviser 7 (ALA)	<u>Administration's response dated 7 March 2008 to ALA's letter dated 25 February 2008</u> (LC Paper No. CB(1)982/07-08(02)) Members raised no query.	
001253 – 002239	Chairman Administration Mr LEE Wing-tat	<u>The Administration's response to the submission from Friends of the Earth on light nuisance</u> (LC Paper No. CB(1)982/07-08(03)) Discussion on the regulatory control of signboards. Mr LEE Wing-tat expressed concern about risk posed by signboards, in particular the unauthorized neon signs.	The Administration to take action as stated in paragraph 3 of the minutes.
002240 – 003645	Chairman Administration Mr Jasper TSANG Ms LI Fung-ying Prof Patrick LAU ALA	Clause-by-clause examination of the Bill (LC Paper No. CB(1)473/07-08(01); LC Paper No. CB(1)927/07-08(02); Draft Revisions to the Bill - Clause 3 (tabled at the meeting and subsequently issued vide CB(1)1043/07-08(01) on 12 March 2008)) <u>Clause 1 - Short title</u> Members raised no query. <u>Clause 2 - Commencement</u> Members raised no query. <u>Clause 3 - Interpretation</u> <i>Section 2(1) (designation of minor works)</i>	The Administration to take action as stated in paragraph 4(a) of the minutes.

Time marker	Speaker	Subject(s)	Action required
		<p>The Administration advised that in view of deputations' requests for flexible amendment of the minor works items, consideration would be given to designating minor works items either through gazettal or the issue of practice note, etc., instead of in the regulations.</p>	
003646 – 005152	<p>Chairman Administration ALA Mr Jasper TSANG Ms Audrey EU</p>	<p><i>Section 2(1) (definitions of "prescribed requirements" and "prescribed requirement minor works")</i></p> <p>Taking on board Hong Kong Institute of Surveyors' views, the Administration proposed to change the term "prescribed requirements" to "simplified requirements" and to delete the term "prescribed requirement minor works" and its definition. A new section 2(1B) was proposed to be added specifying that any minor works in respect of which new sections 4A(1) and 9AA(1) had been complied with were to be regarded as minor works commenced under the simplified requirements (LC Paper No. CB(1)1043/07-08(01)).</p>	<p>The Administration to take action as stated in paragraph 4(b) of the minutes.</p>
005153 – 011557	<p>Chairman Administration Ms Audrey EU ALA Ms LI Fung-ying Mr Jasper TSANG Prof Patrick LAU</p>	<p><i>Section 2(1) (contraventions of the provisions of the Buildings Ordinance (BO) (Cap. 123))</i></p> <p>(a) The Administration explained that proposed sub-sections (c) and (d) aimed to prescribe two features of the minor works control systems, i.e. it would be regarded as a contravention against the BO for RMWCs to carry out works which significantly deviated or diverged from the works shown in the plans submitted to the Building Authority (BA) or fail to submit to the BA the required certificate upon completion of a works project.</p> <p>(b) In reply to members and ALA's enquiry, the Administration advised that it would be the responsibility of building owners to appoint qualified persons to undertake works projects either according to section 14(1) of the BO (i.e. the prior approval and consent mechanism for commencement of general building works or minor works) or new sections 4(A)(1) and 9AA(1) (i.e. the appointment of an authorized person/registered structural engineer/registered geotechnical engineer and the appointment of a RMWC for commencement of minor works under the simplified requirements). If</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>building owners were found in breach of these provisions, they would be subject to respective sanctions. To help building owners familiarize with the requirements of the minor works control system, publicity would be stepped up after passage of the Bill.</p>	
011558 – 012855	<p>Chairman Administration Mr Jasper TSANG Ms Audrey EU</p>	<p><i>Section 2(1) (definition of "specialized works")</i></p> <p>Members noted that this was a technical amendment.</p> <p><i>Proposed section 2(1) (definitions of "Secretary", "prescribed registered contractor" and "registered minor works contractor") and 2(1A)</i></p> <p>Members raised no query.</p>	
012856 – 013006	<p>Chairman Administration</p>	<p><u>Clause 4 - New section 2A (designation of specialized works)</u></p> <p>Members raised no query.</p>	
013007 – 013724	<p>Chairman Administration</p>	<p><u>Clause 5 - Registers of authorized persons, structural engineers and geotechnical engineers</u></p> <p>Members raised no query.</p>	
013725 – 013827	<p>Chairman Administration</p>	<p><u>Clause 6 - Appointment and duties of authorized person, registered structural engineer or registered geotechnical engineer</u></p> <p>Members raised no query.</p>	
013828 – 020007	<p>Chairman Administration ALA Ms Audrey EU Prof Patrick LAU</p>	<p><u>Clause 7 - New section 4A (appointment of authorized person, registered structural engineer or registered geotechnical engineer: minor works commenced under the simplified requirements)</u></p> <p>(a) ALA pointed out that while the appointment of authorized person, registered structural engineer or registered geotechnical engineer for class I minor works commenced under the simplified requirements was stated in the preliminary draft of Building (Minor Works and Related Matters) Regulation, the appointment of RMWCs in respect of classes II and III minor works was not clearly specified in the draft Regulation.</p>	<p>The Administration to take action as stated in paragraph 4(c) of the minutes.</p>

Time marker	Speaker	Subject(s)	Action required
		<p>(b) Members noted that the commencement of minor works under the simplified requirements was provided for under new sections 4A and 9AA and the relevant penalty was specified in section 40(1AA). They however noted that section 40(1AA) made it an offence for any person knowingly contravening section 14(1) other than new sections 4A and 9AA and opined that the current drafting of the relevant provisions could be refined to facilitate comprehension of the general public.</p> <p>(c) Date of next meeting</p>	<p>The Administration to take action as stated in paragraph 4(d) of the minutes.</p>

Council Business Division 1
Legislative Council Secretariat
3 April 2008