

立法會
Legislative Council

LC Paper No. CB(1)1293/07-08
(These minutes have been seen
by the Administration)

Ref: CB1/BC/1/07

Bills Committee on Buildings (Amendment) Bill 2007

**Minutes of seventh meeting on
Thursday, 27 March 2008, at 2:30 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 James TO Kun-sun
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Hon Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, BBS, JP
Hon LEE Wing-tat
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

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

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Ms Guy YIP
Senior Council Secretary (1)5

Action

I. Confirmation of minutes of meeting

(LC Paper No. CB(1)1112/07-08 -- Minutes of meeting on
26 February 2008)

The minutes of the meeting held on 26 February 2008 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1)1114/07-08(01) -- Administration's response to
issues raised at the Bills
Committee meeting on
26 February 2008

LC Paper No. CB(1)1114/07-08(02) -- Administration's response to
issues raised at the Bills
Committee meeting on 11 March
2008

Clause-by-clause examination of the Bill

- 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
- LC Paper No. CB(1)1043/07-08(01) -- Draft Revisions to the Bill – Clause 3

Other relevant papers

- 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 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**).

The Administration's responses to issues raised at previous meetings and clause-by-clause examination of the Bill

- Admin 3. The Administration was requested to provide the following information :
- (a) existing legislative framework and policy on the regulation of light trespass and enhancement of energy efficiency (whether the latter would cover the regulation of light trespass);
 - (b) legal responsibilities of various parties which might be involved in the carrying out of minor works, namely the person intending to carry out minor works (e.g. owner or tenant of a premises); the agent, if any, who would assist the above-mentioned person in engaging the registered professional/contractor to carry out the minor works; the registered professional/contractor; and the workers employed by contractors; with reference to the provisions of the Bill and/or Regulation stipulated therein;
 - (c) measures to regulate neon signs, with particular reference to the toxic gas contained therein; and

- (d) response to members' concern about the unnecessary burden to be imposed on building owners for compliance with the proposed minor works system, i.e. the appointment of qualified persons to carry out the minor works as prescribed under new sections 4A and 9AA of the Bill.

Admin 4. The Administration also undertook to provide a written reply to Friends of the Earth in response to its submission about light nuisance (LC Paper No. CB(1)878/07-08(01)).

(Post-meeting note: The Administration's letter has been circulated to members vide LC Paper No. CB(1)1212/07-08(01) on 8 April 2008.)

Date of next meeting

5. The Chairman reminded members that the eighth meeting of the Bills Committee would be held on Monday, 7 April 2008 at 10:45 am to continue clause-by-clause examination of the Bill starting from clause 14.

III. Any other business

6. There being no other business, the meeting ended at 4:40 pm.

Council Business Division 1
Legislative Council Secretariat
18 April 2008

**Proceedings of seventh meeting of
Bills Committee on Buildings (Amendment) Bill 2007
on Thursday, 27 March 2008, at 2:30 pm
in Conference Room A of the Legislative Council Building**

| Time marker | Speaker | Subject(s) | Action required |
|--------------------|--|---|---|
| 000000 – 000119 | Chairman | Confirmation of minutes of the meeting held on 26 February 2008 (LC Paper No. CB(1)1112/07-08) | |
| 000120 – 010529 | Chairman Administration Ms Audrey EU Ms Miriam LAU Mr James TO Ir Dr Raymond HO | <p>The Administration's response to issues raised at the meeting on 26 February 2008 (LC Paper No. CB(1)1114/07-08(01))</p> <p>(a) In response to Ms Audrey EU's enquiry, the Administration advised that the Buildings Ordinance (BO) (Cap. 123) aimed to provide for the legislative framework to ensure building safety. It did not cover the regulation of light trespass.</p> <p>(b) In response to Ms Miriam LAU's enquiry, the Administration clarified that photos would be required before commencement and after completion of Classes I, II and III minor works. It also advised that records of completed minor works, i.e. names of the responsible RMWCs and details of the completed minor works, would be made available for public inspection via the Buildings Department (BD)'s Building Information Centre similar to the existing arrangement for building plans or via the Internet in future. While property addresses would be used as the search parameter, relevant information such as the completion certificates, plans and photos, where appropriate, would be made available for public inspection.</p> <p>(c) Discussion on the legal implications of the proposed minor works control system on existing unauthorized building works (UBWs) which were minor in nature. The Administration advised that existing UBWs would remain as UBWs in future. There were however three types of household minor works (i.e. supporting frames for air-conditioners, drying racks and small canopies) that could be retained for continued use under the proposed "validation scheme" after inspection and</p> | The Administration to take action as stated in paragraphs 3(a) and 4 of the minutes |

| Time marker | Speaker | Subject(s) | Action required |
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| | | <p>certification by a building professional or registered contractor to confirm their safety.</p> <p>(d) Discussion on the appointment of authorized persons and contractors to carry out minor works. The Administration advised that relevant provisions were stipulated in new sections 4A and 9AA of the Bill. Further details would be stipulated in the Regulation. As regards the regulation of registered construction workers, it was separately provided for under the Construction Workers Registration Ordinance (Cap. 583).</p> | <p>The Administration to take action as stated in paragraph 3(b) of the minutes</p> |
| 010530 – 011356 | Chairman Administration Mr Jasper TSANG | <p>The Administration's response to issues raised at the meeting on 11 March 2008 (LC Paper No. CB(1)1114/07-08(02))</p> <p>Discussion on the regulation of neon signs.</p> | <p>The Administration to take action as stated in paragraph 3(c) of the minutes</p> |
| 011357 – 012317 | Chairman Administration Mr James TO | <p>Clause-by-clause examination of the Bill (LC Paper No. CB(1)473/07-08(01); Draft Revisions to the Bill – Clauses 6, 7, 9, 13, 15, 18, 21, 22, 24, 26, 27, 28 and 42 (tabled at the meeting and subsequently issued vide CB(1)1146/07-08(01) on 28 March 2008))</p> <p><u>Clause 7 – New sections 4A (appointment of authorized person, registered structural engineer or registered geotechnical engineer: minor works commenced under the simplified requirements) and 4B (duties of person appointed or nominated under section 4A)</u></p> <p>Members noted that after discussion with the Administration, the Hong Kong Institute of Surveyors had indicated no further objection for registered geotechnical engineers to be involved in the carrying out of minor works.</p> | |
| 012318 – 013426 | Chairman Mr James TO Administration | <p>In response to Mr James TO's enquiry, the Administration advised that :</p> <p>(a) UBWs and minor works completed in accordance with the statutory minor works control system should be considered and treated separately. Even if both were located at the same site, the demolition of UBWs</p> | |

| Time marker | Speaker | Subject(s) | Action required |
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| | | <p>should not affect the legal minor works items;</p> <p>(b) alteration of completed minor works, despite their scale, should be regarded as a new works item which should be undertaken according to the simplified procedures for commencement of minor works;</p> <p>(c) RMWCs should carry out minor works with reference to the technical guidelines and standard drawings provided by BD for individual works items. The requirement for RMWCs to provide photo(s) together with the completion certificates would help identify the location of the completed minor works; and</p> <p>(d) extensive publicity would be conducted after passage of the Bill to raise public awareness of the proposed minor works control system, in particular on the protection of the owners' rights and interests.</p> | |
| 013427 – 013516 | Chairman Administration | <p><u>Clause 8 – Appointment and powers of disciplinary board</u></p> <p>Members raised no query.</p> | |
| 013517 – 014132 | Chairman Administration | <p><u>Clause 9 – Disciplinary proceedings for authorized person, registered structural engineer or registered geotechnical engineer</u></p> <p>Members raised no query.</p> | |
| 014133 – 014452 | Chairman Administration | <p><u>Clause 10 – Registers of contractors, etc.</u></p> <p>Members raised no query.</p> | |
| 014453 – 014634 | Chairman Administration | <p><u>Clause 11 – Renewal of registration as a contractor</u></p> <p>Members raised no query.</p> | |
| 014635 – 014919 | Chairman Administration | <p><u>Clause 12 – Appointment and duties of registered contractors</u></p> <p>Members raised no query.</p> | |

| Time marker | Speaker | Subject(s) | Action required |
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| 014920 – 015117 | Chairman Ms Miriam LAU Administration | In response to Ms Miriam LAU's enquiry, the Administration advised that the tentative timetable for commencement of the proposed minor works control system would be in 2009. | |
| 015118 – 021245 | Chairman Administration Ir Dr Raymond HO Prof Patrick LAU Ms Miriam LAU | <p><u>Clause 13 – New section 9AA (appointment and duties of prescribed registered contractors: minor works)</u></p> <p>(a) The Administration advised that a person intending to carry out minor works, who would usually be the owner or tenant of the premises, would be required to comply with new section 9AA of the Bill which stipulated the appointment of a prescribed registered contractor as required by the regulations to carry out the minor works. Any person who knowingly contravened this section would be liable for sanctions as prescribed in new section 40(1AB) of the Bill.</p> <p>(b) Pointing out the legislative intent of the existing BO and comparing it with other regulatory regimes, such as the electrical workers registration scheme, which only aimed at regulating industry practitioners, members expressed grave concern about the unnecessary burden to be imposed on building owners requiring them to appoint eligible persons to carry out minor works.</p> | The Administration to take action as stated in paragraph 3(d) of the minutes |
| 021246 – 021350 | Chairman | Date of next meeting. | |