

立法會
Legislative Council

LC Paper No. CB(1)608/07-08
(These minutes have been seen
by the Administration)

Ref: CB1/BC/1/07

Bills Committee on Buildings (Amendment) Bill 2007

**Minutes of first meeting on
Friday, 21 December 2007, at 11:00 am
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 LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LI Kwok-ying, MH, JP
Hon CHEUNG Hok-ming, SBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Hon James TO Kun-sun
Hon Miriam LAU Kin-yee, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LEE Wing-tat
Hon Daniel LAM Wai-keung, SBS, JP
- Public Officers attending** : Development Bureau
Mr Tommy YUEN Man-chung
Deputy Secretary for Development (Planning and Lands)

Mr Edward TO Wing-hang
Principal Assistant Secretary (Planning and Lands)

Buildings Department

Mr CHEUNG Hau-wai
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
Senior Council Secretary (1)5

Staff in attendance : Ms Pauline NG
Assistant Secretary General 1

Miss Monna LAI
Assistant Legal Adviser 7

Ms Guy YIP
Council Secretary (1)1

Action

I. Election of Chairman and Deputy Chairman

Election of Chairman

Ir Dr Raymond HO, the Member with the highest precedence among those who were present at the meeting, presided over the election of the Chairman of the Bills Committee. He invited nominations for the chairmanship of the Bills Committee.

2. Mr KWONG Chi-kin was nominated by Ms LI Fung-ying and the nomination was seconded by Mr LI Kwok-ying. Mr KWONG accepted the nomination. Ir Dr Raymond HO was nominated by Prof Patrick LAU. As Ir Dr Raymond HO was nominated for the chairmanship, Mr Jasper TSANG, the Member who had the highest precedence among those not nominated for the office, presided over the election of Chairman. The nomination was seconded by Ms Audrey EU and accepted by Ir Dr Raymond HO. As there were two nominations, members cast their votes by secret ballot. Mr KWONG Chi-kin received five votes and Ir Dr Raymond HO received three votes. Mr KWONG Chi-kin was elected Chairman of the Bills Committee.

Election of Deputy Chairman

3. Mr KWONG Chi-kin took over the chair and invited members' views on whether a deputy chairman should be elected. In view of the complexity of the Bill, Ms LI Fung-ying considered that a deputy chairman should be elected. Members agreed.

4. Ir Dr Raymond HO was nominated by Ms LI Fung-ying and the nomination was seconded by Mr LI Kwok-ying. Ir Dr Raymond HO accepted the nomination. Prof Patrick LAU was nominated by Ms Audrey EU and the nomination was seconded by Ir Dr Raymond HO. Prof LAU accepted the nomination. As there were two nominations, members cast their votes by secret ballot. After all members present had cast their votes, Ir Dr Raymond HO received four votes and Prof Patrick LAU received three votes. Ir Dr Raymond HO was elected Deputy Chairman of the Bills Committee.

II. Meeting with the Administration

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| (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. LS17/07-08 | -- The Legal Service Division Report |
| LC Paper No. CB(1)474/07-08(01) | -- Background brief prepared by the Legislative Council Secretariat |
| LC Paper No. CB(1)474/07-08(02) | -- Letter dated 19 December 2007 to the Development Bureau) |
5. The Committee deliberated (Index of proceedings attached at **Appendix**).
6. The Administration was requested to provide the following information:
- (a) the mechanism to deal with ad-hoc situations arising during the course of works implementation, for example, when additional minor works belonging to Classes I or II categories were deemed necessary after commencement of Class III minor works and under such circumstances, the obligations and responsibilities of building owners

and Registered Minor Works Contractors (RMWCs);

- (b) details of the Administration's efforts to consult the self-employed workers or sole proprietors to raise their awareness of the proposed minor works control system before passage of the Bill;
- (c) details of fees to be charged for minor works practitioners to attend the top-up courses and registration fees to be imposed on RMWC applicants;
- (d) whether self-employed workers would be required to apply for business registration before their registration as RMWCs; and
- (e) the respective regulatory mechanisms applicable to workers, such as the minor works control system and the construction workers registration system, for undertaking various buildings-related job assignments and the feasibility of streamlining these mechanisms to ease compliance by workers.

III. Any other business

Date of next meeting

7. Members agreed that the next meeting of the Bills Committee would be held on Tuesday, 22 January 2008 at 4:30 pm.

Public consultation

8. Members agreed to schedule a public hearing on a Saturday to receive deputations' views on the Bill. In this connection, they agreed that invitation letters should be issued to deputations as listed in Appendix IV of the Members' brief. A general notice inviting submissions on the Bill should be posted on the website of the Legislative Council. In line with the usual practice, the 18 District Councils would also be invited to submit views on the Bill.

(Post-meeting note: With the concurrence of the Chairman, the public hearing was scheduled for Saturday, 26 January 2008 at 9 am. A general notice inviting submissions on the subject was posted on the Council's website on 24 December 2007. Invitation letters were sent on 27 December 2007.)

9. There being no other business, the meeting ended at 12:45 pm.

**Proceedings of the first meeting of the
Bills Committee on Buildings (Amendment) Bill 2007
on Friday, 21 December 2007, at 11:00 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000213 – 000704	Ir Dr Raymond HO Ms LI Fung-ying Mr LI Kwok-ying Mr KWONG Chi-kin Prof Patrick LAU Mr Jasper TSANG Ms Audrey EU Mr CHEUNG Hok-ming Clerk	Election of Chairman	
000705 – 001144	Chairman Ms LI Fung-ying Ir Dr Raymond HO Mr LI Kwok-ying Ms Audrey EU Prof Patrick LAU Mr Jasper TSANG Clerk	Election of Deputy Chairman	
001145 – 003629	Chairman Administration	Powerpoint presentation by the Administration on Buildings (Amendment) Bill 2007 (the Bill) (subsequently issued vide LC Paper No. CB(1)500/07-08(01) on 24 December 2007).	
003630 – 010259	Ms LI Fung-ying Administration Chairman	(a) Members' concerns about: <ul style="list-style-type: none"> <li data-bbox="627 1525 1249 1666">(i) whether and how the frontline individual minor works practitioners were consulted on the proposed minor works control system; <li data-bbox="627 1709 1249 2103">(ii) the mechanism and the obligations and responsibilities of building owners and contractors under the proposed system in dealing with circumstances arising during the course of works implementation, for example, the progress of implementation might be adversely affected when a property owner was advised by the contractor that associated minor works belonging to the Class II category were deemed necessary after commencement of 	

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		<p>a Class III minor works;</p> <ul style="list-style-type: none"> (iii) pre-requisite qualifications and registration fees for existing minor works practitioners to apply for registration as registered minor works contractors (RMWCs); (iv) the fees for attending top-up courses by minor works practitioners before they could be qualified for registration as RMWCs, institutions providing such courses and the estimated number of course participants; (v) the cost implications on RMWCs for the Administration to recover the full cost of administering the proposed registration system and generate revenue therefrom; and (vi) time limit, if any, for inspection of three specific types of unauthorized works which had been carried out before the introduction of the minor works control system under the proposed validation scheme. <p>(b) The Administration's advice that:</p> <ul style="list-style-type: none"> (i) in addition to some 20 industry associations, individual minor works practitioners had been invited to join the "Minor Works Concern Group" and attend the briefing sessions to exchange views with the Administration on the proposed minor works control system in the past two years or so. The classification of minor works into three types and 114 items would reflect the specialization of works in the industry and was so proposed after extensive consultation with the trades; (ii) a list of minor works would be drawn up specifying the corresponding RMWCs required for undertaking certain minor works. Publicity would be stepped up to promote understanding by building owners and practitioners in future. Although prior approval by the Building Authority (BA) was not required before 	

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		<p>commencement of any classes of minor works, RMWCs had the responsibility to provide accurate advice to building owners concerning the works, for example, the classification of the minor works to be conducted and the types of contractor they had to be engaged;</p> <p>(iii) for Class III RMWCs, existing minor works practitioners possessing relevant experience would be qualified for registration as RMWCs. The registration fees would be as low as \$50 (per year) for applicants who possessed formal qualifications. Registration for Classes I and II RMWCs was company-based and registration fees would be about \$1,000 (per year for Class I RMWCs);</p> <p>(iv) top-up courses would be provided to upgrade the applicants' standards and enhance their knowledge of the new statutory requirement, e.g. their experience in the trade would be complemented by theories and familiarization of the technical requirements and standards stipulated in the technical guidelines to be issued by the Buildings Department (BD) (e.g. standard design for supporting frames for air-conditioners). Top-up courses would be provided by the Construction Industry Training Authority and tertiary institutes, etc., and the courses would commence shortly after enactment of the Bill to facilitate practitioners to become eligible for registration under the minor works control system. Participants (class III contractors), estimated at about 10 000, would only be required to pay a minimal course fees at about \$100 per course. A transitional period and a provisional registration arrangement would be put in place to allow adequate time for the existing minor works practitioners to prepare for registration;</p> <p>(v) only cost for administering the minor works registration system would be recovered from the registration fees. The cost for exercising regulatory control over the minor works was separately provided</p>	

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		<p>for within the resources of the BD; and</p> <p>(vi) no time limit would be imposed under the validation scheme as inspection of the three specific types of unauthorized works could be carried out in tandem with other buildings maintenance works.</p>	
010300 – 011114	Prof Patrick LAU Administration	<p>(a) Member's urge that a public hearing should be conducted to gauge views from stakeholders on the proposed minor works control system.</p> <p>(b) Member's concern that:</p> <p>(i) the specifications for the proposed minor works in respect of size, height and material used, etc., were too technical for comprehension of general members of the public; and</p> <p>(ii) while prior approval by the BA before commencement of minor works was not required, the mechanism to help ensure qualified RMWCs would be engaged by building owners.</p> <p>(c) The Administration's advice that:</p> <p>(i) the specifications for the proposed minor works were drawn up after consulting the trades and having regard to the specialization of works in the industry. The detailed specifications would give clear guidelines to ease compliance by building owners. Industry players would be required to familiarize with these specifications, e.g. by attending the top-up courses;</p> <p>(ii) to facilitate comprehension of the public, the Administration would publish user-friendly pamphlets with easy-to-follow procedural guides for the average households and buildings owners. Tailor-made technical guidelines would also be produced for minor works practitioners, building managers and business operators to cater for their specific need; and</p> <p>(iii) adequate enquiry services would be</p>	

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		<p>provided by the BD, in collaboration with the Home Affairs Department and the Property Advisory Centers operated by the Hong Kong Housing Society for compliance with the new requirements.</p>	
011115 – 011509	Prof Patrick LAU Administration Ms LI Fung-ying	<p>(a) Members' concern about the mechanism to deal with circumstances arising during the course of works implementation, for instance, when additional minor works belonging to the Class I or II categories were deemed necessary after commencement of Class III minor works. Since prior approval by the BA before commencement of works was not required, BD could not exercise regulatory control over the minor works, thereby creating leeways for possible abuse.</p> <p>(b) The Administration advised that RMWCs, who were registered under the Buildings Ordinance, had the statutory obligations to provide accurate advice to building owners concerning the works and the types of contractor that had to be engaged when they were consulted by building owners. Also the BA should be notified of the commencement of Classes I and II minor works seven days and any time before commencement of such works respectively.</p> <p>(c) Members' concern that while prior notification of BA would be required for the commencement of Classes I and II minor works but not for the Class III minor works, such circumstances might adversely affect the progress of works implementation when a building owner was advised by the contractor that associated minor works belonging to Class I or II category were deemed necessary after commencement of a Class III minor works.</p>	
011510 – 012711	Ir Dr Raymond HO Administration	<p>(a) Member's support for the proposed minor works control system which would streamline the existing buildings control regime in respect of minor works and achieve savings in Government expenditure as well as alleviate the financial burden of the general public. Industry players should be invited to give their views on the proposed system to the Bills Committee.</p>	<p>The Administration to take action as stated in paragraph 6 of the minutes.</p>

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		<p>(b) Members' opinion that :</p> <ul style="list-style-type: none"> (i) criteria for exemption of building works, viz. works located and carried out inside buildings; works not involving alteration of structural elements of buildings; and works not bearing any load other than due to their own weight as well as the requirements (such as dimensions, specifications and positions) of the "specified exempted works" were too technical in nature for comprehension of the general public; (ii) flexibility should be provided to cater for situations not prescribed by the list of "specified exempted works", e.g. the use of new materials; and (iii) whether large-scale industry players would be eligible for registration as RMWCs, and if yes, measures to ensure the sustainability of small-scale minor works practitioners or those operating as sole proprietors. <p>(c) The Administration's advice that:</p> <ul style="list-style-type: none"> (i) the three general criteria for exemption of buildings works had already been provided for under the extant BO and there would be a future list of "specified exempted works" to be drawn up based on these criteria. Nevertheless, detailed descriptions to be set out for each of the items in the list of the "specified exempted works" would serve as useful guidelines for the general public; and (ii) the list of "specified exempted works", which would be set out under the provision of the Bill in a non-exhaustive manner, would be updated from time to time to take into account latest developments of the technical requirements of the works concerned in the industry; and (iii) the existing large-scale industry players would be eligible for undertaking minor works without prior registration as 	

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		<p>RMWCs in view of their possession of the required technical expertise. Although not many of them might be interested in undertaking minor works, the proposed registration of smaller minor works contractors who were now practising in the industry would bring in competition and avoid market monopolization by major players.</p>	
012724 – 013019	Chairman	<p>(a) Scheduling of the next two meetings of the Bills Committee.</p> <p>(b) Arrangements for inviting views from deputations on the Bill.</p>	<p>The Clerk to take follow-up action as required in paragraphs 7 and 8 of the minutes</p>
013020 – 013915	Ms Audrey EU Administration Chairman	<p>(a) Member's concern as to how minor works practitioners, in particular the self-employed workers or sole proprietors, would be consulted on and hence aware of the implications of the proposed minor works control system.</p> <p>(b) The Administration's advice that a Working Group, comprising representatives from the relevant professional institutes, practitioners as well as the "Minor Works Concern Group" representing the frontline minor works practitioners, had been established to map out the proposed control system. Industry players were also invited to attend the relevant briefing sessions conducted by BD via advertisements in the newspapers. After passage of the Bill, the Administration would step up publicity and contact all existing minor works practitioners to promote their understanding of the minor works control system.</p>	<p>The Administration to take action as per paragraph 6 of the minutes.</p>
013916 – 014321	Prof Patrick LAU Administration	<p>(a) Member's opinion that a full record of minor works undertaken in relevant property was necessary to facilitate regulatory control by BD, in particular, the control of unauthorized buildings works (UBWs).</p> <p>(b) The Administration's advice that building plans and other relevant records, including those covering minor works, would be computerized to facilitate the public and practitioners of the industry to access the records. For the control</p>	

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		<p>of UBWs, building owners would be required to demolish them according to existing policy, i.e. enforcement actions would be taken against high-risk or new UBWs as a matter of priority.</p>	
014322 – 014836	Ms LI Fung-ying Administration Chairman	<p>(a) Members' enquiry about:</p> <ul style="list-style-type: none"> (i) the validity period for registration as RMWCs; (ii) whether individual workers would be required to apply for business registration before their registration as RMWCs; and (iii) the feasibility of streamlining the proposed minor works registration system with other building-related registration system, such as the construction workers registration system, to facilitate compliance by practitioners. <p>(b) The Administration's advice that:</p> <ul style="list-style-type: none"> (i) the validity period for registration as RMWCs would be three years which was renewable upon expiry; (ii) individual workers who possessed relevant trade certificates, apprentice certificates or recognized skills qualifications, might apply for registration as Class III RMWCs. Nevertheless, they might be required to apply for business registration before their engagement in business operation; and (iii) consideration would be given to streamlining the procedures for the registration as RMWCs and under the Construction Workers Registration Ordinance, inter alia, to allow both registrations to be undertaken by the same office to provide more convenience to practitioners. 	The Administration to take action as per paragraph 6 of the minutes.