

立法會
Legislative Council

LC Paper No. CB(2)2678/07-08
(These minutes have been
seen by the Administration)

Ref : CB2/SS/7/07

Subcommittee on Building (Planning) (Amendment) Regulation 2008

**Minutes of the third meeting
held on Tuesday, 10 June 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Emily LAU Wai-hing, JP (Chairman)
Hon Tommy CHEUNG Yu-yan, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Ronny TONG Ka-wah, SC
Prof Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Hon Abraham SHEK Lai-him, SBS, JP
Hon CHEUNG Hok-ming, SBS, JP

Public Officers attending : Item I

Labour and Welfare Bureau

Mr Stephen SUI Wai-keung
Commissioner for Rehabilitation

Ms Elia WONG Ngai-lui
Assistant Secretary for Labour and Welfare (Rehabilitation)

Buildings Department

Mr MO Kim-ming
Assistant Director / New Buildings 1

Mr Alex CHOW Kim-ping
Chief Building Surveyor / Kowloon

Mr HUI Siu-wai
Chief Building Surveyor / Legal

Department of Justice

Ms Frances HUI Hang-ka
Senior Government Counsel

Food and Environmental Hygiene Department

Mr LO Fu-wai
Assistant Director (Operations) 1

**Deputations /
individual
by invitation**

: Item I

Hong Kong Federation of Restaurants and Related Trades

Mr LOCK Kwok-on
Vice Chairman

Pizza Hut

Mr William KO
Construction and Maintenance Director

Hong Kong Catering Industry Association

Mr Thomas WOO
Vice President

Equal Opportunities Commission

Dr Ferrick CHU
Head, Policy and Research Unit

The Parents' Association of Pre-school Handicapped
Children

Ms CHEUNG Kwok-chun
Parent

Direction Association for the Handicapped

Mr LAW Wai-cheung
Vice-Chairman

Association of Restaurant Managers

Mr CHEUNG Ka-ho
Vice-Chairman

The Hong Kong Institute of Architects

Mr Michael TSANG
Member, Buildings Committee

Environmental Advisory Service

Ms Kitty AU
Consultant Architect

Retina Hong Kong

Mr TSANG Kin-ping
President

1st Step Association

Miss NG Yan-yee
Senior Organizer

Disable and Carer Concern Group

Mr SIU Tung-choy
Member

The Salvation Army Carer Association

Miss CHEUNG Tin-yan
Social Worker

Rehabilitation Alliance Hong Kong

Ms LAM Fong-ting
General Secretary

The Hong Kong Institute of Surveyors

Mr Vincent HO
Building Surveying Division Council Member

Hong Kong Federation of Handicapped Youth

Mr CHAN Ka-yin
Manager

Maxim's Caterers Limited

Mr Danny LO Sui-on
Manager – Interior Design and Licensing

The Hong Kong Council of Social Service

Mr KUO Chun-chuen
Rehabilitation Chief Officer

Hong Kong Joint Council for People with Disabilities

Mr CHEUNG Kin-fai
Chairman

Hong Kong Occupational Therapy Association

Mr Manfred FUNG Siu-mun
Executive Officer

Individual

Mr Joseph KWAN

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 4

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Mr Chris LAI
Senior Council Secretary (2) 7

Miss Maggie CHIU
Legislative Assistant (2) 4

Action

I. Meeting with deputations and the Administration

[Legislative Council Brief, LC Paper Nos. LS86/07-08, CB(2)2084/07-08(01), CB(2)2194/07-08(01) to (03), CB(2)2208/07-08(01), CB(2)2216/07-08(01) to (04), CB(2)2247/07-08(01) and CB(2)2298/07-08(01)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Subcommittee received views from 20 organizations and one individual attending the meeting. It also noted that the Mass Transit Railway Corporation had provided a written submission (LC Paper No. CB(2)2208/07-08(01)), but it had not sent representatives to the meeting.

3. Members noted with concern that the Building (Planning) (Amendment) Regulation 2008 (the Amendment Regulation) would only be applicable to private buildings. They considered that the application of the Amendment Regulation should be extended to government buildings. The Administration was requested to advise –

- (a) whether it would consider extending the application of the Amendment Regulation to government buildings; and
- (b) whether and how public authorities within the meaning of section 84 of the Disability Discrimination Ordinance (Cap. 487) (DDO) would take into account the obligatory design requirements in approving government building plans.

Admin

EOC

4. Members also requested representative of the Equal Opportunities Commission to provide further views on the application of section 84 of DDO to government buildings.

5. Members noted that deputations from the food business industry expressed grave concern that since the implementation of the new licensing procedures for food premises on 18 April 2006, applicants for transfer of food business licences were required to comply with the obligatory requirements in Design Manual 1997, even if the licensees had obtained the food business licences before 1997 and no major alteration had ever been carried out in the food premises concerned.

Action

6. Mr Tommy CHEUNG referred members to his proposed amendments tabled at the meeting and said that, in the light of the strong views expressed by the food business industry, ramps should be provided in a specified percentage of dining area and removable ramps might be used for changes in level of not more than 300mm below or above the floor for the purpose of providing access to persons with a disability in food premises.

Admin

7. To facilitate further discussion, the Administration was requested to provide information on the recommendations of Team Clean's Report on Measures to Improve Environmental Hygiene in Hong Kong published in 2003 and on changes to food business licensing procedures arising from the recommendations of Team Clean with regard to unauthorized building works in food premises.

II. Date of next meeting

8. The Chairman reminded members that the next meeting would be held on 12 June 2008 at 8:30 am.

9. There being no other business, the meeting ended at 10:45 am.

Council Business Division 2
Legislative Council Secretariat
22 July 2008

**Proceedings of the third meeting of the
Subcommittee on Building (Planning) (Amendment) Regulation 2008
on Tuesday, 10 June 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Meeting with deputations and the Administration</i>			
000000 - 000423	Chairman	Opening remarks	
000424 - 000643	Mr Tommy CHEUNG Chairman	Mr Tommy CHEUNG's view that given the complexity of issues involved, the Administration should withdraw the Building (Planning) (Amendment) Regulation 2008 (the Amendment Regulation) and re-introduce it in the next session	
000644 - 000959	Hong Kong Federation of Restaurants and Related Trades	Presentation of views	
000960 - 001208	Pizza Hut	Presentation of views	
001209 - 001556	Hong Kong Catering Industry Association	Presentation of views [LC Paper No. CB(2)2216/07-08(01)]	
001557 - 001945	Equal Opportunities Commission (EOC)	Presentation of views [LC Paper No. CB(2)2194/07-08(01)]	
001946 - 002306	The Parents' Association of Pre-school Handicapped Children	Presentation of views [LC Paper No. CB(2)2216/07-08(03)]	
002307 - 002515	Direction Association for the Handicapped	Presentation of views	
002516 - 002732	Association of Restaurant Managers	Presentation of views	
002733 - 002847	The Hong Kong Institute of Architects (HKIA)	Presentation of views [LC Paper No. CB(2)2216/07-08(02)]	
002848 - 002906	Environmental Advisory Service	Presentation of views	
002907 - 003219	Retina Hong Kong	Presentation of views [LC Paper No. CB(2)2194/07-08(02)]	
003220 - 003416	1 st Step Association	Presentation of views	
003417 - 003632	Disable and Carer Concern Group	Presentation of views	
003633 - 003728	The Salvation Army Carer Association	Presentation of views [LC Paper No. CB(2)2247/07-08(01)]	
003729 - 003955	Rehabilitation Alliance Hong Kong	Presentation of views [LC Paper No. CB(2)2216/07-08(04)]	

Time marker	Speaker(s)	Subject(s)	Action required
003956 - 004311	The Hong Kong Institute of Surveyors	Presentation of views [LC Paper No. CB(2)2298/07-08(01)]	
004312 - 004635	Hong Kong Federation of Handicapped Youth	Presentation of views	
004636 - 005019	Maxim's Caterers Limited	Presentation of views	
005020 - 005407	The Hong Kong Council of Social Service and Hong Kong Joint Council for People with Disabilities	Presentation of views [LC Paper No. CB(2)2194/07-08(03)]	
005408 - 005602	Hong Kong Occupational Therapy Association	Presentation of views [LC Paper No. CB(2)2194/07-08(04)]	
005603 - 010139	Chairman Admin	<p>Commissioner for Rehabilitation's initial response to deputations' views –</p> <ul style="list-style-type: none"> (a) the requirements on ramps had been stipulated in the Design Manual 1984, it would be unreasonable to relax such requirements; (b) a mechanism had been put in place to consider applications for varying the requirements of regulation 72 of the Building (Planning) Regulations (B(P)R); (c) section 84 of the Disability Discrimination Ordinance (DDO) (Cap. 487) provided that a public authority shall not approve building plans unless the authority concerned was satisfied that reasonable access would be provided to the building for persons with a disability (PWDs); (d) about 130 improvement projects had been carried out to improve the provision of barrier free access and facilities in government buildings taking into account the advice of the Subcommittee on Access of the Rehabilitation Advisory Committee; and (e) efforts would be stepped up to enhance inspections on compliance with obligatory requirements at district level 	
010140 - 011648	Chairman Admin	<p>Assistant Director/New Buildings 1's initial response to deputations' views and comments –</p> <ul style="list-style-type: none"> (a) detailed requirements on audible and visual fire alarm would be incorporated in the new version of Design Manual (to be issued as DM 2008); (b) the provision of and requirements for access 	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>routes had been stipulated in the existing Design Manual;</p> <p>(c) revision of door design requirements in terms of width and closing device would be made in DM 2008;</p> <p>(d) inspections would be conducted for target buildings and would act on complaints to ensure compliance with the obligatory design requirements;</p> <p>(e) extension of the application of the Amendment Regulation to the existing buildings would involve complex issues such as technical feasibility and impact on the general public;</p> <p>(f) application for varying the requirements of regulation 72 of the B(P)R would be considered by the Building Authority on a case-by-case basis;</p> <p>(g) while the provision of tactile guide paths leading to escalators in shopping arcades would not be made an obligatory design requirement, PWDs could make use of escalators at their own choice;</p> <p>(h) minimum illumination levels for corridor, stair and lift lobby for persons with visual impairment would be specified;</p> <p>(i) the provision of automatic main entrance doors in certain types of buildings would be made mandatory and improvements to the directional signage would be introduced;</p> <p>(j) the provision of unisex toilets for PWDs would be made mandatory; and</p> <p>(k) the recommended design requirements had not been made obligatory because there was a need to strike a balance between meeting the special needs of PWDs and the interest of parties concerned</p>	
011649 - 011902	Admin Chairman	Briefing by the Administration on changes to food business licensing procedures arising from the recommendations of the Team Clean's Report with regard to unauthorized building works	
011903 - 012330	Chairman Admin	The Administration's response to the issues of concern raised by the Mass Transit Railway Corporation (MTR) in its submission (LC Paper No. CB(2)2208/07-08(01))	

Time marker	Speaker(s)	Subject(s)	Action required
012331 - 013044	Chairman Dr Fernando CHEUNG Admin EOC	<p>The views/concern raised by Dr Fernando CHEUNG –</p> <ul style="list-style-type: none"> (a) that DM 2008 should be implemented expeditiously; (b) that the concept of "universal design" had been adopted widely in building works in some overseas countries; (c) that it was inappropriate to exempt food premises from compliance with the obligatory design requirements; and (d) about MTR's view that non-public areas of MTR stations (such as station operating and control equipment room) should be excluded from the application of the Amendment Regulation, as it might affect the employment of PWDs in MTR <p>EOC's view that employers were required under DDO to provide reasonable accommodation for disabled employees in the workplace</p>	
013045 - 013337	Individual – Mr Joseph KWAN Chairman Admin	<p>Presentation of views</p> <p>Application of Article 9 of the United Nations Convention on the Rights of Persons with Disabilities on the provision of barrier free access to PWDs in Hong Kong</p>	
013338 - 014133	Mr Ronny TONG Chairman Admin Hong Kong Joint Council for People with Disabilities	<p>The views of Mr Ronny TONG that –</p> <ul style="list-style-type: none"> (a) DM 2008 should be implemented without further delay; (b) the proposal of providing removable ramps for raised platforms in food premises could be further considered taking into account the views of PWDs; and (c) the Amendment Regulation should be applicable to government buildings <p>The Administration's response that –</p> <ul style="list-style-type: none"> (a) the provision of removable ramps might result in enforcement difficulties; and (b) extending the application of the Amendment Regulation to government buildings would require amendments to the Principal Ordinance which would be outside the scope of the present exercise <p>The view of the Hong Kong Joint Council for People with Disabilities that removable ramps</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		should not be accepted for the purpose of providing access to main entrances of buildings	
014134 - 014913	Professor Patrick LAU Admin HKIA Hong Kong Joint Council for People with Disabilities	<p>Professor Patrick LAU's views/concern –</p> <ul style="list-style-type: none"> (a) on the mechanism for varying the requirements of regulation 72 of B(P)R; (b) that public authorities (such as the Housing Authority) had a good track record of compliance with the requirements stipulated in the Design Manual; (c) about the provision of barrier free access in the LegCo Building and new LegCo Complex; and (d) that the application of the Amendment Regulation should be extended to government buildings <p>HKIA's view that clear and detailed guidelines should be issued to applicants for the variation of the requirements of regulation 72 of B(P)R</p> <p>Concern raised by the Joint Council for People with Disabilities about the provision of barrier free access in the LegCo Building and the new LegCo Complex</p>	
014914 - 015846	Mr Tommy CHEUNG Chairman Admin	<p>The amendments to the Amendment Regulation provided by Mr Tommy CHEUNG</p> <p>Mr CHEUNG's view/concern –</p> <ul style="list-style-type: none"> (a) that the proposal of providing removable ramps in food premises would not lead to enforcement problems; and (b) whether applicants for transfer of licences were obliged to comply with the design requirements stipulated in B(P)R in meeting the food business licensing procedures implemented since 18 April 2006, even if the licensees were allowed to operate food business at the premises concerned prior to the introduction of the DM 1997 	
015847 - 020123	Chairman EOC Admin	<p>Discussion on the application of the Amendment Regulation to new government buildings</p> <p>EOC to provide written views on the application of section 84 of DDO to government buildings</p> <p>The Administration to –</p> <ul style="list-style-type: none"> (a) consider extending the application of the Amendment Regulation to new government 	<p>EOC</p> <p>Admin</p>

Time marker	Speaker(s)	Subject(s)	Action required
		<p>buildings; and</p> <p>(b) advise whether and how public authorities within the meaning of section 84 of DDO would take into account the obligatory design requirements in approving government building plans</p>	
020124 - 021350	<p>Chairman Mr Tommy CHEUNG Dr Fernando CHEUNG Admin</p>	<p>Further discussion on the changes to food licensing requirements in the light of the recommendations of Team Clean's Report with regard to unauthorized building works</p> <p>Admin to provide information on the recommendations of Team Clean's Report on Measures to Improve Environmental Hygiene in Hong Kong published in 2003 and on changes to food business licensing procedures arising from the recommendations of Team Clean with regard to unauthorized building works in food premises</p>	Admin
<i>Any Other Business</i>			
021351 - 021415	Chairman	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
 22 July 2008