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15 May 2009

Ms YUE Tin-po
Clerk to Subcommittee
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central

Dear Ms YUE,

Subcommittee on Building (Minor Works) Regulation
Response to Subcommittee's Comments at Meeting on 7 May 2009

Thank you for the "List of Follow-up Actions" of 8 May 2009 summarizing the comments raised by the Subcommittee at the captioned meeting. I am pleased to provide below the Administration's response.

Time limit for commencing meeting of Review Committee

At the meeting, Members asked the Administration to consider shortening the time limit under section 26(4) for convening a meeting of the Registration Committee to review unsuccessful cases (Review Committee), upon receipt of the request of the applicant, from 4 months to 3 months. As explained at the meeting, our proposal was based on the Buildings Department (BD)'s operational experience that it would usually take 2 to 4 months to convene a meeting for normal applications. As review cases are usually more complicated and may involve further

information, we suggested the adoption of a more flexible time limit of 4 months. Nevertheless, in view of Members' concerns, the BD has carefully reviewed the situation, and will further squeeze the time limit to 3 months. We will amend section 26(4) through the Resolution to specify that the Building Authority (BA) must direct a Review Committee to meet within 3 months after receiving the request from the applicant.

Details of factors in respect of relevant offences that would be taken into account in considering an application

The practice notes related to the captioned subject for registered contractors are currently being prepared. As suggested by Members, the details of the relevant factors, such as the nature, seriousness and the timing of the offence, etc, in respect of relevant offences that the BA would take into account in considering an application for registered minor works contractors (RMWCs) would be stipulated therein. The draft notes will be circulated to Members for reference once available.

Disposal of construction waste

As explained at the meetings of the Subcommittee on 4 and 7 May 2009, the objective of the Buildings Ordinance (Cap 123) (BO) is primarily to ensure building safety and planning of buildings, and disposal of construction waste is outside the scope of the legislation. Nevertheless, we are supportive of good practices of construction that could protect the environment, and would remind RMWCs to take appropriate steps to ensure proper disposal of construction waste through the promulgation of practice notes and other administrative means. A reminder may also be included in the specified forms to be submitted by the contractors to the BA upon completion of minor works.

Regarding Members' suggestion on requiring RMWCs to indicate in the specified forms the location of the construction waste disposed of upon completion of minor works, we need to further examine its feasibility and implications. The legal implications and effect to request for information not related to the administration of the BO have to be carefully studied. The party to be required to provide such information might also vary from one case to the other, as different

parties in a building project could be involved in the management of construction waste. Some demolished building components may also be recycled without going to landfills, and some small-scale projects may produce very little amount of waste or no waste at all. We will further explore this suggestion with relevant bureaux and departments, including the Department of Justice and Environmental Protection Department.

Reminders to building owners/co-owners for carrying out minor works in common areas

As agreed at the meeting, the Administration would include a remark in the specified forms to remind the person who arranged for the carrying out of minor works that he/she should consult other co-owners of the building before conducting minor works in common areas and be mindful of the civil liabilities under the deeds of mutual covenant. The Secretary for Development would also mention such arrangement in her speech in moving the Resolution.

Please let us know if you require any further clarifications.

Yours sincerely,

(Daniel Fong)
for Secretary for Development

cc

Director of Buildings

(Attention: Mr S T Lam)

Department of Justice

(Attention: Miss Selina Lau)

Director of Environmental Protection

(Attention: Mr C W Te)