

立法會
Legislative Council

LC Paper No. CB(1)2146/09-10
(These minutes have been seen
by the Administration)

Ref : CB1/BC/4/09/2

Bills Committee on Buildings (Amendment) Bill 2010

Fifth meeting on
Thursday, 6 May 2010, at 8:30 am
in Conference Room A of the Legislative Council Building

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP (Deputy Chairman)
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king
Dr Hon Priscilla LEUNG Mei-fun

Members absent : Dr Hon Margaret NG
Hon James TO Kun-sun
Hon LEE Wing-tat
Hon CHEUNG Hok-ming, GBS, JP

Public officers : Mr Edward TO Wing-hang
Attending Acting Deputy Secretary for Development (Planning and Lands) 2

Mr Harry LIN Ting-yan
Assistant Secretary for Development (Buildings) 2

Ms Sharon HO Ho-shuen
Assistant Director of Home Affairs (4)

Mr LAM Siu-tong
Deputy Director of Buildings

Mr Alex CHOW Kim-ping
Assistant Director / Support
Buildings Department

Ms Rayne CHAI Chih-hui
Senior Government Counsel
Department of Justice

Miss Elaine NG Pui-kei
Government Counsel
Department of Justice

Clerk in attendance: Mr WONG Siu-yee
Chief Council Secretary (1)4

Staff in attendance : Miss Winnie LO
Assistant Legal Adviser 7

Mr Daniel SIN
Senior Council Secretary (1)5

Ms Christina SHIU
Legislative Assistant (1)7

I Meeting with the Administration

(LC Paper No. CB(1)1788/09-10 -- Minutes of meeting on 31 March 2010)

The minutes of the meetings held on 31 March 2010 were confirmed.

II Meeting with the Administration

Selection of target buildings and provision of assistance to owners

(LC Paper No. CB(1)1787/09-10(01) -- Administration's paper on selection of target buildings and assistance to owners in need in mandatory building and window inspection schemes)

Outstanding issues from previous meetings

- (LC Paper No. CB(1)1624/09-10(01) -- Administration's paper on enforcement against registered professionals and contractors
- LC Paper No. CB(1)1787/09-10(02) -- Administration's paper on work and training of community organizers assisting in the promotion of building management
- LC Paper No. CB(1)1417/09-10(02) -- Administration's response dated 18 March 2010 to issues raised at the meeting on 19 February 2010 as set out in LC Paper No. CB(1)1390/09-10(08))

Other relevant papers previously issued

- (LC Paper No. CB(3)389/09-10 -- The Bill
- LC Paper No. CB(1)1168/09-10(01) -- Marked-up copy of the Bill prepared by the Legal Service Division
- File Ref: DEVB(PL-CR) 2-15/08 -- Legislative Council Brief
- LC Paper No. LS42/09-10 -- Legal Service Division Report
- LC Paper No. CB(1)1168/09-10(02) -- Paper on Buildings (Amendment) Bill 2010 prepared by the Legislative Council Secretariat (Background brief)
- LC Paper No. CB(1)1782/09-10(01) -- List of follow-up actions arising from the discussion at the meeting on 19 April 2010
- LC Paper No. CB(1)1609/09-10(01) -- List of follow-up actions arising from the discussion at the meeting on 31 March 2010
- LC Paper No. CB(1)1500/09-10(01) -- List of follow-up actions arising from the discussion at the meeting on 20 March 2010
- LC Paper No. CB(1)1390/09-10(08) -- List of follow-up actions arising from the discussion at the meeting on 19 February 2010)

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

Follow-up actions to be taken by the Administration

3. The Administration was requested to provide the following information --

- (a) The qualifications, years of service, employment background and

turnover rate of the 730 Community Organizers.

- (b) The duties of the Community Organizers in helping owners with building management.
- (c) The current deployment of Liaison Officers and Community Organizers by district.
- (d) The estimated additional number of Liaison Officer posts required to meet the anticipated increase in workload in assisting owners to form owners' corporations upon the enactment of the Buildings (Amendment) Bill 2010, and explain how the target could be achieved.
- (e) The eligibility criteria for receiving the subsidy for first time building inspection under the Mandatory Building Inspection Scheme, and whether buildings with more than 400 residential units would be eligible for the subsidy.

III Any other business

4. There being no other business, the meeting was adjourned at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
7 June 2010

**Proceedings of the
Bills Committee on Buildings (Amendment) Bill 2010
Fifth meeting on Thursday, 6 May 2010, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 – 000554	Chairman	Opening remarks and confirmation of minutes (LC Paper No. CB(1)1788/09-10)	
000555 – 000956	Chairman Administration	<p>The Administration's briefing on its paper (LC Paper No. CB(1)1787/09-10(02))</p> <p>(a) The Administration advised that community organizers' (COs) had a wide range of responsibilities, including conducting household visits and surveys, liaising with owners and owners' corporations (OCs), and attending OC meetings as necessary. Currently, there were about 730 COs serving about 8 570 OCs.</p> <p>(b) The Administration further advised that COs were part-time non-civil service contract staff. Proper training on building management including the compliance of the Building Management Ordinance (Cap. 344) and formation of OCs was provided. In the financial years 2009-2010 and 2010-2011, an additional funding of \$500,000 was allocated to provide some additional 11 400 training hours for COs in the area of building management.</p>	
000957 – 002006	Mr WONG Kwok-hing Administration Chairman	(a) In response to Mr WONG, the Administration advised that CO's hourly wage was \$41.50. Some of them were full time students, or had their own full time employment. Employment background differed widely among COs.	

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		<p>(b) Mr WONG said the Administration should retain experienced COs with the right qualifications on permanent employment terms and provide further training to those who were below par to raise their performance to an acceptable standard.</p> <p>(c) Mr WONG said that COs could not replace Liaison Officers (LOs), and the Administration should create more LO posts to support its objective in promoting building management.</p> <p>(d) The Administration advised that COs were engaged to assist LOs' in handling building management matters. They would be delegated comparatively straight forward and non-contentious matters. They were also advised to seek advice from LOs on any difficulties encountered.</p> <p>(e) The Chairman asked the Administration to provide information on the qualifications, years of service, employment background and turnover rate of the 730 COs. Further information about the duties of COs in helping owners with building management should be included.</p>	<p>Administration to take action as required in paragraph 3 of the minutes</p>
<p>002007 – 002810</p>	<p>Deputy Chairman Administration</p>	<p>(a) The Deputy Chairman asked what duties COs performed and what training they received. He suggested that COs of different background and experience should be given different training.</p> <p>(b) The Administration advised that, in respect of building management,</p>	

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		<p>COs were responsible for liaising with building owners or mutual aid committees, assisting OCs with their regular operation, compiling reports, and handling enquiries. COs would also conduct household visits where they would offer basic information and encourage owners to form OCs.</p> <p>(c) Given that COs only worked part-time and mostly in the evenings, and that they had to attend to a large number of buildings, the Deputy Chairman queried their effectiveness in supporting OCs, and their capability in handling disputes and in providing advice.</p> <p>(d) The Administration advised that LOs would be personally involved in issues such as rendering advice on tendering procedures. COs with more experience and knowledge would play a more active role in promoting building management .</p>	
002811 – 003529	Mr KAM Nai-wai Administration Chairman	<p>(a) Mr KAM asked under what circumstances COs would refer enquiries to LOs for handling. The Administration advised that COs should contact their supervising LO immediately for any difficulties encountered.</p> <p>(b) In response to Mr KAM's enquiry on the provision of LOs, the Administration advised that the Home Affairs Department (HAD) would seek additional staffing resources to help promote building management for the implementation of the Mandatory Building Inspection Scheme</p>	

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		<p>(MBIS) and the Mandatory Window Inspection Scheme (MWIS). The actual number of staff required was still being worked out.</p> <p>(c) Mr KAM asked whether more tangible support would be provided to OCs, such as helping them prepare records of meetings. The Administration responded that advice on operation and procedures of OCs would be offered to office-bearers, but it was beyond the scope of HAD to render support such as preparation of meeting records for OCs.</p> <p>(d) Mr KAM said that the Administration should not expect members to support the Bill if it did not commit to increasing staffing support for assisting OCs to comply with the statutory requirements.</p>	
003530 – 003918	Prof Patrick LAU Chairman	<p>(a) Prof LAU commented that many COs did not understand their roles and duties and training for them was inadequate. HAD should develop a better staffing plan and training packages to ensure that OCs would be given the appropriate level of advice and support upon the implementation of MBIS and MWIS.</p> <p>(b) The Administration advised that HAD would seek new resources to increase the number of LO posts for the implementation of MBIS and MWIS.</p>	
003919 – 004628	Mrs Sophie LEUNG Administration	<p>(a) Mrs LEUNG said that as owners were ultimately responsible for the maintenance of their properties, she did not agree that the</p>	

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		<p>Administration should go as far as preparing meeting records for OCs.</p> <p>(b) In response to Mrs LEUNG's enquiry, the Administration advised that the minimum entry requirement for a CO was a Form Five qualification (i.e. five subjects at Grade E or above in HKCEE including Chinese and English (Syllabus B)). There was no prior work experience requirement, and on-the-job training would be provided.</p> <p>(c) Mrs LEUNG said that the Administration should compile a more user-friendly manual for COs, and that there should be a career path for COs to encourage them to improve their skills.</p>	
004629 – 005323	Ms Starry LEE Administration	<p>(a) Ms LEE suggested that HAD should spot-check LOs' and COs' performance, and review how their quality and skills could be improved. The Administration advised that COs were regularly appraised of their performance. Besides building management-related work, COs would be assigned other duties.</p> <p>(b) Ms LEE requested the Administration to provide information about the current deployment of LOs and COs by district and the turnover rate of COs.</p>	Administration to take action as required in paragraph 3 of the minutes
005324 – 010054	Ms Miriam LAU	<p>(a) Ms LAU said that COs should have knowledge in building management and the relevant legal issues, be conversant with meeting procedures, and be mature and credible enough to give advice and</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>resolve disputes at OC meetings. She suggested that the Administration should provide formal trainings to COs, or consider recruiting trainee solicitors or architects on a part-time basis as COs.</p> <p>(b) The Administration advised that COs were engaged to provide basic support to LOs. The Administration was trying to mobilize building management professionals to provide more expert advice and support to owners through the pilot Building Management Professional Services Scheme (BMPSS).</p> <p>(c) Ms LAU said that the Administration should recruit serving or trainee solicitors or architects on a part-time but long-term basis rather than invite volunteers to provide service under BMPSS.</p>	
010055 – 010434	Mr WONG Kwok-hing	<p>(a) Mr WONG said that COs attending OC meetings were expected to give specific and practical advice, but the training manual was not sufficient for them to handle owners' enquiries. It was unfair to them if they were assigned tasks that they could not handle.</p> <p>(b) Mr WONG said that more LOs should be recruited to support the implementation of the two mandatory inspection schemes, otherwise it would be difficult for members to support the Bill.</p>	
010435 – 010652	Ms Starry LEE Administration	(a) Ms LEE said that the Administration should provide information on the estimated	Administration to take action as required in

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		<p>additional number of LO posts required to meet the anticipated increase in workload in assisting owners to form OCs upon the enactment of the Buildings (Amendment) Bill 2010, and explain how the target could be achieved.</p> <p>(b) The Administration advised that HAD would seek resources to create additional LO posts for the implementation of MBIS and MWIS.</p>	<p>paragraph 3 of the minutes</p>
<p>010653 – 011229</p>	<p>Chairman Ms Miriam LAU Administration Mr KAM Nai-wai</p>	<p>(a) The Chairman said that the Administration should allay members' concerns about the quality and performance of LOs and COs and the staffing required. Whether the Administration could address these concerns would affect members' position on whether to support the Bill.</p> <p>(b) Ms LAU said that if more COs were needed to support OCs, the Administration should recruit better qualified persons through professional bodies on a part-time basis.</p> <p>(c) The Administration considered that the Panel on Home Affairs might be a suitable forum for discussing concerns about the provision of LOs and quality of COs. The Chairman agreed that this would be an option.</p> <p>(d) Mr KAM said that whether provision of resources to support the implementation of the two mandatory inspection schemes was adequate would affect members' consideration of the Bill.</p>	

Time Marker	Speaker	Subject(s)	Action Required
011230 – 012515	Chairman Administration	(a) The Administration briefed members on LC Paper No. CB(1)1787/09-10(01), including establishment of OCs, compliance with statutory orders by building owners, selection of target buildings with participation of professionals and community members, notification period, support measures to help OCs and additional resources for the implementation of the two mandatory inspection schemes.	
012516 – 013325	Ms Starry LEE Chairman Administration	<p>(a) Ms LEE asked whether MBIS would cover the inspection of the interior of individual premises and unauthorized building works (UBWs).</p> <p>(b) The Administration advised that it had reservations in tackling problems relating to interior alteration works and UBWs under MBIS because owners might not allow inspectors to have access to their private premises. Even if they allowed inspectors to do so, inspectors might have difficulties to conduct thorough inspection of the building structures due to possible concealment by interior decoration or finishing.</p> <p>(c) The Administration further advised that the objective of MBIS and MWIS was to cultivate a culture among owners of keeping their properties in proper maintenance. A building aged 30 years or above without any previous repair works carried out would most likely need repair works following a mandatory building inspection. However, with proper repair works and regular maintenance, it would</p>	

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		<p>obviate the need for large scale and expensive repair works until the next cycle of mandatory inspection was due.</p> <p>(d) In response to an enquiry from the Chairman, the Administration advised that it was reviewing how to consolidate and streamline application procedures of the various financial assistance schemes.</p>	
013236 – 014139	Mr KAM Nai-wai Administration	<p>(a) In response to Mr KAM's enquiry, the Administration advised that owners of buildings were not required to carry out mandatory inspection or repair until their buildings were selected under MBIS and served with statutory notices. Owners could notify the Building Authority if they had carried out voluntary building inspection and repair which met the required standards under MBIS. Alternatively, if their buildings participated in the Voluntary Building Classification Scheme (VBCS) and achieved satisfactory building safety rating equivalent to or above the standards required under MBIS, their buildings would not be selected for MBIS.</p> <p>(b) Mr KAM enquired about the eligibility criteria for the subsidy on the first building inspection. The Administration advised that it was considering criteria similar to those in the existing schemes of the Hong Kong Housing Society (HKHS) such as buildings with no more than 400 residential units and with rateable values not exceeding certain limits.</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>(c) The Chairman requested the Administration to provide information on the eligibility criteria for receiving the subsidy for the first building inspection under MBIS, and whether buildings with more than 400 residential units would be eligible for the subsidy.</p> <p>(d) Mr KAM asked whether the one-stop service provided to owners included supervision of tendering procedures for selecting consultants and contractors so as to guard against tender-rigging activities.</p> <p>(e) The Administration advised that it would share with owners its experience about prevention of tender-rigging and other malpractice learnt from the Operation Building Bright. For buildings without any form of management, the HKHS and Urban Renewal Authority (URA) would follow up closely by providing owners with technical advice on how to comply with statutory requirements, and how they should conduct tendering exercises or select consultants and contractors properly.</p>	<p>Administration to take action as required in paragraph 3 of the minutes</p>
<p>014140 – 014840</p>	<p>Dr Priscilla LEUNG Administration</p>	<p>(a) In response to Dr LEUNG's enquiries, the Administration advised that it would focus its efforts on buildings without management where owners lacked the knowledge on building maintenance or did not respond to statutory orders. More technical support would be provided to these owners. A contact point from BD, HKHS or URA would be provided to owners for enquiries and, if necessary, HKHS or URA might</p>	

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		<p>reach out to owners. The range of technical and financial support provided to owners depended on the individual circumstances.</p> <p>(b) The Administration further advised that there were other financial assistance schemes for owners who were not eligible for first time building inspection subsidy.</p>	
014841 – 015041	Ms Starry LEE Administration	Ms LEE suggested that the Administration should consider whether the eligibility criterion on number of residential units for the subsidy for the first building inspection should be relaxed. The Administration advised that it would consider the suggestion.	
015042 – 015527	Chairman Mr WONG Kwok-hing	Mr WONG considered that HAD representatives should attend the Bills Committee meeting when provision of LOs and COs in supporting OCs was further discussed.	
015528 – 015651	Ms Cyd HO Chairman Administration	<p>(a) The Administration briefed members on VBCS.</p> <p>(b) In response to the Chairman and Ms HO, the Administration advised that buildings that had participated in VBCS and achieved satisfactory building safety ratings would not be selected for MBIS within the whole of its ten-year inspection cycle. When owners of such buildings decided not to participate in VBCS again, the buildings would be subject to MBIS.</p>	
015652 – 015855	Chairman Ms Starry LEE	<p>(a) The Chairman said that the next meeting would focus discussion on enforcement issues.</p> <p>(b) Ms LEE enquired about the prosecution/disciplinary cases</p>	

Time Marker	Speaker	Subject(s)	Action Required
		against professionals. The Chairman said that the subject would be discussed at the next meeting to be held at 8:30 am on 27 May 2010.	

Council Business Division 1
Legislative Council Secretariat
7 June 2010