

立法會
Legislative Council

LC Paper No. CB(3) 712/09-10

Ref : CB(3)/M/MM
Tel : 2869 9205
Date : 20 May 2010
From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 26 May 2010

**Proposed amendments to motion on
“Report on the collapse of the building at 45J Ma Tau Wai Road”**

Further to LC Paper No. CB(3) 680/09-10 issued on 11 May 2010, six Members (Dr Hon Priscilla LEUNG Mei-fun, Hon WONG Kwok-hing, Hon Frederick FUNG Kin-kee, Hon Starry LEE Wai-king, Hon Miriam LAU Kin-ye and Hon James TO Kun-sun) have respectively given notice of their intention to move separate amendments to Ir Dr Hon Raymond HO Chung-tai’s motion on “Report on the collapse of the building at 45J Ma Tau Wai Road” scheduled for the Council meeting of 26 May 2010. As directed by the President, the respective proposed amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Ir Dr Hon Raymond HO to speak and move his motion;
- (b) the President proposes the question on Ir Dr Hon Raymond HO’s motion;
- (c) the President calls upon the six Members, who intend to move amendments, to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Dr Hon Priscilla LEUNG;
 - (ii) Hon WONG Kwok-hing;

- (iii) Hon Frederick FUNG;
 - (iv) Hon Starry LEE;
 - (v) Hon Miriam LAU; and
 - (vi) Hon James TO;
- (d) the President calls upon the designated public officer(s) to speak;
 - (e) the President invites other Members to speak;
 - (f) the President gives leave to Ir Dr Hon Raymond HO to speak for the second time on the amendments;
 - (g) the President calls upon the designated public officer(s) again to speak;
 - (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the six Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Dr Hon Priscilla LEUNG to move her amendment to the motion, and forthwith proposes and puts to vote the question on Dr Hon Priscilla LEUNG's amendment;
 - (i) after Dr Hon Priscilla LEUNG's amendment has been voted upon, the President deals with the other five amendments; and
 - (j) after all amendments have been dealt with, the President calls upon Ir Dr Hon Raymond HO to reply. Thereafter, the President puts to vote the question on Ir Dr Hon Raymond HO's motion, or his motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Report on the collapse of the building at 45J Ma Tau Wai Road”
to be held at the Legislative Council meeting
of Wednesday, 26 May 2010**

1. Ir Dr Hon Raymond HO Chung-tai’s original motion

That this Council notes the Report on the collapse of the building at 45J Ma Tau Wai Road, To Kwa Wan, Kowloon - K.I.L. 8627 on 29 January 2010.

2. Motion as amended by Dr Hon Priscilla LEUNG Mei-fun

That this Council ~~notes the Report on the collapse of the building~~, *regarding the accident involving the collapse of the building* at 45J Ma Tau Wai Road, To Kwa Wan, Kowloon - K.I.L. 8627 *which took place* on 29 January 2010, *this Council notes that the Buildings Department released an investigation report on 26 April 2010, but is gravely dissatisfied that the report has failed to explain in detail the causes and circumstances leading to the collapse of the building and to give a clear account of the responsibility issue regarding the collapse of the building, and demands the Buildings Department to further submit a more comprehensive and detailed final report expeditiously.*

Note: Dr Hon Priscilla LEUNG Mei-fun’s amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon WONG Kwok-hing

That, *as a rare and serious incident of a building collapsing suddenly under normal natural circumstances has occurred in Hong Kong for the first time*, this Council notes the Report on the collapse of the building at 45J Ma Tau Wai Road, To Kwa Wan, Kowloon - K.I.L. 8627 on 29 January 2010, *and urges that, in addition to the Development Bureau, other relevant government departments should also step up collaboration to implement crisis prevention and monitoring measures on building safety, and achieve synergy to help improve the maintenance and management of old-type and aged buildings, including:*

- (a) *to allocate more resources to support the work on maintenance of old buildings, building management and redevelopment of old districts;*

- (b) *to review the Buildings Department's manpower deployment to step up regular inspections and safety oversight of old buildings, and explore ways to implement an efficient collapse alert system for old buildings, thereby safeguarding the life and property of the public;*
- (c) *to comprehensively review and increase the manpower resources for the liaison officers responsible for building matters in the Home Affairs Department, so as to effectively improve the support, education, training and co-ordination in respect of building maintenance and management;*
- (d) *to upgrade the standard of the property management trade and expeditiously study the establishment of a licensing and supervisory regime for property management companies, with a view to improving the work quality of property management personnel in building maintenance and management;*
- (e) *to further expand and expedite the skills training for and registration of personnel engaged in building repair works;*
- (f) *to support the Urban Renewal Authority in stepping up efforts to promote the redevelopment of old districts;*
- (g) *to allocate more resources to improve the legal advice and mediation services for building management and maintenance; and*
- (h) *the Independent Commission Against Corruption must, in the light of the upward trend of corruption cases arising from building management and maintenance works, further enhance the promotion of and education on corruption prevention in building management and maintenance works, raise the awareness of integrity and standard of conduct among the personnel of the trade, and rigorously combat corruption crimes in the field of building management and maintenance, thereby ensuring the quality of building management and maintenance works.*

Note: Hon WONG Kwok-hing's amendment is marked in *bold and italic type*.

4. Motion as amended by Hon Frederick FUNG Kin-kee

That ~~this Council~~ notes, *regarding* the Report on the collapse of the building at 45J Ma Tau Wai Road, To Kwa Wan, Kowloon - K.I.L. 8627 on 29 January 2010 *released last month, this Council demands the relevant government departments to further investigate and pursue the responsibility issue regarding the incident expeditiously, with a view to restoring justice to the families of the deceased and*

injured, and review and improve the existing relevant rules and legislation, so as to prevent the recurrence of similar tragedies.

Note: Hon Frederick FUNG Kin-kee's amendment is marked in *bold and italic type* or with deletion line.

5. Motion as amended by Hon Starry LEE Wai-king

That ~~this Council notes~~, *as the Report on the collapse of the building at 45J Ma Tau Wai Road, To Kwa Wan, Kowloon - K.I.L. 8627 on 29 January 2010 released by the Government on 26 April 2010 has only provided technical explanations of the causes leading to the collapse of the building, but failed to clarify issues such as the origin of the incident and who should be held responsible etc., this Council urges the Administration to expedite the investigation progress and publish the final report expeditiously to enable the public to know the truth of the incident; at the same time, this Council also urges the Government to give an undertaking to adopt the following measures to improve the condition and management of old buildings when releasing the final report:*

on building maintenance,

- (a) to expeditiously co-ordinate the various subsidy and loan schemes to provide one-stop services and perfect the relevant schemes, so as to assist more owners with financial difficulties;*
- (b) to enhance regulation of renovation works which involve structural alterations, and carry out extensive publicity and education work to enhance public awareness of the effect of structural alteration to units on building safety, and encourage the public to provide information on works involving structural alterations to facilitate the Government in early detection of illegal structural alteration works, so as to avoid the building structure being affected;*
- (c) focusing on water seepage problems of ceilings of old buildings, to review the existing practice of using colour dyes as the main testing tool and improve the relevant follow-up procedures of government departments, so as to enhance processing efficiency;*
- (d) to expedite the clearance procedures for handling unauthorized building works, and enhance the exercising of powers conferred on the Building Authority under section 22 of the Buildings Ordinance, in particular focusing on old and notably dilapidated buildings, to enter into units of such buildings to inspect whether there are unauthorized building works that may affect the building structure, so as to ensure building safety; and should serious cases of inter-linked unauthorized building works be*

detected, the Government should take the initiative to assist the affected owners in carrying out rehabilitation works together and then share the costs among the owners, so as to avoid continuous potential hazards in the building structure and safeguard building safety;

on improving building management,

- (e) to actively assist owners of old buildings in organizing owners' corporations or hiring management companies, including exploring the engagement of the Hong Kong Housing Society or other non-government organizations to act as agents and let these organizations to take over the management work or hire management companies, so as to assist the residents in resolving management and maintenance problems;*
- (f) to review the existing Building Management Ordinance, so as to alleviate the problem of inefficiency in building management of 'one building with multiple owners' corporations' and 'multiple buildings with one owners' corporation';*
- (g) to set up a 'building affairs tribunal' to resolve the existing problems of lengthy building management disputes, expensive legal costs, etc.;*
- (h) to actively examine the creation of a commissioner for management of old buildings to co-ordinate the existing work of various departments, so as to avoid fragmented administration of such departments;*
- (i) to expeditiously implement a licensing scheme for property management companies to improve the quality of such management companies;*
- (j) to establish a mechanism for modifying unreasonable provisions in the deeds of mutual covenant, so as to assist owners in managing the buildings more effectively; and*
- (k) to actively consider establishing an approval mechanism to assist small property owners under sub-deeds of mutual covenant in obtaining the right to deal with building management problems covered by sub-deeds of mutual covenant.*

Note: Hon Starry LEE Wai-king's amendment is marked in *bold and italic type* or with deletion line.

6. Motion as amended by Hon Miriam LAU Kin-ye

That, *after nearly three months since the incident involving the collapse of a building occurred at Ma Tau Wai Road, To Kwa Wan*, this Council notes the Report

on the collapse of the building at 45J Ma Tau Wai Road, To Kwa Wan, Kowloon - K.I.L. 8627 on 29 January 2010, *but is gravely dissatisfied that the Administration has still failed to give a clear account of the responsibility issue regarding the incident of the collapse of the building and to put forward improvement proposals to prevent the recurrence of similar incidents; this Council urges the Administration to expeditiously investigate who should be held responsible for the incident, and put forward improvement proposals to prevent the recurrence of similar incidents.*

Note: Hon Miriam LAU Kin-ye's amendment is marked in *bold and italic type*.

7. Motion as amended by Hon James TO Kun-sun

That this Council notes the Report on the collapse of the building at 45J Ma Tau Wai Road, To Kwa Wan, Kowloon - K.I.L. 8627 on 29 January 2010, *and urges the Government to expeditiously give a clear account of the responsibilities of the various parties involved in this incident, strengthen regulation of and provide assistance to facilitate the maintenance and management of old buildings, so as to safeguard the life and property of the public, including:*

- (a) to enhance regulation of renovation works which involve structural alterations, penalize the non-complying contractors, carry out extensive publicity and education work to enhance public awareness of the effect of structural alteration to units on building safety, and encourage the public to provide information on works involving structural alterations to facilitate the Government in early detection of illegal structural alteration works, so as to avoid the building structure being affected;*
- (b) to expedite the clearance procedures for handling unauthorized building works, penalize the property owners who have failed to comply with the removal orders, and enhance the exercising of powers conferred on the Building Authority under section 22 of the Buildings Ordinance to enter into units of such buildings to inspect whether there are unauthorized building works that may affect the building structure or partitioned flats, so as to ensure building safety; and should serious cases of inter-linked unauthorized building works be detected, the Government should take the initiative to assist the affected owners in carrying out rehabilitation works together and then share the costs among the owners, so as to avoid continuous potential hazards in the building structure which threaten building safety;*
- (c) to allocate additional funding to 'Operation Building Bright', and relax the restrictions on application and terms of funding support for various building maintenance subsidy and loan schemes, so as to assist more*

owners with financial difficulties in carrying out building maintenance works;

- (d) *to actively assist owners of old buildings in organizing owners' corporations or engaging the Hong Kong Housing Society or other non-government organizations to act as agents, and where necessary, co-ordinating with the owners of the old buildings nearby to hire management companies together, so as to assist the residents in resolving management and maintenance problems;*
- (e) *to establish a mechanism for modifying unreasonable provisions in the deeds of mutual covenant, so as to assist owners in managing the buildings more effectively;*
- (f) *to actively consider establishing an approval mechanism to assist small property owners under sub-deeds of mutual covenant in obtaining the right to deal with building management problems covered by sub-deeds of mutual covenant;*
- (g) *to set up a 'building affairs tribunal' to resolve the existing problems of lengthy building management disputes, expensive legal costs, etc.; and*
- (h) *to implement a licensing scheme for property management companies to improve the quality of such management companies.*

Note: Hon James TO Kun-sun's amendment is marked in *bold and italic type*.