

立法會
Legislative Council

LC Paper No. CB(1)2314/09-10
(These minutes have been seen
by the Administration)

Ref: CB1/PS/2/09/2

Panel on Development

Subcommittee on Building Safety and Related Issues

Second meeting on
Tuesday, 27 April 2010, at 4:30 pm
in Conference Room A of the Legislative Council Building

Members present : Prof Hon Patrick LAU Sau-shing, SBS, JP (Chairman)
Hon KAM Nai-wai, MH (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon LEE Wing-tat
Hon CHEUNG Hok-ming, GBS, JP
Hon Starry LEE Wai-king
Dr Hon Priscilla LEUNG Mei-fun
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP

Member attending : Hon WONG Kwok-hing, MH

Members absent : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP

Public officers attending : **Agenda item II**

Mrs Carrie LAM CHENG Yuet-ngor, JP
Secretary for Development

Mr Edward TO Wing-hang
Principal Assistant Secretary for Development (Planning
and Lands) 3

Mr AU Choi-kai, JP
Director of Buildings

Mr HUI Siu-wai
Assistant Director / Existing Buildings 2
Buildings Department

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

Staff in attendance : Mr Daniel SIN
Senior Council Secretary (1)5

Ms Christina SHIU
Legislative Assistant (1)7

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- I Confirmation of minutes**
(LC Paper No. CB(1)1602/09-10 -- Minutes of meeting on 25 March 2010)

The minutes of the meeting held on 25 March 2010 were confirmed.

II Building safety concerns and enhancement measures related to the Ma Tau Wai collapse incident

- (LC Paper No. CB(1)1685/09-10(01) -- Administration's paper on building safety concerns and enhancement measures related to the Ma Tau Wai collapse incident
- LC Paper No. CB(1)1716/09-10(01) -- Administration's paper on 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
- LC Paper No. CB(1)1716/09-10(02) -- Administration's paper on report on the inspection of buildings aged 50 or above
- LC Paper No. CB(1)1685/09-10(02) -- Paper on building safety prepared by the Legislative Council Secretariat (Background brief))

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) A copy of the latest statutory order issued in respect of the ground floor of 45J Mau Tau Wai Road.
 - (b) A paper on how to regulate flat division through the provisions of the Buildings Ordinance (Cap. 123), and information on the number of complaints received against flat division in private premises, including floor overloading or other issues such as pipe alteration, and the corresponding numbers of investigation, enforcement and prosecution cases.
 - (c) A paper on the provision of assistance to residents to comply with the latest requirements of the Fire Safety (Buildings) Ordinance (Cap. 572), for discussion at a meeting of the Subcommittee in due course.

III Any other business

4. There being no other business, the meeting ended at 6:30 pm.

**Proceedings of the
Subcommittee on Building Safety and Related Issues
Second meeting on Tuesday, 27 April 2010, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 – 000256	Chairman	Opening remarks and confirmation of minutes of meeting on 25 March 2010 (LC Paper No. CB(1)1602/09-10)	
000257 – 002410	Chairman Administration	<p>Briefing by the Administration</p> <p>(a) The Administration advised that the investigation into the collapse of no. 45J Ma Tau Wai Road revealed that external forces damaged one of the supporting columns, which caused the incident. The nature of the external forces, responsibility and action against the liable party were still being followed-up.</p> <p>(b) Following the building collapse incidents, inspections were conducted to all buildings aged 50 years or more, and on 24 February the Financial Secretary announced that the Urban Renewal Authority had activated the redevelopment of a cluster of buildings at Ma Tau Wai Road/Chun Tin Street. The Administration would examine issues regarding timely building maintenance and professional standards and qualifications of workers engaged in building works.</p> <p>(c) The Administration further advised that the investigation found flat division in all upper floor units of the building and that renovation works and demolition of unauthorized</p>	

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		<p>building works (UBWs) were being carried out in the ground floor since 23 January 2010.</p> <p>(d) Flat division, aging of building materials and deterioration of structural components did not cause the building collapse, but some external forces damaged a column (C13) and resulted in the incident. No supporting frames and other precautionary measures to strength the column were found.</p> <p>(e) In response to an enquiry from the Chairman, the Administration advised that further investigation and forensic tests were being conducted with a view to confirming the nature of the external forces. The test results might be able to reveal if there was a deliberate effort to remove column C13, or if it was damaged by other building works.</p>	
002411 – 003128	Chairman Mr LEE Wing-tat Administration	<p>(a) Mr LEE criticized that the Buildings Department (BD) had failed to draw a conclusion on the cause of the collapse despite a three-month investigation.</p> <p>(b) The Administration explained that further tests were required to confirm what external forces had contributed to the collapse, and whether there was sufficient evidence to initiate legal actions if an offence was committed.</p> <p>(c) The Administration advised that flat division or interior alteration works would require prior approval from the Building</p>	

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		Authority if the works involved the structure of the building.	
003129 – 003749	Chairman Mr WONG Kwok-hing Administration	<p>(a) In response to Mr WONG, the Administration advised that it was BD's target to confirm the overall structural safety of the buildings, rather than to enter all individual premises to identify interior alterations, in the inspection of the 4 000 old buildings. Thus, there was no information on the number of flat division cases in these buildings.</p> <p>(b) The Administration further advised that as the inspections did not identify any buildings having structural danger, interior alterations or flat division, even if present, had not affected the overall structural safety of the buildings.</p>	
003750 – 004421	Chairman Mrs Regina IP Administration	<p>(a) Mrs IP criticized that if the three-month investigation could not determine the external forces that caused the collapse, the public could not be assured of the safety of the 4 000 buildings inspected within one month.</p> <p>(b) The Administration advised that BD had identified certain defects in no. 45J Ma Tau Wai Road during an inspection in November 2009. An advisory letter was issued, followed by a statutory repair order on 13 January 2010.</p> <p>(c) In response to the Chairman, the Administration advised that BD was not notified prior to the commencement of repair works</p>	

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		<p>and removal of UBWs on the ground floor of no. 45J Ma Tau Wai Road. Further tests were being conducted to confirm whether the damage to column C13 was due to a deliberate act.</p> <p>(d) Mrs IP asked whether the damage to column C13 was connected with the statutory repair order and whether the repair and removal works would not have been carried out had it not been for the statutory repair order.</p> <p>(e) The Administration advised that this could not be confirmed from the information gathered because BD was still investigating into the details of the works being carried out on the day of the collapse.</p>	
004422 – 005311	Chairman Mr KAM Nai-wai Administration	<p>(a) Responding to Mr KAM, the Administration clarified that an advisory letter was issued in respect of no. 45J Ma Tau Wai Road after the inspection in November 2009. When it was found that no repair works had been carried out, a statutory repair order was issued on 13 January 2010.</p> <p>(b) The Administration advised that BD had not received any information prior to the collapse incident indicating that registered contractors were engaged to carry out repair and removal works, but it was not appropriate for BD to comment at this investigation stage whether such information was collected during the subsequent investigation.</p>	

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		<p>(c) The Administration further advised that while BD was investigating if any breach of the Buildings Ordinance (Cap. 123) had been committed, the Police was conducting separate investigation on any criminal liability.</p> <p>(d) As some 25% of the 4 000 old buildings inspected were found to have obvious defects, Mr KAM asked if the findings had proved that BD's system of inspection and enforcement was ineffective and that an overhaul was needed.</p> <p>(e) The Administration responded that the inspection results showed that the old buildings concerned were structurally sound. The findings did not imply that 25% of the old buildings in Hong Kong were in danger. The Administration would continue to promote timely building maintenance and raise workers' awareness on building safety, as well as their technical competency.</p>	
005312 – 010127	Chairman Dr Priscilla LEUNG Administration	(a) Dr LEUNG considered it unacceptable that the Administration was still unable to determine which parties were liable for the collapse after a three-month investigation. She criticized BD for not taking enforcement actions against non-compliance of statutory orders that were issued in respect of no. 45J Ma Tau Wai Road as early as 2005.	

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		<p>(b) The Administration clarified that all previous statutory repair orders had been complied with. A statutory repair order was issued on 13 January 2010 because the dilapidated condition of the building remained the same as that revealed in November 2009 despite the advisory letter issued.</p> <p>(c) Dr LEUNG asked if the works that had commenced on 23 January 2010 and in progress on 29 January 2010 were those repair and removal works as required by the statutory order. The investigation report did not explain the reason for the damage to column C13.</p> <p>(d) The Administration responded that there was no information on precisely what works were being carried out on the day of the collapse incident.</p> <p>(e) The Chairman asked the Administration to provide a copy of the latest statutory order issued in respect of the ground floor of 45J Ma Tau Wai Road to facilitate discussion on whether any repair works as prescribed in the statutory order could have contributed to the damage of column C13 and the collapse of the building.</p>	<p>The Administration to take action as required in paragraph 3 of the minutes</p>
<p>010128 – 011104</p>	<p>Chairman Ir Dr Raymond HO Administration</p>	<p>(a) Ir Dr HO queried what tests BD had to conduct that could not produce results in three months.</p> <p>(b) The Administration explained that tests on concrete strength,</p>	

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		<p>ultrasonic tests as well as forensic tests to determine whether the steel bars were artificially snapped or torn apart during the collapse could only be conducted after the site had been cleared. As the results of the tests might be related to possible legal proceedings, the Administration could not elaborate further at this stage.</p>	
<p>011105 – 012018</p>	<p>Chairman Ms Starry LEE Administration</p>	<p>(a) In response to an enquiry from Ms LEE, the Administration advised that the investigation into the nature of the external forces that contributed to the collapse would be completed in about a month's time if the forensic tests could be completed in time. However, while BD would conclude the investigation as soon as possible, the full report would not be released as it would contain information that might affect possible prosecution action in future.</p> <p>(b) Ms LEE asked what measures the Administration would undertake to allay residents' worries about flat division and workers' negligence in carrying out renovation and interior alteration works.</p> <p>(c) The Administration explained that flat division would not necessarily cause danger if the increase in loading was within the limits of the safety factor. BD would carry out immediate investigation into complaints against renovation or alteration works to ensure building safety.</p>	

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		<p>(d) Ms LEE requested the Administration to provide information on the number of complaints received against flat division in private premises, including floor overloading or other issues such as pipe alteration, and the corresponding numbers of investigation, enforcement and prosecution cases. The Administration should also provide a paper on how to regulate flat division through the provisions of the Buildings Ordinance (Cap. 123).</p>	<p>The Administration to take action as required in paragraph 3 of the minutes</p>
012019 – 012624	Chairman Mr James TO Administration	<p>(a) Mr TO asked how BD could determine with certainty from the debris that external forces were responsible for the damage of column C13 and the collapse.</p> <p>(b) The Administration advised that BD found the remains of the columns and collected samples on site. The mode of collapse described by the eye witnesses coincided with BD's structural analysis of the cause of collapse of the building.</p> <p>(c) In response to Mr TO's further enquiry, the Administration advised that it was not appropriate to discuss further at this investigation stage whether tools had been found on site which might give a clue as to what works might have contributed towards the incident, as the information might prejudice certain party's position in possible prosecution actions.</p>	

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012625 – 013207	Chairman Mr KAM Nai-wai Administration	<p>(a) Mr KAM asked if BD would review its inspection and enforcement procedures, given that buildings could still become tilted or collapse despite having been inspected by BD.</p> <p>(b) The Administration responded that while the investigation into the collapse incident had shown that lack of repair was not the cause of the collapse, the incident underlined the importance of timely building maintenance.</p> <p>(c) Mr KAM asked if BD would step up inspection of old buildings. The Administration responded that BD's sole effort was not enough, and owners, who were ultimately responsible for the well maintenance of their properties, must play an active role in ensuring building safety.</p> <p>(d) Mr KAM asked what safeguards would be put in place to ensure that works to be carried out in compliance with statutory orders were safe. The Administration responded that a working group was looking into the measures to further improve the current enforcement procedures.</p>	
013208 – 013736	Chairman Dr Priscilla LEUNG Administration	<p>(a) Dr LEUNG considered that the Administration should produce a detailed investigation report within a month's time, prevent similar incidents from recurring in future and provide assistance to the families of the victims.</p> <p>(b) The Administration responded that various kinds of assistance</p>	

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		would be provided by relevant Government departments as far as possible.	
013737 – 014108	Chairman Mrs Regina IP Administration	(a) In response to Mrs IP, the Administration advised that BD had not received notification of appointment of registered contractors to carry out building works in no. 45J Ma Tau Wai Road. The Administration reiterated that it was not appropriate during this investigation stage to comment on whether the workers carrying out works on the day of the collapse were registered, and whether illegal workers were involved, because such information might affect possible future legal actions.	
014109 – 014446	Chairman Ms Starry LEE Administration	(a) Ms LEE said that as more statutory orders were expected to be issued in future, the Administration should adopt new publicity strategies to impress upon owners to engage professionals and registered contractors to carry out building maintenance. (b) The Administration responded that owners were given relevant guidelines at the time when they were served statutory orders. Public education on the importance of timely building maintenance and owners' responsibility in this regard would be further stepped up.	
014447 – 014808	Chairman Administration	(a) The Chairman said that it was necessary to raise owners' awareness and understanding of	

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		<p>the structure of buildings.</p> <p>(b) The Administration responded that guidelines on how to differentiate structural from non-structural elements and how to proceed with renovation works would be produced for owners' reference.</p>	
014809 – 015050	Chairman Mr KAM Nai-wai Administration Ms Starry LEE	<p>(a) Mr KAM said that the Administration should provide information on the provision of assistance to residents to comply with the latest requirements of the Fire Safety (Buildings) Ordinance (Cap. 572). The Administration responded that the subject fell under the purview of the Security Bureau, and agreed to convey to the bureau the request that a paper should be prepared for discussion at a meeting of the Subcommittee in due course. Representatives from relevant bureaux and departments would be invited to attend.</p> <p>(b) Ms LEE suggested that the Subcommittee should discuss flat division and the priority of enforcement against UBWs at an appropriate time, preferably before the end of the current legislative session.</p>	The Administration to take action as required in paragraph 3 of the minutes