

立法會
Legislative Council

LC Paper No. CB(1)883/10-11
(These minutes have been seen
by the Administration)

Ref : CB1/SS/1/10/1

**Subcommittee on Three Commencement Notices made under the
Buildings (Amendment) Ordinance 2008,
Building (Minor Works) Regulation and
Building (Administration) (Amendment) Regulation 2009**

**Minutes of meeting held on
Tuesday, 2 November 2010, at 2:30 pm
in Conference Room B of the Legislative Council Building**

- Members present** : Hon LI Fung-ying, SBS, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Wing-tat
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Cyd HO Sau-lan
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Hon Tanya CHAN
- Members absent** : Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
- Public officers attending** : Mr Tommy YUEN Man-chung, JP
Deputy Secretary for Development (Planning and Lands) 2

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

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

Mr LAM Siu-tong
Deputy Director of Buildings

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

Ms Allen LAI Kai-pang
Senior Government Counsel
Department of Justice

Clerk in attendance : Mr Stephen LAM
Chief Council Secretary (1)4

Staff in attendance : Mr YICK Wing-kin
Assistant Legal Adviser 8

Mr Simon CHEUNG
Senior Council Secretary (1)1

Ms Christina SHIU
Legislative Assistant (1)7

Action

I Election of Chairman

Ir Dr Raymond HO, the member with highest precedence in the Council among members of the Subcommittee, presided over the election of Chairman of the Subcommittee. He invited nominations for the chairmanship.

Election of Chairman

2. Nominated by Mr IP Kwok-him and seconded by Mr IP Wai-ming, Ms LI Fung-ying was elected as the Chairman of the Subcommittee.

3. Members agreed that it was not necessary to elect a Deputy Chairman.

II Meeting with the Administration

Background information on the Regulation

- | | |
|---------------------------------|---|
| (L.N. 118 of 2010 | -- The Buildings (Amendment) Ordinance 2008 (Commencement) Notice 2010 |
| L.N. 119 of 2010 | -- The Building (Minor Works) Regulation (Commencement) Notice 2010 |
| L.N. 120 of 2010 | -- The Building (Administration) (Amendment) Regulation 2009 (Commencement) Notice |
| LC Paper No. LS1/10-11 | -- Legal Service Division Report |
| LC Paper No. CB(1)284/10-11(01) | -- Letter from Assistant Legal Adviser to the Administration dated 15 October 2010 |
| LC Paper No. CB(1)284/10-11(02) | -- Administration's letter dated 25 October 2010 in response to letter from Assistant Legal Adviser (LC Paper No. CB(1)284/10-11(01)) |
| LC Paper No. CB(1)284/10-11(03) | -- Paper on the three Commencement Notices made under the Buildings (Amendment) Ordinance 2008, Building (Minor Works) Regulation and Building (Administration) (Amendment) Regulation 2009 prepared by the Legislative Council Secretariat (Background brief)) |

4. The Subcommittee deliberated (index of proceedings attached at **Annex**) and agreed that the Administration should provide a paper highlighting the following points for further deliberation at the next Subcommittee meeting:

- (a) measures to be implemented by Buildings Department (BD) to shorten the length of processing time, in view of a likely influx of a large number of applications for registration as registered minor works contractors (RMWCs) by the end of this year. The existing length of 2 months and 6 months for individuals and companies respectively to get registered as RMWCs was not satisfactory;
- (b) the Administration should specify the exact length of time required for an applicant to get registered as a RMWC after submission of his application;
- (c) special consideration should be given to issuing "provisional registration" to those workers who had already applied for registration as RMWCs and were waiting for the outcome to continue with their work after 31 December 2010;
- (d) in view of the small number of applications received so far, effective promotion and publicity measures should be implemented to motivate more minor works practitioners to register as RMWCs. BD should collaborate with the trade unions of the sector to devise tactics to promote the Minor Works Control System (MWCS) so as to boost the number of applications. If possible, prospective applicants should be given some training on completion of forms and be briefed on the list of papers/documents that should be brought by them for registration;
- (e) as far as application for registration was concerned, BD was requested to consider whether a higher priority could be given to those applicants who had already signed building minor works contracts but had yet not commenced works;
- (f) measures should be implemented to facilitate those workers who wished to be registered as RMWCs to get registered within reasonable time, such as there should be adequate number of training courses for workers to attend; and

- (g) as a last resort, consideration should be given to postpone the commencement date of full implementation of MWCS on 31 December 2010 to a later date.

5. The Subcommittee agreed that the Chairman should move a motion at the Council meeting on 10 November 2010 to extend the scrutiny period of the subsidiary legislation to 1 December 2010. The Subcommittee did not consider it necessary to invite deputations to express their views on the Commencement Notices.

III Any other business

Next meeting

6. Members agreed to hold the next meeting on **Monday, 8 November 2010 at 10:45 am.**

7. There being no other business, the meeting ended at 3:38 pm.

Council Business Division 1
Legislative Council Secretariat
22 December 2010

**Subcommittee on Three Commencement Notices made under the
Buildings (Amendment) Ordinance 2008,
Building (Minor Works) Regulation and
Building (Administration) (Amendment) Regulation 2009**

**Proceedings of meeting
on Tuesday, 2 November 2010, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 000322	Ir Dr Raymond HO Mr IP Kwok-him Mr IP Wai-ming Ms LI Fung-ying	Election of Chairman	
000323 – 000447	Chairman Administration	Briefing by the Administration that the three Commencement Notices were meant to be the final step for full implementation of MWCS on 31 December 2010	
000448 – 000959	ALA8 Administration	Clarification by ALA8 and the Administration on the Technical Memorandum for Supervision Plans 2009 (Commencement Notice) (Special Supplement No. 5 on 8 October 2010)	
001000 – 001852	Mr IP Wai-ming Administration	Enquiries raised by Mr IP Wai-ming regarding: (a) the latest position in respect of the number of applicants for RMWC registration; (b) whether the Administration was able to cope with an influx of a large number of applications; (c) whether the Administration could deal with cases involving minor works practitioners who had applied for registration but were still waiting for the outcome after the commencement date of the legislation leniently at the early stage of implementing MWCS. The Administration should note that	

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		<p>insurance might be a problem to the minor works practitioners due to lengthy processing time for registration; and</p> <p>(d) whether it was possible to postpone the commencement date of MWCS to a date after the Chinese New Year in 2011 as the last resort</p> <p>Response of the Administration that:</p> <p>(a) as at October 2010, 1 005 applications from companies and 924 applications from natural persons had been received for RMWC registration. For the same period of time, 8 279 people had attended training courses for different classes of minor works contractors;</p> <p>(b) promulgation of a commencement date itself had helped encourage minor works practitioners to come forward for registration;</p> <p>(c) the Administration would consider enhancing administrative measures to boost RMWC registration before the commencement date scheduled for 31 December 2010;</p> <p>(d) Buildings Department (BD) had devised contingency staff deployment measures to cope with an influx of RMWC registration applications before the deadline; and</p> <p>(e) except for cases of a serious nature raising safety concerns, BD would be lenient in conducting enforcement actions at the early stage of implementation of MWCS. Actions to be taken by BD in initial months would mainly be by advice or</p>	

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		warnings	
001853 – 003641	Ms Cyd HO Administration Chairman	<p>Expression of views by Ms Cyd HO that:</p> <ul style="list-style-type: none"> (a) additional resources should be set aside to facilitate the processing of a sudden influx of RMWC registration applications; (b) as far as registration was concerned, BD was requested to consider whether a higher priority could be given to applicants who had signed building minor works contracts before 31 December 2010 but had not commenced works yet; and (c) in respect of enforcement actions, special consideration should be given to minor works contractors, who had already applied for registration as RMWCs, to continue with their works in hand after 31 December 2010 <p>Response of the Administration that:</p> <ul style="list-style-type: none"> (a) MWCS would not apply to minor works commenced before 31 December 2010; and (b) BD would be lenient with its law enforcement actions in initial months after the implementation of MWCS <p>Expression of views by the Chairman that:</p> <ul style="list-style-type: none"> (a) the Administration's previous projection on the number of minor works practitioner seeking registration as RMWCs was not accurate; (b) the Administration should think of ways to overcome foreseeable scenarios including a sudden increase in registration applications and the 	

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		<p>actual difficulties of minor works contractors who were yet to complete registration before 31 December 2010;</p> <p>(c) to avoid misunderstanding of and delay in registration, it was necessary for the Administration to make a performance pledge on the exact length of time required for an applicant to get registered as a RMWC after submission of his application. The existing length of two and six months for natural persons and companies to get registered was not satisfactory; and</p> <p>(d) in a bid to encourage registration, the Administration should be prepared to continue the \$150 subsidy for the registration fees of applicants seeking registration for Class III minor works items</p> <p>Response of the Administration that:</p> <p>(a) its drive to encourage minor works practitioners to register as RMWCs had not been slackened. The original projection was that there would be 4 000 – 5 000 companies and 20 000 natural persons seeking to register as RMWCs. The low registration rate could be due to the absence of a definite implementation date of the MWCS in the past, heavy work commitment of the practitioners and the indecision over registering for Class III minor works items or items of higher classes;</p> <p>(b) it should be noted that because of the announcement of the implementation date of MWCS, about 500 applications had been received in the month of October 2010 alone;</p> <p>(c) the Administration's present estimate</p>	

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		<p>was that about 10 000 people would eventually register as RMWCs. With 20 000 RMWCs as a long-term goal, this figure was reasonable for initial stage;</p> <p>(d) individual applicants submitting applications for registration for Class III minor works items before 31 December 2010 would continue to receive a \$150 subsidy. Nevertheless, the Administration would explore the possibility of extending the subsidy beyond 31 December 2010;</p> <p>(e) BD would render possible assistance to applicants including reminding them over the phone of production of documentary proofs. BD would consider the feasibility of according a higher priority to applicants who had already signed minor works contracts; and</p> <p>(f) the Administration would strive to work out a pledge on the processing time for RMWC registration</p>	
003642 – 004040	Ms Cyd HO Administration	<p>Expression of views by Ms Cyd HO that instead of postponing the commencement date indefinitely, the Administration should consider providing "provisional registration" to RMWC applicants who had submitted registration applications before 31 December 2010, in the event that their certificates of registration could not be issued in time</p> <p>Response by the Administration that:</p> <p>(a) the existing legislation provided for "provisional registration" for company applicants but not natural persons seeking registration for class III minor works items; and</p> <p>(b) the Administration would consider</p>	

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		<p>other feasible administrative measures that could help individual RMWC applicants who were natural persons.</p>	
<p>004041 – 004846</p>	<p>Prof Patrick LAU Administration</p>	<p>Expression of views by Patrick LAU that:</p> <ul style="list-style-type: none"> (a) the general culture of the construction sector was that the practitioners generally hated paperwork and were not keen in registration in whatever ways. Even with MWCS, experienced and qualified practitioners might still choose to make a living on working under registered companies or individuals. Hence, effective promotion and publicity measures best suiting the culture of the sector should be brought in to motivate more applicants for RMWC registration; (b) BD should collaborate with trade unions of the sector to devise effective tactics to promote MWCS so as to boost the number of applications; and (c) to ease applicants' concern, the Administration should consider allowing the use of RMWC application receipt as a certificate of "provisional registration" for initial months after implementation of MWCS <p>Response by the Administration that:</p> <ul style="list-style-type: none"> (a) it had tried out different ways including running briefing sessions on completion of application forms to boost registration applications; (b) Whilst the Administration would continue to encourage practitioners to register, it depended on their voluntary action and the Administration could not mandate them to do so; (c) Company contractors not yet acquiring 	

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		<p>the requisite academic qualifications but possessing adequate work experience may apply for "provisional registration" as RMWC such that they could continue with their business</p>	
004847 – 005617	Chairman Administration	<p>Enquiry by the Chairman about the adequacy of the RMWC training courses provided for companies and natural persons</p> <p>Response by the Administration that:</p> <p>(a) training for natural persons lasting for 6 to 8 hours was relatively simple. With the help of trade unions, the Administration was confident that there should be no problem providing adequate training places for RMWC applicants in a timely manner;</p> <p>(b) as for the 60-hour training for companies, the Administration was aware of the relatively longer waiting time and would explore ways with relevant training institutes to increase the number of the training courses; and</p> <p>(c) the Administration would make reference to Prof Patrick LAU's suggestions to explore different tactics attracting minor works practitioners to attend training and register as RMWCs</p>	
005618 – 005845	Mr IP Wai-ming	<p>Expression of views by Mr IP Wai-ming that:</p> <p>(a) the Administration should further simplify RMWC application form;</p> <p>(b) the Administration should explore the possibility of providing "provisional registration" to individual applicants;</p> <p>(c) the Administration should specify the</p>	

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		<p>exact length of time required for an applicant to get registration; and</p> <p>(d) as a last resort, the Administration should consider postponing the commencement date of MWCS</p> <p>Response by the Administration that it would duly consider Mr IP's views</p>	
005846 – 010527	Ms Cyd HO	<p>Expression of views by Ms Cyd HO that:</p> <p>(a) she was concerned that although there were over 20 000 minor works practitioners in the market, only 8 000 of them had attended the training; and</p> <p>(b) the Administration should ensure that there were adequate training places to cater for the rush between now and the commencement date on 31 December 2010</p> <p>Response of the Administration that:</p> <p>(a) 20 000 RMWCs was a long-term target for the Administration to aim at in terms of the number of RMWCs in the market;</p> <p>(b) BD had exhausted different ways in reaching minor works practitioners to motivate them to attend training and get registered as RMWCs. Nevertheless, response had not been favourable;</p> <p>(c) with the help of the trade unions, it would not be a problem for the training institutes to provide training for individual class III minor works applicants that would only last for 6 to 8 hours;</p> <p>(d) the Administration would continue to</p>	

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		<p>provide full subsidy for Class III individual applicants' training fees; and</p> <p>(e) those who decided not to get registered would not become jobless as they could still work for RMWCs. As MWCS matured, these practitioners might eventually change their minds and go for registration</p>	
010528 – 010724	Chairman Administration Members	<p>Enquiry of the Chairman about the work of the Review Committee</p> <p>Response of the Administration that the Review Committee was in place, and yet it had not handled any request for application review so far</p> <p>Agreement reached by members that the scrutiny period of the commencement notices be extended to 1 December 2010</p>	
010725 - 010935	Chairman Administration Clerk	Date of next meeting – Monday, 8 November 2010 at 10:45 am	