

立法會
Legislative Council

LC Paper No. CB(1)884/10-11
(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
Monday, 8 November 2010, at 10:45 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon LI Fung-ying, SBS, JP (Chairman)
Hon Abraham SHEK Lai-him, SBS, JP
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
- Member absent** : 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
- 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 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))

The Subcommittee deliberated (index of proceedings attached at **Annex**). Members went through the three Commencement Notices section by section and agreed that their respective commencement dates should remain at 31 December 2010. Members also agreed that:

- (a) the processing time for registration by individual applicants as Class III minor works contractors would be reduced from two months to one month. The Buildings Department (BD) undertook that if the required supporting documents were in order, all Class III registration applications submitted by individuals by 30 November 2010 would be approved on or before 31 December 2010. The "fast-track" registration arrangement would continue up to 31 March 2011;

- (b) BD would extend the provision of the \$150 subsidy on application fees for individual Class III applicants relying solely on work experience to applications submitted by 31 March 2011;
- (c) BD would monitor closely the provision of training courses for individual Class III minor works practitioners by maintaining close liaison with the training institutes;
- (d) full subsidy on the training courses for individual Class III minor works practitioners would continue for another two years, i.e. up to 31 October 2012; and
- (e) in collaboration with the relevant trade unions, BD would step up measures for promoting the Minor Works Control System (MWCS) and registered minor works contractor (RMWC) registration.

II Any other business

2. There being no other business, the meeting ended at 11:19 am.

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 Monday, 8 November 2010, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 000207	Chairman	Opening remarks	
000208 – 001437	Administration	<p>Briefing by the Administration that:</p> <ul style="list-style-type: none"> (a) according to Building (Minor Works) Regulation, the statutory period for processing registration application by a natural person was three months; (b) in view of members' concerns and the needs of frontline practitioners, efforts had been made by BD to reduce processing time of Class III registration from three months to two months; (c) BD had committed that if the required supporting documents were in order, registration applications submitted by individuals before 30 November 2010 would be approved before 31 December 2010; (d) the "fast-track" registration arrangement would continue up to 31 March 2011; (e) with the above measures in place, it was no longer necessary to provide "provisional registration" for individual applicants; (f) (b) BD would extend the provision of the \$150 subsidy on application fees for individual Class III applicants relying solely on work experience to applications submitted by 31 March 2011; 	

Time marker	Speaker	Subject(s)	Action required
		<p>(g) BD would monitor the provision of training courses for individual Class III minor works practitioners by maintaining close liaison with the training institutes;</p> <p>(h) full subsidy for the training courses for individual Class III minor works practitioners would continue for another two years until October 2012;</p> <p>(i) in collaboration with the trade unions, BD would step up measures in promoting MWCS and registration, including making face-to-face contact by visiting shops where minor works practitioners operated, sending reminders to those who had completed the training courses, etc; and</p> <p>(j) because of the announcement of the commencement date, the number of application received in October 2010 had increased significantly to 457 as against the monthly average of 160 applications in previous months</p>	
001438 – 002140	Ms Cyd HO Administration Chairman	<p>Ms Cyd HO's views that:</p> <p>(a) she welcomed the Administration's efforts to cut short registration application processing time to one month;</p> <p>(b) as revealed in a letter from a minor works practitioner, it was difficult for applicants to obtain six years' employment records from their former employers;</p> <p>(c) the Administration should inform the Class III minor works practitioners what they could do in the case that they had attended the training course and yet failed the examination that followed;</p> <p>(d) as reflected by minor works practitioners attending training courses at Vocational Training Council (VTC), trainers were not familiar with the registration procedures and</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>failed to offer advice on registration to them. BD should communicate with VTC to improve the situation; and</p> <p>(e) the Administration should step up publicity and promotion to eliminate practitioners' worries in training, examination, registration requirements, etc</p> <p>The Administration's response that:</p> <p>(a) BD required practitioners relying solely on experience for registration application to provide substantiation for six years' work experience and involvement in relevant minor works items;</p> <p>(b) BD would accept written endorsement issued by their employers, building professionals, recognized trade associations/unions;</p> <p>(c) in case a minor works practitioner could not produce documentary proof of his work experience in support of his registration application, he could make a statutory declaration of the relevant work experience;</p> <p>(d) the main aim of the training courses was to provide basic knowledge on the statutory and administrative requirements for carrying out Class III minor works and on construction safety. There was no requirement of examination after such courses; and</p> <p>(e) the Administration would step up promotion efforts including TV APIs</p> <p>The Chairman's comment that the Administration should communicate with VTC and other training institutes on ways to improve the trainers' knowledge of MWCS and the registration procedures</p>	

Time marker	Speaker	Subject(s)	Action required
002141 – 002729	Mr IP Wai-ming Administration	<p>Mr IP Wai-ming's enquiries regarding:</p> <ul style="list-style-type: none"> (a) measures that would be taken by BD to speed up processing of registration applications; (b) the one-month pledge of BD to complete all the registration applications by individual received before 30 November 2010; and (c) measures to improve the number of training courses in view of an upsurge of applications from minor works practitioners <p>The Administration's response that:</p> <ul style="list-style-type: none"> (a) the Administration's pledge to cope with an influx of application for training and registration was based on the estimate that of the 8 000 minor works practitioners who had attended mandatory training, around 6 000 would come forward to apply for registration; (b) it was after careful planning and assessment before the one-month pledge was made. BD would uphold the pledge; (c) BD would monitor the situation closely and introduce effective measures to cope with any sudden rise in demand for registration and training. If necessary, BD would liaise with the training institutes to increase the number and size of the training courses; and (d) having obtained the commitment of other divisions within the department, BD would re-prioritize the work and redeploy staff to relieve the pressure of staff dealing with the registration in line with changing demand 	
002730 – 002925	Chairman Administration	<p>The Chairman's enquiry on how minor works practitioners should deal with works/project contracts signed before 31 December 2010 and the concerned works/project had not yet commenced on the date</p>	

Time marker	Speaker	Subject(s)	Action required
		Response by the Administration that works/project contracts entered into by minor works practitioners and their clients before 31 December 2010 with consent given by BD should follow the existing control system instead of MWCS, and owners with contracts not reaching the consent stage might consider following either system in consultation with their building professionals/contactors	
002926 – 003300	Chairman Administration Members	Section-by-section scrutiny of the three commencement notices and end of the meeting	

Council Business Division 1
Legislative Council Secretariat
22 December 2010