

立法會
Legislative Council

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by the Administration)

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Panel on Development

Subcommittee on Building Safety and Related Issues

**Minutes of the meeting held on
Wednesday, 11 May 2011, at 8:30 am
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 Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEE Wing-tat
Hon CHEUNG Hok-ming, GBS, JP
Hon Starry LEE Wai-king, JP
Dr Hon Priscilla LEUNG Mei-fun
Hon IP Kwok-him, GBS, JP
Hon Alan LEONG Kah-kit, SC

Members attending : Hon WONG Kwong-hing, MH
Dr Hon PAN Pey-chyou

Member absent : Hon Abraham SHEK Lai-him, SBS, JP

**Public officers
attending** : **Agenda item II**

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

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

Mr AU Choi-kai
Director of Buildings

Mr LAM Siu-tong
Deputy Director of Buildings

Agenda item III

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

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

Mr AU Choi-kai
Director of Buildings

Mr Paul PANG Tat-choi
Assistant Director/Existing Buildings 1
Buildings Department

Mr Jacky IP Kam-shing
Director (Property Management)
Hong Kong Housing Society

Mr Stephen LAM Wai-nang
Director (Works and Contracts)
Urban Renewal Authority

Clerk in attendance: Ms Connie SZETO
Chief Council Secretary (1)⁴

Staff in attendance : Mr Simon CHEUNG
Senior Council Secretary (1)⁹

Ms Christina SHIU
Legislative Assistant (1)4

Action

I Confirmation of minutes

LC Paper No. CB(1)1949/10-11 -- Minutes of meeting on
13 January 2011)

The minutes of the meeting held on 13 January 2011 were confirmed.

**II Re-organization of Buildings Department for implementation of
package of measures to enhance building safety**

(LC Paper No. CB(1)2087/10-11(01) -- Administration's paper on
re-organization of Buildings
Department for
implementation of package
of measures to enhance
building safety)

2. The Subcommittee was briefed by the Administration on the proposed re-organization of the Buildings Department ("BD") which would take effect from 1 July 2011 to implement the Administration's new package of measures to enhance building safety in Hong Kong (members deliberated index of proceedings at the **Appendix**). Upon member's request, the Administration agreed to provide the following information --

- (a) details of the 176 non-directorate civil service posts in BD to be created in 2011-2012 and the relevant resources involved; and
- (b) details of the contract staff to be engaged by BD and procurement of consultancy services to be arranged to ensure proper implementation of the new measures.

(Post-meeting note: The required information was circulated to members vide LC Paper No. CB(1)2348/10-11(01) on 31 May 2011.)

III Consolidation of financial assistance schemes for building maintenance and repair

(LC Paper No. CB(1)2087/10-11(02) -- Administration's paper on consolidation of financial assistance schemes for building maintenance and repair)

3. The Subcommittee was briefed by the Administration on the proposal to consolidate the various financial assistance schemes for building maintenance and repair (members deliberated index of proceedings at the **Appendix**). At the request of members, the Hong Kong Housing Society ("HKHS") undertook to provide the following information with regard to rateable value as part of the eligibility criteria for financial assistance under the Integrated Building Maintenance Assistance Scheme --

- (a) the frequency for conducting reviews on the rateable value by HKHS; and
- (b) when the last review was undertaken and the level of adjustment on the rateable value.

(Post-meeting note: The required information was circulated to members vide LC Paper No. CB(1)2348/10-11(01) on 31 May 2011.)

IV Any other business

Date of next meeting

- 4. Members would be informed of the date of next meeting.
- 5. There being no other business, the meeting ended at 10:09 am.

Panel on Development

Subcommittee on Building Safety and Related Issues

**Proceedings of the meeting on
Wednesday, 11 May 2011, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000001 – 000429	Chairman	Confirmation of minutes of the last meeting	
000430 – 001006	Administration	<p>The Administration's briefing on the proposed re-organization of BD as follows --</p> <p>(a) as announced by the Chief Executive in his 2010-2011 Policy Address, the Government would adopt a multi-pronged approach covering legislation, enforcement, support and assistance to building owners as well as publicity and public education to enhance building safety;</p> <p>(b) As the Buildings Department ("BD") was responsible for the enforcement of the Buildings Ordinance ("BO"), it was necessary to strengthen and rationalize the existing directorate establishment and streamline its overall structure for implementing the new package of measures to enhance building safety ("the new package of measures");</p> <p>(c) major initiatives under the new package of measures included implementation of the Minor Works Control System</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>("MWCS"), Mandatory Building Inspection Scheme ("MBIS") and Mandatory Window Inspection Scheme ("MWIS"); extending the coverage of actionable unauthorized building works ("UBWs"), organization of large-scale operations against UBWs and dilapidated buildings, introducing the Signboard Control System ("SCS") and mounting large-scale publicity and public education programme;</p> <p>(d) to cope with the increased workload in BD, apart from directorate staff, the Administration would create 176 non-directorate civil service posts in the department in 2011-2012, making a substantial increase of 18% in its establishment;</p> <p>(e) a new "Building Coordinators" approach would be adopted to meet the aspirations of Owners' Corporations ("OCs") and building owners under which a single section within BD would be assigned to handle general building safety problems for the same building;</p> <p>(f) the Secretary for Development had met with some 150 BD staff to discuss issues related to the new building safety initiatives and the proposed re-organization of BD; and</p>	

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		<p>(g) with the support of the Subcommittee on Building Safety and Related Issues ("the Subcommittee"), the Administration would proceed to obtain approval of the Establishment Subcommittee ("ESC") and Finance Committee ("FC") for implementing the BD re-organization proposal in July 2011</p>	
001007 – 001813	Ir Dr Raymond HO Administration	<p>Ir Dr Raymond HO's views that --</p> <p>(a) there had been a substantial increase in BD's workload in recent years, thus the Administration was moving in the right direction to reorganize the department's structure and enhance its directorate support;</p> <p>(b) he was gravely concerned about aggravating conflicts between professional staff of the Building Surveyor ("BS") and Structural Engineer ("SE") grades over the years;</p> <p>(c) he shared the concerns of Buildings Department Structural Engineers' Association over the deletion of a permanent post of Chief Structural Engineer, to be offset by the creation of a "bi-disciplinary" post of Chief Building Surveyor/Chief Structural Engineer ("CBS/CSE"), and criticized the Administration for insufficient consultation with the staff side</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>on the proposal;</p> <p>(d) it would be more appropriate for the new building safety initiatives detailed in paragraph 4(d) of the Administration's paper, i.e. tackling of subdivision of flats, to be taken up by both BSs and SEs; and</p> <p>(e) he considered that BD should open up the existing CBS posts for the Slope Safety and Fire Safety Sections of BD to SE which would be in line with the principle of professional knowledge and competence adopted by the Administration in selecting professional staff for directorate posts as shown in paragraph 21 of the Administration's paper</p> <p>The Administration's response that --</p> <p>(a) BD was one of the Government departments with professional staff from different disciplines. To ensure smooth implementation of the new building safety initiatives, the Secretary for Development had been personally involved in the mediation between the two professional grades;</p> <p>(b) as reflected in the Ma Tau Wai building collapse incident, the professional knowledge and competence of SE and BS would complement each other;</p>	

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		<p>(c) the Administration was determined to move towards opening up the directorate posts for staff with proven professional competence and leadership; with the injection of additional resources, the two professional grades should perform their responsibilities in an open and considerate manner, respecting the other grade and working as a team to meet the new challenges faced by BD; and</p> <p>(d) as stated in paragraph 16 of the Administration's paper, given the scope and nature of the job, BD considered it justifiable to make the D1 post heading the Minor Works & Signboard Control Section a bi-disciplinary post of CBS/CSE</p>	
001814 – 002618	Mr IP Kwok-him Administration	<p>Mr IP Kwok-him's enquiries about --</p> <p>(a) since the work of the Joint Office for water seepage ("JO") was not totally effective, whether the Building Coordinators would be adequately empowered to perform their duties effectively, and their working relationship with the Home Affairs Department at district level;</p> <p>(b) whether the new Minor Works & Signboard Control Section under the Assistant Director/Corporate Services</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>would be able to handle signboard problem involving legal issues, such as complicated provisions in the Deed of Mutual Covenant ("DMC"); and</p> <p>The Administration's response that --</p> <p>(a) Building Coordinators would be able to provide "one-stop service" to OCs and building owners and satisfy their needs as the latter would only be required to liaise with one single point in BD for all building safety issues/complaints concerning their buildings;</p> <p>(b) In resolving problems relating to building safety, it was necessary for the Development Bureau to work closely with the Home Affairs Bureau, which looked after building management matters;</p> <p>(c) the Administration agreed that water seepage was a challenging problem to tackle, and had been reviewing the existing arrangements and considering possible alternative mechanisms for resolving the disputes. Meanwhile, BD would continue to work with the Food and Environmental Hygiene Department ("FEHD") to improve the effectiveness of the JO's work; and</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>(d) as the Minor Works & Signboard Control Section would only be empowered to enforce the relevant provisions of BO in tackling the signboard problem, it would be inappropriate for the section to deal with legal issues relating to DMC which were private contracts between owners; BD would work closely with OCs and building owners in tackling building safety problems</p>	
002619 – 003239	Mr WONG Kwok-hing Administration	<p>Mr WONG Kwok-hing's views that --</p> <p>(a) he was delighted to note the creation of 176 permanent non-directorate civil posts for implementing the new package of measures, and welcomed the Administration's plan to introduce a statutory Signboard Control System ("SCS") to regulate signboards and the setting up of the Minor Works & Signboard Control Section; and</p> <p>(b) he was concerned about adoption of the "Building Coordinators" approach and its effectiveness, and the Administration's publicity work to promote the new package of measures</p> <p>The Administration's response that --</p> <p>(a) it had started a large-scale</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>publicity programme on MWCS, and would proceed to promote public awareness on the "Building Coordinators" approach and other related initiatives; and</p> <p>(b) on the benefits of the "Building Coordinators" approach, while under the existing arrangement for taking enforcement against building safety problems, specific UBWs and backlog orders were undertaken by individual special task sections and this was undesirable since it might cause confusion to building owners as they might receive orders/letters from different sections of BD requiring remedial actions, the new "Building Coordinators" approach would solve the problem by designating a single section to handle all building safety problems of a building so that OCs/building owners would not be approached by different sections of BD.</p>	
003240 – 003930	Mr James TO Administration	<p>Mr James TO's views that --</p> <p>(a) in future the Building Coordinators would face great pressure and have to respond to building owners' needs in a timely, cautious and tactful manner; and</p> <p>(b) BD should deploy adequate manpower and resources to deal with UBWs in New Territories ("NT") village houses, and it</p>	

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		<p>was necessary for the Administration to tackle UBWs in urban areas and NT village houses in a fair and equal manner</p> <p>The Administration's response that --</p> <ul style="list-style-type: none">(a) it would act with prudence in rolling out the new "Building Coordinators" approach;(b) the Administration's policy against UBWs had evolved over the years, and with completion of the 10-year UBW clearance programme, the Administration had extended the scope of "actionable" UBWs and embark on more vigorous enforcement actions against UBWs with effect from 1 April 2011;(c) unlike the UBWs in urban areas which were subject to BO, NT exempted houses were regulated by a different system under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121); and(d) the Administration would discuss with the Panel on Development in June 2011 on the policy on the control of UBWs under BO and those found in NT village houses, and additional resources might be required for handling UBWs in NT village houses	

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003931 – 004742	Deputy Chairman Administration	<p>The Deputy Chairman's views that --</p> <p>(a) while he welcomed the "Building Coordinators " approach providing "one-stop" service to building owners, it was necessary for the Administration to explain clearly the areas which the Building Coordinators would not deal with;</p> <p>(b) with the MBIS to be implemented shortly, the post of Assistant Director/Mandatory Building Inspection should be made permanent rather than created as a supernumerary post; and</p> <p>(c) apart from enhancing manpower at directorate level, the Administration should also provide adequate manpower support at the frontline level</p> <p>The Administration's response that --</p> <p>(a) it would review the supernumerary post of Assistant Director/Mandatory Building Inspection in a few years to see whether conversion to a permanent post was needed;</p> <p>(b) apart from the net creation of a supernumerary D2 post for leading the Mandatory Building Inspection Division, the Administration would create 176 non-directorate posts in BD</p>	

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		<p>for implementing the new package of measures; to augment the work of civil servants in BD, non civil service contract staff and consultancy services from private consultants would also be engaged; and</p> <p>(c) Building Coordinators would deal with all safety related issues of the building itself within the ambit of BO and would not be engaged in work relating to slope safety, water seepage and fire safety upgrading measures; but they would maintain good communication with other divisions within BD and other Government departments</p> <p>Deputy Chairman's request for the Administration to provide the following information --</p> <p>(a) details of the 176 non-directorate civil service posts in BD to be created in 2011-2012 and the relevant resources involved; and</p> <p>(b) details of the non-civil service contract staff to be engaged by BD and procurement of consultancy services to be arranged to ensure proper implementation of new building safety measures</p>	<p>The Administration to take action under paragraph 2 of the minutes</p>
004743 – 005457	Ms Starry LEE Administration	<p>Ms Starry LEE's views that --</p> <p>(a) she welcomed the</p>	

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		<p>Administration's proposal, and considered it necessary for BD to liaise closely with Fire Services Department ("FSD") and Geotechnical Engineering Office so that notices/orders for major remedial works from the three Government departments could be issued at the same time for OCs to follow up in one go;</p> <p>(b) following the implementation of MBIS and MWIS, BD should build up a database on subdivided flats to facilitate the conduct of research and assessment on the problem; and</p> <p>(c) BD should endeavour to promote and publicize new building safety initiatives including the new "Building Coordinators" approach to the public at district level</p> <p>The Administration's response that --</p> <p>(a) BD would strive to maintain an effective communication within the department and with other departments in enhancing building safety in various aspects;</p> <p>(b) upgrading of fire safety measures in private buildings was governed by a separate legislation, and BD, being one of the enforcement authorities under that legislation, had been working jointly with the other enforcement authority, FSD, in</p>	

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		<p>implementing the control regime;</p> <p>(c) BD would carry out large-scale operation to inspect subdivided flats in selected private buildings for taking enforcement and planning measures for tightening control;</p> <p>(d) both BD staff and consultants engaged by BD for removal of UBWs and other remedial works would communicate with affected building owners and explain clearly to them the Administration's policy and reasons for taking the enforcement actions; and</p> <p>(e) with the support of the Subcommittee, the Administration would seek the approval of ESC and FC for implementing BD's re-organization proposal with effect on 1 July 2011</p>	
005458 – 010009	Mr Alan LEONG Administration	<p>Mr Alan LEONG's views that --</p> <p>(a) the Administration should explain reasons for dissolving the Building Innovation Unit and the functions of the Joint Office; and</p> <p>(b) BD should set aside resources for engaging more legal professionals to enhance the capability of the Legal Services Section for handling increasing complex legal issues relating to UBWs and other building safety</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>matters</p> <p>The Administration's response that --</p> <p>(a) the functions of the Building Innovation Unit would be absorbed by the Research and Development Unit which would undertake a wider spectrum of responsibilities in BD;</p> <p>(b) the Joint Office was set up jointly by BD and FEHD for investigation of water seepage complaints; and</p> <p>(c) additional resources would be set aside for the Legal Services Section and the section was also backed up by the Department of Justice</p>	
010010 – 010247	Chairman Administration	<p>The Chairman's enquiry as whether both BSs and SEs would be deployed to fill Building Coordinators posts</p> <p>The Administration's explanation that since the duties and responsibilities of Building Coordinators could be performed by staff from both BS and SE professions, the posts of Building Coordinators would either be fill up by BSs or SEs in future</p>	
010248 – 010736	Ir Dr Raymond HO Administration	<p>Ir Dr Raymond HO's views that --</p> <p>(a) for smooth and efficient operation of BD, it was necessary for the Administration to seriously address the</p>	

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		<p>longstanding conflicts between the SE and BS grades in the department; and the Administration should open up more directorate posts in BD for SEs;</p> <p>(b) he felt strongly and wished to put on record that irregularities of building works associated with subdivision of flats would preferably be handled by SEs; and</p> <p>(c) the CBS post heading the Slope Safety Section should be turned into a bi-disciplinary post opening for both SE and BS grades</p> <p>The Administration's response that the proposed re-organization of BD had gone through repeated and extensive staff consultation, and it would be unadvisable to introduce last-minute change at the present stage</p>	
010737 – 011130	Deputy Chairman Administration	<p>The Deputy Chairman's concern about how the Building Coordinators could deal with problems related to fire safety and slope safety in an effective manner</p> <p>The Administration's response that for measures to enhance slope safety and upgrading of existing fire safety measures in private buildings, the Building Coordinators of the relevant teams would consult the Slope Safety Section and Fire Safety Section within BD which would provide expert advice to assist and</p>	

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		help in taking follow-up actions	
011131 – 011558	Ms Starry LEE Administration Chairman Members	<p>Ms Starry LEE's view that it was necessary for the Administration to take immediate action to deal with the problem of subdivided flats, which had caused serious water seepage problem in private buildings</p> <p>The Administration's response that --</p> <ul style="list-style-type: none"> (a) MWCS would be an effective means for controlling the quality of the building works for the subdivision of flats; (b) warrants provided by the Court for entry into premises would greatly assist in the inspection of a flat to check possible problem of subdivided flats; and (c) the Administration would review the existing mechanism for tackling the water seepage problem to identify possible improvement measures 	
011559 – 012109	Administration Urban Renewal Authority	<p>Briefing by the Administration and the Urban Renewal Authority ("URA") that --</p> <ul style="list-style-type: none"> (a) on 1 April 2011, the five schemes under HKHS and URA were amalgamated into the "Integrated Building Maintenance Assistance Scheme" ("IBMAS"). Co-managed by HKHS and URA, the scheme administration was divided 	

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		<p>between the two organizations according to geographic areas under the spirit of provision of "one-stop service";</p> <p>(b) the two financial assistance schemes funded by the Administration would continue; building owners could apply for these schemes through IBMAS;</p> <p>(c) building owners could obtain a wide range of assistance through a single interface through completing only one set of application forms, i.e. (i) subsidy for formation of OCs; (ii) grants/loans for works in common areas; (iii) grants/loans for works in individual units; and (iv) special assistance for individuals in need e.g. elderly owner-occupiers; and</p> <p>(d) a subsidy of \$3,000 would continue to be provided for formation of OCs, and repayment of interest-free loan up to \$100,000 per unit had been extended to 60 months; amount of grant for works in common areas was set at 20% of the cost up to \$1.2 million for OCs of buildings with 50 units or more, or \$3,000 per flat.</p>	
012110 – 012620	Deputy Chairman Administration URA	<p>Deputy Chairman's views that --</p> <p>(a) he welcomed the move to integrate various assistance schemes, but was concerned that IBMAS was too complicated for OCs and</p>	

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		<p>building owners to apply for;</p> <p>(b) in view of the increasing property prices, the Administration should conduct regular review on the eligibility criteria setting the rateable value at \$100,000 per annum for unit in urban areas and \$76,000 for unit in NT;</p> <p>(c) BD should consider offering interest-free loans for building owners in line with other assistance schemes; and</p> <p>(d) whether building owners seeking assistance under the various assistance schemes had to comply with the stringent guidelines for the Operation Building Bright ("OBB")</p> <p>Response of the Administration and URA that --</p> <p>(a) it was an established policy for the Government to impose interests for all kinds of loans. The low-interest loans offered by BD were no exception. Nonetheless, those with genuine difficulties could apply for exemption of loan interests;</p> <p>(b) the rateable value of buildings was subject to review and adjustment from time to time; and</p> <p>(c) though not mandatory, building owners were encouraged to follow the guidelines laid down</p>	

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		for OBB in arranging tender for the building repair works	
012621 – 013216	Mr WONG Kwok-hing Administration URA	<p>Mr WONG Kwok-hing's views that --</p> <p>(a) he welcomed the move to consolidate the various financial assistance schemes for building maintenance and repair works, which would provide "one-stop service" to OCs and building owners; and</p> <p>(b) he enquired about the facilities and services to be provided by the Urban Renewal Resources Centres ("URRCs"), the first of which would be opened at Tai Kok Tsui by end of 2011, and suggested that similar URRCs should be provided in Hong Kong and NT for OCs and building owners; and</p> <p>(c) a visit to the Tai Kok Tsui URRC should be arranged in due course</p> <p>Response of the Administration and URA that --</p> <p>(a) in line with the new Urban Renewal Strategy promulgated in February 2011, URA would focus its core business more on "rehabilitation", and a number of URRCs would be set up in different areas to, inter alia, promote and educate the public on building rehabilitation; and</p>	

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		<p>(b) the URRC at Tai Kok Tsui would comprise three-storeys with a total area of some 10 000 square feet. The ground floor would be used to provide technical support on building rehabilitation and meeting rooms would be available for use by owners/OCs. There would be a sizable mediation centre on the first floor, and a lecture theatre for educational activities on the second floor</p>	
013217 – 013510	Mrs Sophie LEUNG Administration	<p>Mrs Sophie LEUNG's views that --</p> <p>(a) she appreciated the Administration's efforts in consolidating the various financial assistance schemes for building maintenance and repair for the convenience of building owners; and</p> <p>(b) with the merging of different schemes under IBMAS, it was necessary for the Administration to ensure that URA and HKHS as the operating agencies would follow strictly the same set of standards and eligibility criteria in processing the applications</p> <p>The Administration's response that one of the major objectives in consolidating the various financial assistance schemes was to achieve standardization in scheme procedures and vetting criteria. Where appropriate, the Administration would provide flexibility in providing assistance,</p>	

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		for instance the limit of 400 units for buildings in OBB had been lifted	
013511 – 013630	Deputy Chairman HKHS	Deputy Chairman's enquiry about -- (a) the frequency for conducting reviews on the rateable value by HKHS; and (b) when the last review was undertaken and the level of adjustment on the rateable value HKHS's response that it would check its records and provide the required information	HKHS to take action under paragraph 3 of the minutes
013631 – 013734	Chairman	Any other business	