

立法會
Legislative Council

LC Paper No. CB(2)2642/11-12
(These minutes have been seen by
the Administration)

Ref : CB2/BC/3/11

Bills Committee on Buildings Legislation (Amendment) Bill 2011

Minutes of meeting
held on Monday, 14 May 2012, at 10:45 am
in Conference Room 2A of the Legislative Council Complex

Members present : Hon IP Kwok-him, GBS, JP (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 Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Starry LEE Wai-king, JP
Hon Tanya CHAN

Members absent : Hon Miriam LAU Kin-ye, GBS, JP
Hon LEE Wing-tat
Hon CHEUNG Hok-ming, GBS, JP
Hon Cyd HO Sau-lan

Public Officers attending : Item I

Mr Rex CHANG Wai-yuen, JP
Deputy Secretary for Development (Planning and Lands) 2

Mr Ryan CHIU Pit-ming
Principal Assistant Secretary for Development
(Planning and Lands) 3

Miss Florence LO Chung-man
Assistant Secretary for Development (Buildings) 1

Mr HUI Siu-wai
Deputy Director
Buildings Department

Mr Thomas LEUNG Tung-choi
Chief Building Surveyor/Legal Services
Buildings Department

Mr Michael PANG Yuk-lung
Senior Building Surveyor/Legislation
Buildings Department

Ms Rayne CHAI Chih-hui
Senior Government Counsel
Department of Justice

Mr Henry CHAN Ngai-him
Government Counsel
Department of Justice

Clerk in attendance : Mrs Sharon TONG
Principal Council Secretary (2)

Staff in attendance : Miss Winnie LO
Assistant Legal Adviser 7

Mr Jove CHAN
Senior Council Secretary (2) 8

Ms Camy YOONG
Clerical Assistant (2) 7

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee completed the clause-by-clause examination of the Chinese version of the Buildings Legislation (Amendment) Bill 2011 ("the Bill"). The Chairman requested the legal adviser to the Bills Committee to examine the legal and drafting aspect of the English

version of the Bill and check whether it was in alignment with its Chinese version.

3. The Bills Committee requested the Administration to -
 - (a) review the wording of the Bill to eliminate nuisances caused to the property owner or occupier by unnecessary visits;
 - (b) consider specifying in the proposed section 39C(6) the inclusion of signboard control only;
 - (c) consider specifying in the proposed section 22(1B)(a)(i) and (ii) the specific provisions of the Buildings Ordinance the contravention of which would trigger the application for a warrant to enter premises; and
 - (d) provide its draft Committee Stage amendments to the Bill at the next meeting.

II. Any other business

Date of the next meeting

4. The Chairman reminded members that the next meeting would be held on Monday, 21 May 2012, at 4:30 pm.
5. There being no other business, the meeting ended at 12:47 pm.

Council Business Division 2
Legislative Council Secretariat
27 July 2012

**Proceedings of meeting of
Bills Committee on Buildings Legislation (Amendment) Bill 2011
held on Monday, 14 May 2012, at 10:45 am
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action Required
000120 - 000249	Chairman	Opening remarks	
000250 - 000543	Chairman Admin	<u>Clause-by-clause examination of the Bill</u> <u>Proposed section 38(1)(ke)(ia) and (ib)</u> Briefing by the Administration on the amendment proposals	
000544 - 001010	Chairman Admin	<u>Section 39B</u> Briefing by the Administration on the amendment proposals; and The rationale for the expansion of orders and notices to be covered under the provision	
001011 - 001612	Chairman Prof Patrick LAU Admin	The need for determining the use of general or legal terms / wording in the Bill at Bills Committee meetings	
001613 - 001835	Chairman Admin	<u>Section 39C</u> Briefing by the Administration on the amendment proposals	
001836 - 002753	Chairman Mr James TO Admin	The inclusion of signboard control in the Minor Works Regulation; and Request for explicitly providing in the Bill the inclusion of signboard control only in the Minor Works Regulation to avoid the inclusion of other unauthorized building works ("UBW")	The Administration to consider specifying in the proposed section 39C(6) the inclusion of signboard control only
002754 - 002849	Chairman Admin	<u>Section 39C(6)</u> The date of the commencement of amendments to sections 38 and 39C to be appointed by the Secretary for Development by notice published in the Gazette	

Time marker	Speaker	Subject(s)	Action Required
002850 - 002926	Chairman	<p>Completion of the clause-by-clause examination of the Bill; and</p> <p>Examination of the legal and drafting aspect of the English version of the Bill by legal adviser to the Bills Committee to check whether it was in alignment with its Chinese version</p>	
002927 - 004850	Chairman Admin	<p>LC Paper No. <u>CB(2)1964/11-12(01)</u></p> <p>Briefing by the Administration on its response to issues raised by members at the meetings held on 24 April 2012 and 4 May 2012</p>	
004851 - 011059	Chairman Mrs Sophie LEUNG Admin	<p>Objection to the Buildings Department's ("BD") unnecessary visits to and inspection of the interior of premises with no grounds for suspicion of contravention of the Buildings Ordinance (Cap. 123) ("BO");</p> <p>Inter-relationships of section 22(1), the proposed section 22(1A) and 22(1B) regarding the reasonable grounds for suspicion of contravention of BO for inspection of and entry into the premises;</p> <p>Inclusion in the Bill the operation procedures that BD should provide substantiated evidence of suspicion of contravention of BO before raising its request for inspection to the property owner or occupier; and</p> <p>Measures to eliminate nuisances caused to property owners or occupiers by unnecessary visits due to unfounded complaints about UBW in their premises</p>	The Administration to review the wording of the Bill to eliminate nuisances caused to the property owner or occupier by unnecessary visits
011100 - 013322	Chairman Ms Audrey EU Admin	<p>Clarification on the powers of the Building Authority ("BA") and the inter-relationships of section 22(1), the proposed section 22(1A) and 22(1B); and</p> <p>The excessive power of BA obtained from the wide coverage of provisions of BO, or notices and</p>	

Time marker	Speaker	Subject(s)	Action Required
		orders under section 22(1)(c) and section 2 of BO	
013323 - 014852	Chairman Mr Abraham SHEK Admin	To restrict the purposes of the proposed warrant for entry into premises ("warrant proposal") to matters relating to building safety only; The wide coverage of "any provision" of BO in the proposed section 22(1B)(a)(i) and (ii); and The consideration of replacing the term "provision" with "offence" in the proposed section 22(1B)(a)(i) and (ii)	
014853 - 015237	Chairman Ms Audrey EU	The views that BD could take enforcement actions without entering the premises; and Gradual extension of the power of BA that the minor works should not be covered at present stage	
015238 - 015550	Chairman Mr Abraham SHEK	Objection to the Administration's response that it could not take enforcement actions if the Bills Committee did not agree to its warrant proposal; and To restrict the purposes of the proposed warrant for entry into premises to matters relating to building safety only	
015551 - 015939	Chairman Admin	The wide coverage of "any provision" of BO in the proposed section 22(1B)(a)(i) and (ii)	The Administration to consider specifying in the proposed section 22(1B)(a)(i) and (ii) the specific provisions of the Buildings Ordinance the contravention of which would trigger the application for a warrant to enter premises
015940 - 020044	Chairman Mr Abraham SHEK Admin	To restrict the purposes of the warrant proposal to matters relating to building safety only	
020045 - 020153	Chairman	Date of next meeting	

Time marker	Speaker	Subject(s)	Action Required
020154 - 020307	Mrs Sophie LEUNG Chairman	Wording showing the inter-relations of section 22(1), the proposed section 22(1A) and 22(1B); and Review on the wording in the Bill to eliminate nuisances caused to the property owner or occupier by unnecessary visits	
020308 - 020332	Chairman	Closing remarks; and Date of the next meeting	

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