

立法會
Legislative Council

LC Paper No. CB(1) 1466/11-12
(These minutes have been seen
by the Administration)

Ref : CB1/SS/3/11/1

**Subcommittee on Building (Inspection and Repair) Regulation,
Building (Administration) (Amendment) Regulation 2011,
Building (Minor Works) (Amendment) Regulation 2011, and
Buildings (Amendment) Ordinance 2011 (Commencement) Notice 2011**

**Minutes of the sixth meeting
held on Wednesday, 7 December 2011, at 8:30 am
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon LI Fung-ying, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Starry LEE Wai-king, JP
Hon IP Kwok-him, GBS, JP
Hon Tanya CHAN

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

**Public officers
attending** : **For item II**

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

Mr Daniel FONG
Assistant Secretary for Development (Buildings)¹

Mr HUI Siu-wai
Deputy Director of Buildings

Mr TSE Kin-leung
Assistant Director/Mandatory Building Inspection
Buildings Department

Mr Thomas LEUNG
Chief Building Surveyor/Legal Services
Buildings Department

Ms Rayne CHAI
Senior Government Counsel
Department of Justice

Mr Henry CHAN
Government Counsel
Department of Justice

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Mrs Mary TANG
Senior Council Secretary (1)1

I. Confirmation of minutes

(LC Paper No. CB(1) 543/11-12 — Minutes of the meeting held
on 17 November 2011

The minutes of the meeting held on 17 November 2011 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1) 545/11-12(01) — List of follow-up actions
arising from the discussion at
the meeting on
2 December 2011)

Background information on the Regulations and Commencement Notice

Building (Inspection and Repair) Regulation (L.N. 146), Building
(Administration) (Amendment) Regulation 2011 (L.N. 147), Building
(Minor Works) (Amendment) Regulation 2011 (L.N. 148), and Buildings
(Amendment) Ordinance 2011 (Commencement) Notice 2011 (L.N. 149)

Ref: DEVB (PL-CR) 2/15-08 — The Legislative Council Brief
(*issued by Development Bureau
in October 2011*)

LC Paper No. LS3/11-12
(issued on 2 November 2011)

— Legal Service Division Report

LC Paper No. CB(1) 359/11-12(01)
(issued for the meeting
17 November 2011)

— Marked-up copy of the
Building (Administration)
(Amendment)
Regulation 2011, and Building
(Minor Works) (Amendment)
Regulation 2011 (Restricted to
Members)

2. The Subcommittee deliberated (Index of proceedings attached in **Annex**).
3. The Administration was requested to -
 - (a) advise the rationale behind or the circumstances leading to the use of gender reference in formulating new legislation and amending existing legislation. To consider dispensing with the reference to female gender in the relevant Regulation; and
 - (b) advise the reason for transferring the repair of column and shear wall from Class I Minor Works to Class II Minor Works. To also advise if there were separate provisions specifying the different levels of supervision for different extents of repair works
4. Members agreed to continue discussion at the next meeting scheduled for Monday, 12 December 2011, at 10:45 am.

III. Any other business

5. There being no other business, the meeting ended at 10:00 am.

**Subcommittee on Building (Inspection and Repair) Regulation,
Building (Administration) (Amendment) Regulation 2011,
Building (Minor Works) (Amendment) Regulation 2011, and
Buildings (Amendment) Ordinance 2011 (Commencement) Notice 2011**

**Proceedings of the sixth meeting
held on Wednesday, 7 December 2011, at 8:30 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes</i>			
000335 - 000403	Chairman	The minutes of the meeting held on 17 November 2011 (LC Paper No. CB(1) 543/11-12) were confirmed.	
<i>Agenda Item II - Meeting with the Administration</i>			
000404 - 000507	Chairman	Administration's explanation on its response to follow-up actions arising from the discussion at the meeting on 2 December 2011 (LC Paper No. CB(1) 567/11-12(01)).	
000508 - 003739	Administration Chairman Mr IP Kwok-him Ms Starry LEE	Discussion on the need to allow owners' access to inspection reports. Administration's explanation that the Buildings Department (BD) would have to exercise discretion in considering requests for access to inspection reports which might contain third party information. In general, BD would accede to owners' request if the required information was related to the common parts and external walls of buildings.	
003740 - 004116	Chairman Administration	Continuation of clause-by-clause examination of the Building (Minor Works) (Amendment) Regulation 2011 (the Regulation) (LC Paper No. CB(1) 359/11-12(01)).	
004117 - 010952	Administration Chairman Mr IP Kwok-him Miss Tanya CHAN Assistant Legal Adviser 1 (ALA1)	Clauses 1 to 13 Members' query on the need to add reference to female gender in sections 31, 32 and 52 (Chinese text) lest this would create inconsistency with other provisions in the Regulation where only the masculine gender was used. ALA1's view that the proposed addition of reference to female gender might not be necessary as words and expressions importing	The Administration to advise the rationale behind or the circumstances leading to the use of gender reference in formulating new legislation and amending existing legislation. To consider dispensing with the reference

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		<p>masculine gender included feminine and neuter gender according to the Interpretation and General Clauses Ordinance (Cap. 1).</p> <p>Administration's explanation –</p> <p>(a) the proposed addition aimed to achieve gender-neutrality and would only be made to those provisions to which other amendments were also required; and</p> <p>(b) the proposed drafting followed the current drafting practice which had been adopted in a number of other legislation.</p>	<p>to female gender in the relevant Regulation.</p>
010953 - 012753	Chairman Administration Mr IP Kwok-him	<p>Clause 14 -Schedule 1</p> <p>Members' enquiries –</p> <p>(a) the reason for transferring the repair of column and shear wall from Class I Minor Works to Class II Minor Works; and</p> <p>(b) the difference in level of supervision for the prescribed repair works.</p> <p>Administration's explanation –</p> <p>(a) to facilitate building owners to carry out minor repair works (mainly patch repair) to columns and shear walls without the need to appoint an authorized person, registered inspectors (subject to the approval of another legislative amendment under Building (Minor Works)(Amendment) Regulation 2011 now being vetted) , and registered structural engineers, the existing designation for "repair work to column and shear wall" had been amended from Class I to Class II so that only registered general building contractor or registered minor work contractor registered for Class II minor work would be required to be appointed to carry out the repair works;</p> <p>(b) the proposed amendment was made in response to the suggestion of the industry stakeholders which was considered appropriate since the repair works concerned would normally involve small scale patch up works carried out in</p>	<p>The Administration to advise the reason for transferring the repair of column and shear wall from Class I Minor Works to Class II Minor Works. To also advise if there were separate provisions specifying the different levels of supervision for different extents of repair works.</p>

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		accordance with the original design of the buildings, and the registered contractors were competent to check and understand the building records and carry out such repair works; and (c) there were clear guidelines on the recommended design and details for Class II repair works.	
012754 - 012824	Chairman Administration	Examination of the Buildings (Amendment) Ordinance 2011 (Commencement) Notice 2011	
012825 - 012912	Chairman	The next meeting would be held on Monday, 12 December 2011, at 10:45 am.	