

**立法會**  
**Legislative Council**

LC Paper No. CB(1)2397/11-12  
(These minutes have been seen  
by the Administration)

Ref : CB1/SS/15/11

**Subcommittee on Buildings (Amendment) Ordinance 2011  
(Commencement) Notice 2012, Building (Inspection and Repair)  
Regulation (Commencement) Notice and Building (Minor Works)  
(Amendment) Regulation 2011 (Commencement) Notice**

**Minutes of the first meeting  
held on Tuesday, 29 May 2012, at 2:30 pm  
in Conference Room 2A of the Legislative Council Complex**

**Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)  
Hon Abraham SHEK Lai-him, SBS, JP  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon KAM Nai-wai, MH  
Hon IP Kwok-him, GBS, JP

**Members absent** : Hon CHEUNG Hok-ming, GBS, JP  
Hon Tanya CHAN

**Public officers attending** : Agenda item II  
  
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 of Buildings  
Buildings Department

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

Mr Humphrey HO Hon-kit  
Chief Structural Engineer/Mandatory Building  
Inspection 1  
Buildings Department

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

Mr Sanford POON  
General Manager (Property Management)  
Hong Kong Housing Society

Mr Lawrence TANG Kwan-lam  
General Manager, Works and Contracts  
Urban Renewal Authority

**Clerk in attendance** : Ms YUE Tin-po  
Chief Council Secretary (1)3

**Staff in attendance** : Ms Clara TAM  
Assistant Legal Adviser 9

Miss Rita YUNG  
Council Secretary (1)3

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Action

**I. Election of Chairman**

Ms Audrey EU was elected Chairman of the Subcommittee.

**II. Meeting with the Administration**

- (LC Paper No. CB(1)2026/11-12(01) -- Administration's paper on the latest development in relation to the rollout of the Mandatory Building Inspection Scheme and the Mandatory Window Inspection Scheme to be launched by the Buildings Department
- L.N. 82 of 2012 -- Buildings (Amendment) Ordinance 2011 (Commencement) Notice 2012
- L.N. 83 of 2012 -- Building (Inspection and Repair) Regulation (Commencement) Notice
- L.N. 84 of 2012 -- Building (Minor Works) (Amendment) Regulation 2011 (Commencement) Notice
- LC Paper No. LS60/11-12 -- Legal Service Division Report
- LC Paper No. CB(1)1974/11-12(01) -- Marked-up copy of the Buildings (Amendment) Ordinance 2011 (Commencement) Notice 2012 prepared by the Legal Service Division
- LC Paper No. CB(1)1974/11-12(02) -- Marked-up copy of the Building (Minor Works) (Amendment) Regulation 2011 (Commencement) Notice prepared by the Legal Service Division

LC Paper No. CB(1)1974/11-12(03) -- Background brief prepared by the Legislative Council Secretariat)

2. The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

3. The Administration was requested to provide the following information:

- (a) an updated number of applications for registration as registered inspector received, including the breakdown by various groups of applicants such as registered architects, registered professional engineers, and registered professional surveyors, etc;
- (b) the Administration's undertaking to report to the relevant Panel progress of the full implementation of the Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window Inspection Scheme (MWIS) around end of 2013;
- (c) samples of the pre-notification letter and statutory notice to be issued to the owners/owners' corporation of target buildings selected for the MBIS and the MWIS, and publicity materials for the two inspection schemes such as information kits, leaflets and posters; and
- (d) an undertaking by the Hong Kong Housing Society and Urban Renewal Authority to jointly review the rateable value limits under the Integrated Building Maintenance Assistance Scheme and the Mandatory Building Inspection Subsidy Scheme once a year based on the latest rateable values provided by the Rating and Valuation Department.

*(Post-meeting note: The information provided by the Administration was issued to members vide LC Paper No. CB(1)2189/11-12(02) on 15 June 2012.)*

4. The Subcommittee completed the scrutiny of the Buildings (Amendment) Ordinance 2011 (Commencement) Notice 2012, Building (Inspection and Repair) Regulation (Commencement) Notice and Building (Minor Works) (Amendment) Regulation 2011 (Commencement) Notice (the Notices).

Legislative timetable

5. To enable the Subcommittee to provide a report to the House Committee (HC) and to allow sufficient time for giving notice of motion to amend the Notices, members agreed that the Chairman should move a motion at the Council meeting on 6 June 2012 to extend the scrutiny period of the Notices to 27 June 2012.

6. Members noted that the Chairman would give a verbal report on the Subcommittee's deliberation at the HC meeting on 8 June 2012, and that the deadline for giving notice of motion to amend the Notices and the date of moving the motion to amend the Notices at the Council meeting were 19 and 27 June 2012 respectively.

*(Post-meeting note: The motion could not be dealt with given the many Government bills on the Agenda of the Council meeting on 6 June 2012. The scrutiny period of the Notices subsequently expired on 6 June 2012.)*

**III. Any other business**

7. There being no other business, the meeting ended at 3:44 pm.

Council Business Division 1  
Legislative Council Secretariat  
23 July 2012

**Proceedings of the first meeting of  
Subcommittee on Buildings (Amendment) Ordinance 2011 (Commencement) Notice 2012,  
Building (Inspection and Repair) Regulation (Commencement) Notice and  
Building (Minor Works) (Amendment) Regulation 2011 (Commencement) Notice  
on Tuesday, 29 May 2012, at 2:30 pm  
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000122 - 000219	Mr Abraham SHEK Prof Patrick LAU Ms Audrey EU	Election of Chairman	
000220 - 000403	Chairman	Opening remarks by the Chairman	
000404 - 002120	Chairman Administration	Briefing by the Administration on the Buildings (Amendment) Ordinance 2011 (Commencement) Notice 2012, Building (Inspection and Repair) Regulation (Commencement) Notice and Building (Minor Works) (Amendment) Regulation 2011 (Commencement) Notice (LC paper No. CB(1)2026/11-12(01)).	
002021 - 003006	Chairman Mr KAM Nai-wai Administration	<p>Mr KAM Nai-wai opined that a supply of 300 registered inspectors (RIs) for the first prescribed inspection under the Mandatory Building Inspection Scheme (MBIS) was inadequate as this might have a negative effect on the inspection cost. He urged the Administration to take active measures to encourage qualified building professionals to register as RIs, such as by waiving the relevant registration fees for the first year. He also enquired about the Administration's reasons for refusing some of the applications for registration as RI.</p> <p>The Administration responded that:</p> <p>(a) To ensure fair competition, the Administration considered that the market should have a supply of at least 300 RIs initially when the first prescribed inspection under the MBIS was to commence, with 500 buildings for the MBIS to be selected in each quarter. Considering the present progress of registration and taking reference from the registration of minor works contractors under the Minor Works Control System which came into full operation on 31 December 2010, the Administration was confident that the target of having at least 300 RIs registered before the issuance of the statutory notices for the first batch</p>	

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		<p>of target buildings under the MBIS in early 2013 could be achieved in the second half of 2012.</p> <p>(b) Under the "user-pays" principle, fees charged by the Administration should be set at levels adequate to recover the full cost of providing the registration services. The Administration had no plan to waive the relevant fees for registration as RI.</p> <p>(c) as at 28 May 2012, a total of 301 applications for registration as RI had been received, of which 184 applications had been approved and 4 applications refused. The Inspectors Registration Committee had conducted professional interviews with about 30 applicants who were registered architects, registered professional engineers or registered professional surveyors. Eligible applicants should possess adequate relevant working experience in the field of building design, construction, repair and maintenance.</p>	
003007 - 003941	Chairman Prof Patrick LAU Administration Hong Kong Housing Society (HKHS) Urban Renewal Authority (URA)	<p>Prof Patrick LAU enquired about the details of the financial assistance to be provided to facilitate compliance with the MBIS and the MWIS by building owners/owners' corporation (OC).</p> <p>HKHS and URA responded that the Administration, together with HKHS and URA, would continue to provide financial assistance under the various existing schemes, including the Integrated Building Maintenance Assistance Scheme (IBMAS) jointly administered by HKHS and URA, the Building Safety Loan Scheme administered by the Buildings Department (BD), and the Building Maintenance Grant Scheme for Elderly Owners (BMGS) administered by HKHS. Taking reference from the BMGS, the average grant amount of each application was around \$26,000 to \$27,000, which covered the cost of common area repair works and home renovation.</p>	
003942 - 004045	Chairman Mr IP Kwok-him Administration	Discussion on whether owner-occupiers at aged 60 or above were allowed to apply for the interest-free loan of the IBMAS in addition to the BMGS.	
004046 - 010337	Chairman Mr KAM Nai-wai Administration HKHS URA	<p>Discussion on Mr KAM Nai-wai's request for further supplementary information.</p> <p>Mr KAM enquired:</p>	The Administration to follow up as stated in paragraph 3 of

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		<p>(a) whether the Administration would publicize the details of the duties of an RI in a prescribed inspection, so as to facilitate the owners/OC of target buildings in appointing RIs; and</p> <p>(b) how the owners/OC of target buildings could verify the eligibility of a qualified person (QP) for the MWIS.</p> <p>The Administration, HKHS and URA responded that:</p> <p>(a) technical assistance would be provided to owners in need during the various stages of the inspection schemes, including offering support on tendering and appointment of RIs and contractors. The Code of Practice on the MBIS and the MWIS promulgated by BD stipulated the technical requirements for inspection and repair and the duties of an RI. District briefing sessions for owners of target buildings would be organized to explain the details of the inspection schemes and assistance packages available. BD, HKHS and URA would jointly provide an information kit to owners as handy reference materials, covering among other things, basic information on the two inspection schemes and the statutory requirements and procedures, statutory duties of RIs and complaint channels. HKHS and URA would make use of the existing hotline of IBMAS to provide one-stop service to owners; and</p> <p>(b) A QP might be an authorized person, registered structural engineer, RI, registered general building contractor or registered minor works contractor registered for the class, type and item of minor works in respect of windows. The various registers of these building professionals and contractors were available in BD's website. BD would enhance its website to facilitate searching for information on QPs by members of the public.</p>	<p>the minutes.</p>
<p>010338 - 010839</p>	<p>Chairman Administration Assistant Legal Adviser (ALA) Mr KAM Nai-wai</p>	<p>Scrutiny of the Buildings (Amendment) Ordinance 2011 (Commencement) Notice 2012</p> <p>In response to Mr KAM Nai-wai's enquiry, ALA advised that the Buildings (Amendment) Ordinance 2011 (Amendment Ordinance) was passed by the Legislative Council at its meeting on 29 June 2011 and published in the gazette on 8 July 2011. With the Buildings (Amendment) Ordinance 2011 (Commencement) Notice 2012, the whole of the</p>	



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		Amendment Ordinance would become operative except sections 32 to 36 which respectively amended several Schedule headings under the Buildings Ordinance (Cap. 123). According to the Administration, the amendments to be effected by these sections had already been effected (by editorial amendments under section 2A of the Laws (Loose-leaf) Publication Ordinance 1990) in February 2012 as recorded in E.R. 1 of 2012. As such, sections 32 to 36 of the Amendment Ordinance would not commence operation and would be repealed in due course.	
010840 - 011104	Chairman Administration ALA	Scrutiny of the Building (Inspection and Repair) Regulation (Commencement) Notice and Building (Minor Works) (Amendment) Regulation 2011 (Commencement) Notice	
011105 - 011435	Chairman Mr KAM Nai-wai Administration	Legislative timetable	