

立法會
Legislative Council

LC Paper No. CB(1)843/19-20
(These minutes have been seen by
the Administration)

Ref : CB1/SS/3/19/1

**Subcommittee on Building (Minor Works) (Amendment) Regulation 2020
and Building (Planning) (Amendment) Regulation 2020**

**Minutes of the second meeting on
Monday, 15 June 2020, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Tony TSE Wai-chuen, BBS (Chairman)
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon LUK Chung-hung, JP

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

**Public officers
attending** : **Agenda item I**

Mr Maurice LOO
Deputy Secretary (Planning & Lands)²
Development Bureau

Ms Jasmine CHOI
Principal Assistant Secretary (Planning & Lands)³
Development Bureau

Mr Calvin TANG
Assistant Secretary (Building)⁴
Development Bureau

Ms Clarice YU
Deputy Director of Buildings

Mr Tommy TAM
Assistant Director/Corporate Services
Buildings Department

Mr Michael PANG
Chief Officer/Minor Works & Signboard Control
Buildings Department

Mr Clement LEE
Senior Building Surveyor/Legislation
Buildings Department

Mr Gary LI
Senior Government Counsel
Department of Justice

Clerk in attendance : Ms Doris LO
Chief Council Secretary (1)2

Staff in attendance : Miss Rachel DAI
Assistant Legal Adviser 2

Miss Rita YUNG
Senior Council Secretary (1)2

Mr Keith WONG
Council Secretary (1)2

Ms Christina SHIU
Legislative Assistant (1)2

Action

- I Meeting with the Administration**
- | | |
|-----------------------------------|---------------------------------|
| (L.N. 60 of 2020 | — Building (Minor Works) |
| | (Amendment) Regulation 2020 |
| L.N. 61 of 2020 | — Building (Planning) |
| | (Amendment) Regulation 2020 |
| (issued by the Development Bureau | — Legislative Council Brief |
| on 6.5.2020) | |
| LC Paper No. LS71/19-20 | — Legal Service Division Report |

Action

- LC Paper No. CB(1)745/19-20(01) — Marked-up copy of the Building (Minor Works) (Amendment) Regulation 2020 prepared by the Legal Service Division (Restricted to members)
- LC Paper No. CB(1)745/19-20(02) — Marked-up copy of the Building (Planning) (Amendment) Regulation 2020 prepared by the Legal Service Division (Restricted to members)
- LC Paper No. CB(1)745/19-20(03) — Background brief prepared by the Legislative Council Secretariat)

Relevant papers

- (LC Paper No. CB(1)755/19-20(01) — Submission from The Hong Kong Institution of Engineers dated 11 June 2020 (English version only)
- LC Paper No. CB(1)769/19-20(01) — Administration's response to the submission from The Hong Kong Institution of Engineers)

Discussion

With the aid of a powerpoint presentation, the Administration briefed members on the Building (Minor Works) (Amendment) Regulation 2020 and the Building (Planning) (Amendment) Regulation 2020 ("the two amendment regulations") which were made mainly for the extension of the coverage of the minor works control system ("MWCS") to more small-scale building works, providing for transitional arrangements and making corresponding amendments.

(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)768/19-20(01) by email on 15 June 2020.)

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

Action

Legislative timetable

3. The Chairman said that the Subcommittee had completed the scrutiny of the two amendment regulations.

4. Members noted that as agreed at the last meeting, the Chairman moved a motion at the Council meeting of 10 June 2020 to extend the scrutiny period of the two amendment regulations to the Council meeting of 8 July 2020. As the motion was not dealt with at the Council meeting of 10 June 2020, the period for amending the two amendment regulations had expired at the said Council meeting.

II Any other business

5. There being no other business, the meeting ended at 4:09 pm.

Council Business Division 1
Legislative Council Secretariat
3 July 2020

**Proceedings of the second meeting of the
Subcommittee on Building (Minor Works) (Amendment) Regulation 2020
and Building (Planning) (Amendment) Regulation 2020
on Monday, 15 June 2020, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
Agenda item I — Meeting with the Administration			
001150 – 001212	Chairman	Opening remarks	
001213 – 001252	Chairman	Members noted that as agreed at the last meeting, the Chairman moved a motion at the Council meeting of 10 June 2020 to extend the scrutiny period of the Building (Minor Works) (Amendment) Regulation 2020 and the Building (Planning) (Amendment) Regulation 2020 ("the two amendment regulations") to the Council meeting of 8 July 2020. As the motion was not dealt with at the Council meeting of 10 June 2020, the period for amending the two amendment regulations had expired at the said Council meeting.	
001253 – 001404	Chairman	Members noted the submission from The Hong Kong Institution of Engineers dated 11 June 2020 (LC Paper No. CB(1)755/19-20(01)) (English version only).	
001405 – 002235	Chairman Administration	Briefing by the Administration on the two amendment regulations (LC Paper No. CB(1)768/19-20(01))	
002236 – 002611	Chairman Administration	Briefing by the Administration on its response to the submission from The Hong Kong Institution of Engineers (LC Paper No. CB(1)769/19-20(01))	
002612 – 003217	Chairman Mr LUK Chung-hung The Administration	Expression of concerns by Mr LUK Chung-hung on the work-at-height safety issue and operational difficulties relating to the use of truss-out scaffolds or suspended working platforms for carrying out maintenance works at the exterior of buildings; and his enquiries about the Administration's latest work progress in promoting the provision of adequate means of	

Time Marker	Speaker	Subject(s)	Action Required
		access for such works, including the promulgation of the Code of Practice on Design for Safety – External Maintenance, as well as the arrangements for encouraging the provision of maintenance and repair access at existing buildings	
003218 – 004222	Chairman The Administration	<p>Expression of views by Chairman that:</p> <p>(a) the Administration should set a target on the minimum percentage of audit checks/site inspections to be conducted on the minor works ("MW") submissions received;</p> <p>(b) the Administration should take timely publicity and education initiatives to facilitate understanding of the minor works control system ("MWCS") and the relevant legislative amendments by relevant stakeholders, including practitioners, building owners and the general public; and</p> <p>(c) the Administration should also ensure that there would be a sufficient number of prescribed registered contractors in the market to cope with the increase in MW demand and sustain competitive prices for these works under the expanded MWCS regime.</p>	
004223 – 004727	Chairman Ir Dr LO Wai-kwok	<p>Expression of support by Ir Dr LO Wai-kwok to including more MW and Designated Exempted Works ("DEW") items under MWCS by introducing the two amendment regulations</p> <p>Discussion on the legislative timetable</p>	
Examination of the provisions of the Building (Minor Works) (Amendment) Regulation 2020 ("B(MW)(A)R") (L.N. 60 of 2020)			
004728 – 005917	Chairman Administration	<p><u>Section 1 - Commencement</u></p> <p><u>Section 2 - Building (Minor Works) Regulation amended</u></p> <p><u>Section 3 - Section 2 amended (interpretation)</u></p> <p><u>Section 4 - Section 11 amended (determination of application made under section 10(1)(a))</u></p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p><u>Section 5 - Section 12 amended (determination of application made under section 10(1)(b))</u></p> <p><u>Section 6 - Section 15 amended (determination of application for renewal of registration)</u></p> <p><u>Section 7 - Section 19 amended (determination of application for restoration of name to register)</u></p> <p><u>Section 8 - Section 22 amended (determination of application made under section 21(1))</u></p> <p><u>Section 9 - Section 23 amended (determination of application made under section 21(2))</u></p> <p>No enquiry from members on these sections.</p>	
005918 – 010324	Chairman Administration	<p><u>Section 10 - Part 4, Division 7 added</u></p> <p>Clarification on the Building Authority's powers to amend the register of the MW contractors and to issue a new certificate of registration to a registered minor works contractors ("RMWC") to replace the RMWC's existing certificate of registration in circumstances that necessitate an amendment or replacement</p>	
010325 – 010737	Chairman Administration	<p><u>Section 11 - Section 28 amended (prescribed registered contractors to be appointed for purposes of section 9AA of Ordinance)</u></p> <p><u>Section 12 - Section 62 amended (provisions relating to section 39C(1) of Ordinance)</u></p> <p>No enquiry from members on these sections.</p>	
010738 – 011819	Chairman Administration	<p><u>Section 13 - Part 11 added</u></p> <p>Clarification on the transitional arrangements for the pre-existing registration of RMWC, and any applications for registration as RMWC made and pending immediately before the commencement of B(MW)(A)R</p>	
011820 – 013120	Chairman Administration	<p><u>Section 14 - Schedule 1 amended (minor works)</u></p> <p><i>New minor works item 2.45 (covering the erection, alteration or removal of any trellis on a roof of a building)</i></p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>Enquiries by Chairman about the rationale for prescribing the criteria under item 2.45(d)(iii) and (iv) that for erection or alteration works carried out in a common/non-common part of the building, each trellis covered an area of not more than 5 square metres ("sq m"), and the aggregate of the area covered by each trellis located in that common/non-common part should be not more than 20 sq m (for non-common part only) and not more than 5% of the total area of the part</p> <p>Enquiries by Chairman on whether repair works carried out on the roof finishes of a building after completing the trellis works could be carried out as a DEW item under MWCS</p>	
013121 – 013236	Chairman Administration	<p><u>Section 15 - Schedule 2 amended (designated exempted works)</u></p> <p>No enquiry from members on this section</p>	
013237 – 013710	Chairman Ir Dr LO Wai-kwok Administration	<p>Expression of views by Ir Dr LO Wai-kwok that while expanding MWCS to bring convenience to the public and facilitation to the industry, the Buildings Department should ensure that MW items were properly designed and carried out such that building safety would not be compromised</p>	
Examination of the provisions of the Building (Planning) (Amendment) Regulation 2020 (L.N. 61 of 2020)			
013711 – 013922	Chairman Administration	<p><u>Section 1 - Commencement</u></p> <p><u>Section 2 - Building (Planning) Regulations amended</u></p> <p><u>Section 3 - Regulation 7 substituted</u></p> <p><u>Section 4 - Third Schedule amended (persons with a disability)</u></p> <p>No enquiry from members on these sections.</p>	
013923 – 013943	Chairman Assistant Legal Adviser ("ALA") 2	<p>Confirmation by ALA2 that no difficulties had been identified in relation to the legal or drafting aspects of the two amendment regulations</p>	

Time Marker	Speaker	Subject(s)	Action Required
013944 – 014217	Chairman Administration	Completion of scrutiny of the two amendment regulations Legislative timetable	
Agenda item II — Any other business			
014218 – 014247	Chairman	Concluding remarks	

Council Business Division 1
Legislative Council Secretariat
3 July 2020