

**立法會**  
**Legislative Council**

LC Paper No. CB(1)864/03-04  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/9/02/2

**Bills Committee on Buildings (Amendment) Bill 2003**

**Minutes of tenth meeting held on  
Thursday, 8 January 2004, at 8:30 am  
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Cyd HO Sau-lan (Chairman)  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon Andrew WONG Wang-fat, JP  
Hon Miriam LAU Kin-yee, JP  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon TANG Siu-tong, JP  
Hon LI Fung-ying, JP  
Hon Albert CHAN Wai-yip  
Hon WONG Sing-chi  
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Margaret NG  
Hon Abraham SHEK Lai-him, JP  
Hon LAU Ping-cheung
- Public officers attending** : Ms Olivia NIP  
Deputy Secretary for Housing, Planning and Lands  
(Planning and Lands)<sup>2</sup>
- Mr Parrish NG  
Principal Assistant Secretary for Housing, Planning and  
Lands (Planning and Lands)<sup>3</sup>
- Mr Rick CHAN  
Assistant Secretary for Housing, Planning and Lands  
(Buildings)<sup>1</sup>

Mr AU Choi-kai  
Assistant Director (Support)  
Buildings Department

Mr HO Kwok-hung  
Chief Building Surveyor (Legal)  
Buildings Department

Mr CHENG Kim-fung  
Senior Assistant Law Draftsman  
Department of Justice

**Clerk in attendance :** Miss Odelia LEUNG  
Chief Council Secretary (1)4

**Staff in attendance :** Mr LEE Yu-sung  
Senior Assistant Legal Adviser 1

Ms Connie SZETO  
Senior Council Secretary (1)4

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Action

- I. Confirmation of minutes**  
(LC Paper No. CB(1)703/03-04 -- Minutes of meeting on  
12 December 2003)

The minutes of the ninth meeting held on 12 December 2003 were confirmed.

- II. Meeting with the Administration**  
(LC Paper No. CB(1)702/03-04(01) -- List of follow-up actions  
arising from the discussion at  
the meeting on 12 December  
2003  
LC Paper No. CB(1)719/03-04(01) -- Updated Administration's  
responses to submissions (as  
at 5 January 2004))

2. The Bills Committee deliberated (Index of proceedings attached at the **Appendix**).

Action

Complaints on water seepage

(item 54 of LC Paper No. CB(1)719/03-04(01))

3. Members considered the existing arrangements for handling complaints on water seepage unsatisfactory and ineffective. At present, these complaints were handled by three departments namely, Buildings Department, Water Supplies Department and Food and Environmental Hygiene Department, in accordance with their statutory roles. Members recognized that the issue was not related to the Bill under scrutiny. Nevertheless, they felt strongly that it was high time to deal with the issue squarely. They called upon the Administration to devise a comprehensive plan to tackle water seepage problems at root. Members' proposals included designating a single department, preferably Buildings Department, to deal with water seepage; establishing an adjudicating body, such as a tribunal, to hear and determine related disputes; and devising a system for sharing the cost incurred in handling water seepage between the relevant parties. The Administration was requested to formulate a comprehensive plan with proposed timing to deal with the issue and to submit a report to the Bills Committee before completion of scrutiny of the Bill.

Admin

Follow-up actions to be taken by the Administration

4. The Administration was requested -

(a) Item 54 of LC Paper No. CB(1)719/03-04(01)

To take actions as described in paragraph 3 above.

(b) Item 59 of LC Paper No. CB(1)719/03-04(01)

To discuss with the Law Society of Hong Kong how clause 62 (new Regulation 25 of Building (Administration) Regulations) would affect conveyancing, if any, and to report the outcome of discussion to the Bills Committee. Some members had raised the following concerns:

(i) whether an architect's certificate would be required in conveyancing to certify that minor works in the property concerned were completed in accordance with the Buildings Ordinance (BO); and

(ii) how minor works which were completed not in accordance with the BO before the enactment of the relevant provision on minor works should be handled in so far as conveyancing was concerned.

Action

- (c) To clarify whether the BO would apply to public housing blocks which belonged to the Housing Authority but were partly sold to members of the public.

**III. Any other business**

Date of next meetings

5. Members noted that the next meeting would be held on Thursday, 29 January 2004, at 8:30 am. They also agreed to hold two meetings respectively on Monday, 9 February 2004, at 4:30 pm, and Monday, 23 February 2004, at 8:30 am.

6. The meeting ended at 10:40 am.

Council Business Division 1  
Legislative Council Secretariat  
28 January 2004

**Proceedings of the tenth meeting of the  
Bills Committee on Buildings (Amendment) Bill 2003  
on Thursday, 8 January 2004, at 8:30 am  
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 000030	Chairman	Confirmation of minutes of the ninth meeting held on 12 December 2003 (LC Paper No. CB(1)703/03-04)	
000031 – 000929	Administration Chairman Dr TANG Siu-tong	Administration's responses to concerns/views raised in submissions (LC Paper No. CB(1)719/03-04(01))  <u>Items 49-53</u>  briefing by the Administration on the responses	
000930 – 003023	Mr TAM Yiu-chung Chairman Administration Mr Albert CHAN Ms Audrey EU Dr TANG Siu-tong Mr Andrew WONG	Administration's responses to concerns/views raised in submissions (LC Paper No. CB(1)719/03-04(01))  <u>Item 54 - Complaints on water seepage</u>  (a) concern that the existing arrangement under which complaints on water seepage were handled by Buildings Department, Water Supplies Department and Food and Environmental Hygiene Department was unsatisfactory and ineffective  (b) concern that the Administration's proposal to set up a joint office involving the three departments would not resolve the problem  (c) proposal that a department should be designated to handle the complaints, and be empowered to make investigation  (d) proposal that the cost incurred in	

Time marker	Speaker	Subject(s)	Action required
		investigating water seepage complaints should be borne by the complainant and the party found liable for causing water seepage	
003024 – 010400	<p>Mr Andrew WONG            Mr Albert CHAN            Mr WONG Sing-chi            Ms Audrey EU            Ms Miriam LAU            Chairman            Ir Dr Raymond HO            Administration            Mr TAM Yiu-chung            Ms LI Fung-ying</p>	<p>Administration's responses to concerns/views raised in submissions (LC Paper No. CB(1)719/03-04(01))</p> <p><u>Item 54 - Complaints on water seepage</u></p> <p>(a) feasibility of designating BD as the authority responsible for handling complaints on water seepage as the problem was ultimately related to building safety</p> <p>(b) the need for establishing an adjudicating body, such as a tribunal, to hear and determine water seepage disputes</p> <p>(c) Administration's view that water seepage problem was mostly not a matter of building safety and members' proposals would have resources implications. Water seepage was essentially a building management and maintenance problem. The Administration would consider members' proposals, review the matter and report to the Bills Committee how the issue would be handled before completion of scrutiny of the Bill</p>	<p>The Admin. to take action under para. 3 of the minutes</p>
010401 – 010807	<p>Administration            Chairman</p>	<p>Administration's responses to concerns/views raised in submissions (LC Paper No. CB(1)719/03-04(01))</p> <p><u>Items 55-59</u></p> <p>(a) briefing on the Administration's responses</p>	

Time marker	Speaker	Subject(s)	Action required
		(b) the Clerk to relay Administration's response on item 57 (drafting issue relating to Clause 29 of the Bill) to the Law Society of Hong Kong (LSHK)	
010808 – 013644	Chairman Ms Miriam LAU SALA1 Administration Mr WONG Sing-chi Mr Andrew WONG	Administration's responses to concerns/views raised in submissions (LC Paper No. CB(1)719/03-04(01))  <u>Item 59 - Clause 62, proposed regulation 25 of Building (Administration) Regulations</u>  (a) concern that the requirement for submission of certificate of completion in respect of minor works to the Building Authority (BA) would affect conveyancing  (b) concern that in conveyancing buyers would require a certificate that building works in relation to the property were completed in accordance with the Buildings Ordinance (BO)  (c) enquiry about time required to retrieve information concerning minor works from BA for the purpose of conveyancing and the charge involved  (d) concern about how minor works not carried out in accordance with the BO before the enactment of the relevant provisions on minor works should be handled in so far as conveyancing was concerned  (e) Administration to discuss with LSHK on the above concerns and report the outcome to the Bills Committee	The Admin. to take action under para. 4(b) of the minutes

Time marker	Speaker	Subject(s)	Action required
		(f) enquiry about whether public housing blocks belonged to Housing Authority which had been partly sold to tenants would be subject to regulation of the BO, and how they would be affected by the relevant provisions on minor works	The Admin. to take action under para. 4(c) of the minutes
013645 – 015420	Mr Andrew WONG Administration Chairman Ir Dr Raymond HO	"Exempted works" under the BO  (a) enquiry about the definition and scope of "exempted works"  (b) examples of "exempted works"	
015421 – 015535	Chairman	Date of next meetings	
015536 – 020700	Administration Mr Andrew WONG Ms Miriam LAU Mr WONG Sing-chi Chairman Mr Albert CHAN	"Minor works" under the BO  Administration to look into examples of building works raised by members, e.g. structures on roof top and balcony, and clarify whether they would be regarded as "minor works" at the next meeting	