

立法會
Legislative Council

LC Paper No. CB(1)959/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/9/02/2

Bills Committee on Buildings (Amendment) Bill 2003

**Minutes of eleventh meeting held on
Thursday, 29 January 2004, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Cyd HO Sau-lan (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Margaret NG
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 LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Andrew WONG Wang-fat, JP
Hon Abraham SHEK Lai-him, JP
- Public officers attending** : Ms Olivia NIP
Deputy Secretary for Housing, Planning and Lands
(Planning and Lands)²
- Mr Parrish NG
Principal Assistant Secretary for Housing, Planning and
Lands (Planning and Lands)³
- Mr Rick CHAN
Assistant Secretary for Housing, Planning and Lands
(Buildings)¹

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

Action

I. Confirmation of minutes

(LC Paper No. CB(1)864/03-04 -- Minutes of meeting on 8 January 2004)

The minutes of the tenth meeting held on 8 January 2004 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1)873/03-04(01) -- List of follow-up actions arising from the discussion at the meeting on 8 January 2004

LC Paper No. CB(1)719/03-04(01) -- Updated Administration's response to submissions (as at 5 January 2004)

LC Paper No. CB(1)719/03-04(02) -- Information paper provided by the Administration on minor works control regime (Part III), exempted works)

Action

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

Follow-up actions to be taken by the Administration

3. The Administration was requested -

- (a) Paragraph 8(a) in CB(1)719/03-04(02)

to consider the feasibility of devising a simplified scheme concerning the submission of record plans for Category III minor works. Members suggested that for the erection of supporting frames for air-conditioning units or drying racks, different standardized options might be prescribed in a standardized form for easy completion by minor works contractors. Where the minor works fell outside the prescribed options, the minor works contractors concerned might be required to submit record photographs and record plans or written description of the completed minor works;

- (b) Paragraph 8(b) in CB(1)719/03-04(02)

to consider providing flexibility in respect of the required attendance rate for top-up courses and the need to pass the examinations for such courses for registration as Class B minor works contractors. Members suggested that different options be provided to cater for the circumstances of different contractors. These options might include passing the required examination without the need to attend the top-up courses, attaining a prescribed attendance rate for the top-up courses and passing the required examination, and attaining a higher prescribed attendance rate for the top-up courses without the need to sit for the required examination;

- (c) Paragraph 8(c) in CB(1)719/03-04(02)

(i) to advise the qualifications for provisional registration as minor works contractors after consultation with the trade including self-employed small minor works contractors. Members were concerned about the documentary evidence required to be produced to substantiate claim of experience in minor works. They were worried that self-employed minor works contractors might not have business registration or receipts to prove that they had been engaged in minor works; and

Action

- (ii) to advise the channel of appeal concerning applications for provisional registration as minor works contractors. Members called for the provision of simple appeal procedures without the need to resort to legal proceedings;
- (d) Paragraph 10 in CB(1)719/03-04(02)
- (i) to clarify whether notice published in the Gazette concerning minor works and specified exempted works under the proposed section 8A(2A) and 41(3AA)(b) respectively was subsidiary legislation. Members were concerned that publishing the notice in the Gazette was not an effective or user-friendly means to inform members of the public or interested persons about minor works and specified exempted works. Some members suggested setting out the details of these works in a schedule to the principal ordinance; and
 - (ii) to review the drafting of the criteria for exempted works under the proposed section 41(3AA) to avoid ambiguity. Some members were concerned that the existing subsection (3AA)(a)(i) and (iii) were unclear. They pointed out that (i) referred to the location of carrying out of works and not of the works themselves. Under the present drafting of (iii), the layman would not be aware that aluminum windows in external wall had to bear wind load and thus were not regarded as exempted works.

III. Any other business

Date of next meeting

4. Members noted that the next meeting would be held on Monday, 9 February 2004, at 4:30 pm.

(Post-meeting note: The meeting on 9 February 2004 was subsequently rescheduled for 12 February 2004, at 8:30 am. Members were informed of the arrangement vide LC Paper No. CB(1)938/03-04 issued on 4 February 2004.)

5. The meeting ended at 10:40 am.

**Proceedings of the eleventh meeting of the
Bills Committee on Buildings (Amendment) Bill 2003
on Thursday, 29 January 2004, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000122	Chairman	Confirmation of minutes of the tenth meeting held on 8 January 2004 (LC Paper No. CB(1)864/03-04)	
000123 - 000651	Chairman Administration	Administration's updated responses to concerns/views raised in submissions (LC Paper No. CB(1)719/03-04(01)) Item 4 Briefing by the Administration on the response	
000652 - 001311	Administration Mr TAM Yiu-chung Chairman Ms Miriam LAU	Item 10 - Publicity for the new minor works (MW) control regime (LC Paper No. CB(1)719/03-04(01)) (a) suggestions on publicity measures to introduce the MW control regime before its implementation, e.g. publicity through the media, issuing information pamphlets to professional bodies and owners' corporations (OCs) (b) importance of bringing home the MW control regime to owners of old buildings and buildings without OCs	
001312 - 002523	Dr TANG Siu-tong Administration Mr LAU Ping-cheung Chairman	Enforcement of the MW control regime (a) concern about difficulty in taking enforcement action (b) enquiry about manpower deployed for taking enforcement action (c) enquiry about enforcement action	

Time marker	Speaker	Subject(s)	Action required
		taken against existing unauthorized building works	
002524 - 004439	Administration Ms LI Fung-ying Chairman Ms Miriam LAU Ms Audrey EU SALA1	Item 12 - Suggestion to exempt the installation of supporting frames for air-conditioning unit from the MW control regime (LC Paper No. CB(1)719/03-04(01)) (a) urge for the Administration to consider the suggestion (b) concern about how existing supporting frames would be handled after implementation of the MW control regime	
004440 - 010108	Mr Albert CHAN Administration Dr Ir Raymond HO Chairman	Discussion on whether installation of aluminum windows should be exempted from the MW control regime (a) the Administration's policy intention that installation of aluminum windows would be subject to the MW control regime (b) concern about availability of qualified MW contractors to undertake relevant works (c) feasibility of conducting trade tests on contractors to ascertain their standard before implementation of the MW control regime	
010109 - 010522	Administration	Items 13, 20 and 45 (LC Paper No. CB(1)719/03-04(01)) Briefing on Administration's responses	
010523 - 012036	Administration Chairman Miss Margaret NG Ms Miriam LAU	Alternative requirements in lieu of record plans for Category III MW (Para. 8(a) of LC Paper No. CB(1)719/03-04(02))	

Time marker	Speaker	Subject(s)	Action required
		<p>(a) concern about difficulty for MW contractors to take photographs in respect of the completed MW</p> <p>(b) feasibility of devising a simplified scheme for submission of record plans for Category III MW to facilitate compliance by MW contractors</p>	<p>The Admin. to take action under para. 3(a) of the minutes</p>
012037 - 013937	<p>Ms LI Fung-ying Administration Chairman Ms Miriam LAU Dr TANG Siu-tong</p>	<p>Waiving examination requirement of top-up course for Class B MW contractors and provisional registration for MW contractors (Para. 8(b) and (c) of LC Paper No. CB(1)719/03-04(02))</p> <p>(a) suggestion to provide flexibility to MW contractors in respect of attending top-up courses and sitting for examinations to cater for different situations</p> <p>(b) documentary evidence required to substantiate claim of experience in MW for application for provisional registration as MW contractors</p> <p>(c) concern that self-employed MW contractors might not have business registration or receipts to prove they had been engaged in MW</p> <p>(d) how existing MW contractors would be informed of the proposed registration requirements</p>	<p>The Admin. to take action under para. 3(b) of the minutes</p> <p>The Admin. to take action under para. 3(c)(i) of the minutes</p>
013938 - 014935	<p>Miss Margaret NG Administration Ms Audrey EU Mr Albert CHAN Chairman</p>	<p>Appeal mechanism concerning application for provisional registration as MW contractors</p> <p>(a) concern that the existing appeal system for contractor registration matters involving legal proceedings would deter lodging of appeals in</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>relation to provisional registration</p> <p>(b) suggestion to provide a simple appeal system for provisional registration</p> <p>Documentary evidence required for application for provisional registration as MW contractors</p> <p>(a) support for provision of simple documents as proof of experience in MW and engagement in MW</p>	<p>The Admin. to take action under para. 3(c)(ii) of the minutes</p>
014936 - 020357	<p>Ms Audrey EU Administration Miss Margaret NG Chairman Ms Miriam LAU SALA1</p>	<p>Criteria for "exempted works" under the Buildings Ordinance (BO)</p> <p>(a) concern that the criteria under the proposed section 41(3AA) were unclear and suggestion to review the drafting to avoid ambiguity</p> <p>(b) whether notice published in the Gazette concerning minor works and specified exempted works under the proposed section 8A(2A) and 41(3AA)(b) respectively was subsidiary legislation</p> <p>(c) members' view that publishing the notice in the Gazette was not an effective or user-friendly means to inform the public or interested parties about minor works and specified exempted works</p> <p>(d) suggestion that the details of minor works and specified exempted works be specified in a schedule to the BO</p>	<p>The Admin. to take action under para. 3(d)(ii) of the minutes</p> <p>The Admin. to take action under para. 3(d)(i) of the minutes</p>
020358 - 020406	Chairman	Date of next meeting	

Time marker	Speaker	Subject(s)	Action required

Council Business Division 1
Legislative Council Secretariat
11 February 2004