

立法會
Legislative Council

LC Paper No. CB(1)1055/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/9/02/2

Bills Committee on Buildings (Amendment) Bill 2003

**Minutes of twelfth meeting held on
Thursday, 12 February 2004, at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Cyd HO Sau-lan (Chairman)
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 Audrey EU Yuet-mee, SC, JP

Members absent : Ir Dr Hon Raymond HO Chung-tai, JP
Hon Andrew WONG Wang-fat, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon LAU Ping-cheung

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)959/03-04 -- Minutes of meeting on 29 January 2004)

The minutes of the eleventh meeting held on 29 January 2004 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1)958/03-04(01) -- List of follow-up actions arising from the discussion at the meeting on 29 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

LC Paper No. CB(1)719/03-04(03) -- Information paper provided by the Administration on rationalizing the registration regime for

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LC Paper No. CB(1)702/03-04(02) -- authorized persons/registered structural engineers/registered contractors
Information paper provided by the Administration on warning notice)

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) LC Paper No. CB(1)719/03-04(03)

- (i) to provide a list of bodies referred to in paragraph 3(e) for nomination of persons for selection by the Building Authority (BA) to sit on Contractors Registration Committee (CRC);
- (ii) to advise whether any checking and assessment would be done before an application for renewal of registration as a Registered Contractor (RC) was approved. Whether total subletting of construction projects was one of the factors taken into account by BA in considering renewal applications? In this respect, also provide information on whether total subletting of private construction projects was regulated by BA and if so, how;
- (iii) to provide the number of applications for renewal of registration as a RC which were rejected because of poor track records of the applicants over the past three years, if any;
- (iv) to review the composition of CRC to ensure fair representation. Some members were concerned that an unbalanced CRC might unjustifiably exclude qualified applicants from registration as RCs in order to protect the interest of existing RCs. To provide relevant figures, if any; and

(b) LC Paper No. CB(1) 702/03-04 (02)

- (i) to devise a practical regime to deal with existing unauthorized minor building works upon enactment of the proposed provisions concerning warning notice. Whether warning notices would be issued against existing unauthorized minor building works such as supporting frames for air-conditioning units and drying racks? Some members were concerned about

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the impact of registration in the Land Registry of warning notices against existing unauthorized minor building works on conveyancing.

III. Any other business

Date of next meetings

4. Members noted that the next meeting would be held on Monday, 23 February 2004, at 8:30 am. They also agreed to hold two meetings respectively on Wednesday, 10 March 2004, at 8:30 am, and Monday, 22 March 2004, at 8:30 am.

5. The meeting ended at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
2 March 2004

**Proceedings of the twelfth meeting of the
Bills Committee on Buildings (Amendment) Bill 2003
on Thursday, 12 February 2004, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000447	Chairman	Confirmation of minutes of the eleventh meeting held on 29 January 2004 (LC Paper No. CB(1)959/03-04)	
000448 - 001354	Administration Chairman Ms Andrey EU Ms LI Fung-ying	Minor works (MW) control regime (Part III) and exempted works (LC Paper No. CB(1)719/03-04(02)) (a) proposal for the Administration to devise a simplified scheme for submission of record plans for Category III MW (b) the need to take into account views of small and self-employed MW contractors in devising a simplified MW control regime (c) proposal for the Administration to review the criteria for "exempted works" under the proposed section 41(3AA) of the Buildings Ordinance in consultation with building professional bodies	
001355 - 002356	Administration	Rationalizing the registration regime for authorized persons (APs)/registered structural engineers (RSEs)/registered contractors (RCs) (LC Paper No. CB(1)719/03-04(03)) Briefing on the paper	
002357 - 004510	Ms LI Fung-ying Chairman Administration Ms Andrey EU	Enquiries about proposed changes to the composition of Contractors Registration Committee (CRC) and appeal mechanism relating to applications for registration as RCs	The Admin. to take action under para. 3(a)(i) of the minutes

Time marker	Speaker	Subject(s)	Action required
		<p>Rationale for extending the registration, restoration and renewal period for APs/RSEs to five years; and keeping the period for RCs at three years</p> <p>The Administration's confirmation that building professional bodies and contractors associations had been consulted, and indicated support for the proposed amendments</p>	
004511 - 011149	Ms Miriam LAU Administration Chairman Dr TANG Siu-tong	<p>Objective criteria, e.g. qualifications, experience and track record, to be considered by CRC in vetting applications for registration/renewal of registration as RCs for ensuring their standards and competence</p> <p>Concern that RCs might totally sublet construction projects to unregistered contractors, and whether this would be taken into account by the Building Authority (BA) when considering applications for renewal of registration</p> <p>Members' view that CRC should have fair representation to avoid exclusion of qualified applicants from registration as RCs by existing RCs</p>	<p>The Admin. to take action under para. 3(a)(iii)</p> <p>The Admin. to take action under para. 3(a)(ii)</p> <p>The Admin. to take action under para. 3(a)(iv)</p>
011150 - 011544	Administration	<p>Issuance of warning notices (WNs) and registration of the notices against unauthorized building works (UBWs) in the Land Registry (LR) (LC Paper No. CB(1)702/03-04(02))</p> <p>Briefing on the paper</p>	
011545 - 012213	Dr TANG Siu-tong Administration Chairman	Member's view that BA should give allowance to owners who were taking actions to remove UBWs before issuing WNs	
012214 - 012833	Ms Miriam LAU Administration	Concern that registering WNs in LR might affect transaction of the property	

Time marker	Speaker	Subject(s)	Action required
	SALA1	in question	
012834 - 013823	Ms LI Fung-ying Administration	Difference between "removal orders" and "WNs", and BA's enforcement in respect of statutory orders and WNs	
013824 - 015739	Ms Miriam LAU Chairman Administration SALA1	<p>Impact of the provisions relating to WNs on existing unauthorized minor building works, e.g. supporting frames for air-conditioning units and drying racks</p> <p>(a) concern that WNs would be issued against existing unauthorized minor works after enactment of the provisions relating to WNs</p> <p>(b) concern that registration of WNs in LR would affect conveyancing</p> <p>(c) suggestion for the Administration to devise a practical regime to deal with existing unauthorized minor works, e.g. providing an option for property owners to register existing minor works under the new MW control regime, upon enactment of the provisions relating to WNs</p>	The Admin. To take action under para. 3(b)(i) of the minutes
015740 - 015941	Chairman	Date of next meetings	