

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1234/03-04

(These minutes have been seen  
by the Administration)

Ref : CB1/BC/9/02/2

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

**Minutes of thirteenth meeting held on  
Monday, 23 February 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 Andrew WONG Wang-fat, JP  
Hon Miriam LAU Kin-yee, JP  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon TANG Siu-tong, JP  
Hon Abraham SHEK Lai-him, 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
- 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. Meeting with the Administration**

(LC Paper No. CB(1)1054/03-04(01) -- List of follow-up actions arising from the discussion at the meeting on 12 February 2004

LC Paper No. CB(1)1054/03-04(02) -- Information paper provided by the Administration on fines (Part II)

LC Paper No. CB(1)1054/03-04(03) -- Letter dated 16 February 2004 from the Administration responding to members' enquiries raised at the meeting held on 8 January 2004 on application of the Buildings Ordinance to public housing blocks and impact of the new regulation 25 of the Building (Administration) Regulation on conveyancing

LC Paper No. CB(1)1054/03-04(04) -- Letter dated 20 February 2004 from the Administration responding to members'

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enquiries raised at the meeting held on 29 January 2004 on minor works control regime and exempted works

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

Follow-up actions to be taken by the Administration

2. The Administration was required -

*CB(1)1054/03-04(02)*

- (a) to clarify the category of persons who might be held liable for the various offences concerning unauthorized building works, substandard building works, construction danger and minor works. Whether the person knew or did not know was a factor in determining liability for the offences;
- (b) to review the penalty scheme for minor works. In this respect, some members had expressed the following views:
  - (i) whether it was feasible to provide a separate penalty scheme for different categories of minor works. Members considered that the revised proposals of penalty levels for minor works remained too high, in particular that for not appointing a registered contractor for carrying out household minor works, like installation of supporting frames for air-conditioners and drying racks;
  - (ii) how to deal with the existing household minor works even if a separate penalty scheme was proposed for Category III minor works;
  - (iii) whether it was desirable and practical from the policy perspective not to hold owners and owners corporations liable for offences in relation to appointment of Class B registered minor works contractors; and
  - (iv) to consult small contractors on the revised proposals on fines;
- (c) to clarify whether repair works or alteration works to small houses and squatter houses were subject to the Buildings Ordinance and the proposed minor works control regime. The query should be addressed in the paper to be provided concerning the impact of the

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Bill on building works carried out in the New Territories;

*CB(1)1054/03-04(03)*

- (d) to advise how far the building plans for buildings under the Home Ownership Scheme and Tenants Purchase Scheme were complete and could be made available for inspection upon request; and

*CB(1) 1054/03-04(04)*

- (e) to provide the outline or description of the top-up courses for registration as Class B minor works contractors.

**III. Any other business**

- 3. Members noted that the next meeting would be held on Wednesday, 10 March 2004, at 8:30 am, and the Bills Committee would commence to examine the Bill clause-by-clause.
- 4. The meeting ended at 10:40 am.

Council Business Division 1  
Legislative Council Secretariat  
9 March 2004



Time marker	Speaker	Subject(s)	Action required
		<p>(f) concern about how property owners would be held liable for offences relating to existing unauthorized MW after enactment of provisions on MW control regime</p> <p>(g) enquiry on whether repair works or alteration works to small houses in the New Territories were subject to BO and the proposed MW control regime</p> <p>(h) urge for the Administration to consider providing a separate penalty scheme for Category III MW under which offences in relation to household MW, e.g. not appointing a registered contractor for the installation of supporting frames for air-conditioners and drying racks, should attract lower penalties</p>	<p>The Admin. to take action under para. 2(b)(ii) of the minutes</p> <p>The Admin. to take action under para. 2(c) of the minutes</p> <p>The Admin. to take action under para. 2(b) of the minutes</p>
005945 – 010549	Ms Audrey EU Administration Chairman	How would section 4(1), and the proposed section 4(1A) of BO operate in relation to different categories of MW	
010550 – 010849	Mr Albert CHAN Mr Andrew WONG Administration	<p>Reservation to hold property owners and OCs liable for offences relating to appointment of Class B registered MW contractors</p> <p>Concern about how existing household MW would be dealt with even if a separate penalty scheme was proposed for Category III MW</p>	The Admin. to consider the views under para. 2 (b)(ii) and (iii) of the minutes
010850 – 011049	Chairman Administration Mr Andrew Wong	Whether construction of small houses in the New Territories and their repair or alteration works were governed by BO	The Admin. to take action under para. 2(c) of the minutes
011050 – 011519	Ir Dr Raymond HO Chairman	Desirability and practicability not to hold property owners and OCs liable	

Time marker	Speaker	Subject(s)	Action required
	Administration Mr Albert CHAN	for offences in relation to appointment of Class B registered MW contractors	
011520 – 012039	Chairman Administration Mr Albert CHAN Mr Andrew WONG	Whether repair works or alteration works to squatters houses were subject to BO and the proposed MW control regime	The Admin. to take action under para 2(c) of the minutes
012040 – 013140	Chairman Mr Albert CHAN Administration Mr LAU Ping-cheung Mr Andrew WONG	Feasibility of providing a separate penalty scheme for Category III MW  (a) criteria to be adopted in devising the penalty scheme, e.g. nature, and size of MW  (b) a member's view that if liability was to be imposed on property owners or OCs for offences in relation to appointment of Class B registered MW contractors, penalty should only involve fines	
013141 – 013622	Administration	Briefing on the Administration's responses to members' enquiries on the application of BO to public housing blocks and impact of the new regulation 25 of the Building (Administration) Regulation on conveyancing (LC Paper No. CB(1)1054/03-04(03))	
013623 – 014556	Mr Albert CHAN Administration Chairman	How owners or prospective buyers of flats under the Home Ownership Scheme and Tenants Purchase Scheme could inspect building plans relating to their flats  (a) the Administration's advice that the Housing Department (HD) was consolidating the building plans and would provide relevant information to owners or prospective buyers upon request	The Admin. to take action under para. 2(d) of the minutes

Time marker	Speaker	Subject(s)	Action required
		(b) a member's view that HD should be required to provide the full set of building plans to the Buildings Department to facilitate inspection by owners and prospective buyers	
014557 – 015009	Administration	Briefing on the Administration's responses to members' enquiries on MW control regime and exempted works (LC Paper No. CB(1)1054/03-04(04))	
015010 – 020254	Ms LI Fung-ying Administration Mr Andrew WONG Chairman	<p>Flexibility to MW contractors in attending top-up courses and sitting relevant examinations for registration as Class B MW contractors</p> <p>(a) feasibility of allowing contractors to sit for relevant examinations without attending the top-up courses</p> <p>(b) enquiry on the contents of the top-up courses</p> <p>Documentary evidence of experience for provisional registration as Class B MW contractors</p> <p>(a) the Chairman's support for the revised proposal of accepting any document which could prove an applicant's experience, and waiving the requirement to produce previous business registration records</p> <p>Drafting of the criteria for exempted works under the proposed section 41(3AA) of BO</p> <p>(a) the Administration would propose amendments to be considered under the clause-by-clause examination of</p>	The Admin. to take action under para 2(e) of the minutes



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		the Bill	
020255 – 020524	Chairman	Date of next meeting	

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