

立法會
Legislative Council

LC Paper No. CB(1)1389/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/9/02/2

Bills Committee on Buildings (Amendment) Bill 2003

**Minutes of fourteenth meeting held on
Wednesday, 10 March 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 LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP
- Member absent** : Hon WONG Sing-chi
- Public officers attending** : Ms Olivia NIP
Deputy Secretary for Housing, Planning and Lands
(Planning and Lands)²
- 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)1055/03-04 -- Minutes of meeting on
12 February 2004

LC Paper No. CB(1)1234/03-04 -- Minutes of meeting on
23 February 2004)

The minutes of the twelfth and thirteenth meetings held on 12 and 23 February 2004 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1)1233/03-04(01) -- List of follow-up actions
arising from the discussion at
the meeting on 23 February
2004

LC Paper No. CB(1)1257/03-04(01) Letter dated 9 March 2004
responding to members'
enquiries raised at the meeting
held on 12 February 2004 on
Contractors Registration
Committee, renewal of
registration as a Registered
Contractor, and the need to
devise a practical regime to
deal with existing
unauthorized minor building
works

LC Paper No. CB(3)566/02-03 -- The Buildings (Amendment)

Action

LC Paper No. CB(1)2156/02-03(04) -- **Bill 2003**
Marked-up copy of the
Buildings (Amendment) Bill
2003)

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

Meeting with deputation

3. Mr TAM Yiu-chung suggested that the Bills Committee should meet with the concern group on the minor works (MW) control regime formed by small minor works contractors, and the Hong Kong Licensed Plumbers Association Limited, as both organizations had raised concerns about the proposed MW control regime and registration system for MW contractors. Members agreed.

(Post meeting note: The meeting with the two deputations was scheduled for Thursday, 1 April 2004, at 8:30 am.)

Follow-up actions

Clause 4(d) - proposed section 3(5CA)(a)(i) of the Buildings Ordinance (BO)

4. Some members expressed concern over the propriety of adopting "15 years of experience in geotechnical engineering" as a requirement for the three registered professional engineers in the geotechnical engineering discipline nominated by the Engineers Registration Board to sit in the Geotechnical Engineers Registration Committee during the first year of operation of the Committee. They also pointed out that it was unclear whether the experience referred to in the provision meant "post-qualification experience". Dr Raymond HO agreed to consult the Hong Kong Institution of Engineers (HKIE) on the 15-year experience requirement and whether the provision should be revised to specify that the experience required of members should be "post-qualification experience".

5. The Administration undertook to check whether it had received written views from HKIE expressing support for the proposed 15-year experience in the proposed section 3(5CA)(a)(i) of BO.

Action

III. Any other business

Date of next meeting

6. Members noted that the next meeting would be held on Monday, 22 March 2004, at 8:30 am.

Meeting schedule for April and May 2004

7. The Chairman drew members' attention to the proposed schedule of meetings for April and May 2004 tabled at the meeting and invited members to note the dates in their diaries.

8. The meeting ended at 10:35 am.

Council Business Division 1
Legislative Council Secretariat
26 March 2004

**Proceedings of the fourteenth meeting of the
Bills Committee on Buildings (Amendment) Bill 2003
on Wednesday, 10 March 2004, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000047	Chairman	Confirmation of minutes of the twelfth and thirteenth meetings held on 12 and 23 February 2004 (LC Paper Nos. CB(1)1055/03-04 and 1234/03-04)	
000048 - 000814	Chairman Mr TAM Yiu-chung Administration	Suggestion for the Bills Committee to meet with the concern group on the minor works (MW) control regime and the Hong Kong Licensed Plumbers Association Limited	The Clerk to take follow-up action under para. 3 of the minutes
000815 - 001509	Administration	Briefing on the Administration's responses to members' enquiries raised at the meeting on 12 February 2004 (LC Paper No. CB(1)1257/03-04(01))	
001510 - 002031	Chairman Administration	Proposed regime for dealing with existing unauthorized household minor works (UHMW) upon enactment of the proposed provisions relating to MW control regime The Administration would provide paper(s) to explain the proposal in detail	
002032 - 004627	Mr TAM Yiu-chung Administration Ms LI Fung-ying Chairman Ms Miriam LAU Dr TANG Siu-tong	How existing UHMW would be brought within the proposed MW control regime (a) The Administration's proposal that a transitional period of about four to five years would be provided for owners to undertake rectification works to ensure safety of existing UHMW, such as supporting frames for air-conditioning units and drying racks. During the period, the Administration would not take enforcement action against these	

Time marker	Speaker	Subject(s)	Action required
		<p>structures unless they posed imminent danger</p> <p>(b) Concern about cost implication on owners</p> <p>(c) Concern that owners might delay taking action on existing UHMW until nearer the end of the transitional period</p> <p>(d) Feasibility of providing different transitional periods for different UHMW with a longer period for those with longer replacement life, e.g. drying racks</p> <p>(e) Concern about selective enforcement against existing UHMW during the transitional period</p>	
004628 - 005040	Administration Chairman	<p><u>Clause-by-clause examination of the Bill</u> (LC Paper Nos. CB(3)566/02-03 & CB(1)2156/02-03(04))</p> <p>Clause 1 - Commencement of the Bill</p> <p>(a) The Administration's preliminary proposal to implement the proposed amendments in three major phases:</p> <p>(i) the effective date of provisions concerning Contractor Registration Committee, registration of minor works contractors, registration of geotechnical engineers, emergency vehicular access, etc by end of 2004; the notices specifying MW and exempted works were subsidiary legislation and would be published</p> <p>(ii) the effective date of provisions concerning MW control regime</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>by first quarter of 2005</p> <p>(iii) the effective date of provisions concerning appointment of Registered Geotechnical Engineer (RGE) by early 2006</p>	
005041 - 010719	Administration SALA1 Chairman	<p>Clause 2 - Interpretation</p> <p>(a) Definition of "signboard" (section 2 of the Buildings Ordinance (BO))</p> <p>(i) The Administration would propose Committee Stage amendments to include electronic display boards which were used partly for displaying advertisement and partly for newscast or other TV programmes</p>	
010720 - 010751	Administration Chairman	Clause 3 - section 3 of BO	
010752 - 012744	Administration Chairman Ms Miriam LAU Mr LAU Ping-cheung Ir Dr Raymond HO SALA1	<p>Clause 4 - section 3 of BO</p> <p>(a) Clause 4(d) (proposed new section 3(5CA)) - GE Registration Committee</p> <p>(i) propriety of adopting "15 years of experience in geotechnical engineering" as a requirement for the three registered professional engineers in the geotechnical engineering discipline nominated by the Engineers Registration Board to sit in the GE Registration Committee during the first year of operation of the Committee (section 3(5CA)(a)(i))</p> <p>(ii) whether the Administration had received written views from the Hong Kong Institution of</p>	<p>Dr Raymond HO was invited to take action under para. 4 of the minutes</p> <p>The Admin. to take follow-up</p>

Time marker	Speaker	Subject(s)	Action required
		<p>Engineers (HKIE) supporting the proposed 15-year experience requirement</p> <p>(iii) drafting of section 3(5CA)(a)(i) - it was unclear whether the experience referred to in the provision meant "post-qualification experience"</p>	<p>action under para. 5 of the minutes</p>
012745 - 020159	<p>Administration Chairman Ir Dr Raymond HO SALA1 Ms Miriam LAU</p>	<p>Clause 5 - appointment and duties of authorized persons (AP), registered structural engineers (RSE) or RGE (section 4 of BO)</p> <p>(a) Clause 5(e) (proposed new section 4(3A)(b))</p> <p>(i) members' query on the need for AP, RSE or RGE to notify the Building Authority (BA) of any contravention of building regulations which would result from the carrying out of Category I MW shown in plans submitted to BA before commencement of the works</p> <p>(ii) concern that the notification requirement would impose an additional duty on AP, RSE or RGE</p> <p>(iii) concern over drafting inconsistency between the English and Chinese versions of the provision</p>	<p>The Bills Committee would revisit this clause at the next meeting</p>
020200 - 020224	Chairman	Date of next meeting and meeting schedule for April and May 2004	