

立法會
Legislative Council

LC Paper No. CB(1)1718/03-04

(These minutes have been seen
by the Administration)

Ref : CB1/BC/9/02/2

Bills Committee on Buildings (Amendment) Bill 2003

**Minutes of sixteenth meeting held on
Thursday, 1 April 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 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
- Member absent** : Hon Margaret NG
- 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

Attendance by Invitation : Hong Kong Licensed Plumbers Association Limited

Mr TSANG Kwai-yin
Chairman

Ms LEE Kam-wah
Vice Secretary

Hong Kong Water Works Professionals Association Limited

Mr CHENG Wai-cheung
Chairman

Mr WONG Man-sum
Secretary

Concern group on registration system of minor works contractors (小型工程承建商註冊制度關注小組)

Mr CHOI Chun-wa
Convenor

Mr Paul CHONG
Member

Mr Joseph NG
Member

Mr Lawrence S W NG
Member

Mr S T MAK
Member

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)1389/03-04 -- Minutes of meeting on 10 March 2004)

The minutes of the fourteenth meeting held on 10 March 2004 were confirmed.

II. Meeting with deputations and the Administration

(LC Paper Nos. CB(1)1406/03-04(01) -- Submission dated 25 March 2004 from Hong Kong Licensed Plumbers Association Limited
& CB(1)1422/03-04(01)

LC Paper No. CB(1)1406/03-04(02) -- Submission from the Hong Kong Water Works Professionals Association Limited

LC Paper No. CB(1)1422/03-04(02) -- Submission dated 23 March 2004 from the concern group on registration system of minor works contractors (小型工程承建商註冊制度關注小組)

LC Paper No. CB(1)1406/03-04(03) -- Submission dated 25 March 2004 from Sign Association of Hong Kong

LC Paper No. CB(1)1406/03-04(04) -- List of follow-up actions arising from the discussion at the meeting on 22 March 2004)

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 to provide a paper to explain the following concerns raised by members:

- (a) Whether individuals who satisfied the specified requirements but without business registration could be registered as contractors and minor works contractors under the existing Buildings Ordinance (Cap. 123) and the Bill respectively;
- (b) Whether persons with a plumber's licence issued under Regulation 34 of the Waterworks Regulations (Cap. 102 sub. leg.) would be recognized as registered minor works contractors under the Bill;
- (c) If the answer to (b) was affirmative, whether persons with a plumber's licence would require to be registered separately under the Bill and what types of minor works they would be permitted to undertake. The deputations claimed that persons with a plumber's licence were qualified and should be permitted to undertake drainage works; and
- (d) How the proposed registration system for minor works contractors under the Bill could be tied in with the mandatory registration system for construction workers under the Construction Workers Registration Bill currently under scrutiny by the Legislative Council.

III. Any other business

4. Members noted that the next meeting would be held on Friday, 16 April 2004, at 8:30 am.

5. The meeting ended at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
10 May 2004

**Proceedings of the sixteenth meeting of the
Bills Committee on Buildings (Amendment) Bill 2003
on Thursday, 1 April 2004, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000036	Chairman	Confirmation of minutes of the fourteenth meeting held on 10 March 2004 (LC Paper No. CB(1)1389/03-04)	
000037 - 000330	Chairman	Welcoming remarks	
000331 - 001046	Hong Kong Licensed Plumbers Association Limited (HKLPAL)	<p><u>Presentation of views</u> (LC Paper Nos. CB(1)1406/03-04(01) & CB(1)1422/03-04(01))</p> <p>(a) licensed plumbers should be allowed to undertake both water supply plumbing works and drainage works without separate registration as minor works (MW) contractors under the Bill</p> <p>(b) concern about proposed heavy penalties for contravention of provisions relating to registered MW contractors under the proposed MW control regime</p> <p>(c) the trade should be consulted on the details of the proposed registration system for MW contractors</p>	
001047 - 001751	Hong Kong Water Works Professionals Association Limited (HKWWPAL)	<p><u>Presentation of views</u> (LC Paper No. CB(1)1406/03-04(02))</p> <p>(a) contractors with plumber's licences but without business registration should be recognized as MW contractors under the Bill</p> <p>(b) the trade should be consulted on the details of the proposed registration system for MW contractors</p>	
001752 - 003855	Concern group on	<u>Presentation of views</u>	

Time marker	Speaker	Subject(s)	Action required
	registration system of minor works contractors (CGRSMWC) (小型工程承建商註冊制度關注小組)	<p>(LC Paper No. CB(1)1422/03-04(02))</p> <p>(a) support that regulation of building works should be commensurate with their nature, scale, complexity and degree of risk</p> <p>(b) the MW sector should be consulted on the details of the proposed MW control regime and registration system for MW contractors</p> <p>(c) concern that the proposed MW control regime and registration system for MW contractors would increase cost for undertaking MW by property owners and operating cost of small contractors</p> <p>(d) urge the Administration to continue with its present approach of not enforcing control over household MW which were of relatively low safety concern</p> <p><u>Presentation of views by the Sign Association of Hong Kong (SAHK)</u> (LC Paper No. CB(1)1406/03-04(03))</p> <p>(a) concern that the proposed MW control regime would raise the cost for erecting signboards and the operating cost of the trade</p> <p>(b) signboards complying with the existing guidelines on erection and maintenance of signboards issued by the Buildings Department should be exempted from its enforcement action</p>	

Time marker	Speaker	Subject(s)	Action required
003856 - 004821	Administration	<p><u>Administration's preliminary responses to the deputations' views</u></p> <p>(a) the Administration had conducted consultation with the trades and would continue to discuss with them on the details of the proposed categorization of MW and registration criteria of MW contractors</p> <p>(b) the Administration's preliminary proposal to recognize persons registered under the mandatory registration system for construction workers under the Construction Workers Registration Bill for carrying out certain minor works</p> <p>(c) a two-year provisional registration system for MW contractors would be provided to enable contractors to continue carrying out MW before obtaining the formal registration as MW contractors</p> <p>(d) drainage works should be regulated and the Administration would study the background of the qualifications possessed by licensed plumbers and consider if such qualifications could be recognized for registration as MW contractors</p>	
004822 - 005334	Ms Miriam LAU	<p>Concerns about insufficient consultation with small contractors on the proposed MW control regime, and whether self-employed persons could be registered as MW contractors under the Bill</p> <p>Enquiry about the impact of the proposed MW control regime on property owners and existing small contractors</p>	

Time marker	Speaker	Subject(s)	Action required
005335 - 010212	CGRSMWC HKLPAL	<p>Support of the MW sector for the proposed MW control regime in principle but concern about lack of consultation on the details of the regime</p> <p>CGRSMWC's view that it was not necessary to categorize MW contractors into Class A and Class B contractors, and concern that regulating household MW would impose a financial burden on property owners and might force contractors to continue to operate as unregistered contractors</p> <p>HKLPAL's suggestion that holders of plumber licences issued under the Waterworks Regulation (Cap. 102 sub. leg.) should be allowed to continue operating as self-employed contractors to undertake both water supply plumbing works and drainage works without separate registration as MW contractors under the Bill and as construction workers under the Construction Workers Registration Bill</p> <p>HKLPAL's view that the proposed penalties for contravention of provisions relating to MW contractors were too high</p>	
010213 - 011404	Administration Ms Miriam LAU Chairman SALA1	<p>Queries about whether individuals meeting the specified requirements but without business registration could be registered as contractors and MW contractors under the existing Buildings Ordinance and the Bill respectively</p> <p>Request for the Administration to provide a paper to explain the concerns raised by members</p>	The Admin. to take action under para. 3(a), (b) and (c) of the minutes
011405 - 011937	Ms LI Fung-ying	Suggestion for the Administration to	

Time marker	Speaker	Subject(s)	Action required
	HKLPAL Chairman	continue consultation with the trades HKLPAL's emphasis that licensed plumbers were qualified persons to undertake water supply plumbing works and drainage works	
011938 - 012857	Administration Chairman	The Administration's undertaking to continue consultation with the trades and to consider their views	
012858 - 014420	Mr Albert CHAN HKWWPAL CGRSMWC Administration HKLPAL	<p>A member's view that persons with licences or registered under existing ordinances for undertaking specified works should be exempted from separate registration as MW contractors under the Bill and be permitted to undertake the types of MW works covered by their respective licences</p> <p>A member's concern about insurance arrangements for MW carried out by self-employed workers</p> <p>The view of HKWWPAL and HKLPAL that licensed plumbers were professionals in water supply plumbing works and drainage works and should be automatically recognized as registered MW contractors under the Bill</p> <p>Enquiry about interface of the proposed registration system for MW contractors under the Bill with the mandatory registration system for construction workers under the Construction Workers Registration Bill</p>	The Admin. to provide a paper to address the concern under para. 3(d) of the minutes
014421 - 014601	Ir Dr Raymond HO	Support for providing exemption to existing contractors engaged in minor works who met the specified requirements from registration as MW contractors under the Bill	

Time marker	Speaker	Subject(s)	Action required
014602 - 014727	Mr Abraham SHEK	Urge for the Administration to conduct extensive consultation with the trades in the MW sector	
014728 - 015004	SAHK Administration	SAHK's concern about recent intensive enforcement actions against unauthorized signboards	
014905 - 015005	Chairman	Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
10 May 2004