

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1719/03-04  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/9/02/2

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

**Minutes of seventeenth meeting held on  
Friday, 16 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 LI Fung-ying, JP  
Hon WONG Sing-chi  
Hon LAU Ping-cheung  
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Margaret NG  
Hon Abraham SHEK Lai-him, JP  
Hon Albert CHAN Wai-yip
- Public officers attending** : Ms Olivia NIP  
Deputy Secretary for Housing, Planning and Lands  
(Planning and Lands)<sup>2</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. Confirmation of minutes**

(LC Paper No. CB(1)1516/03-04 -- Minutes of meeting on 22 March 2004)

The minutes of the fifteenth meeting held on 22 March 2004 were confirmed.

**II. Meeting with the Administration**

(LC Paper No. CB(1)1515/03-04(01) -- List of follow-up actions arising from the discussion at the meeting on 1 April 2004

LC Paper No. CB(1)1515/03-04(02) -- Letter dated 14 April 2004 from the Administration responding to members' enquiries raised at the meeting held on 22 March 2004

LC Paper No. CB(1)1422/03-04(03) -- Information paper provided by the Administration on examples of provisions where certain important things are set out in subsidiary legislation

LC Paper No. CB(1)1422/03-04(04) -- Information paper provided by

Action

the Administration on updated draft "Building Works designated as Minor Works and Specified Exempted Works"

LC Paper No. CB(1)1534/03-04(01) -- Letter dated 15 April 2004 from the Administration following up on matters arising from discussion at the meeting held on 1 April 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:

- (a) To provide a paper to explain the viability, impact and implications of the various options raised by members in dealing with the minor works (MW) control regime in the Bill.

Members were concerned that many issues concerning MW were still outstanding. As consultation with the MW sector was underway and in order that the Bills Committee could complete scrutiny of other provisions in the Bill not relating to MW within the current term, members had raised the following options:

- (i) to delete the whole MW control regime from the Bill;
- (ii) to delete those provisions concerning MW which had caused the greatest concern, namely Category III MW or the latest proposed Category IV MW;
- (iii) to designate certain types of Category III and/or Category IV MW as exempted works; and
- (iv) to defer the commencement of provisions concerning Category III and/or Category IV MW until after all the outstanding issues had been satisfactorily resolved.

The Administration was requested to assess the viability of each of these options from policy, operational and drafting perspectives, taking into account the need to complete scrutiny of the Bill by early June 2004, the latest.

Action

- (b) To advise in writing the designated trades under the Construction Workers Registration Bill relevant to the undertaking of drainage works and installation of drying racks and supporting frames for air-conditioning units under the proposed Category IV MW; and
- (c) To clarify the differences, if any, in the requirements for registration as contractors in the capacity as individuals, small companies comprising one or two persons or larger companies with management structure. A member was concerned that as the present registration scheme mainly catered for body corporates, whether operational difficulties were envisaged if a large number of small companies with frequent change of personnel were registered as minor works contractors.

**III. Any other business**

Date of next meeting

4. Members agreed to hold an urgent meeting on Friday, 23 April 2004 immediately after the House Committee meeting held at 2:30 pm to discuss the way forward on the proposed MW control regime under the Bill. The Administration was invited to provide a paper under paragraph 3(a) above to facilitate discussion at the meeting. The Bills Committee would decide on the way forward on the proposed MW control regime and members were requested to attend the meeting as far as possible.

5. The meeting ended at 10:30 am.

Council Business Division 1  
Legislative Council Secretariat  
10 May 2004

**Proceedings of the seventeenth meeting of the  
Bills Committee on Buildings (Amendment) Bill 2003  
on Friday, 16 April 2004, at 8:30 am  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000132	Chairman	Confirmation of minutes of the fifteenth meeting held on 22 March 2004 (LC Paper No. CB(1)1516/03-04)	
000133 - 000808	Administration	Briefing on the Administration's responses to members' enquiries and deputations' views raised at the meeting held on 1 April 2004 (LC Paper No. CB(1)1534/03-04(01))	
000809 - 002134	Mr TAM Yiu-chung Administration SALA1	<p><u>Registration of licensed plumbers as registered minor works contractors (RMWC) under the Bill</u></p> <p>(a) concern that existing practitioners engaged in water supply plumbing works might not meet qualification requirements for registration as RMWC</p> <p>(b) the Administration's confirmation that the majority of licensed plumbers registered under the Waterworks Ordinance held a Craft Certificate in Plumbing and Pipefitting issued by the Vocational Training Council, and hence could apply for registration as RMWC for drainage works without the need to take the top-up courses</p> <p><u>Interface between the Bill and the Construction Workers Registration Bill (CWR Bill)</u></p> <p>(a) concern about how the proposed MW control regime could tie in with the mandatory registration system for construction workers under the CWR Bill given that the latter was still</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>under scrutiny by LegCo</p> <p>(b) enquiry about the types of designated trades under the CWR Bill which were relevant to the undertaking of the latest proposed Category IV MW, such as drainage works, installation of drying racks and supporting frames for air-conditioning units</p>	<p>The Admin. to provide information under para. 3(b) of the minutes</p>
002135 - 002726	Chairman Ir Dr Raymond HO	<p><u>Way forward on the proposed MW control regime</u></p> <p>(a) invitation for members' views on whether the proposed MW control regime should be excised in part or in whole from the Bill in view of numerous outstanding and complex issues which required further consultation with the MW sector</p> <p>(b) a member's view that the Bills Committee should complete scrutiny of other provisions in the Bill not relating to MW within the current legislative term</p> <p>(c) a member's support for the proposal requiring registered construction workers (RCW) of the relevant trades to attend a one-day course on the statutory requirements of the proposed MW control regime in order to be qualified for undertaking Category IV MW</p>	
002727 - 003739	Ms LI Fung-ying Administration SALA1	<p><u>Registration of licensed plumbers as registered RMWC under the Bill</u></p> <p>(a) enquiry about requirements on experience in management and supervision of drainage works of licensed plumbers who could apply for registration as RMWC</p>	

Time marker	Speaker	Subject(s)	Action required
003740 - 004647	Mr TAM Yiu-chung Administration Chairman Clerk SALA1	<p><u>Way forward on the proposed MW control regime</u></p> <p>(a) a member's support for deleting the proposed MW control regime from the Bill</p> <p>(b) request for the Administration to provide a paper explaining the pros and cons of various options in dealing with the proposed MW control regime and their implications on the Bill</p>	The Admin. to provide a paper under para. 3(a) of the minutes
004648 - 010425	Ms Miriam LAU Chairman Administration SALA1	<p>A member's support for deleting the part of the proposed MW control regime concerning household MW from the Bill</p> <p>A member's view that the present registration system for building contractors under the Buildings Ordinance mainly catered for body corporates; and concern about operational problems of provisions on RMWC, such as requirements on management and supervisory experience of a registered contractor, and employment of qualified workers for carrying out MW, as majority of existing minor works contractors were small companies and self-employed persons</p>	The Admin. to take action under para. 3(c) of the minutes
010426 - 012243	Administration Mr Andrew WONG Dr TANG Siu-tong Chairman Ms Miriam LAU	<p><u>Options for dealing with the proposed MW control regime</u></p> <p>(a) proposed option to delete provisions concerning Category III MW and/or the latest proposed Category IV MW from the MW control regime</p> <p>(b) the Administration's initial doubt over the viability of the option because Categories III and IV MW would then be subject to stringent control under the existing Buildings Ordinance while Categories I and II MW under a</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>less stringent MW control regime</p> <p>(c) proposed option to designate Category III and/or Category IV MW as exempted works</p> <p>(d) the Administration had considered the option before and found it inappropriate</p> <p>(e) viability of deleting the whole MW control regime from the Bill, or deferring the commencement of provisions concerning Category III MW and/or the latest proposed Category IV MW until after all outstanding issues had been satisfactorily resolved</p> <p>(f) members' agreement to hold an urgent meeting on 23 April 2004 immediately after the House Committee meeting to discuss the way forward on the proposed MW control regime; and to request the Administration to provide a paper assessing the viability of each of the above options from policy, operational and drafting aspects to facilitate discussion</p>	<p>The Admin. to provide a paper under para. 3(a) of the minutes</p>
012244 - 013307	<p>Ms Miriam LAU Administration Mr Andrew WONG Chairman Ms LI Fung-ying Mr WONG Sing-chi</p>	<p>Members' concern about how existing unauthorized household MW were to be dealt with</p> <p>The Administration's proposal to provide a five-year transitional period for property owners to undertake rectification works to ensure safety of existing unauthorized household MW. During the period, the Administration would not take enforcement action against these structures unless they posed imminent danger</p>	



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
013308 - 014505	Ms Miriam LAU Chairman Administration	Concern about whether sufficient RMWC would be available in the market for undertaking MW  The Administration's proposal to commence the provisions relating to registration of RMWC by end of 2004 and the provisions concerning appointment of RMWC for undertaking MW in mid 2005 so as to allow sufficient time for existing contractors to register as RMWC and property owners to comply with the new requirements	
014506 - 014538	Ir Dr Raymond HO	Support for deleting the proposed MW control regime from the Bill	
014539 - 014705	Mr Andrew WONG Administration	Enquiry about examples of the latest proposed Category IV MW involving the erection or alteration of architectural projection not involving concrete construction and projecting not more than 500 mm from the external wall	
014706 - 014750	Chairman	Date of next meeting	