

**立法會**  
**Legislative Council**

LC Paper No. CB(1)2367/03-04

(These minutes have been seen  
by the Administration)

Ref : CB1/BC/9/02/2

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

**Minutes of nineteenth meeting held on  
Friday, 7 May 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 Miriam LAU Kin-yee, JP  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon TANG Siu-tong, JP  
Hon LI Fung-ying, JP  
Hon Albert CHAN Wai-yip  
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Andrew WONG Wang-fat, JP  
Hon Abraham SHEK Lai-him, JP  
Hon WONG Sing-chi  
Hon LAU Ping-cheung
- 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

Ms Selina LAU  
Government Counsel  
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)1717/03-04(01) -- Information paper provided by the Administration on impact of the Bill on building works in the New Territories
- LC Paper No. CB(1)1717/03-04(04) -- Draft Committee Stage Amendments (CSAs) to the Bill proposed by the Administration
- LC Paper No. CB(3)566/02-03 -- The Buildings (Amendment) Bill 2003
- LC Paper No. CB(1)2156/02-03(04) -- Marked-up copy of the Buildings (Amendment) Bill 2003)

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

*(Post meeting note: The English version of the marked-up copy of the Administration's proposed CSAs (LC Paper No. CB(1)1747/03-04(01) was tabled at the meeting.)*

Action

Follow-up actions to be taken by the Administration

2. The Administration was requested:

*Section 8B of the Buildings Ordinance (BO)*

- (a) to provide information on the range of the length of time and the average time taken by disciplinary boards to complete disciplinary proceedings in respect of registered contractors over the past three years. A member was concerned that if disciplinary proceedings took unduly lengthy time to complete, the contractor concerned could retain his name in the relevant register for as long as three years (subsection (12));

*Section 24 of BO*

- (b) to advise when an order issued under section 24(2) or (2A) will be registered with the Land Registry (subsection (2C)) and confirm whether there would be a lapse between the issue of an order and its appearance in the records of the Land Registry;

*Proposed section 24C of BO*

- (c) to consider the viability of providing a performance pledge on the time required by the Building Authority to lodge in the Land Registry an appropriate instrument of satisfaction against a notice for demolition or alteration of building or building works (subsection (6));

*Proposed section 29A of BO*

- (d) to advise on the drafting criteria for adopting the phrase "to the satisfaction of the Building Authority (BA)" or "in the opinion of BA" in the Bill; and
- (e) to explain the difference between subsections (1) and (4).

**II. Any other business**

Date of next meeting

3. Members noted that the next meeting would be held on Friday, 14 May 2004, at 8:30 am.

Action

4. The meeting ended at 10:30 am.

Council Business Division 1  
Legislative Council Secretariat  
12 July 2004

**Proceedings of the nineteenth meeting of the  
Bills Committee on Buildings (Amendment) Bill 2003  
on Friday, 7 May 2004, at 8:30 am  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000359	Chairman SALA1	Introducing papers relevant to the clause-by-clause examination of the Bill and consideration of Committee stage amendments (CSAs) (LC Paper Nos. CB(3)566/02-03, CB(1)2156/03-04(04), CB(1)1717/03-04(04), CB(1)1747/03-04(01))	
000400 -002020	Chairman Administration SALA1 Ms Miriam LAU	<u>Clause-by-clause examination of the Bill and CSAs</u>  Clause 2 - section 2 of the Buildings Ordinance (BO)  (a) Definition of "signboard"  (i) The Administration's confirmation that the CSA aimed to include electronic display boards which were used partly for displaying advertisement and partly for newscast or other TV programmes	
002021 - 002238	Ms Miriam LAU Administration Chairman	Clause 4 - Registers of authorized persons (AP), structural engineers (SE) and geotechnical engineers (GE) (section 3 of BO)  (a) The Administration's explanation that the CSA to section 3(5CA) was necessary because of amalgamation of the Civil Engineering Department and the Territory Development Department	

Time marker	Speaker	Subject(s)	Action required
002239 - 002922	Chairman SALA1 Administration	Clause 5 - Appointment and duties of AP, registered SE (RSE) or registered GE (RGE) (section 4 of BO)  Clause 6 - Appointment and powers of disciplinary board (section 5 of BO)	
002923 - 003331	Ir Dr Raymond HO SALA1 Chairman Administration	Clause 7 - APs', RSEs' and RGEs' Disciplinary Board Panel (section 5A of BO)  (a) Enquiry about the composition of the Disciplinary Board Panel (section 5A) and disciplinary board for AP, RSE and RGE (section 5)	
003332 - 003926	Chairman Administration	Briefing on the paper about impact of the Bill on building works in the New Territories (LC Paper No. CB(1)1717/03-04(01))	
003927 - 004310	Dr TANG Siu-tong Administration Chairman SALA1	Provision of emergency vehicular access (EVA) for buildings in the New Territories (new regulation 41D of the Building (Planning) Regulations)  (a) Enquiry about power for requiring the provision of EVA for New Territories Exempted Houses (NTEH)  (b) The Administration's explanation that EVA was not required for NTEH issued with a certificate of exemption under Cap. 121. However, the Director of Lands might still impose a condition for the provision of EVA for some NTEH	
004311 - 005356	Administration	Clauses 9 to 14  Explanation on the clauses and proposed CSAs	

Time marker	Speaker	Subject(s)	Action required
005357 - 010026	Ms Audrey EU Administration Chairman	<p>Clause 12 - Application for registration as contractors (section 8B of BO)</p> <p>(a) Concern about lengthy time taken to complete disciplinary proceedings on registered contractors and that their names could be retained in the register for as long as three years</p> <p>(b) Request the Administration to provide information on the range of time and average time taken by disciplinary boards to complete disciplinary proceedings</p>	The Admin. to provide information under para. 2(a) of the minutes
010027 - 011159	SALA1 Chairman Administration	<p>Clauses 14 to 28</p> <p>Explanation on the clauses and proposed CSAs</p>	
011200 -012303	Administration Chairman Dr TANG Siu-tong Chairman SALA1	<p>Clause 29 - Order for demolition, removal, or alteration of buildings, building works or street works (section 24 of BO)</p> <p>(a) Enquiry about responsibility for removal of abandoned unauthorized signboards (proposed sections 24(2) &amp; (2A))</p>	
012304 - 014404	Ms LI Fung-ying Administration Chairman Ms Miriam LAU SALA1	<p>Clause 29 - Order for demolition, removal, or alteration of buildings, building works or street works (section 24 of BO)</p> <p>(a) Enquiry about time taken to register a removal order in the Land Registry (LR) (proposed section 24(2C))</p>	The Admin. to take follow-up action under para. 2(b) of the minutes

Time marker	Speaker	Subject(s)	Action required
		<p>Clause 30 - Notice for demolition or alteration of building or building works (proposed section 24C of BO)</p> <p>(a) Concern that it might take a long time for BA to lodge in LR an appropriate instrument of satisfaction against a notice for demolition or alteration of building works (proposed section 24C(6))</p> <p>(b) Viability to provide a performance pledge on the time required by BA to lodge the instrument of satisfaction in LR</p> <p>Drafting of the proposed section 24C(6)</p> <p>(a) The Administration's undertaking to move a CSA to replace the reference "he" by "the Building Authority" in the provision for clarity purpose</p>	<p>The Admin. to take follow-up action under para. 2(c) of the minutes</p>
014405 - 015621	<p>Administration SALA1 Ms Audrey EU Chairman Ir Dr Raymond HO</p>	<p>Clause 32 - Maintenance of EVA (proposed section 29A of BO)</p> <p>(a) The Administration's confirmation that the owners of EVA was responsible for its maintenance and concerned property owners would be responsible for removing unauthorized building works projecting from the property concerned which had caused obstruction to the EVA</p> <p>(b) Reasons for CSA to delete the phrase "to the satisfaction of the Building Authority" in section 29A(1) but maintaining "in the opinion of the Building Authority" in section 29A(4)</p>	



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		(c) Concern about inconsistency in drafting between section 29A(1) and section 29A(4)  (d) Request for the Administration to advise on the criteria for adopting two different forms of drafting and to explain the differences between section 29A(1) and section 29A(4)	The Admin. to provide information under para. 2(d) and (e) of the minutes
015622 - 015709	Chairman	Date of next meeting	

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Legislative Council Secretariat  
12 July 2004