

立法會
Legislative Council

LC Paper No. CB(1)2369/03-04

(These minutes have been seen
by the Administration)

Ref : CB1/BC/9/02/2

Bills Committee on Buildings (Amendment) Bill 2003

**Minutes of twenty-first meeting held on
Thursday, 20 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 Miriam LAU Kin-ye, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon LI Fung-ying, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Margaret NG
Hon Andrew WONG Wang-fat, JP
Hon Abraham SHEK Lai-him, JP
Hon LAU Ping-cheung
- 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

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

Action

I. Meeting with the Administration

- (LC Paper No. CB(1)1871/03-04(01) -- List of follow-up actions arising from the discussion at the meeting on 14 May 2004
- LC Paper No. CB(1)237/03-04(03) -- Supplementary information provided by the Administration on Building Safety Loan Scheme and uncooperative owners
- LC Paper No. CB(1)1717/03-04(02) -- Supplementary information provided by the Administration on relationship between individual owners and owners' corporations
- LC Paper No. CB(1)1717/03-04(03) -- Letter dated 4 May 2004 from the Administration responding to members' concerns raised at the meeting held on 23 February 2004

Action

- LC Paper No. CB(1)1729/03-04(01) -- Letter dated 5 May 2004 from the Administration about revised fee proposals for inspection and copying of building records
- 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(1)1747/03-04(01) -- Marked-up copy of the draft CSAs to the Bill prepared by the Legal Service Division
- LC Paper No. CB(3)566/02-03 -- The Buildings (Amendment) Bill 2003)

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

II. Any other business

Date of next meeting

2. Members noted that the next meeting would be held on Friday, 28 May 2004, at 8:30 am.

Report to the House Committee

3. Members noted that the Bills Committee aimed to report to the House Committee on 4 June 2004. They also noted the Administration's proposal to resume the Second Reading debate on the Bill at the Council meeting on 23 June 2004.

4. The meeting ended at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
12 July 2004

**Proceedings of the twenty-first meeting of the
Bills Committee on Buildings (Amendment) Bill 2003
on Thursday, 20 May 2004, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000204	Chairman	Opening remarks	
000205 - 002817	Administration Mr Albert CHAN Chairman Ms Miriam LAU SALA1 Ir Dr Raymond HO	<p>Clause-by-clause examination of the Bill together with Committee Stage amendments (CSA)</p> <p>Clause 38 - obstruction of owners' corporation (OC) (proposed section 39B of the Buildings Ordinance (BO))</p> <p>(proposed CSA was tabled at the meeting and subsequently circulated vide LC Paper No. CB(1)1894/03-04(01))</p> <p>(a) The Administration's proposed CSA in response to members' view raised at last meeting to narrow the scope of section 39B to confine the application to those aspects relating to unauthorized building works (UBW) and contravention of provisions of a serious nature</p> <p>(b) The Administration's proposed CSA to section 40(4B) to reduce the penalty for contravention of section 39B</p> <p>(c) Members accepted CSA to sections 39B and 40(4B)</p> <p>(d) Enquiry on whether section 39B would apply where a person or a management company authorized by the OC to act on its behalf</p> <p>(e) The Administration's confirmation that section 39B would apply where a person or an agent employed or engaged by the OC to act on its behalf</p>	

Time marker	Speaker	Subject(s)	Action required
002818 - 005244	<p>Dr TANG Siu-tong Administration SALA1 Ms Miriam LAU Mr Albert CHAN Chairman Ir Dr Raymond HO</p>	<p><u>Enforcement of section 39B</u></p> <p>(a) Concern about how disputes between individual owners and OC relating to the manner of complying with a statutory order issued by BA could be resolved</p> <p>(b) The Administration's advice that it was for the owners and the OC to decide on the way to comply with a statutory order issued by BA. Should there be disputes between individual owners and the OC in relation to the manner of complying with the order, it would be appropriate to resolve them under the Building Management Ordinance and through mediation.</p> <p>(c) Concern that the owner might still refuse to cooperate even facing prosecution under section 39B</p> <p>(d) The Administration's advice that BA could take the order as not complied with and thus access the concerned premises to carry out the necessary works and then recover the cost from the OC</p>	
005245 - 010012	<p>Mr TAM Yiu-chung Chairman Administration</p>	<p><u>Handling of complaints on water seepage</u></p> <p>(a) Members' previous suggestion for the Administration to formulate a comprehensive plan to deal with the problem of water seepage at root</p> <p>(b) The Administration's advice that it was exploring the feasibility of setting up a joint office with relevant departments to deal with the problem. The results would be reported to the relevant Panel by end of 2004.</p>	

Time marker	Speaker	Subject(s)	Action required
010013 - 010939	Mr WONG Sing-chi Administration Chairman	<u>Enforcement of section 39B</u> Enquiry about the liability of owners and OC in relation to the common parts of the building	
010940 - 012149	Administration Chairman SALA1	<u>Examination of clauses 39 to 73</u> Members examined the above clauses and accepted the proposed CSA	
012150 - 015646	Administration Ms Miriam LAU Ir Dr Raymond HO Mr Albert CHAN Chairman SALA1	<u>Clause 74 - fees (Regulation 42 of the Building (Administration) Regulations (LC Paper No. CB(1)1729/03-04(01))</u> (a) Enquiry on charges relating to inspection and copying services for various building records (b) The Hong Kong Institution of Engineers (HKIE)'s concern about high copying charge of \$38 per copy as proposed in CSA (c) The Administration's explanation that the fee of \$38 would apply if a customer required the one-stop service provided by the Buildings Department. The fee would cover costs for retrieving, searching and copying the document (other than a building plan). If the customer paid the inspection fee, searched and identified the document by himself, the fee for copying would be only \$1.4 or \$1.6 per copy. (d) Concern about the appropriateness of using the phrase "immediately before the issue" in items 10 and 11 of Regulation 42 in the proposed CSA (e) SALA1's view that the proposed CSA could achieve the intended purpose	

Time marker	Speaker	Subject(s)	Action required
		(f) The Chairman invited Dr Raymond HO to consult HKIE on the proposed CSA if he considered it necessary	
015647 - 015906	Chairman Administration	Date of next meeting	

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