

立法會
Legislative Council

LC Paper No. CB(1)2361/02-03

(These minutes have been seen
by the Administration)

Ref : CB1/BC/9/02/2

Bills Committee on Buildings (Amendment) Bill 2003

**Minutes of second meeting held on
Thursday, 31 July 2003, 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
Hon LI Fung-ying, JP
Hon LAU Ping-cheung
- Members absent** : Hon Andrew WONG Wang-fat, JP
Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon Audrey EU Yuet-mee, SC, JP
- Public officers attending** : Miss CHEUNG Siu-hing
Deputy Secretary for Housing, Planning and Lands
(Planning and Lands)²
- Mr Rick CHAN
Acting Principal Assistant Secretary for Housing,
Planning and Lands (Planning and Lands)³
- Mr AU Choi-kai
Assistant Director (Support)
Buildings Department

Mr HO Kwok-hung
Chief Building Surveyor (Legal)
Buildings Department

Mr Sunny CHAN
Senior Government Counsel
Department of Justice

Clerk in attendance : Miss Odelia LEUNG
Chief Assistant Secretary (1)4

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Mr Joey LO
Senior Assistant Secretary (1)4 (Acting)

Action

I. Confirmation of minutes

(LC Paper No. CB(1)2284/02-03 -- Minutes of meeting on 8 July 2003)

The minutes of the first meeting held on 8 July 2003 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1)2283/02-03(01) -- List of follow-up actions arising from the discussion at the meeting on 8 July 2003

LC Paper No. CB(1)2283/02-03(02) -- Information paper provided by the Administration on unauthorized building works enforcement policy and support for owners

LC Paper No. CB(1) 2292/02-03(01) -- Information paper provided by the Administration on the minor works control regime

LC Paper No. CB(1)2283/02-03(03) -- Administration's response to submission from Mr B W CHOY

Action

LC Paper No. CB(1)2283/02-03(04) -- Administration's response to submission from Central and Western District Council)

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 explain the eligibility and procedures for applying for the Building Safety Loan Scheme, and to address a member's concern that there had been a case in which an applicant applying for a small amount under the Scheme was required to provide tenders for the works;
- (b) to provide a paper to explain how to handle situations in which building owners are uncooperative and obstruct the carrying out of works to demolish unauthorized building works (UBWs);
- (c) to advise on the legislative timetable, if any, for introducing amendments to the Building Management Ordinance (BMO) (Cap. 344) to facilitate owners' incorporations (OCs) to undertake works on the common parts of their buildings in compliance with statutory notices or orders;
- (d) to provide a paper to explain the existing practice or arrangement for recovering costs for demolishing UBWs or advertisement signboards affixed to a building the owners of which could not be identified or located, together with the statistics, if any, to show how frequent such a situation was encountered over the past few years; and
- (e) to provide a copy of the Building Maintenance Guidebook, Guide on Erection and Maintenance of Advertising Signs and related pamphlets.

III. Any other business

(LC Paper No. CB(1)2283/02-03(05) -- Proposed list of organizations which may be invited to give views on the Bill)

4. Members endorsed the proposed list of organizations which would be invited to give views on the Bill. Member agreed that the Hong Kong Association of Property Management Companies, Urban Watch and Hong Kong Institute of Real Estate Administration be included in the list. Ms LI Fung-ying

Action

proposed that unions of works contractors should also be invited to give views. The meeting agreed that Ms LI inform the Clerk of the names of relevant unions.

5. Members agreed to receive deputations at the next meeting scheduled for Wednesday, 10 September 2003, at 3:30 pm.

(Post-meeting note: Owing to the carrying out of maintenance works at the Legislative Council Building, with the consent of Chairman, the next meeting was re-scheduled for Tuesday, 9 September 2003, at 2:30 pm.)

6. The meeting was adjourned at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
15 August 2003

**Proceedings of second meeting of the
Bills Committee on Buildings (Amendment) Bill 2003
on Thursday, 31 July 2003, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000200	Chairman	Confirmation of minutes of the first meeting	
000201 - 001303	Administration	Briefing on the enforcement policy on unauthorized building works (UBWs) and support for owners of UBWs having difficulty in complying with the law (LC Paper No. CB(1)2283/02-03(02))	
001304 - 002031	Chairman Mr TAM Yiu-chung Administration	Eligibility and procedures for applying for the Building Safety Loan Scheme Savings in terms of time and cost for undertaking minor works if the proposed minor works control regime was implemented	Admin to provide information under paragraph 3(a) of minutes
002032 - 003320	Miss Margaret NG Chairman Administration	Measures to deal with situations in which building owners refused to cooperate and obstructed demolition of UBWs (Clauses 38-39) Existing provisions under Building Management Ordinance (BMO) and proposed legislative amendments to BMO to facilitate owners' corporations (OCs) to undertake works on the common parts of their buildings	Admin to provide information under paragraph 3(b) and (c) of minutes Clerk to circulate Consultation Paper on proposed amendments to BMO to the Bills Committee
003321 - 0004700	Ir Dr Raymond HO Chairman Administration	Statistics on UBWs dealt with over the past years (paragraph 5 in LC Paper No.	

Time marker	Speaker	Subject(s)	Action required
		<p>CB(1)2283/02-03(02))</p> <p>Effectiveness of the pilot Coordinated Maintenance of Buildings Scheme which was under review</p>	
004701 - 005829	<p>Ms LI Fung-ying Chairman Administration Ms Miriam LAU</p>	<p>Assistance available to elderly owners and owners who had genuine financial difficulties in complying with demolition orders</p> <p>Liability of individual owners and OCs in cases in which some owners refused to cooperate in demolishing UBWs on common parts of their buildings or the owners of UBWs could not be found</p> <p>Measures to deal with situations in which the owner of UBWs could not be identified or located, including how the cost incurred by the Building Authority (BA) for demolishing the UBWs could be recovered</p>	<p>Admin to provide information under paragraph 3(d) of minutes</p>
005830 - 012224	<p>Chairman Ir Dr Raymond HO Ms Miriam LAU Administration</p>	<p>Effectiveness of the Administration's effort in promoting owners' awareness of their responsibility in not carrying out UBWs</p> <p>Effectiveness of the existing enforcement policy and the new minor works control regime in controlling UBWs, in particular how existing abandoned advertisement signboards would be handled</p>	<p>Admin to provide information under paragraph 3(e) of minutes</p>
012225 - 014240	<p>Mr LAU Ping-cheung Administration Chairman Ms Miriam LAU Ir Dr Raymond HO</p>	<p>Viability and merits of imposing a levy on erection of signboards protruding over Government land</p>	<p>Clerk to refer issue to Panel on Planning Lands and Works for consideration</p>
014241 - 015800	<p>Ir Dr Raymond HO Administration</p>	<p>Effectiveness of the existing enforcement policy and the new minor</p>	

Time marker	Speaker	Subject(s)	Action required
	Chairman	works control regime in controlling UBWs as many owners would not notify BA when carrying out building works	
015801 - 0020305	Chairman Mr LAU Ping-cheung Ms LI Fung-ying Ms Miriam LAU Ir Dr Raymond HO	Deputations to be invited	Clerk to issue invitation letters to deputations
0020306 - 0020338	Chairman Ms Miriam LAU Mr LAU Ping-cheung Ir Dr Raymond HO	Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
15 August 2003