

立法會
Legislative Council

LC Paper No. CB(1) 2477/02-03

(These minutes have been seen
by the Administration)

Ref : CB1/BC/9/02/2

Bills Committee on Buildings (Amendment) Bill 2003

**Minutes of third meeting held on
Tuesday, 9 September 2003, at 2:30 pm
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 Abraham SHEK Lai-him, JP
Hon LI Fung-ying, JP
Hon Albert CHAN Wai-yip
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Andrew WONG Wang-fat, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon WONG Sing-chi
- Public officers attending** : Miss CHEUNG Siu-hing
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 : The Hong Kong Construction Association Ltd.

Mr Conrad WONG
Vice President

Mr Alex WONG
Assistant Secretary General

The Hong Kong Institution of Surveyors

Mr Alex WONG
Secretary, Technical Advisory Panel

Mr Barnabas CHUNG
Member, Technical Advisory Panel

The Hong Kong Association of Property Management Companies Ltd.

Mr Alkin KWONG
Vice President

Mr Bill MAN
Member

The Hong Kong Institute of Architects

Mr Bernard HUI
Chairman, BD Committee

Mr Robert LAM
Member, Board of Local Affairs

The Association of Architectural Practices Ltd.

Mr Nevin HO
Executive Committee Member

The Hong Kong Institute of Housing

Mr Kelvin YAU Man-fat
Chairman of Professional Practice Committee

Hong Kong Institute of Real Estate Administration

Mr David TSE
Representative

Hong Kong Electrical & Mechanical Management &
Professional Association

Miss Amy LEE
Secretary General

The Federation of Hong Kong Electrical & Mechanical
Industries Trade Unions

Mr SIN Kai-ming
Vice Chairman

The Hong Kong Institution of Engineers

Ir Dr Greg C Y WONG
Vice President

Ir NG Hon-keung
Chairman of the AP/RSE Committee

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

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

Ms Connie SZETO
Senior Assistant Secretary (1)4

Action

I. Meeting with deputations and the Administration

- (LC Paper No. CB(1)2388/02-03(01) -- Submission from The Hong Kong Construction Association Ltd.
- LC Paper Nos. CB(1)2388/02-03(02) -- Submission from The Hong Kong Institute of Surveyors
& CB(1)2444/02-03
- LC Paper No. CB(1)2388/02-03(03) -- Submission from The Hong Kong Association of Property Management Companies Limited
- LC Paper No. CB(1)2388/02-03(04) -- Submission from The Hong Kong Institute of Architects
- LC Paper No. CB(1)2388/02-03(05) -- Submission from The Association of Architectural Practices Ltd.
- LC Paper No. CB(1)2388/02-03(06) -- Submission from The Hong Kong Institute of Housing
- LC Paper No. CB(1)2405/02-03(01) -- Submission from The Real Estate Developers Association of Hong Kong
- LC Paper No. CB(1)2415/02-03(01) -- Submission from Hong Kong Institute of Real Estate Administration
- LC Paper No. CB(1)2415/02-03(02) -- Joint submission from Hong Kong Electrical & Mechanical Management & Professional Association and The Federation of Hong Kong Electrical & Mechanical Industries Trade Unions
- LC Paper No. CB(1)2388/02-03(07) -- Submission from The Hong Kong Institution of Engineers
- LC Paper No. CB(1)2415/02-03(03) -- Submission from The Association of Consulting Engineers of Hong Kong
- LC Paper No. CB(1)2415/02-03(04) -- Submission from Urban Watch
- LC Paper No. CB(1)2405/02-03(02) -- Submission from Hong Kong General Building Contractors Association Ltd.
- LC Paper No. CB(1)2415/02-03(05) -- Submission from The Law Society of Hong Kong
- LC Paper No. CB(1)2415/02-03(07) -- Summary of concerns/views raised by organizations prepared by the Secretariat)

Action

Members met with representatives from ten organizations to hear their views on the Bill.

2. Mr LAU Ping-cheung declared that he was an authorized person.
3. The Bills Committee deliberated (Index of proceedings attached at the **Appendix**).

Follow-up actions to be taken by the Administration

4. The Administration was requested to :
 - (a) provide written response to the views and concerns expressed by the organizations;
 - (b) review the proposed increases of maximum fines for selected offences which some members and organizations considered to be too high; and
 - (c) explain the present enforcement situation concerning naming of streets and numbering of buildings under section 32(2) of the Buildings Ordinance.

II. Any other business

5. Members agreed to hold the next meeting on Tuesday, 23 September 2003, at 2:30 pm.
6. The meeting ended at 5:00 pm.

**Proceedings of the third meeting of the
Bills Committee on Buildings (Amendment) Bill 2003
on Tuesday, 9 September 2003, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 000251	Chairman	Opening remarks	
000252 – 000605	The Hong Kong Construction Association Ltd. (HKCA)	Presentation of views (LC Paper No. CB(1)2388/02-03(01))	
000606 – 001746	The Hong Kong Institute of Surveyors (HKIS)	Presentation of views (LC Paper Nos. CB(1)2388/02-03(02) & CB(1)2444/02-03)	
001747 – 002330	The Hong Kong Association of Property Management Companies Ltd. (HKAPMA)	Presentation of views (LC Paper No. CB(1)2388/02-03(03))	
002331 – 002617	The Hong Kong Institute of Architects (HKIA)	Presentation of views (LC Paper No. CB(1)2388/02-03(04))	
002618 – 003121	The Association of Architectural Practices Ltd. (AAP)	Presentation of views (LC Paper No. CB(1)2388/02-03(05))	
003122 – 003446	The Hong Kong Institute of Housing (HKIH)	Presentation of views (LC Paper No. CB(1)2388/02-03(06))	
003447 – 003717	Hong Kong Institute of Real Estate Administration (HKIREA)	Presentation of views (LC Paper No. CB(1)2415/02-03(01))	
003718 – 003945	Hong Kong Electrical & Mechanical Management & Professional Association,	Presentation of views (LC Paper No. CB(1)2415/02-03(02))	

Time marker	Speaker	Subject(s)	Action required
	The Federation of Hong Kong Electrical & Mechanical Industries Trade Unions		
003946 – 005522	The Hong Kong Institution of Engineers (HKIE)	Presentation of views (LC Paper No. CB(1)2388/02-03(07))	
005523 – 005735	Administration	Response to submissions by organizations	Admin to provide written response under paragraph 4(a) of the minutes
005736 – 010309	Ms Miriam LAU Administration Chairman	Responsibilities of authorized persons (APs), registered structural engineers (RSEs) and contractors in carrying out minor works (MW)	
010310 – 011556	Ir Dr Raymond HO HKIE HKCA Administration	Grandfather provision for APs and RSEs for registration as geotechnical engineers Possibility of large construction firms monopolizing the carrying out of MW Need to review enforcement of section 32(2) of the Buildings Ordinance (BO) concerning naming of streets and numbering of buildings	Admin to provide information under paragraph 4(c) of the minutes
011557 – 012132	Mr Abraham SHEK Administration HKIE	Bases for the proposed increases in maximum fines for selected offences Request for review of the level of fines	Admin to consider the

Time marker	Speaker	Subject(s)	Action required
			request under paragraph 4(b) of the minutes
012133 – 013030	Ms Audrey EU Chairman HKIE	Details of the minor works control regime Proposals to enhance regulation of advertisement signboards	
013031 - 014300	Ms Miriam LAU HKIREA Chairman Administration	Registration of warning notices (WN) on unauthorized building works (UBWs) in the Land Registry (LR) Timely registration of WN was necessary to protect interest of prospective property buyers Need to provide sufficient notice to property owners before registering WN and to lift the registration once the WN had been complied with	
014301 - 020520	Mr Albert CHAN HKIA Administration HKIE HKIH AAP Mr LAU Ping-cheung HKIS Chairman	Responsibilities and legal liabilities of building and building management professionals, e.g. APs, RSEs, contractors, property management companies to check whether the carrying out of MW was authorized by owners/Owners Corporations (OC) and complied with the terms and conditions in the land lease and Deeds of Mutual Covenant (DMC) Responsibility of property owners to ensure the carrying out of MW in compliance with Government regulations and the role of building and building management professionals in this respect	
020521 - 020800	Mr LAU Ping-cheung Administration	Concern whether advertisement signboards erected on the external walls of buildings could be regarded as	

on

Time marker	Speaker	Subject(s)	Action required
		a type of building works and governed under the BO	
020801 - 021800	HKAPMC HKIS HKIA HKCA Chairman	Suggestion to promote as a good practice for building and building management professionals, and contractors to ensure the carrying out of MW was authorized and complied with the terms and conditions in the land lease and DMC before commencement of works	
021801 - 021847	Chairman	Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
22 September 2003