

立法會
Legislative Council

LC Paper No. CB(1)60/03-04
(These minutes have been
seen by the Administration)

Ref : CB1/BC/9/02/2

Bills Committee on Buildings (Amendment) Bill 2003

**Minutes of fourth meeting held on
Tuesday, 23 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 Andrew WONG Wang-fat, JP
Hon Miriam LAU Kin-yee, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Dr Hon TANG Siu-tong, JP
Hon LI Fung-ying, 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

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. Confirmation of minutes

(LC Paper No. CB(1)2477/02-03 -- Minutes of meeting on
9 September 2003)

The minutes of the third meeting held on 9 September 2003 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1)2476/02-03(01) -- List of follow-up actions
arising from the discussion at
the meeting on 9 September
2003

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

2. Members agreed to hold the next four meetings of the Bills committee as follows :

<u>Date</u>	<u>Time</u>
Thursday, 16 October 2003	10:45 am - 12:45 pm
Tuesday, 28 October 2003	2:30 pm - 4:30 pm
Tuesday, 11 November 2003	2:30 pm - 4:30 pm
Thursday, 27 November 2003	2:30 pm - 4:30 pm

Action

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) re-assess the minor works control scheme with respect to the following aspects -

Need

- (i) whether it is necessary to impose control over the carrying out of works which are very minor in nature, such as erection of metal supporting frame for air-conditioning unit and of drying rack. Members are concerned whether such minor works are exempted under section 41(3) of the existing Buildings Ordinance (BO);
- (ii) how the submission of as-built plans and certificate of completion to the Building Authority (BA) after completion of Category III minor works enhances safety of the works;

Feasibility

- (iii) whether it is feasible to implement the proposed minor works control regime, in particular in respect of Category III minor works as some contractors currently engaged in those works may not be able to provide as-built plans of the works done;
- (iv) whether it is practicable and cost-effective on the part of BA to keep and manage a huge amount of as-built plans expected to be submitted for Category III minor works;

Impact

- (v) how the minor works control regime would affect existing contractors engaged in minor works;
- (vi) how existing contractors engaged in minor works could be consulted on the minor works control regime;
- (vii) whether the provision of top-up courses for contractors who do not have the appropriate academic qualifications for registration as minor works contractors is sufficient to meet the

Action

demand for such courses; the number of places in such courses and the amount of course fees contemplated;

- (viii) how members of the public could be informed of the minor works control regime and its implications;

Liability

- (ix) whether it is an offence for owners who have appointed with or without knowledge unregistered contractors to carry out minor works; and
 - (x) whether it is appropriate that conviction of offences in relation to minor works and of offences of a serious nature under the BO attracts the same levels of fines and imprisonment terms.
- (b) provide a sample of an as-built plan for erection of supporting frame for air-conditioning unit under Category III minor works;
 - (c) compile a list of building works which will be regarded as exempted works under the BO;
 - (d) give examples of existing laws which provide for a fine of \$1,500,000 and imprisonment for three years for conviction of offences. There has been concern that the three years' imprisonment for the offence of failure to notify BA of contravention of regulations resulting from carrying out buildings works shown in approved plans is too severe; and
 - (e) advise whether the present drafting of the proposed section 40(2AA) imposes a strict liability.

III. Any other business

- 5. The meeting ended at 4:35 pm.

**Proceedings of the fourth meeting of the
Bills Committee on Buildings (Amendment) Bill 2003
on Tuesday, 23 September 2003, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000028	Chairman	Confirmation of minutes of the third meeting held on 9 September 2003	
000029 - 000758	Chairman Ms Miriam LAU Mr LAU Ping-cheung Ms Audrey EU	Schedule of meetings for October and November 2003	
000759 - 001210	Administration	Briefing on the information paper on the minor works (MW) control regime (LC Paper No. CB(1) 2292/02-03(01))	
001211 - 002400	Mr LAU Ping-cheung Administration Chairman Mr TAM Yiu-chung	Scope of the MW control regime (a) enquiry about whether small-scale new buildings, and temporary building structures would be regarded as MW (b) need to consult the building professionals and the construction industry on details of the categories of MW	
002401 - 003840	Ms Audrey EU Administration Miss Margaret NG SALA1 Chairman	Responsibilities and legal liabilities of property owners to comply with control requirements of the MW control regime (a) concern about how the public could be informed of the MW control regime and its implications (b) concern about legal liabilities of property owners for appointing unregistered MW contractors to carry out the works and where the appointed contractors failed to comply with specified requirements	Admin to take action under paragraph 4(a)(viii) and (ix) of the minutes

Time marker	Speaker	Subject(s)	Action required
003841 - 005153	Ms Miriam LAU Chairman Administration	Scope of the MW control regime (a) concern about the need to control MW, e.g. erection of metal supporting frame for air-conditioning unit and drying rack, the burden and cost implication on property owners	Admin to take action under paragraph 4(a)(i) of the minutes
005154 - 005700	Ms Audrey EU Administration Ms Miriam LAU	Scope of exemptions of building works under the Buildings Ordinance (BO) (a) concern that the scope of "exempted works" would be narrowed by proposed amendment to section 41(3)	
005701 - 011754	Ms Audrey EU Ms Miriam LAU Chairman Miss Margaret NG Mr Abraham SHEK Mr Andrew WONG	MW control regime (a) concern about how the submission of as-built plans and certificate of completion to the Building Authority (BA) after completion of the MW would enhance the safety of the works (b) concern as to whether existing MW contractors would be able to provide as-built plans of the works done (c) concern about the practicability and cost-effectiveness for the BA to keep and manage a large amount of as-built plans for Category III MW (d) concern about the impact of the MW control regime on existing MW contractors and how these contractors could be consulted (e) request for provision of a sample of an as-built plan for erection of	Admin to take action under paragraphs 4(a)(ii), (iii), (iv), (v), (vi), and (b) of the minutes

Time marker	Speaker	Subject(s)	Action required
		supporting frame for air-conditioning unit under Category III MW	
011755 - 013641	Ir Dr Raymond HO Administration Miss Margaret NG Mr Abraham SHEK Ms Audrey EU	Level of fines for offences (a) concern that the proposed increase in fines to \$1,500,000 under section 40(2AA) of the BO for the offence concerning failure to notify the BA of contravention of regulations resulting from carrying out building works shown in approved plans was too high and the existing imprisonment term of three years was too severe (b) request for examples of existing laws with comparable penalty as section 40(2AA) (c) concern about the appropriateness of imposing the same level of penalty for offences relating to MW and other building works Grandfather provision for authorized persons and registered structural engineers for registration as geotechnical engineers	Admin to take action under paragraph 4(a)(x), (d) and (e) of the minutes
013642 - 014548	Chairman Administration	Registration of MW contractors (a) concern about the provision of top-up courses for contractors who did not meet the academic qualification requirement for registration as MW contractors (b) concern that existing MW contractors who were not qualified for registration would be forced out of job or end up working for registered contractors	Admin to take action under paragraph 4(a) (vii) of the minutes

Time marker	Speaker	Subject(s)	Action required
014549 - 015416	Chairman Ms Audrey EU Administration	Scope of exemptions of building works under the BO (a) concern that the scope of "exempted works" would be narrowed by proposed amendment to section 41(3)	
015417 - 015539	Chairman	Provision of top-up courses for MW contractors (a) request for information on the number of training places and course fees	Admin to provide information under paragraph 4(a)(vii) of the minutes
015540 - 020438	Mr Albert CHAN Administration Chairman	Scope of exemptions of building works under the BO (a) concern whether MW carried out partly outside a building would be regarded as exempted works (b) request to provide a list of building works which would be regarded as exempted works	Admin to provide information under paragraph 4(c) of the minutes