

**立法會**  
**Legislative Council**

LC Paper No. CB(1)238/03-04  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/9/02/2

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

**Minutes of fifth meeting held on  
Thursday, 16 October 2003, at 10:45 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 Andrew WONG Wang-fat, JP  
Hon Miriam LAU Kin-yee, JP  
Dr Hon TANG Siu-tong, JP  
Hon Abraham SHEK Lai-him, JP  
Hon LI Fung-ying, JP  
Hon WONG Sing-chi  
Hon LAU Ping-cheung  
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon TAM Yiu-chung, GBS, JP  
Hon Albert CHAN Wai-yip
- Public officers attending** : Miss CHEUNG Siu-hing  
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

**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

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Action

**I. Confirmation of minutes**

(LC Paper No. CB(1)60/03-04 -- Minutes of meeting on  
23 September 2003)

The minutes of the fourth meeting held on 23 September 2003 were confirmed.

**II. Meeting with the Administration**

(LC Paper No. CB(1)59/03-04(01) -- List of follow-up actions  
arising from the discussion at  
the meeting on 23 September  
2003

LC Paper No. CB(1)2405/02-03(03) -- Information paper provided by  
the Administration on  
Building Safety Loan Scheme

LC Paper No. CB(1)2405/02-03(04) -- Information paper provided by  
the Administration on  
uncooperative owners

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 :

Action

- (a) to advise if there were any applications for the Building Safety Loan Scheme (BSLS) which had been rejected because of the failure of the applicants to submit supporting documents in respect of the properties in question which were held under joint ownership. An example quoted was the failure of the applicant to produce a copy of the HKID card of the other co-owners;
- (b) to consider how applicants with negative equity could be assisted in applying for loans exceeding \$250,000 under BSLS as they were required to execute a legal charge registered against the title of a property owned by them or to obtain a letter of guarantee issued by a bank;
- (c) to advise how the interest rate for BSLS loans on the principle of "no gain, no loss" to Government was arrived at and whether the resources used in dealing with defaulting cases were included in the calculation;
- (d) referring to the submission of supporting documents on incomes and bank accounts by applicants under the low income category for the interest-free BSLS loan (page 4 of the application form for BSLS), to consider whether a reference letter from a registered social worker in support of the application could serve the purpose;
- (e) to provide the number and percentage of BSLS applications received up to July 2003 which were made in response to orders issued by the Building Authority;
- (f) to confirm whether all the sections referred to in the proposed section 39B(1) of the Buildings Ordinance (BO) (Cap. 123) were related to safety of buildings. Some members were concerned that the offences for contravention of proposed section 39B would attract severe penalties;
- (g) to confirm whether a person aggrieved by an order served on an owners' corporation (OC) might appeal to an Appeal Tribunal appointed under BO;
- (h) to consider how to resolve genuine difficulties encountered by individual owners who felt aggrieved by a decision made by an OC in response to an order served on the OC;
- (i) to explain whether BA would take enforcement action when disputes between individual owners and OCs concerning compliance with statutory orders were yet to be settled; and

Action

- (j) to advise who would be liable to offences relating to obstruction of OC if the owner was a company.

**III. Any other business**

4. Members were reminded that the next meeting would be held on 28 October 2003, at 2:30 pm.

*(Post-meeting note: With the concurrence of the Chairman, the next meeting was rescheduled for Thursday, 6 November 2003, at 2:30 pm. Members were informed vide LC Paper No. CB(1)96/03-04 on 17 October 2003.)*

5. The meeting ended at 12:45 pm.

Council Business Division 1  
Legislative Council Secretariat  
5 November 2003

**Proceedings of the fifth meeting of the  
Bills Committee on Buildings (Amendment) Bill 2003  
on Thursday, 16 October 2003, at 10:45 am  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000213	Chairman	Confirmation of minutes of the fourth meeting held on 23 September 2003 (LC Paper No. CB(1)60/03-04)	
000214 - 000650	Administration	Briefing on the information paper on the Building Safety Loan Scheme (BSLS) (LC Paper No. CB(1)2405/02-03(03))	
000651 - 001246	Ms LI Fung-ying Administration Chairman	Reasons for rejecting applications for BSLS  (a) the application was outside the scope of BSLS  (b) failure of the applicants to provide supporting information, e.g. copies of the HKID cards of other co-owners of the property, or to meet security requirements, e.g. executing a legal charge against the property	Admin. to provide information under para. 3(a) of the minutes
001247 - 001530	Mr LAU Ping-cheung Administration	Works covered by loans under BSLS  (a) enquiry about whether improvement works incidental or consequential to the demolition or repair works of buildings would be covered by the loan scheme	
001531 - 002727	Ms Miriam LAU Administration Chairman	Interest and security arrangements of BSLS  (a) concern that applicants with negative assets could not execute a legal charge against their properties or obtain a bank guarantee as required for loans exceeding	Admin. to provide information under para. 3(b) and (c) of

Time marker	Speaker	Subject(s)	Action required
		<p>\$250,000</p> <p>(b) enquiry about how the interest rate for loans on the principle of "no gain, no loss" to Government was arrived at</p> <p>(c) explore ways to assist applicants with negative assets to obtain loans</p>	the minutes
002728 - 003635	Ms Audrey EU Administration Chairman Ms Miriam LAU	<p>Repayment of loans under BSLS</p> <p>(a) enquiry about default rate of loans</p> <p>(b) enquiry about cost incurred in recovery of outstanding loans</p>	
003636 - 003825	Chairman Administration	Supporting documents for loans under BSLS	
003826 - 004214	Ms Miriam LAU Administration	Implementation and publicity for BSLS	
004215 - 004354	Chairman Administration	<p>Supporting documents for loans under BSLS</p> <p>(a) viability of accepting a reference letter from a registered social worker as a supporting document for application of interest-free loan under the low income category</p>	Admin. to consider the suggestion under para 3(d) of the minutes
004355 - 005159	Mr Abraham SHEK Administration Ms Miriam LAU	<p>Publicity for BSLS</p> <p>(a) concern about how to promote BSLS to elderly property owners living in old buildings</p> <p>(b) concern about how property owners or owners corporations (OC) whom the Building Authority (BA) had not served statutory improvement/removal orders on would be aware of BSLS</p>	Admin. to provide information under para 3(e) of the minutes

Time marker	Speaker	Subject(s)	Action required
005160 - 005440	Mr Abraham SHEK Administration Chairman	Work of the Urban Renewal Authority in promoting rehabilitation of old buildings	
005441 - 005817	Ir Dr Raymond HO Administration	Encouraging take-up of BSLs  (a) viability of providing interest-free loans for all applications of BSLs	
005818 - 010122	Administration	Briefing on the information paper on uncooperative owners (LC Paper No. CB(1)2405/02-03(04))	
010123 - 010816	Mr Andrew WONG Administration	Enforcement problems of the proposal for BA to prosecute owners for obstructing an OC in complying with statutory orders (proposed section 39(B) of the Buildings Ordinance (BO))  (a) factors and circumstances which BA would consider in deciding whether to instigate prosecution against uncooperative owners  (b) liability for additional cost incurred by OC in complying with statutory orders arising from obstruction by uncooperative owners	
010817 - 012128	Ms Audrey EU Chairman Administration Ms Miriam LAU	Disputes between individual owners and OC concerning compliance with a statutory order served on the OC  (a) concern that affected owners would not be compensated for loss/inconvenience caused by compliance with order by OC  (b) Administration's role and assistance in resolving disputes between individual owners and OC in this respect	Admin. to take action under para. 3(h) of the minutes

Time marker	Speaker	Subject(s)	Action required
012129 - 012509	Ms Audrey EU	Remedies available for individual owners who felt aggrieved by decisions made by OC in response to order served on the OC	
012510 - 012633	Ms LI Fung-ying	Concern about delay in carrying out the works if there were disputes between OC and individual owners regarding compliance with an order	
012634 - 012913	Mr Andrew WONG	<p>Remedies available to individual owners who felt aggrieved by decisions made by OC in response to order served on the OC</p> <p>(a) right of appeal against unreasonable decisions made by the OC</p> <p>(b) viability of specifying in the law that works effected by OC should cause minimum disturbance to affected owners</p>	
012914 - 014724	Administration Ms Audrey EU Mr Andrew WONG Chairman SALA1 Ms Miriam LAU	<p>Remedies available to individual owners who felt aggrieved by decisions made by OC in response to order served on the OC</p> <p>(a) Administration's role and assistance in resolving disputes between individual owners and OC in this respect</p> <p>(b) enquiry about whether an owner aggrieved by an order served on the OC could appeal to the Building Appeal Tribunal (section 44 of BO)</p> <p>(c) enquiry about whether orders served on an OC were all related to safety of buildings (i.e. sections referred to in proposed section 39B of BO)</p>	<p>Admin. to take action under para. 3(h) of the minutes</p> <p>Admin. to take action under para 3(f) of the minutes</p>



Time marker	Speaker	Subject(s)	Action required
014725 - 014841	Chairman Ms LI Fung-ying	Concern about delay in carrying out the works if there were disputes between OC and individual owners regarding compliance with an order, and whether BA would enforce the order before the disputes were settled	Admin. to take action under para. 3(i) of the minutes
014842 - 015700	Mr Andrew WONG Chairman Ms Audrey EU	Penalty for obstruction of OC in complying with order served on it (proposed section 40(4B) of BO)  (a) concern that the penalty was too severe  (b) enquiry about whether individual owners aggrieved by an order served on the OC could appeal to the Building Appeal Tribunal  (c) liability for offence relating to obstruction of OC if the owner was a company	Admin. to advise under para 3(g) of the minutes  Admin. to advise under para. 3(j) of the minutes
015701 - 015723	Chairman	Date of next meeting	