

立法會
Legislative Council

LC Paper No. CB(1)408/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/9/02/2

Bills Committee on Buildings (Amendment) Bill 2003

**Minutes of sixth meeting held on
Thursday, 6 November 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 Andrew WONG Wang-fat, JP
Hon Miriam LAU Kin-yee, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon LI Fung-ying, JP
Hon WONG Sing-chi
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Margaret NG
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
- 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)238/03-04 -- Minutes of meeting on
16 October 2003)

The minutes of the fifth meeting held on 16 October 2003 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1)237/03-04(01) -- List of follow-up actions
arising from the discussion
at the meeting on
16 October 2003

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

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)2415/02-03(06) -- Information paper provided by
the Administration on cost
recovery for removal of
unauthorized building works

Action

LC Paper No. CB(1)76/03-04(01) -- Information paper provided by the Administration on fines

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 provide a sample rates demand note which contains a note that the charging of rates on a structure did not connote its legality;
 - (b) to consider the feasibility of introducing mandatory or voluntary arbitration to resolve disputes between owners' corporations (OCs) and individual owners in connection with compliance with statutory orders served under the Buildings Ordinance (Cap. 123);
 - (c) to consider the feasibility of operating an advisory service counter in the Lands Tribunal (LT) to help resolve disputes between OCs and individual owners in connection with compliance with statutory orders served under BO;
 - (d) to advise how far individual owners could seek redress from LT under the Tenth Schedule to the Building Management Ordinance (Cap. 344) in relation to disputes with OCs concerning compliance with statutory orders served under BO;
 - (e) to advise whether a reference letter from a registered social worker could be accepted for the purpose of supporting applications for interest-free loans under the Building Safety Loan Scheme from owners who might not fall within the low income category (if the assessment was made in terms of total household income) but whose family members habitually did not contribute to the family expenditure;
 - (f) to advise the outcome of the Administration's examination of the feasibility of providing for separate penalties for minor works. A member suggested that a tier penalty system might be considered such as providing for penalties for summary conviction and conviction on indictment; and
 - (g) to co-ordinate the attendance of the Home Affairs Department to attend the meetings of the Bills Committee scheduled for 11 or 27 November 2003 to discuss the issue relating to uncooperative owners.

Action

III. Any other business

4. Members were reminded that the next two meetings would be held on 11 and 27 November 2003, both at 2:30 pm.
5. The meeting ended at 4:30 pm.

Council Business Division 1
Legislative Council Secretariat
26 November 2003

**Proceedings of the sixth meeting of the
Bills Committee on Buildings (Amendment) Bill 2003
on Thursday, 6 November 2003, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 000154	Chairman	Confirmation of minutes of the fifth meeting held on 16 October 2003 (LC Paper No. CB(1)238/03-04)	
000155 – 000827	Administration	Briefing on the information paper on supplementary information on Building Safety Loan Scheme and uncooperative owners (LC Paper No. CB(1)237/03-04(03))	
000828 – 001149	Chairman Administration	Rates charged on unauthorized building structures (a) enquiry about whether payment of rates on building structures would imply the legality of the structures	Admin. to provide information under para. 3(a) of the minutes
001150 – 002250	Mr Andrew WONG Administration Chairman Ms LI Fung-ying	Disputes between owners' corporations (OCs) and individual owners concerning compliance with statutory orders served on OCs (a) query about how individual owners could seek redress from the Lands Tribunal (LT) under the Tenth Schedule to the Building Management Ordinance (BMO) for disputes with OCs (b) clarification on liability for offence relating to obstruction of OC if the owner was a company	
002251 – 002919	Ms LI Fung-ying Administration Chairman	Building Safety Loan Scheme (a) concern that owners who failed to	

Time marker	Speaker	Subject(s)	Action required
		<p>obtain the loans due to the lack of co-owners' consent for the loans or reluctance to accept full liability for the loans might not carry out repair or improvement works for their buildings</p>	
002920 – 010409	<p>Ms Audrey EU Administration Dr TANG Siu-tong Ms Miriam LAU Mr Andrew WONG Mr LAU Ping-cheung</p>	<p>Ways to help resolve disputes between OCs and individual owners concerning compliance with statutory orders served on OCs</p> <p>(a) feasibility of introducing mandatory or voluntary arbitration to resolve disputes between OCs and individual owners</p> <p>(b) feasibility of operating an advisory service counter in LT to help resolve disputes between OCs and individual owners</p> <p>(c) query about how individual owners could seek redress from LT under the Tenth Schedule to BMO for disputes with OCs</p> <p>(d) suggestion to invite representatives from the Home Affairs Department to discuss issues relating to uncooperative owners</p> <p>Building Safety Loan Scheme</p> <p>(a) concern that owners who failed to obtain the loans due to the lack of co-owners' consent for the loans or reluctance to accept full liability for the loans might not carry out repair or improvement works for their buildings</p>	<p>Admin. to consider the suggestions under para 3(b) and (c) of the minutes</p> <p>Admin. to provide information under para 3(d) of the minutes</p> <p>Admin. to take action under para 3(g) of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
		(b) viability of providing loan to a co-owner of a joint-ownership property who could execute a legal charge against the property for his share	
010410 – 010704	Chairman Administration	Supporting documents for Building Safety Loan Scheme (a) viability of accepting a reference letter from a registered social worker as a supporting document for application of interest-free loans from owners who might not fall within the low income category (if the assessment was made in terms of total household income) but whose family members habitually did not contribute to the family expenditure	Admin. to consider the suggestion under para 3(e) of the minutes
010705 – 011353	Administration	Briefing on the information paper on cost recovery for removal of unauthorized building works (UBWs) (LC Paper No. CB(1)2415/02-03(06))	
011354 – 012318	Mr LAU Ping-cheung Administration Ms Miriam LAU	Enforcement action against UBWs (a) enquiry about the timeframe for taking enforcement action against UBWs (b) liability of Authorized Persons and property owners for UBWs (c) removal of abandoned signboards by the Administration	
012319 – 013051	Administration	Briefing on the information paper on fines (LC Paper No. CB(1)76/03-04(01))	

Time marker	Speaker	Subject(s)	Action required
013052 – 015123	Ms Miriam LAU Chairman Administration Ir Dr Raymond HO Ms LI Fung-ying Mr TAM Yiu-chung	The proposal to increase fines for selected offences (Clause 39 of the Bill) (a) query about the appropriateness of linking the level of fines with changes in the Building Cost Index (b) query about the appropriateness of comparing the penalty level for offences relating to building works with different offences under other ordinances (c) feasibility of providing for separate penalties under the Bill for offences relating to minor works and introducing a tier penalty system for different offences under the Bill (d) opposition of some building professionals to the proposed increase in fines for offence under section 40(2AA) of the Buildings Ordinance for failure to notify the Building Authority of any contravention of building regulations resulting from the carrying out of works shown on approved plans (e) some members considered that the proposed increase in fines for offences too high	Admin. to take action under para 3(f) of the minutes
015124 – 015152	Chairman	Dates of next two meetings	