

**立法會**  
***Legislative Council***

LC Paper No. CB(1)409/03-04  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/9/02/2

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

**Minutes of seventh meeting held on  
Tuesday, 11 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 Margaret NG  
Hon Andrew WONG Wang-fat, JP  
Hon Miriam LAU Kin-yee, JP  
Dr Hon TANG Siu-tong, JP  
Hon LI Fung-ying, JP  
Hon Albert CHAN Wai-yip  
Hon WONG Sing-chi  
Hon LAU Ping-cheung
- Members absent** : Hon TAM Yiu-chung, GBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Audrey EU Yuet-mee, SC, JP
- Public officers attending** : Miss CHEUNG Siu-hing  
Deputy Secretary for Housing, Planning and Lands  
(Planning and Lands)<sup>2</sup>
- Ms Olivia NIP  
Principal Assistant Secretary for Housing, Planning and  
Lands (Planning and Lands)<sup>4</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 LO Hing-chung  
Assistant Commissioner of Rating and Valuation

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. Meeting with the Administration**
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|---------------------------------|--|
| (LC Paper No. CB(1)76/03-04(01) | -- Information paper provided by the Administration on fines                                 |
| LC Paper No. CB(1)59/03-04(02)  | -- Information paper provided by the Administration on building numbers                      |
| LC Paper No. CB(1)237/03-04(02) | -- Information paper provided by the Administration on minor works control regime (Part II)) |

The Bills Committee deliberated (Index of proceedings attached at the **Appendix**).

Follow-up actions to be taken by the Administration

2. The Administration was requested -
- (a) to ascertain the reference to which the level of fines had been made

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when the provisions relating to fines in the Buildings Ordinance (BO) (Cap.123) were enacted;

- (b) to review whether it was appropriate to link the level of fines with the Building Cost Index. It had been suggested that reference might be made to the Consumer Price Index;
- (c) to review the proposal to increase the maximum fine from \$250,000 to \$1.5 million under section 40(2AA) of BO for failure to notify the Building Authority of any contravention of building regulations resulting from the carrying out of works shown on approved plans;
- (d) to review whether it was appropriate for the proposed offence under section 40(2AA) of BO to be a strict liability offence;
- (e) to review comprehensively the present situation about display of street names and building numbers and report the outcome of the review to the Panel on Planning, Lands and Works. Members were concerned about inadequate display of street names and building numbers in the territory. A member was also concerned that normally a building number was only shown at the entrance of a large shopping arcade but the shops which fronted or abutted the street concerned were numberless; and
- (f) to answer at the next meeting the following questions raised by members:
  - (i) would the proposed minor works control scheme backfire as contractors and building owners might be reluctant or unable to comply with the proposed provisions, defeating the purpose for introducing the scheme;
  - (ii) whether works which altered fire services installations without changing the structural elements of a building would be regarded as exempted works under section 41(3AA)(a) of BO;
  - (iii) whether the contractor and/or the owner concerned would be held liable if the as-built plan for a supporting frame for an air-conditioning unit was found to be incorrect;
  - (iv) whether the contractor for installing a new air-conditioning unit using an existing supporting frame and/or the owner concerned would be held liable if the existing supporting frame is used and it fell off during installation of the unit and caused injury to a person; and

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- (v) were there any mechanism and measures to deal with existing supporting frames and whether the owners concerned would be held criminally liable under BO if these structures fell off causing injury to a person.

**II. Any other business**

- 3. Members were reminded that the next meeting would be held on Thursday, 27 November 2003, at 2:30 pm.
- 4. The meeting ended at 4:35 pm.

Council Business Division 1  
Legislative Council Secretariat  
26 November 2003

**Proceedings of the seventh meeting of the  
Bills Committee on Buildings (Amendment) Bill 2003  
on Tuesday, 11 November 2003, at 2:30 pm  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 – 002500	Chairman Ir Dr Raymond HO Administration SALA	Continuation of discussion on the information paper on fines (LC Paper No. CB(1)76/03-04(1))  (a) concerns raised by the Hong Kong Institution of Engineers on linking the level of fines with the Building Cost Index (BCI), and the proposed increase in fines for offence under section 40(2AA) of the Buildings Ordinance (BO)  (b) viability of making reference to the Consumer Price Index for fixing the level of fines  (c) enforcement action taken against commission of offence under section 40(2AA) over the past years  (d) concern about the offence under section 40(2AA) being a strict liability	Admin. to take action under para. 2(b) and (c) of the minutes
002501 – 003010	Ms LI Fung-ying Administration Chairman	Principles and bases adopted for determining the level of fines for offences under BO when the offences were first introduced	Admin. to provide information under para. 2(a) of the minutes
003011 – 004610	Ms Margaret NG Administration Ir Dr Raymond HO Chairman	Concerns about linking the level of fines with BCI, and imposing a strict liability for offence under section 40(2AA)	Admin. to take action under para. 2(d) of the minutes
004611 – 005029	Dr TANG Siu-tong	Enquiries about the proposed increase	

Time marker	Speaker	Subject(s)	Action required
	Administration	in fines for offence under section 40(2AC), and the Administration's examination of providing separate penalties for offences relating to minor works	
005030 – 005545	Administration	Briefing on the information paper on building numbers (LC Paper No. CB(1)59/03-04(02))	
005546 – 005945	Ir Dr Raymond HO Administration	Work of the Rating and Valuation Department in ensuring proper display of building numbers	
005946 – 011620	Ms LI Fung-ying Administration Ms Margaret NG Chairman SALA Ir Dr Raymond HO Mr Andrew WONG	Confusion and irregularities in display of street names and building numbers  (a) allocation of building numbers to large shopping arcades with individual shops fronting streets  (b) concern about inadequate display of street names and building numbers in the territory  (c) request for a comprehensive review on display of street names and building numbers and to report the outcome to the Panel on Planning, Lands and Works for follow-up	Admin. to take action under para. 2(e) of the minutes
011621 – 013000	Administration	Briefing on the information paper on minor works (MW) control regime (part II) (LC Paper No. CB(1)237/03-04(02))	
013001 – 020015	Ms Margaret NG Administration Chairman Mr LAU Ping-cheung Ms LI Fung-ying Mr Andrew WONG	The need to control MW, such as erection of metal supporting frames for air-conditioning units  (a) viability of exempting certain MW from the MW control regime (b) concern about whether building owners and existing MW	Admin. to respond to

Time marker	Speaker	Subject(s)	Action required
		<p>contractors would be able to comply with requirements of the MW control regime</p> <p>(c) enquiry about liability of MW contractors and building owners for submitting incorrect MW as-built plans to the Building Authority</p> <p>(d) enquiry about liability of MW contractors and building owners if existing supporting frames fell off during the installation of new air-conditioning units</p> <p>(e) enquiry about charging for submission and inspection of MW as-built plans</p> <p>(f) concern about the lack of a mechanism for dealing with existing supporting frames for air-conditioning units</p> <p>Scope of exempted works under BO</p> <p>(a) enquiry about whether alteration of fire services installations without changing the structural elements of a building would be regarded as "exempted works" under section 41(3AA)</p>	<p>members' questions under para. 2(f) of the minutes</p>