

立法會
Legislative Council

LC Paper No. CB(1)546/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/9/02/2

Bills Committee on Buildings (Amendment) Bill 2003

**Minutes of eighth meeting held on
Thursday, 27 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 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 TAM Yiu-chung, GBS, JP
Hon WONG Sing-chi

Public officers attending : Mr Marco WU
Director of Buildings

Mr AU Choi-kai
Assistant Director (Support)
Buildings Department

Mr HO Kwok-hung
Chief Building Surveyor (Legal)
Buildings Department

Miss CHEUNG Siu-hing
Deputy Secretary for Housing, Planning and Lands
(Planning and Lands)2

Ms Olivia NIP
Principal Assistant Secretary for Housing, Planning and
Lands (Planning and Lands)4

Mr Rick CHAN
Assistant Secretary for Housing, Planning and Lands
(Buildings)1

Mr CHENG Kim-fung
Senior Assistant Law Draftsman
Department of Justice

Mrs Angelina CHEUNG
Assistant Director
Home Affairs Department

Mr MA Kam-ki
Senior Liaison Officer (Building Management)
Home Affairs Department

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)408/03-04 -- Minutes of meeting on
6 November 2003)
LC Paper No. CB(1)409/03-04 -- Minutes of meeting on
11 November 2003)

The minutes of the sixth and seventh meetings held on 6 and 11 November 2003 respectively were confirmed.

Action

II. Meeting with the Administration

- (LC Paper No. CB(1)407/03-04(01) -- List of follow-up actions arising from the discussion at the meeting on 6 November 2003
- LC Paper No. CB(1)407/03-04(02) -- List of follow-up actions arising from the discussion at the meeting on 11 November 2003
- LC Paper No. CB(1)237/03-04(02) -- Information paper provided by the Administration on minor works control regime (Part II)
- LC Paper No. CB(1)407/03-04(03) -- Information paper provided by the Administration on relationship between individual owners and owners' corporations)

2. The Bills Committee deliberated (Index of proceedings attached at the **Appendix**). The Administration displayed a typical supporting frame for air-conditioning unit at the meeting. A photo showing an air-conditioning unit with a supporting frame was tabled at the meeting for members' reference.

(Post-meeting note: The photo was circulated to members vide LC Paper No. CB(1)462/03-04 on 28 November 2003.)

Follow-up actions to be taken by the Administration

3. The Administration was requested -
- (a) to advise whether applicants, failing in examination of a recognized top-up course for minor works contractors, had to pay an examination fee again if they re-sit the examination and if so, the fee level;
 - (b) to review the proposed minor works control regime to address members' concern that the proposed regime was nuisance-causing but ineffective to enhance public safety. To address some members' concern that it was unclear what constituted exempted works;
 - (c) to provide legal advice on nature of disputes between owners' corporations and individual owners in relation to statutory orders issued by the Building Authority (BA) which could be heard by the Lands Tribunal under the Tenth Schedule to the Building Management Ordinance (Cap. 344); and

Action

- (d) to consider the proposal of extending the scope of the Appeal Tribunal (Buildings) to hear and determine cases of disputes between individual owners and owners' corporations (OC) relating to the manner of complying with a statutory order issued by BA. Some members considered that this proposal might resolve the complication arising from the anomaly of having two bodies, namely, the Appeal Tribunal (Buildings) and the Lands Tribunal, handling matters relating to compliance with a statutory order issued by BA, and the Appeal Tribunal (Buildings) could be a better venue in view of the technical background of its members.

III. Any other business

4. Members agreed to hold the next meeting of the Bills Committee on Friday, 12 December 2003, at 8:30 am.
5. The meeting ended at 4:35 pm.

Council Business Division 1
Legislative Council Secretariat
11 December 2003

**Proceedings of the eighth meeting of the
Bills Committee on Buildings (Amendment) Bill 2003
on Thursday, 27 November 2003, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 000245	Chairman	Opening remarks	
000246 – 001839	Administration	<p>Administration's response to members' enquiries raised at the meeting on 11 November 2003 (Information paper on minor works control regime (Part II) (LC Paper No. CB(1)237/03-04(02))</p> <p>(a) the need to introduce the minor works (MW) control regime</p> <p>(b) how to ensure compliance with requirements under the MW control regime by building owners and existing/registered MW contractors</p> <p>(c) liability of building owners and MW contractors for incorrect MW as-built plans submitted to the Building Authority (BA)</p> <p>(d) liability of building owners and MW contractors if existing supporting frames for air-conditioning units fell off</p> <p>(e) alteration of fire services installations without changing the structural elements of a building would not be building works and thus the Building Ordinance (BO) would not apply</p>	
001840 – 002507	Ir Dr Raymond HO Administration	Technical requirements in installation of supporting frames for air-conditioning units	
002508 – 003642	Ms Miriam LAU	MW control regime	

Time marker	Speaker	Subject(s)	Action required
	Administration	<p>(a) enquiry on enforcement action taken against existing supporting frames for air-conditioning units</p> <p>(b) concern that the MW control regime was nuisance-causing but ineffective in enhancing public safety</p> <p>(c) inspection on completed MW under the MW control regime</p>	Admin. to take action under para. 3(b) of the minutes
003643 – 004645	Ms LI Fung-ying Administration Chairman	<p>MW control regime</p> <p>(a) concern about the impact of the MW control regime on existing MW contractors</p> <p>(b) transitional arrangement for existing MW contractors to migrate to the MW control regime</p> <p>(c) provision of top-up courses and related examination for existing MW contractors</p>	Admin. to provide information under para. 3(a) of the minutes
004646 – 005653	Mr Andrew WONG Administration	<p>Exempted works under section 41(3AA) of BO</p> <p>(a) concern that the scope of exempted works was unclear</p> <p>(b) examples of exempted works</p>	Admin. to take action under para. 3(b) of the minutes

Time marker	Speaker	Subject(s)	Action required
005654 – 011151	Dr TANG Siu-tong Chairman Administration Ms Margaret NG Ir Dr Raymond HO Mr Andrew WONG	MW control regime (a) concern about liability of building owners if existing supporting frames for air-conditioning units fell off (b) enforcement action against abandoned supporting frames for air-conditioning units (c) suggestion to review the MW control regime to streamline requirements and minimize burden on building owners and MW contractors	Admin. to take action under para. 3(b) of the minutes
011152 – 011920	Administration	Briefing on the information paper on relationship between individual owners and owners' corporations (OCs) (LC Paper No. CB(1)407/03-04(03))	
011921 – 012422	Mr Andrew WONG Administration Chairman	Concern about how the Tenth Schedule to the Building Management Ordinance (BMO) and the Lands Tribunal (LT) could help resolve disputes between individual owners and OCs regarding the manner of complying with statutory orders issued by BA Request for information on legal advice regarding the nature of disputes between OCs and individual owners in relation to statutory orders issued by BA which could be heard by LT	Admin. to provide information under para. 3(c) of the minutes
012423 – 013944	Ms LI Fung-ying Administration Mr Albert CHAN Chairman Mr Andrew WONG	Mediation and arbitration mechanisms for resolving disputes between individual owners and OCs regarding the manner of complying with statutory orders issued by BA (a) concern that voluntary mediation and arbitration mechanisms were	

Time marker	Speaker	Subject(s)	Action required
		<p>ineffective in resolving disputes between individual owners and OCs</p> <p>(b) concern about financial burden on individual owners in pursuing civil actions against OCs in resolving disputes</p>	
013945 – 020127	<p>Ms Audrey EU Administration Chairman Mr Andrew WONG Mr Albert CHAN</p>	<p>Mechanisms for resolving disputes between individual owners and OCs regarding the manner of complying with statutory orders issued by BA</p> <p>(a) concern about the anomaly of having two bodies to deal with matters relating to statutory orders issued by BA, i.e. the Appeal Tribunal (Buildings) (AT(B)) under BO to hear appeals relating to issuance of the orders, and LT under BMO to handle disputes relating to the manner of complying with the orders</p> <p>(b) feasibility of extending the scope of AT(B) to hear and determine cases of disputes between individual owners and OC relating to the manner of complying with statutory orders issued by BA</p> <p>(c) Administration had reservation about the proposal to extend the ambit of AT(B) to handle disputes relating to the manner of complying with statutory orders issued by BA</p> <p>(d) Administration's tentative proposal to delete Clause 38 relating to uncooperative owners from the Bill (proposed section 39B of BO)</p>	<p>Admin. to take action under para. 3(d) of the minutes</p>
020128 – 020233	Chairman	Confirmation of minutes of meetings held on 6 and 11 November 2003	

Time marker	Speaker	Subject(s)	Action required
		Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
11 December 2003