

立法會
Legislative Council

LC Paper No. CB(1)703/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/9/02/2

Bills Committee on Buildings (Amendment) Bill 2003

**Minutes of ninth meeting held on
Friday, 12 December 2003, at 8:30 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
Hon TAM Yiu-chung, GBS, 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
Hon Audrey EU Yuet-mee, SC, JP
- Member absent** : Hon Abraham SHEK Lai-him, JP
- Public officers attending** : Ms Olivia NIP
Deputy Secretary for Housing, Planning and Lands
(Planning and Lands)²
- Mr Parrish NG
Principal Assistant Secretary for Housing, Planning and
Lands (Planning and Lands)³
- 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)546/03-04 -- Minutes of meeting on
27 November 2003)

The minutes of the eighth meeting held on 27 November 2003 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1)545/03-04(01) -- List of follow-up actions
arising from the discussion at
the meeting on 27 November
2003

LC Paper No. CB(1)465/03-04 -- Information paper provided by
the Administration on
emergency vehicular access

LC Paper No. CB(1)545/03-04(02) -- Information paper provided by
the Administration on
registration of geotechnical
engineers

LC Paper No. CB(1)59/03-04(03) -- Administration's response to

Action

submissions)

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 clarify the circumstances which would fall within Regulation 41D(3)(a) of the Building (Planning) Regulations concerning exemption from provision of emergency vehicular access (EVA). An example quoted by a member was inability of a person to purchase the land surrounding the building in question or obtain the approval of the relevant landowner for the provision of EVA which would encroach on his land;
 - (b) to advise the types of foundation works which required the appointment of a geotechnical engineer. A member was concerned whether the carrying out of foundation works for the construction of high-rise superstructures required the appointment of a geotechnical engineer;
 - (c) to explain the impact of the Bill, if any, on building works carried out in the New Territories (NT). Some members had raised queries about application of the requirement of mandatory provision of EVA and the appointment of Registered Geotechnical Engineers to building works involving small houses and low-density residential complex in the NT;
 - (d) to report to the relevant Panels of LegCo about the outcome of consultation with the trade concerning the qualification and experience for registration as Class A and Class B minor works contractors;
 - (e) to ascertain whether under the Tenth Schedule to the Building Management Ordinance (Cap. 344) the Lands Tribunal could handle disputes between individual owners and owners' corporations concerning the award of damages and compensation in connection with the compliance with a statutory order issued by the Building Authority;
 - (f) to provide a paper to explain the issue of warning notice on unauthorized building works and the registration of warning notice in the Land Registry; and

Action

- (g) to review the proposal for charging the issue of a copy of document kept under the Buildings Ordinance (Cap. 123) at \$38 per copy.

III. Any other business

- 4. Members agreed to hold the next two meetings on Thursday, 8 January 2004, at 2:30 pm; and Thursday, 29 January 2004, at 8:30 am.

(Post meeting note: The meeting originally scheduled for 8 January 2004, at 2:30 pm was subsequently re-scheduled for 8:30 am in order to avoid clash with the Chief Executive's Question & Answer Session.)

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

Council Business Division 1
Legislative Council Secretariat
7 January 2004

**Proceedings of the ninth meeting of the
Bills Committee on Buildings (Amendment) Bill 2003
on Friday, 12 December 2003, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 000243	Chairman	Confirmation of minutes of the eighth meeting held on 27 November 2003	
000244 – 000721	Administration	Briefing on the information paper on emergency vehicular access (EVA) (LC Paper No. CB(1)465/03-04)	
000722 – 000920	Dr TANG Siu-tong Administration	<p>Provision of EVA for small houses development in the New Territories (NT)</p> <p>(a) concern that small houses development in the NT would be affected by the new requirement for provision of EVA</p> <p>(b) clarification by the Administration that small houses development in the NT was governed by the Buildings Ordinance (Application to the New Territories) Ordinance (Cap.121) and not the Buildings Ordinance (BO) (Cap. 123)</p>	
000921 – 001218	Mr TAM Yiu-chung Administration	<p>Design and construction standards of EVA</p> <p>Administration's advice that disputes relating to design and construction standards of EVA would be dealt with by the Appeal Tribunal (Buildings) (AT(B)) provided under section 44 of BO</p>	
001219 – 001928	Mr Andrew WONG Administration	<p>Exemption from provision of EVA to new buildings</p> <p>Enquiry on the criteria for exemption from provision of EVA under</p>	The Admin. to take action

Time marker	Speaker	Subject(s)	Action required
		Regulation 41D(3)(a) of the Building (Planning) Regulations	under para. 3(a) of the minutes
001929 – 002109	Chairman Administration	Design and construction standards of EVA Enquiry on the factors to be considered in drawing up the design and construction standards of EVA	
002110 – 002819	Administration	Briefing on the information paper on registration of geotechnical engineers (LC Paper No. CB(1)545/03-04(02))	
002820 – 004557	Ir Dr Raymond HO Administration Chairman	Appointment of Registered Geotechnical Engineers (RGEs) for carrying out building works (a) enquiry on the types of foundation works which required the appointment of RGEs Transitional arrangement for registration of RGEs without the prescribed qualification (a) enquiry on the transitional arrangement for registered professional engineers (RPEs) in the civil/structural engineering discipline, and Authorized Persons (APs)/Registered Structural Engineers (RSEs) with the relevant geotechnical knowledge and experience for registration as RGEs	Admin. to provide information under para. 3(b) of the minutes
004558 – 005504	Ms LI Fung-ying Administration Ir Dr Raymond HO	Consultation with building professionals and the building industry on the proposal of registration of RGEs Enquiry on whether development of small houses in the NT, especially those involving slope works, would	

Time marker	Speaker	Subject(s)	Action required
		require the appointment of RGEs	
005505 – 005808	Mr Andrew WONG Ir Dr Raymond HO Administration	Technical details of site formation works required to support the competence of APs/RSEs for registration as RGEs	
005809 – 010813	Mr Andrew WONG Chairman Administration Dr TANG Siu-tong	Impact of the Bill, in particular requirements for provision of EVA to new buildings and appointment of RGEs for building works, on development of small houses and low-density residential complex in the NT	Admin. to take action under para. 3(c) of the minutes
010814 – 012329	Administration Chairman	<p>Discussion on the Administration's response to concerns/views raised in submissions (LC Paper No. CB(1)59/03-04(03))</p> <p>(a) the Administration to review the proposed minor works control regime in relation to works which were very minor in nature, such as erection of supporting frames for air-conditioning units, and drying racks (item 1 - 10 of the Appendix to the paper)</p> <p>(b) the Administration to consult the trade on the qualification and experience for registration as Class A and Class B minor works contractors, and to report the outcome to the relevant Panels of the LegCo (item 12-14 of the Appendix to the paper)</p>	The Admin. to take action under para. 3(d) of the minutes
012330 – 014129	Mr Andrew WONG Administration Chairman	<p>Discussion on the Administration's response to concerns/views raised in submissions (LC Paper No. CB(1)59/03-04(03))</p> <p>(a) responsibilities for removal of unauthorized signboards (item 18 - 19 of the Appendix to the paper)</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) feasibility of extending the scope of AT(B) to hear and determine cases of disputes between individual owners and owners' corporations (OCs) relating to the manner of complying with statutory orders issued by the Building Authority (BA) (item 22 -23 of the Appendix to the paper, i.e. Clause 38 of the Bill relating to uncooperative owners)</p> <p>(c) the Administration had reservation on the proposal mentioned in (b) above and intended to delete Clause 38 from the Bill</p> <p>(d) the Administration would provide a paper to address members' concerns about the scope of the Lands Tribunal for handling disputes between individual owners and OCs relating to the manner of complying with statutory orders issued by BA, and the award of damages and compensation to parties involved in such disputes</p>	<p>The Admin. to take action under para. 3(e) of the minutes</p>
014130 – 015643	Administration Chairman Ir Dr Raymond HO	<p>Discussion on the Administration's response to concerns/views raised in submissions (LC Paper No. CB(1)59/03-04(03))</p> <p>(a) the Administration to provide a paper to explain the proposals concerning issuance of warning notices on unauthorized building works and registration of the notices in the Land Registry (item 24 - 26 of the Appendix to the paper)</p> <p>(b) availability of qualified building</p>	<p>The Admin. to take action under para. 3(f) of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
		<p>professionals to be appointed as RGEs (item 27 - 31 of the Appendix to the paper)</p> <p>(c) appeal against refusal of application, renewal, or restoration in the registers of APs and RSEs (item 33 of the Appendix to the paper)</p> <p>(d) disciplinary proceedings for APs, RSEs, and RGEs (item 35 of the Appendix to the paper)</p> <p>(e) the Administration would review the proposal of increasing fines for selected offences under BO to address concerns raised by members and some organizations (item 36 - 40 of the Appendix to the paper)</p> <p>(f) the proposal of introducing charge for inspection of building plans/documents on file basis (item 42 of the Appendix to the paper)</p> <p>(g) the Administration to review the proposal for charging the issue of a copy of document under the BO at \$38 per copy (item 43 of the Appendix to the paper)</p>	<p>The Admin. to take action under para. 3(g) of the minutes</p>
015644 – 015942	Chairman	Dates of next two meetings	