

立法會
Legislative Council

LC Paper No. CB(1)2404/06-07
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by the Administration)

Ref : CB1/PL/PLW/1

Panel on Planning, Lands and Works

Minutes of meeting
held on Tuesday, 24 July 2007 at 4:00 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon LAU Wong-fat, GBM, GBS, JP (Chairman)
Prof Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Bernard CHAN, GBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
Hon LI Kwok-ying, MH, JP
Hon Daniel LAM Wai-keung, SBS, JP
- Members attending** : Hon CHAN Yuen-han, SBS, JP
Hon WONG Kwok-hing, MH
- Members absent** : Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Hon James TO Kun-sun
Hon WONG Yung-kan, SBS, JP
Hon CHOY So-yuk, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Vincent FANG Kang, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
Hon CHEUNG Hok-ming, SBS, JP

Public officers attending : Agenda item IV

Mrs Carrie LAM, JP
Secretary for Development

Agenda item V

Mrs Carrie LAM, JP
Secretary for Development

Mr Raymond YOUNG
Permanent Secretary for Development
(Planning and Lands)

Ms Olivia NIP
Deputy Secretary for Development
(Planning and Lands) 2

Mr CHEUNG Hau-wai
Director of Buildings

Mr AU Choi-kai
Deputy Director of Buildings

Agenda item VI

Miss Janet WONG
Deputy Secretary for Development (Works) 1

Mr Jack CHAN
Principal Assistant Secretary for Development (Works) 1

Mr K H TAO
Chief Assistant Secretary for Development (Works) 1

Clerk in attendance : Ms Anita SIT
Chief Council Secretary (1)4

Staff in attendance : Ms Pauline NG
Assistant Secretary General 1

Mr Watson CHAN
Head (Research and Library Services)

Mr WONG Siu-yee
Senior Council Secretary (1)7

Miss Christy YAU
Legislative Assistant (1)1

Action

I Confirmation of minutes

(LC Paper No. CB(1)2122/06-07 -- Minutes of meeting on 22 May 2007

LC Paper No. CB(1)2149/06-07 -- Minutes of special meeting on 29 May 2007)

The minutes of the meetings held on 22 and 29 May 2007 were confirmed.

II Information papers issued since last meeting

(LC Paper No. CB(1)2062/06-07 -- Report of the Panel for submission to the Legislative Council

LC Paper Nos. CB(1)2064/06-07(01), -- Issues raised at the meeting
(02) and (03) between Legislative Council Members and Wong Tai Sin District Council members on 7 December 2006 relating to "Contravention of specified usage of buildings and the problem of unauthorized building works" and the Administration's response

LC Paper No. CB(1)2119/06-07(01) -- Letter dated 9 July 2007 from B W CHOY, a member of the public, relating to the eligibility of registered structural engineers and registered geotechnical engineers in carrying out site investigation for foundation works design and site formation works design

LC Paper No. CB(1)2152/06-07(01) -- Information paper on "92CD -- Yuen Long, Kam Tin, Ngau Tam Mei and Tin Shui Wai drainage improvements, stage 1, phase 2B -- remaining

- works" provided by the Administration
- LC Paper No. CB(1)2152/06-07(02) -- Information paper on "119CD -- Drainage improvement in Northern New Territories -- package C" provided by the Administration
- LC Paper Nos. CB(1)2161/06-07(01) -- Issues raised at the meeting and (02) between Legislative Council Members and Yuen Long District Council members on 10 May 2007 relating to "Land use planning of Yuen Long and greening measures at Yuen Long and Tin Shui Wai")

2. Members noted the information papers issued since last meeting.

III Proposal to undertake an overseas duty visit

(LC Paper No. CB(1)2170/06-07(01) -- Letter dated 16 July 2007 from Prof Hon Patrick LAU Sau-shing)

3. At the invitation of the Chairman, Prof Patrick LAU introduced his proposal for the Panel to undertake an overseas duty visit to gain experience in urban renewal and town planning. He pointed out that Barcelona in Spain had experience in urban renewal and Amsterdam in the Netherlands, which was similar to Hong Kong in that land was scarce, had special characteristics in its town planning. Although he originally proposed to undertake the visit in the summer of 2007, he noted that the contacts in Spain would be on leave in summer and planning for the visit would also take some time. As such, the Panel could also consider undertaking the visit around Easter in 2008.

4. Mr Albert CHAN said that Prague in Czech Republic could be considered. In fact, Prague was one of the places proposed for the visit some years ago. It was due to the flooding at that time that the planned visit to Prague was cancelled in the end. In relation to urban renewal, Boston in the United States would also be appropriate. Visiting one or two cities only might not be adequate. As for timing, September 2007 would be agreeable to him if arrangements could be made. Otherwise, Easter 2008 would also be appropriate.

5. At the invitation of the Chairman, the Clerk said that approval from the House Committee had to be sought for the Panel to undertake an overseas duty visit. As the next meeting of the House Committee was scheduled for 5 October 2007 and if the Panel conducted the visit in this summer, approval from the House

Committee would have to be sought by circulation of papers and the prior agreement of the Chairman of the House Committee to such an arrangement would also be required.

6. Ms Miriam LAU, who was the Chairman of the House Committee, said that she would be happy to cater for the Panel's request for seeking the approval of the House Committee by circulation of papers if the Panel decided to undertake the visit in summer. She considered that the priority task was for the Panel to decide the objective of the visit and then identify the most appropriate places to be visited accordingly. If the objective of the visit was to gain experience in urban renewal, further research should be conducted on whether Barcelona and Amsterdam were the most appropriate places to be visited.

7. Mr Albert CHAN said that apart from urban renewal, the overseas duty visit could also cover other important subjects within the purview of the Panel, as gaining first-hand information on relevant overseas experiences would be beneficial to the Panel's work on monitoring Government policies. For instance, the experience in promoting cycling in Amsterdam might be worth studying through the visit.

8. At the invitation of the Chairman, the Assistant Secretary General 1 said that the Panel had undertaken an overseas duty visit in 2002 on the subject of urban renewal and town planning. The planned visit to Prague was cancelled due to flooding at that time. Information about Prague would be readily available if the Panel decided to visit Prague. London, which was included in the previous visit programme, was conducting a three-stage urban renewal project. The first stage had been completed and the second stage had just been started at the time of the previous visit. The third stage should be in progress at present. The Panel could consider including London in the coming visit to understand the progress of the urban renewal project in London. The Research and Library Services Division would conduct research on the places suggested above.

9. The Chairman suggested that relevant information for the visit would be collected during this summer for consideration by the Panel at the beginning of the new legislative session. Members agreed.

IV Brief address by the Secretary for Development

10. The Secretary for Development (SDEV) briefed members on the missions of the Development Bureau, the manpower and funding provisions for the Bureau, and her preliminary views on how to expedite the implementation of the capital works programme.

(Post-meeting note: The brief remarks by SDEV (LC Paper No. CB(1)2197/06-07(01)) received after the meeting were subsequently issued to members on 25 July 2007.)

11. As a few members had indicated that they wished to raise questions on the brief remarks of SDEV, the Chairman solicited members' views on whether the time allocated for this agenda item should be extended for members to raise questions and for SDEV to give an overall response.

12. Ms Miriam LAU considered that as there were still two discussion items to follow, there would not be sufficient time for members to exchange views with SDEV on her remarks. She suggested that another meeting be arranged for the purpose if other members agreed.

13. After discussion, members agreed that another meeting would be arranged for SDEV to exchange views with members on her brief remarks.

V Mandatory Building Inspection

(LC Paper No. CB(1)2148/06-07(01) -- Information paper on "Mandatory Building Inspection Scheme & Mandatory Window Inspection Scheme" provided by the Administration

LC Paper No. CB(1)1643/06-07(03) -- Information paper on "Public Consultation on Mandatory Building Inspection" provided by the Administration

LC Paper No. CB(1)1717/06-07(01) -- Report on the Public Consultation on Mandatory Building Inspection

LC Paper No. CB(1)1717/06-07(02) -- Report on the Public Consultation on Mandatory Building Inspection – Highlights

LC Paper No. CB(1)2122/06-07 -- Minutes of meeting on 22 May 2007)

14. SDEV said that having reviewed the circumstances and in view of the higher priority of the legislative proposal for introducing the Minor Works Control System in the 2007-2008 legislative session, the Administration planned to introduce the legislative proposals for the Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window Inspection Scheme at the beginning of the 2008-2009 legislative session of the new legislative term so as to allow ample time for scrutiny of the legislative proposals. Meanwhile, the Administration could consult the Panel on individual issues, such as the penalty for non-compliance, so

as to facilitate future legislative work. Other preparatory work could also commence before the legislative work began.

General issues

15. Mr Albert CHAN said that he had all along been strongly objecting to implementing mandatory building inspection through legislation because the Administration would be doing a disservice out of good intentions. MBIS might create loopholes that could be exploited by those with ulterior motives in obtaining benefits from maintenance works through acts such as tender rigging. There had been many cases of suspected corruption but there was insufficient information or evidence for initiating investigation or prosecution. Unless problems relating to owners' corporations, contractors and works monitoring could be solved, MBIS would create a panic for property owners, especially elderly owners and those who were unfamiliar with the legislation. As the Buildings Department (BD) could issue repair orders when required, the Administration had sufficient powers under the existing legislation to ensure building safety. He criticized that the Secretary for Home Affairs had failed to exercise his authority under the Building Management Ordinance to order the appointment of building management agents when necessary. He expressed concern on the quality of some of the maintenance works and how to implement MBIS in buildings without owners' corporations. He also expressed concern on whether Government buildings and public housing would be exempted under MBIS. He said that it might be more desirable and less confusing for the Administration or a dedicated statutory body to undertake all building maintenance works by setting out unit costs for various maintenance items.

16. In response, SDEV disagreed to the view that the Administration would be doing a disservice out of good intentions because there was a consensus on the need for mandatory building inspection. The Administration would adopt a practical approach in handling issues arising from the implementation of MBIS. The Hong Kong Housing Society (HKHS) would provide financial and technical assistance for those in need, the Home Affairs Department (HAD) would enhance its work in assisting owners to form owners' corporations, and the Building Management Ordinance had been amended to facilitate building management work. She welcomed Mr Albert CHAN to explicate his concerns before the commencement of the legislative process.

Unauthorized building works

17. On the Administration's indication that it would not remove all unauthorized building works (UBWs) of the target buildings under the MBIS, but would continue to adopt the existing policy of prioritizing the removal of UBWs based on safety factors, Mr CHAN Kam-lam considered it unsatisfactory because UBWs might obstruct maintenance works. He suggested that the Administration should improve the staffing of BD or consider outsourcing some of its work so as to facilitate the implementation of MBIS.

18. The Permanent Secretary for Development (Planning and Lands) (PSPL) confirmed that due to resources constraints, BD would continue to prioritize the removal of UBWs in accordance with the existing policy. Nevertheless, BD would also demand removal of UBWs which obstructed inspection and maintenance works under the MBIS. The Director of Buildings (DB) added that as some existing UBWs which did not pose imminent danger were used as dwelling places or shops, the Administration had to carefully consider the impacts and identify solutions before requiring immediate removal of those UBWs.

19. As regards the staffing of BD, SDEV said that she was fully aware of the insufficient staffing of BD. At present, a large portion of BD's staff were non-civil service contract staff. Since the non-civil service contract staff lacked job security, their morale might be affected. The Administration would introduce measures to alleviate the situation.

20. Ir Dr Raymond HO considered that MBIS was a practical scheme and it was reasonable for the Administration to introduce the legislative proposals in the 2008-2009 session. He shared the concern on BD's staffing because over half of its staff members were employed on contract basis and morale was very low. He considered that in order to implement MBIS and handle some 700 000 UBWs and 220 000 signboards, the Administration should thoroughly revamp BD's staffing structure and recruitment mode.

21. Mr WONG Kwok-hing enquired about the number of UBWs and urged the Administration to register all UBWs and develop computer systems for maintaining records of UBWs. In the past, the public had criticized the Administration for unfairness or suspected corruption in deciding whether and when to remove UBWs. Owners' corporations were troubled by the policy of not requiring immediate removal of UBWs which did not pose imminent danger. Citing a recent incident involving suspected UBWs erected by a celebrity, he considered that computerized records of UBWs could prevent people from exploiting loopholes and alleviate the public's concerns about the fairness and possible preferential treatment in the removal of UBWs.

22. In response, DB said that BD inspected 1 000 buildings per year for the presence of UBWs. Inspections would also be carried out upon receiving complaints. Removal orders and warning notices for UBWs would be registered in the Land Registry until the UBWs had been removed. Upon implementation of MBIS, building inspectors would report the existence and condition of UBWs identified to BD and the necessary orders and notices would also be registered in the Land Registry. About 2 000 target buildings would be inspected each year under MBIS and the UBWs of those buildings would be handled systematically. The suggestion of registering all UBWs would need careful consideration because of the substantial resources and manpower required. Before 2000, the estimated number of UBWs was 800 000. As the Administration removed 40 000 UBWs per year on average over the past six years, the estimated number of UBWs at

present was some 560 000. The Administration would continue with its work in handling UBWs. He emphasized that the existing policies on handling UBWs would be applicable to all property owners regardless of their social status.

Role of the Urban Renewal Authority in implementing MBIS

23. Mr CHAN Kam-lam said that as the number of target buildings might turn out to be higher than estimated and the Urban Renewal Authority (URA) had also been providing assistance to owners in the rehabilitation of old buildings, he asked whether the Administration would, apart from HKHS, solicit URA's assistance in implementing MBIS. The Administration could capitalize on URA's resources, manpower and local networks to share the workload.

24. In response, PSPL said that although URA also had experience in rehabilitation of old buildings, urban redevelopment was its prime mission. Having regard to its many projects on hand and resources constraints, URA should be allowed to focus on urban redevelopment work. HKHS had ample experience in implementing successful building rehabilitation projects.

Supply of building inspectors and standards of maintenance works

25. Mr WONG Kwok-hing expressed concern on the supply of building inspectors. He enquired about the number of building inspectors required and the arrangements for handling registration of inspectors. Noting that the Administration planned to introduce the legislative proposals in the 2008-2009 session, he asked whether the Administration would start the preparatory work during the interim. Ms Miriam LAU was concerned that if the supply of building inspectors was insufficient, the time needed and the cost required for building inspection and maintenance would increase. She asked whether the Administration had any assessment on the inspection and maintenance costs which the public would find acceptable.

26. In response, DB said that the number of service providers required was based on the plan that 2 000 target buildings would be selected for mandatory inspection each year. There were 500 to 600 Authorized Persons and Registered Structural Engineers and as not all of them would undertake building inspection work, it would be necessary to enlarge the pool of inspectors by including professionals of other fields with suitable qualification and experience to carry out building inspection. It was estimated that there were some 5 000 qualified professionals. Assuming a 50% registration rate of the 5 000 qualified professionals, there would be around 2 500 to 3 000 buildings inspectors and this would be sufficient for 2 000 target buildings each year. As there would be sufficient competition, inspection costs would not be unreasonable. While registration of building inspectors for MBIS could only begin after the enactment of the MBIS legislation, the Administration would start the preparatory work in the interim. For the first batch of 500 target buildings selected for inspection in the

first quarter after the implementation of MBIS, a pool of 500 to 600 service providers would be sufficient.

27. Ir Dr Raymond HO agreed to the view that individual aspects relating to MBIS could be discussed before the Administration introduced the legislative proposals. He urged the Administration to consult professional organizations on which types of professionals could take up the role of building inspectors. DB said that the Administration was discussing with professional organizations on which types of professionals would be suitable for taking up the role of building inspectors.

28. Mrs Sophie LEUNG commented that as some elderly property owners might not have knowledge about their rights and the legislation, more attention should be given to them. Members of owners' corporations should attend relevant educational courses to upgrade relevant knowledge. Noting that most building inspectors would be members of professional organizations, she suggested that professional organizations could consider organizing regular sharing sessions to exchange experience and knowledge about one another's work. This would be conducive to ensuring work quality, enhancing the public's confidence and demonstrating the commitment of professional organizations in serving the community. Professional organizations such as the Hong Kong Institute of Directors could also assist owners' corporations on how to enhance their operation and work.

29. In response, SDEV said that BD would coordinate with HAD in enhancing the operation and work of owners' corporations to facilitate building maintenance. DB agreed to the suggestion for professional organizations to share their experience in building maintenance. The Administration would capitalize on the implementation of MBIS to enhance the regulation of the building maintenance sector. Only registered inspectors could carry out building inspection and BD would issue standards for inspection and maintenance works. Complaints from owners or deviations from the standards would be handled accordingly by the Administration and professional organizations. The Administration would cooperate closely with professional organizations in implementing MBIS.

Voluntary Building Classification Scheme

30. Ms Miriam LAU expressed support for the Administration to introduce the legislative proposals in the 2008-2009 session because there might not be sufficient time to complete the complex legislative process in the 2007-2008 session. Noting that a voluntary building classification scheme (VBCS) would be offered by HKHS, she asked whether the timing for mandatory inspection of buildings accredited under those schemes could be deferred accordingly.

31. In response, PSPL said that the standards and requirements of HKHS's VBCS would be on par with, or higher than, those under MBIS. Buildings accredited under VBCS would be exempted from MBIS or only required to undergo one to two audit checks. The Administration would coordinate with HKHS on the interface between MBIS and VBCS.

32. Ir Dr Raymond HO expressed support for VBCS and asked whether the Administration would consider implementing it before 2008-2009. In response, the Deputy Secretary for Development (Planning and Lands) 2 said that VBCS was expected to be launched by HKHS within 2008, about one year before the implementation of MBIS, so as to promote building maintenance. Preparatory work with participation from professional organizations and the industry was already in progress.

33. Prof Patrick LAU commented that as many buildings were properly maintained and well-managed, a VBCS with simple procedures and clear standards and requirements would be of great assistance in the implementation of MBIS. In addition to HKHS, more professional organizations, including building management organizations which had relevant experience, could assist in implementing VBCS so as to expedite classification work and promote voluntary building maintenance. He enquired about the composition of the assessors and asked whether qualified professionals had to attend examinations or courses in order to become assessors under VBCS.

34. In response, DB said that the Administration and HKHS were discussing the details of VBCS. Apart from building safety elements, VBCS would take into account other factors, such as the performance of a building's management system, in determining the rating of a building. The standards of VBCS in relation to building maintenance would be on par with those of MBIS. VBCS would provide a channel for properly maintained and well-managed buildings to be exempted under MBIS subject to certain conditions. Assessors on building maintenance under VBCS would possess the same qualifications as those of registered MBIS inspectors. Professionals registered under the relevant ordinances, such as architects, building surveyors, structural engineers, building engineers and civil engineers with relevant experience could be considered for performing the role of assessors on building maintenance.

Assistance provided by the Hong Kong Housing Society

35. As regards the provision of assistance by HKHS under MBIS, Ms Miriam LAU noted that the proposed eligibility criteria would be similar to those of HKHS's current Building Management and Maintenance Scheme (BMMS). She considered that the eligibility criteria were rather stringent and asked whether assistance would also be available for buildings with average rateable values higher than those (\$78,000 per annum for urban areas and \$59,000 per annum for other areas in the New Territories) set for BMMS. Mrs Sophie LEUNG shared the

concern and pointed out that rentals had risen recently. She requested the Administration to provide the number of eligible buildings.

36. In reply, PSPL advised that based on the eligibility criteria under BMMS, it was estimated that about 80% of the 13 000 target private buildings aged 30 or above would be eligible for HKHS's first inspection cost subsidy under MBIS and thus the criteria were quite lenient. BD would also continue to provide loans to owners to carry out building maintenance under its Building Safety Loan Scheme. He undertook to provide the estimated total number of eligible buildings based on the rateable value criterion under BMMS after the meeting.

(Post-meeting note: The Administration's written response (LC Paper No. CB(1)2299/06-07(01)) was issued to members on 27 August 2007.)

VI Construction Industry Council

(LC Paper No. CB(1)2148/06-07(02) -- Information paper on "Construction Industry Council -- Report on progress made and way forward" provided by the Administration)

37. The Deputy Secretary for Development (Works) 1 (DS/W1) briefed members on the Administration's paper (LC Paper No. CB(1)2148/06-07(02)), reporting on the progress made by the Construction Industry Council (CIC) since its formation on 1 February 2007 and preparation for the amalgamation of CIC and the Construction Industry Training Authority (CITA). She emphasized that the impact of the amalgamation on CITA staff had undergone extensive deliberation in the Bills Committee on CIC Bill. The consensus reached was then enshrined in various parts of the CIC Ordinance to ensure that the amalgamation would have no adverse impact on CITA staff. Furthermore, in his letter dated 21 April 2006 addressed to the Bills Committee on CIC Bill, the then Chairman of the Provisional Construction Industry Co-ordination Board (PCICB), who was also the current Chairman of CIC, pledged that no major organizational changes or staff retrenchment would arise from budgetary reasons after the enactment of the CIC Ordinance and within two years upon the setting up of CIC (i.e. 1 February 2007). CIC was committed to honouring this pledge. Furthermore, in order not to adversely affect the services to the public, a "minimalistic" approach would be adopted in the amalgamation, i.e. CIC would only make changes which were essential for the amalgamation of CIC and CITA, e.g. changing the signages on properties, taking over of accounts, changing letterheads and other stationery etc. This approach aimed to ensure that the amalgamation would be simple and smooth. To achieve the target of implementing the amalgamation of CIC and CITA on 1 January 2008, a commencement notice would be published in the Gazette in October 2007 to bring into operation the provisions of the CIC Ordinance which were not yet in effect, including dissolution of CITA, transfer of CITA's assets and liabilities to CIC, collection of industry levy by CIC and formation of CITB.

38. Mr WONG Kwok-hing urged the Administration to ensure that the above pledge made by the former PCICB would be honoured and enquired whether any CITA staff members had departed since 1 February 2007.

39. DS/W1 undertook to provide the information requested by Mr WONG in writing and pointed out that, even if there were cases of departure, they were not directly related to the amalgamation.

(Post-meeting note: The Administration's written response (LC Paper No. CB(1)2335/06-07(01)) was issued to members on 7 September 2007.)

40. Mr Albert CHAN asked whether the Administration would consider issuing a single registration card for the various registrations and licences that a construction worker had to maintain for practising his trades, just like a driving licence covering the various types of vehicles that its holder could drive. Not only would this arrangement be more convenient for workers, it would also reduce the financial burden of having to pay multiple registration fees and the administrative work for the registration/licensing organizations. Noting a recent accident involving tower crane, he expressed concern on the safety of tower cranes and asked how CIC would improve site safety.

41. In response, DS/W1 said that the administration of registrations and licences might involve different Government departments and undertook to follow up Mr Albert CHAN's suggestion with them. DS/W1 said that the CIC Committee on Construction Site Safety had conducted preliminary discussions on the safety of tower cranes and would collaborate with the Administration in promoting measures for improving tower crane operations.

42. Given that the functions of CIC were wider than CITA but there appeared to be no plan for adjusting the rate of industrial levy, Prof Patrick LAU wondered whether CIC would have the financial resources to perform its functions on the expectation that CIC would raise the standard of the industry.

43. In response, DS/W1 explained that the functions of CIC could be divided into two main parts, namely the existing functions of CITA in relation to training and trade testing and new functions for raising the standards of the industry, such as promoting construction standards and research and development. She indicated that there should be adequate resources for performing these new functions in the light of the recent improvement in CITA's financial situation. In this regard, the Principal Assistant Secretary for Development (Works) 1 elaborated that CITA's expenditure had dropped considerably as a result of the departure of 109 staff through the voluntary exit scheme launched in 2005. For the financial year ending on 31 December 2007, the income and expenditure of CITA were estimated to be about \$270 and \$214 million respectively leading to an estimated surplus of some \$42 million after allowing for contingency.

VII Any other business

44. There being no other business, the meeting ended at 5:50 pm.

Council Business Division 1
Legislative Council Secretariat
27 September 2007