

立法會
Legislative Council

LC Paper No. CB(2)2681/07-08
(These minutes have been
seen by the Administration)

Ref : CB2/SS/7/07

Subcommittee on Building (Planning) (Amendment) Regulation 2008

Minutes of the 6th meeting
held on Thursday, 19 June 2008, at 5:45 pm
in Conference Room B of the Legislative Council Building

Members present : Hon Emily LAU Wai-hing, JP (Chairman)
Hon Abraham SHEK Lai-him, SBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Prof Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Hon CHEUNG Hok-ming, SBS, JP
Hon Ronny TONG Ka-wah, SC

Public Officers attending : Item I

Labour and Welfare Bureau

Mr Stephen SUI Wai-keung
Commissioner for Rehabilitation

Ms Elia WONG Ngai-lui
Assistant Secretary for Labour and Welfare
(Rehabilitation)

Buildings Department

Mr MO Kim-ming
Assistant Director / New Buildings 1

Mr Alex CHOW Kim-ping
Chief Building Surveyor / Kowloon

Mr HUI Siu-wai
Chief Building Surveyor / Legal

Department of Justice

Ms Frances HUI Hang-ka
Senior Government Counsel

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 4

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Mr Chris LAI
Senior Council Secretary (2) 7

Action

I. Meeting with the Administration

[L.N. 124 of 2008, Legislative Council Brief, LC Paper Nos. LS86/07-08, CB(2)2084/07-08(01), CB(2)2291/07-08(01) and CB(2)2347/07-08(01) to (02)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

Amendments proposed by Mr Tommy CHEUNG

2. Mr Tommy CHEUNG explained to members his proposed amendments tabled at the meeting (LC Paper No. CB(2)2347/07-08(02)) and appealed to members' support for the amendments.

3. Commissioner for Rehabilitation (C for R) said that the provision of ramps at all changes in level in non-domestic premises was an existing requirement which had been in place since 1985, and the Building (Planning) (Amendment) Regulation 2008 (the Amendment Regulation) had not imposed more stringent requirement in this respect. The Administration considered that relaxation of the requirement would represent a major retrograde step against the overall direction in the development of a barrier free environment for persons with a disability.

Action

C for R said that where unjustifiable hardship was demonstrated in individual cases, variations of the requirements might be considered on a case-by-case basis in accordance with the established mechanism.

4. Dr Fernando CHEUNG expressed reservations about Mr CHEUNG's proposed amendments. He considered it unjustifiable to exempt food premises from compliance with the existing obligatory design requirements. Moreover, the proposed provision of a removable ramp as a substitute might result in enforcement difficulties of the requirements stipulated in the Design Manual.

Admin

5. The Chairman said that since the Subcommittee had dissenting views on Mr Tommy CHEUNG's proposed amendments, Mr CHEUNG might wish to consider proposing the amendments on his own. The Chairman requested the Administration to provide a written response to Mr Tommy CHEUNG's proposed amendments.

Drafting aspects of the Amendment Regulation

Admin

6. Members considered that sections 4(1) and 4(2) of Part 2 of the new Third Schedule to the Building (Planning) Regulations should be refined for improved clarity and requested the Administration to review the drafting of these sections. Members agreed that the Chairman would on behalf of the Subcommittee move amendments to sections 4(1) and 4(2) of the new Third Schedule if the Administration considered it unnecessary for these sections to be amended.

7. The Subcommittee completed scrutiny of the Amendment Regulation. Members agreed that no further meeting was necessary and the information to be provided by the Administration would be circulated to members.

8. The Chairman said that the Subcommittee would report its deliberations on the Amendment Regulation to the House Committee on 27 June 2008. She reminded members that the deadline for giving notice of amendments to the Amendment Regulation would be 2 July 2008.

II. Any other business

9. There being no other business, the meeting ended at 7:55 pm.

**Proceedings of the 6th meeting of the
Subcommittee on Building (Planning) (Amendment) Regulation 2008
on Thursday, 19 June 2008, at 5:45 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Meeting with the Administration</i>			
000000 - 000240	Chairman	Opening remarks	
000241 - 004549	Admin Chairman Mr Tommy CHEUNG Dr Fernando CHEUNG Prof Patrick LAU Mr Abraham SHEK	Sections 14 to 19 of the new Third Schedule to the Building (Planning) Regulations (Division 5 of Part 2 of the Third Schedule) Discussion on the requirement of the provision of ramps at all changes in level in non-domestic premises and the difficulties faced by some food premises in meeting the requirement	
004550 - 005502	Admin Mr Tommy CHEUNG Prof Patrick LAU Dr Fernando CHEUNG	Sections 20 to 23 of the new Third Schedule (Division 6 of Part 2) Members' views that the Administration should consider providing dropped kerbs at pedestrian crossing to facilitate access by persons with a disability The Administration's response that all newly built or substantially altered public streets should follow the design standards stipulated in the Amendment Regulation	
005503 - 005950	Admin Dr Fernando CHEUNG Chairman Mr Tommy CHEUNG Prof Patrick LAU	Sections 24 to 27 of the new Third Schedule (Division 7 of Part 2)	
005951 - 010152	Chairman Admin Mr Tommy CHEUNG Prof Patrick LAU	Sections 28 to 30 of the new Third Schedule (Division 8 of Part 2)	
010153 - 010640	Chairman Admin Mr Tommy CHEUNG Dr Fernando CHEUNG	Sections 31 to 36 of the new Third Schedule (Division 9 of Part 2)	
010641 - 011257	Admin Chairman Mr Tommy CHEUNG Prof Patrick LAU	Sections 37 to 45 of the new Third Schedule (Division 10 of Part 2)	
011258 - 011950	Chairman Admin Mr Tommy CHEUNG Prof Patrick LAU	Sections 46 to 55 of the new Third Schedule (Division 11 of Part 2)	

Time marker	Speaker(s)	Subject(s)	Action required
011951 - 013015	Admin Mr Tommy CHEUNG Chairman Prof Patrick LAU	Sections 56 to 63 of the new Third Schedule (Division 12 of Part 2) Mr Tommy CHEUNG's concern about the provision of accessible bathing and sanitary facilities in hostels with communal toilets and bathrooms	
013016 - 013400	Admin Mr Tommy CHEUNG Chairman Prof Patrick LAU	Sections 64 to 68 of the new Third Schedule (Division 13 of Part 2) Prof Patrick LAU's view that the numbering of the provisions of the new Design Manual should tie in with those of the new Third Schedule to make the Design Manual more reader-friendly	
013401 - 013459	Admin Dr Fernando CHEUNG Chairman Mr Tommy CHEUNG	Section 69 of the proposed new Third Schedule (Division 14 of Part 2)	
013500 - 013557	Chairman Admin	Sections 70 to 71 of the new Third Schedule (Division 15 of Part 2)	
013558 - 013640	Admin Dr Fernando CHEUNG Chairman	Sections 72 to 74 of the new Third Schedule (Division 16 of Part 2)	
013641 - 013713	Admin	Sections 75 to 76 of the new Third Schedule (Division 17 of Part 2)	
013714 - 013745	Admin Chairman	Section 77 of the new Third Schedule (Division 18 of Part 2)	
013746 - 014048	Admin Chairman	Sections 78 to 83 of the new Third Schedule (Division 19 of Part 2)	
014049 - 014113	Admin	Sections 84 to 85 of the new Third Schedule (Division 20 of Part 2)	
014114 - 014220	Chairman Admin	Section 86 of the new Third Schedule (Division 21 of Part 2)	
014221 - 014342	Chairman Admin	Parts 3 and 4 of the new Third Schedule	
014343 - 014641	Chairman Prof Patrick LAU Admin	Prof Patrick LAU's view that the Administration should brief the construction industry on the new design requirements	
014642 - 015442	Chairman Admin Mr Tommy CHEUNG Prof Patrick LAU	The Administration's response to outstanding issues raised at the last meeting on 16 June 2008 (LC Paper No. CB(2)2347/07-08(01)) The Administration was requested to review the drafting of sections 4(1) and 4(2) of Part 2 of the new Third Schedule to the Building (Planning) Regulations The Subcommittee would propose amendments to sections 4(1) and 4(2) of the new Third Schedule if the	Admin

Time marker	Speaker(s)	Subject(s)	Action required
		Administration did not consider it necessary to amend these sections	
015443 - 020113	Chairman Mr Tommy CHEUNG Admin Dr Fernando CHEUNG	Discussion on the amendments proposed by Mr Tommy CHEUNG (LC Paper No. CB(2)2347/07-08(02))	
<i>Any Other Business</i>			
020114 - 020316	Chairman ALA4 Admin Mr Tommy CHEUNG	Reporting to the House Committee The Administration to provide a written response to Mr Tommy CHEUNG's proposed amendments	Admin

Council Business Division 2
Legislative Council Secretariat
22 July 2008