

立法會
Legislative Council

LC Paper No. CB(1)652/09-10
(These minutes have been seen
by the Administration)

Ref : CB1/SS/1/09/1

Subcommittee on Building (Minor Works) (Fees) Regulation

**Minutes of meeting held on
Monday, 9 November 2009, at 2:30 pm
in the Chamber of the Legislative Council Building**

- Members present** : Hon CHAN Kin-por, JP (Chairman)
Hon Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, BBS, JP
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
Hon CHEUNG Hok-ming, GBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Tanya CHAN
Hon IP Wai-ming, MH
- Member absent** : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
- Public officers attending** : Mr Tommy YUEN Man-chung
Deputy Secretary for Development
(Planning and Lands) 2
- Mr Edward TO Wing-hang
Principal Assistant Secretary for Development
(Planning and Lands) 3
- Mr Daniel FONG
Assistant Secretary for Development
(Buildings) 1
- Mr LAM Siu-tong
Deputy Director of Buildings

Mr CHEUNG Tin-cheung
Chief Building Surveyor (Legal)
Buildings Department

Miss Selina LAU Suet-ching
Senior Government Counsel
Department of Justice

**Attendance by
Invitation**

: Agenda item I

Hong Kong Licensed Plumbers Association Limited

Mr TSANG Kwai-yin
Vice-Chairman

Registered Minor Works Contractor Signatory
Association Limited

Mr WONG Wing-wah
Chairman

Mr CHEUNG Wai-lung
Secretary

The Hong Kong Institute of Surveyors

Mr Vincent HO
Council Member of Building Surveying Division

Hong Kong Professional Sign Maker Association
Limited

Dr S T MAK
Chairman

Mr Keith CHAN
Company Secretary

Hong Kong General Building Contractors Association
Limited

Mr HO Wai-wah
President

Hong Kong Water Works Professionals Association
Limited

Mr CHENG Wai-cheong
Chairman

Mr WONG Man-sum
Secretary

The Federation of Hong Kong Electrical and Mechanical
Industries Trades Unions

Mr LAI Chi-wah
Chairman

Mr LEE Yuk-yan
Associate Committee Member

Hong Kong Institute of Construction Managers

Mr Edward GEUNG Tsz-chi
Member

Clerk in attendance : Mr WONG Siu-yee
Senior Council Secretary (1)7

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Mr Simon CHEUNG
Senior Council Secretary (1)5

Ms Christina SHIU
Legislative Assistant (1)7

Action

I Meeting with deputations and the Administration

(LC Paper No. CB(1)279/09-10(01) -- Administration's response to
issues raised at the meeting on
28 October 2009

L.N. 178 of 2009 -- The Building (Minor Works)
(Fees) Regulation

File Ref: DEVB(PL-B) 30/30/120 -- Legislative Council Brief

LC Paper No. LS1/09-10 -- Legal Service Division Report

LC Paper No. CB(1)147/09-10(01) -- Paper on the Building (Minor Works) (Fees) Regulation prepared by the Legislative Council Secretariat (Background brief))

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

2. The Administration was requested to --
- (a) confirm whether it would refund the review fees for successful review applicants and, if so, provide the details of the proposed legislative amendments; and
 - (b) consider the possibility of providing aged minor works practitioners with fee concessions and report to the Subcommittee of its decision on the matter.

(Post-meeting note: The Administration's written response (LC Paper No. CB(1)364/09-10(01) was issued to members on 13 November 2009.)

II Any other business

Next meeting

3. The Subcommittee agreed that another meeting should be held on Friday, 13 November 2009.
4. There being no other business, the meeting ended at 3:37 pm.

Subcommittee on Building (Minor Works) (Fees) Regulation

Proceedings of meeting on Monday, 9 November 2009, at 2:30 pm in the Chamber of the Legislative Council Building

Time marker	Speaker	Subject(s)	Action required
000000 – 000506	Chairman	Opening remarks	
000507 – 000756	Hong Kong Licensed Plumbers Association Ltd	Expression of views by the Association that: (a) while it supported the enactment of the Regulation, the fees should not be set according to the cost recovery principle; and (b) the fee levels for non-natural person applicants were too high and the fees for natural person applicants should be further reduced	
000757 – 001047	Registered Minor Works Contractor Signatory Association Ltd	Expression of views by the Association that: (a) the Administration should assist members of the Association to get registered smoothly during the transitional period; and (b) it queried about the substantial difference between the fees payable by applicants applying by virtue of experience and other applicants for addition of minor works item to existing registration	
001048 – 001303	The Hong Kong Institute of Surveyors	Expression of views by the Institute that: (a) it supported the cost recovery principle but the Administration should take the affordability of small minor works contractors into consideration in setting the fees; and	

Time marker	Speaker	Subject(s)	Action required
		(b) the Regulation should be put in force as soon as possible, with reviews being carried out in due course	
001304 – 001430	Hong Kong Professional Sign Maker Association Ltd	(LC Paper No. 319/09-10(01) tabled and issued by email on 9 November 2009) Expression of views by the Association that the Minor Works Control System (MWCS) should be implemented as soon as possible	
001431 – 001604	Hong Kong General Building Contractors Association Ltd	Expression of views by the Association that: (a) the fee levels had been discussed in detail by the relevant working group, and given that the fees had been substantially reduced and that top-up training courses would be provided free of charge, the Association supported the fee levels; and (b) the MWCS should be introduced as soon as possible	
001605 – 001702	Hong Kong Water Works Professionals Association Ltd	Expression of views by the Association that the Administration should consider reducing the various fees to relieve the burden of minor works practitioners	
001703 – 002404	The Federation of Hong Kong Electrical and Mechanical Industries Trades Unions	Expression of views by the Federation that: (a) it was concerned about the basis for setting the various fees; (b) as it was unreasonable to impose fees on successful review applicants, the Administration should consider refunding the review fees to these applicants;	

Time marker	Speaker	Subject(s)	Action required
		(c) there should be an open and transparent review mechanism to examine the fee levels from time to time in future; (d) application fees for non-natural persons were on the high side when compared with those for registration as registered general building contractors, bearing in mind that the scope of works to be undertaken by the latter was much wider; (e) the number of non-natural person applicants seeking registration under the MWCS would be in the region of a few thousands, whereas the number of registered general building contractors was only around 150; and (f) application fees for natural persons were also on the high side	
002405 – 002819	Hong Kong Institute of Construction Managers	Expression of views by the Institute that: (a) the Administration should lower the fees during the transitional period to encourage registration; and (b) the Administration should coordinate with different institutions to train up more authorized signatories to meet the increased demand	
002820 – 003611	Administration	Response of the Administration that: (a) it had been adopting the full cost recovery principle in setting the various fees; (b) it had consulted the relevant working group in setting the fees	

Time marker	Speaker	Subject(s)	Action required
		and it would adopt various measures to facilitate registration, such as providing full subsidies for the top-up training courses for individual workers; (c) it would review the fee levels from time to time and make adjustments if necessary; (d) it projected that there would be some 25 000 natural persons and 4 000 to 5 000 non-natural persons seeking registration under the MWCS; and it would in due course review the calculations and the fee levels if there were substantial differences between the projected and actual numbers; and any adjustments to the fee levels would be subject to vetting by the Legislative Council; and (e) as more procedures and resources would be involved in vetting applications on the basis of experience, the corresponding fees would be higher	
003612 – 004100	Ms LI Fung-ying Administration	Enquiries by Ms LI Fung-ying on: (a) when the Administration would decide whether to refund the review fees for successful review applicants; and (b) why non-natural persons had to pay for both application and registration Response of the Administration that: (a) it had decided to refund the review fees for an application where the Building Authority substituted the	

Time marker	Speaker	Subject(s)	Action required
		original decision to which the request for review related with another decision and it would propose a resolution to amend the Regulation accordingly; and (b) separating application and registration fees would reduce the costs to be borne by unsuccessful non-natural person applicants as these applicants would only have to pay the application fee; and that there was no such need for natural person applicants in view of the high expected success rate and the low fees involved	
004101 – 004610	Chairman Hong Kong Licensed Plumbers Association Ltd Administration	Enquiry by the Chairman on whether the Administration's projected number of non-natural persons applying for registration was reasonable Expression of views by the Association that: (a) the Administration should offer refunds to applicants if the number of applicants was much higher than the projected number; and (b) the Administration should consider offering fee concessions to aged minor works practitioners because most of them lacked financial means and would apply by virtue of experience Response of the Administration that if the number of applications was high, per unit cost would in general be lower, and the Administration would monitor the situation closely Enquiry by the Chairman on whether the Administration would consider offering	

Time marker	Speaker	Subject(s)	Action required
		fee concessions to applicants during the initial registration period Response of the Administration that it had no such proposal	
004611 – 005124	Mr Abraham SHEK Administration	Expression of views by Mr Abraham SHEK that: (a) the spirit behind the MWCS was to promote safety and quality of works and the Administration should act flexibly in providing adequate incentives to encourage minor works practitioners to register; and (b) the Administration should respond favourably to concerns about the fee levels, in particular those for aged minor works practitioners Response of the Administration that: (a) it had already made considerable efforts to facilitate registration, including sticking to the 2007-2008 price level in setting the fees and offering free top-up training courses; (b) it had to adopt the full cost recovery principle; and (c) the view of the Secretary for Development would be sought on the possibility of providing fee concessions to minor works practitioners, including those aged ones, who registered by virtue of their experience only	
005125 – 005322	Mr Albert CHAN Administration	Enquiry by Mr Albert CHAN on whether the Administration would absorb the administrative costs arising from successful review cases if the	

Time marker	Speaker	Subject(s)	Action required
		Administration refunded the review fees to successful review applicants Response of the Administration that the concerned costs would be absorbed by the Buildings Department	
005323 – 005802	Ms LI Fung-ying Administration Chairman	Expression of views by Ms LI Fung-ying that: (a) she looked forward to a favourable response from the Administration on offering fee concessions to aged minor works practitioners; and (b) the Administration should have measures to ensure that applicants were applying under the appropriate category Response of the Administration that: (a) there were clear bases for applying as natural persons or non-natural persons; and (b) the Administration would be prudent in the scrutiny process and remind applicants to apply under the appropriate category Chairman's view that the Administration should follow up with requests to lower the fees for aged minor works practitioners	
005803 – 010519	Registered Minor Works Contractor Signatory Association Ltd Hong Kong Licensed Plumbers Association Ltd Administration	Expression of views by Registered Minor Works Contractor Signatory Association Ltd that: (a) it had considerable reservations about the projection that there would be 4 000 to 5 000 non-natural persons applying for registration;	

Time marker	Speaker	Subject(s)	Action required
		(b) the Administration should explain clearly the conditions under which an applicant would be required to pay \$305 rather than \$155 for adding a minor works item to existing registration; and (c) the Administration should ensure a steady supply of technically competent persons (TCPs) following the implementation of the MWCS Expression of views by Hong Kong Licensed Plumbers Association Ltd that the Administration should consider offering 50% fee concessions to aged minor works practitioners; and that the registration fees for individual class III minor works practitioners should be set at \$155 regardless of whether they were applying by virtue of qualifications or otherwise Response of the Administration that: (a) all individual class III minor works practitioners had to attend a top-up training course before they could apply for registration; (b) applicants seeking to add an additional minor works item by virtue of experience would have to pay \$305, whereas those applying by virtue of qualifications would have to pay \$155; and (c) the Administration would closely monitor the training and supply of TCPs and facilitate to increase the supply if needed	

Time marker	Speaker	Subject(s)	Action required
010520 – 010716	Ms LI Fung-ying Administration	Expression of views by Ms LI Fung-ying that a further meeting was required for the Administration to report on its proposed legislative amendments and its response to calls for fee concessions Response of the Administration that: (a) it would provide its proposed legislative amendments regarding the review fees; and (b) fee concession arrangements, if any, for minor works practitioners, including those aged ones, who registered by virtue of experience only would not require legislative amendments	
010717 – 010731	Chairman	Date of next meeting	