

立法會
Legislative Council

LC Paper No. CB(1)1949/10-11
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by the Administration)

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Panel on Development

Subcommittee on Building Safety and Related Issues

Meeting on
Thursday, 13 January 2011, at 8:30 am
in the Chamber of the Legislative Council Building

Members present : Prof Hon Patrick LAU Sau-shing, SBS, JP (Chairman)
Hon KAM Nai-wai, MH (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon Starry LEE Wai-king, JP
Hon Alan LEONG Kah-kit, SC

Member attending : Hon WONG Kwok-hing, MH

Members absent : Hon LEE Wing-tat
Dr Hon Priscilla LEUNG Mei-fun
Hon IP Kwok-him, GBS, JP

Public officers attending : **Agenda item II**

Mrs Carrie LAM CHENG Yuet-ngor, GBS, JP
Secretary for Development

Mr Tommy YUEN Man-chung, JP
Deputy Secretary for Development
(Planning and Lands) 2

Mr Edward TO Wing-hang
Principal Assistant Secretary for Development
(Planning and Lands) 3

Mr AU Choi-kai, JP
Director of Buildings

Mr HUI Siu-wai
Assistant Director / Existing Buildings 2
Buildings Department

Clerk in attendance: Mr Stephen LAM
Chief Council Secretary (1)4

Staff in attendance : Mr Simon CHEUNG
Senior Council Secretary (1)1

Ms Christina SHIU
Legislative Assistant (1)7

I Election of Chairman and Deputy Chairman (if necessary)

Members agreed that there was no need to elect new Chairman and Deputy Chairman for the Subcommittee. At members' request, Prof Patrick LAU and Mr KAM Nai-wai would continue to serve as Chairman and Deputy Chairman respectively for the Subcommittee.

II Measures to enhance building safety in Hong Kong

(LC Paper No. CB(1)681/10-11(01) -- Administration's paper on measures to enhance building safety in Hong Kong)

2. The Subcommittee was briefed by the Administration on its multi-pronged measures to enhance building safety in Hong Kong (index of proceedings at **Appendix**).

III Any other business

Next meeting

3. Members would be informed of the date of next meeting after it was fixed.
4. There being no other business, the meeting ended at 10:20 am.

Council Business Division 1
Legislative Council Secretariat
18 April 2011

Panel on Development

Subcommittee on Building Safety and Related Issues

Proceedings of the meeting on Thursday, 13 January 2011, at 8:30 am in the Chamber of the Legislative Council Building

Time Marker	Speaker	Subject(s)	Action Required
000000 – 000500	Chairman Members	Discussion on election of Chairman and Deputy Chairman for the Subcommittee.	
000501 – 002251	Administration	<p>Briefing by the Administration that :</p> <p>(a) following a building collapse incident which broke out at 45J, Ma Tau Wai Road on 29 January 2010, there had been three motion debates at the Legislative Council (LegCo) on the matter;</p> <p>(b) buildings in Hong Kong were ageing rapidly. At present, there were about 17 000 buildings aged 30 years or above, and 4 000 aged 50 years or above;</p> <p>(c) there were an estimate of some 400 000 unauthorised building works (UBWs) and some 190 000 signboards, the vast majority of which were unauthorised;</p> <p>(d) a study by Urban Renewal Authority (URA) showed that about 20% of the 7 000 surveyed buildings were in dilapidated conditions of varying degrees;</p> <p>(e) as promulgated by the Chief Executive in his Policy Address on 13 October 2010, a new multi-pronged approach would be adopted by the Administration to enhance building safety. The approach would cover (i) legislation; (ii) enforcement; (iii) support and assistance to owners; and (iv)</p>	

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		<p>publicity and public education;</p> <p>(f) as regards legislation, the Minor Works Control System (MWCS) had come into effect on 31 December 2010. Further, the Administration had introduced the Buildings (Amendment) Bill 2010 (Amendment Bill) in February 2010, providing statutory framework for the Mandatory Building Inspection Scheme and Mandatory Window Inspection Scheme;</p> <p>(g) subject to the support of the Subcommittee, the Administration intended to incorporate into the Amendment Bill provisions for a statutory signboard control scheme, warrants for entry into building units for inspection and enforcement actions, a 20% surcharge over the cost of works to be recovered from non-compliant owners and the making of an offence if an owner refused to pay the share of inspection and repair costs;</p> <p>(h) the Administration was aware of the potential controversies over the various proposed measures;</p> <p>(i) on enforcement, the Administration would extend the coverage of "actionable" UBWs to include those on rooftops, podiums, as well as in yards and rear-lanes of buildings;</p> <p>(j) Buildings Department (BD) would adopt a tougher stance by actively responding to complaints, and would issue statutory orders for rectification works immediately once the items under complaint were confirmed as "actionable" UBWs;</p>	

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		<p>(k) BD would conduct a stock-taking exercise on all UBWs on the exteriors of private buildings in Hong Kong and continue to select buildings for "large scale operations";</p> <p>(l) on support and assistance to owners, in addition to Operation Building Bright (OBB), the Administration, in collaboration with Hong Kong Housing Society (HKHS) and URA, was considering providing "one stop" assistance to owners in need by streamlining the technical and financial support to cater for the needs of Owners' Corporations (OCs) and individual building owners;</p> <p>(m) the Administration would consider long-term measures in dealing with the problem of water seepage; and</p> <p>(n) the Administration would promote a building safety culture, and launch a "community monitoring" programme. The Administration would embark on different initiatives including setting up a panel of advisors to provide technical advice for owners, and establish a task group to enhance support for property owners. The Administration would also consider amending the law to require owners or OCs to hire property management companies where necessary.</p>	
002252 – 003340	Ms Starry LEE Administration	<p>Expression of views by Ms Starry LEE that:</p> <p>(a) the Administration should accord a high priority to problems of water seepage, UBWs and subdivided building units;</p> <p>(b) the Administration should regard the enhancement of building safety as</p>	

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		<p>one of its priority policy areas;</p> <p>(c) since adoption of a tough stance against UBWs might lead to undesirable repercussion in the community, the Administration should be flexible with its enforcement actions. With the help of qualified professionals, consideration should be given to "legalise" long-existing UBWs through registration;</p> <p>(d) in fairness to all, BD should adopt a unique notice period for the clearance of all UBWs; and</p> <p>(e) on water seepage, she doubted whether the Administration's proposal was practicable to require owner on the upper floor to prove that he/she was not responsible for causing the seepage.</p> <p>Response of the Administration that:</p> <p>(a) when a clear enforcement policy had been set out, it would not be appropriate for individual officers to exercise discretion deviating from the enforcement policy in the initiation of enforcement actions against UBWs in the normal circumstances;</p> <p>(b) the Administration was still studying the legal implication of a court decision against BD's actions to clear a number of UBWs in Shau Ki Wan which allegedly had been in existence when the first-hand owners purchased the flats from the developer;</p> <p>(c) due to economic and employment considerations, a more flexible approach was necessary in</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>controlling unauthorised signboards; and</p> <p>(d) dealing with water seepage was primarily the responsibility of property owners. The Administration was considering the "Singaporean Model" which presumed that the owner of the upper floor had the responsibility to prove his innocence when water seepage occurred. The Administration had to consider all relevant implications including human rights in this respect.</p>	
003341 – 004446	Mr KAM Nai-wai Administration	<p>Expression of views by Mr KAM Nai-wai that:</p> <p>(a) the Administration's work in arresting urban decay over the years had fallen short of expectation;</p> <p>(b) the "Singaporean Model" might lead to strong repercussions in the community. In dealing with water seepage, UBWs, warrants for entry into private premises, the Administration should strive to strike a balance between effective enforcement and appropriate use of discretionary powers to reduce conflicts. Extensive consultation in this regard was necessary;</p> <p>(c) to eliminate corruptions and malpractices, there was a pressing need to regulate building consultants in repair works supported by OBB;</p> <p>(d) the Administration's proposal to step up control of signboards was worth supporting; and</p> <p>(e) URA and HKHS should be engaged to play a far more active role in</p>	

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		<p>assisting owners in dealing with building repair and maintenance problems.</p> <p>Response of the Administration that:</p> <ul style="list-style-type: none"> (a) in addition to responding to complaints, the Administration would continue to launch "large scale operations" against UBWs. Assistance would be given to owners seeking to remove UBWs in building repairs works under OBB; (b) subject to the support of the Subcommittee, the Administration would bring the signboard control scheme and other suggested measures up with the Bills Committee on the Amendment Bill; (c) to guard against possible abuse, warrants for staff of BD to inspect interiors of building units would have to be issued by the court; (d) the Administration believed that URA should mainly be engaged in redevelopment and rehabilitation of aged buildings. As for HKHS, the ten-year agreement to provide assistance to property owners was due to expire in 2015. The Administration had to discuss with HKHS to sort out its future role in enhancing building safety; (e) a resources centre on building maintenance and management was being set up in Tai Kok Tsui to provide advice and support to property owners; (f) the Administration would review OBB to prevent corruptive practices during tender process; and 	

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		<p>(g) the Administration would promote "best practices" amongst OCs as a means against inappropriate practices of building professionals.</p>	
<p>004447 – 005436</p>	<p>Mr Alan LEONG Administration</p>	<p>Expression of views by Mr Alan LEONG that:</p> <p>(a) the Civic Party welcomed the Administration's proposal to enhance building safety;</p> <p>(b) it might be difficult to step up enforcement actions against UBWs, subdivided units and signboards which had been in existence for a long time;</p> <p>(c) the Administration should enlist sufficient support of legal professionals to deal with legal issues relating to UBWs which might crop up from time to time; and</p> <p>(d) instead of helping aged buildings to set up OCs, the Administration should be more flexible in helping aged buildings with no OCs in repair and maintenance works.</p> <p>Response of the Administration that:</p> <p>(a) the Administration would strive to bring in adequate legal professionals in enhancing enforcement and prosecution actions arising from UBWs;</p> <p>(b) as an established arrangement, the Administration was assisting buildings without OCs (Category 2 buildings) in coordinating repair works under OBB;</p>	

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		<p>(c) the Administration would exercise great prudence in assessing the feasibility of the "Singaporean Model" in Hong Kong to deal with water seepage problem; and</p> <p>(d) as a pilot programme, a Joint Office comprising different departments had been set up in 2006 to assist owners in tackling some of the water seepage problems.</p>	
005437 – 010412	Ir Dr Raymond HO Administration	<p>Expression of views by Ir Dr Raymond HO that:</p> <p>(a) the presence of 400 000 UBWs remained a huge challenge for the Administration;</p> <p>(b) the Administration should speed up control of signboards; and</p> <p>(c) he supported the Administration's plan to enhance the enforcement actions against UBWs.</p> <p>Response by the Administration that:</p> <p>(a) to tie in with the Administration's plan in enhancing enforcement actions for promotion of building safety, BD would undergo a major re-organisation exercise to streamline and rationalise the work of different units in the Department; and</p> <p>(b) While smaller signboards would be dealt with by Registered Minor Works Contractors (RMWCs), larger-size and more complicated signboards would have to be dealt with by qualified building professionals.</p>	

010413 – 011452	Mr WONG Kwok-hing Administration Chairman	<p>Expression of views by Mr WONG Kwok-hing that:</p> <ul style="list-style-type: none">(a) he welcomed the Administration's decision to conduct a stock-taking exercise on all exterior UBWs for a comprehensive database, and enquired about the likely expenditure and the implementation time-table;(b) he supported the inclusion of the control of signboards and other improvement measures in the Amendment Bill;(c) the Administration should consider regulating fresh water cooling towers;(d) he enquired about the existing measures of BD in dealing with signboards put up by street-shops during weekends or public holidays without the consent of OCs; and(e) he was worried that the proposed statutory signboard control scheme might lead to abuse by signboard owners, and queries from other property owners seeking similar treatments for their UBWs. <p>Response by the Administration that:</p> <ul style="list-style-type: none">(a) it would call for tenders for a territory-wide stock-taking exercise on UBWs on the exteriors of private buildings, and the cost was estimated to be around \$20 million;(b) the Administration had no intention of extending the validation of structural safety from signboards to other UBWs;(c) the Administration believed that MWCS would substantially reduce	
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		<p>the cost for erecting signboards. As a result, more owners would seek to put up signboards in a lawful way;</p> <p>(d) at present, the Administration would respond immediately to newly-built signboards by inspecting within 48 hours after receipt of complaint. With the statutory signboard control scheme in place, the Administration would continue to take immediate actions against all new unauthorised signboards; and</p> <p>(e) the Administration's enforcement actions against fresh water cooling towers at present were confined to the supporting frameworks with safety problems. The Administration was planning to place fresh water cooling towers under statutory regime.</p>	
011453 – 012103	Chairman Administration	<p>Expression of views by the Chairman that:</p> <p>(a) the existence of signboards had made up a major characteristic of Hong Kong's townscape;</p> <p>(b) he welcomed and supported the Administration's proposal to set up a statutory control scheme to regulate signboard; and</p> <p>(c) he believed that efforts should be made to facilitate the registration of signboard workers as RMWCs, and to step up publicity and public education on the proposed signboard control scheme to step up public knowledge.</p> <p>Response of the Administration that with the support of the Subcommittee, the Administration would introduce the scheme for control of unauthorised signboards to the Amendment Bill by Committee Stage amendments.</p>	

012104 – 013950	Ir Dr Raymond HO Administration Chairman	<p>Expression of views by Ir Dr Raymond HO that:</p> <ul style="list-style-type: none">(a) vigorous approach taken by the Administration against UBWs would lead to a substantial increase of BD's workload; and(b) he enquired about the definition and number of "actionable" UBWs, and urged the Administration not to underestimate the scale of work and the resources implications. <p>Response of the Administration that:</p> <ul style="list-style-type: none">(a) "actionable" UBWs referred to structures at the exteriors of buildings which had not been formally approved by BD, and structures inside building premises which were found to be in serious breach of the relevant building standards/requirements constituting obvious hazard or imminent danger to life or property;(b) the inclusion of UBWs on roof-tops, podiums as well as in yards and rear lanes of the buildings might or might not increase the workload of BD, since a tougher stance against UBWs might reduce correspondence currently exchanged between BD and complainants or other stakeholders on UBWs under complaint but which BD would not take immediate enforcement action in accordance with the current enforcement policy;(c) the Administration would have a clearer figure of "actionable" UBWs after the stock-taking exercise. Resources would be effectively deployed to tackle the problem; and(d) the Administration would deal with UBWs as resources permitted, and continue to select an appropriate	
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		<p>number of buildings for "large scale operations".</p> <p>Response of the Chairman that:</p> <ul style="list-style-type: none">(a) the Administration's vigorous stance against UBWs which had existed for a long period of time might lead to strong resistance at local level. Great care had to be taken in this regard; and(b) he requested the Administration to consider the suggestion of some members, i.e. to accord flexibility to long-existing UBWs certified to be structurally safe by registered building professionals. <p>Response by the Administration that:</p> <ul style="list-style-type: none">(a) the Administration would act with prudence in its dealing with UBWs. It acknowledged the importance for the community to arrive at a consensus on the adoption of a tougher stance against UBWs;(b) once a decision was taken to vigorously deal with UBWs, however, it would not be advisable to bring in discretionary measures as all UBW owners had to be treated alike; and(c) MWCS would enable property owners to construct additional small-scale structures to their properties in a lawful and yet affordable way without the need to obtain prior approval from BD. <p>Response of the Chairman that once a policy decision on UBWs was taken, a clear message had to be brought to the attention of all property owners through public education.</p>	
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013951 – 014753	Mr Alan LEONG Administration Chairman	<p>Expression of view by Mr Alan LEONG that:</p> <ul style="list-style-type: none">(a) members representing the Civic Party in principle supported the proposal to include the statutory signboard control scheme in the Amendment Bill; and(b) given the large number of UBWs and the manpower constrains, it might still be necessary for the Administration to accord priority in the actual demolition of UBWs. <p>Response of the Administration that:</p> <ul style="list-style-type: none">(a) on tougher stance against UBWs, even with the introduction of a new policy, the setting of priority in the light of the workload and resource constraints would still be required; and(b) the Administration requested members to indicate their support for it to include the control of signboards and other improvement measures in the Amendment Bill by Committee Stage amendments. <p>Response of the Chairman and members that they supported in principle the Administration's proposal to include signboard control scheme as well as warrants for inspection of interiors, and introduction of a 20% surcharge over the cost of works to be recovered from non-compliant owners and penalty for refusing to pay the relevant share of inspection and repair costs.</p>	
014754 – 014918	Mr Abraham SHEK Administration	<p>Enquiry by Mr Abraham SHEK about the Administration's plan on the increase of additional manpower in BD as well as the intended skill-mix of building professionals such as engineers and surveyors as arising from the various</p>	

		proposed building safety measures. Response of the Administration that the information regarding additional manpower requirement would be provided in the next Subcommittee meeting.	
014919 – 015054	Chairman	Date of next meeting	

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18 April 2011