

立法會
Legislative Council

LC Paper No. CB(2)2691/11-12
(These minutes have been seen by
the Administration)

Ref : CB2/BC/3/11

Bills Committee on Buildings Legislation (Amendment) Bill 2011

Minutes of meeting
held on Monday, 21 May 2012, at 4:30 pm
in Conference Room 2A of the Legislative Council Complex

- Members present** : Hon IP Kwok-him, GBS, JP
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon Miriam LAU Kin-yee, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king, JP
Hon Tanya CHAN
- Members absent** : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LEE Wing-tat
Hon CHEUNG Hok-ming, GBS, JP
- Public Officers attending** : Item I
- Mr Rex CHANG Wai-yuen, JP
Deputy Secretary for Development (Planning and Lands) 2
- Mr Ryan CHIU Pit-ming
Principal Assistant Secretary for Development
(Planning and Lands) 3
- Miss Florence LO Chung-man
Assistant Secretary for Development (Buildings) 1

Mr HUI Siu-wai
Deputy Director
Buildings Department

Mr Thomas LEUNG Tung-choi
Chief Building Surveyor/Legal Services
Buildings Department

Mr Michael PANG Yuk-lung
Senior Building Surveyor/Legislation
Buildings Department

Ms Rayne CHAI Chih-hui
Senior Government Counsel
Department of Justice

Clerk in attendance : Mrs Sharon TONG
Principal Council Secretary (2)

Staff in attendance : Miss Winnie LO
Assistant Legal Adviser 7

Mr Jove CHAN
Senior Council Secretary (2) 8

Ms Michelle LEE
Legislative Assistant (2) 7

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration to -
 - (a) state in its speech during the resumption of the Second Reading on the Bill its views on the issue of visit on two different days made by the Buildings Department's officers before applying for a warrant for entry into the premises;
 - (b) state in its speech during the resumption of the Second Reading on the Bill that the surcharge on defaulted works

for owners who were old, infirm or with disability or mental illness and also had genuine practical difficulties in complying with a statutory order or notice would be completely waived;

- (c) consider whether the word "任何" should be added to the Chinese version of the proposed section 38(1)(ke)(ic);
- (d) consider whether the phrase "of a kind" should be deleted from the proposed Schedule 8; and
- (e) provide the revised draft Committee Stage amendments ("CSA") to the Bill.

3. The Chairman requested the legal adviser to the Bills Committee to review the revised draft CSA to the Bill to be provided by the Administration.

4. The Chairman said that subject to the refinement to the CSAs proposed by the Administration, the Bills Committee completed scrutiny of the Bill.

5. The Bills Committee noted that a report on the deliberations of the Bills Committee would be submitted to the House Committee at its meeting on 1 June 2012, supporting the resumption of the Second Reading debate on the Bill at the Council meeting of 13 June 2012. The Bills Committee also noted that the deadline for giving notice of CSAs to the Bill was 4 June 2012.

II. Any other business

6. The Chairman said that the two meetings originally scheduled for 29 May and 11 June 2012 were cancelled.

7. There being no other business, the meeting ended at 6:30 pm.

**Proceedings of meeting of
Bills Committee on Buildings Legislation (Amendment) Bill 2011
held on Monday, 21 May 2012, at 4:30 pm
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action Required
000850 - 001112	Chairman	Opening remarks	
001113 - 002425	Chairman Admin	Briefing by the Administration on its response to issues raised at the Bills Committee meeting on 14 May 2012	
002426 - 003043	Chairman Admin	Examination of the draft Committee Stage amendments ("CSA") proposed by the Administration (Annex to LC Paper No. 2048/11-12(01)); and Draft CSA to clauses 1(2) to 1(4), 2 and 2A	
003044 - 003252	Chairman Ms Cyd HO Admin	Whether the work on converting a composite commercial/residential building into a residential building could be regulated by the proposed section 22(1B)(a)(ii)	
003253 - 003454	Chairman Admin	Draft CSA to clause 3(3)	
003455 - 004956	Chairman Ms Audrey EU Admin Prof Patrick LAU Ms Cyd HO	The need for the proposed section 22(1B)(a)(i)(A); Whether the Buildings Department ("BD") could take enforcement action for contravention of section 14(1) without a warrant to enter the premises; and The purposes for an application for a warrant to enter the premises and the need for a warrant for entry into the interior of the premises or private land for enforcement actions	
004957 - 005332	Chairman Ms Audrey EU Admin	The consideration of gradual extension of the power of the Building Authority ("BA") to deal with the material divergence or deviation from any plan approved by BA or the non-compliance with the standard of structural stability, public health or fire safety first	

Time marker	Speaker	Subject(s)	Action Required
005333 - 011208	Chairman Prof Patrick LAU Admin Ms Audrey EU	Whether the use of land was included in the jurisdiction of the Buildings Ordinance ("BO"); The need for the proposed section 22(1B)(a)(i)(A); and The impact of the proposed section 22(1B)(a)(i)(A) on buildings in the urban area	
011209 - 011813	Chairman Admin	Draft CSAs to clauses 5, 6(8), 6A, 6B and 6C	
011814 - 012203	Chairman Ms Cyd HO Admin	<u>Warrant for entry into premises</u> The number of visits that BD's officer should make before applying for a warrant and the time span between visits <u>Surcharge on defaulted works</u> The expansion of the scope of persons who would be entitled for the exemption of the proposed surcharge on defaulted works	The Administration to state in its speech during the resumption of the Second Reading on the Bill - (a) its views on the issue of visit on two different days made by BD's officers before applying for a warrant for entry into the premises; and (b) that the surcharge on defaulted works for owners who were old, infirm or with disability or mental illness and also had genuine practical difficulties in complying with a statutory order or notice would be completely waived
012204 - 012619	Chairman ALA7 Admin Prof Patrick LAU	The use of the term "established" and "訂立" in the proposed section 22(1B)(a)(i)(C)	
012620 - 013513	Chairman ALA7 Admin Prof Patrick LAU	The use of the term "已" in the proposed section 22(1B)(a)(ii) and how the changed use of the premises could be determined; The omission of the phrase "or land" in the proposed section 22(1B)(a)(ii) and whether the Administration intended to exclude the regulation of the use of the land, or whether the relevant regulation on the use of the land had been included in other sections of BO or the Bill; and The enforcement of sections 25(1)	

Time marker	Speaker	Subject(s)	Action Required
		and 25(2) about the change in the use of the premises	
013514 - 013857	Chairman ALA7 Admin	Whether the word "任何" should be added to the Chinese version of the proposed section 38(1)(ke)(ic) to make it consistent with the English version	The Administration to consider whether the word "任何" should be added to the Chinese version of the proposed section 38(1)(ke)(ic)
013858 - 014504	Chairman ALA7 Admin	The rationale for specifying signboard of a kind prescribed under section 38(1)(ke)(ic) in the proposed Schedule 8 and whether the phrase "of a kind" could be deleted	The Administration to consider whether the phrase "of a kind" should be deleted from the proposed Schedule 8
014505 - 015444	Chairman Ms Audrey EU Prof Patrick LAU Admin	Expression of objection to the proposed section 22(1B)(a)(i)(A); Exemptions of building works from section 14(1) under section 41(3); Whether the proposed section 22(1B)(a)(i)(A) had retrospective effect on the pre-existing unauthorized building works; and Nuisance caused by BD's enforcement actions to property owners and occupiers of the premises in urban areas	
015445 - 015535	Chairman Admin	Further amendment to clause 1(3)	
015536 - 015541	Chairman Admin	Request for the Administration to further amend the draft CSA	
015542 - 015608	Chairman	Completion of scrutiny of the Bill; and Cancellation of subsequent meetings	
015609 - 015709	Chairman	Date of reporting the deliberation of the Bills Committee to the House Committee; Date of resumption of Second Reading debate on the Bill; Deadline for giving notice to move CSAs to the Bill; and Deadline for giving notice to resume the Second Reading debate on the Bill	The Administration to provide the revised draft CSAs to the Bill

Time marker	Speaker	Subject(s)	Action Required
015709 - 015722	Chairman	Closing remarks	

Council Business Division 2
Legislative Council Secretariat
20 August 2012