

立法會
Legislative Council

LC Paper No. CB(1) 1467/11-12
(These minutes have been seen
by the Administration)

Ref : CB1/SS/3/11/1

**Subcommittee on Building (Inspection and Repair) Regulation,
Building (Administration) (Amendment) Regulation 2011,
Building (Minor Works) (Amendment) Regulation 2011, and
Buildings (Amendment) Ordinance 2011 (Commencement) Notice 2011**

**Minutes of the seventh meeting
held on Monday, 12 December 2011, at 10:45 am
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, SBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Starry LEE Wai-king, JP
Hon Tanya CHAN

Members absent : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon CHEUNG Hok-ming, GBS, JP
Hon IP Kwok-him, GBS, JP

Public officers attending : **For item I**

Mr Rex CHANG, JP
Deputy Secretary for Development (Planning and Lands)²

Mr Ryan CHIU
Principal Assistant Secretary for Development
(Planning and Lands)³

Mr Daniel FONG
Assistant Secretary for Development (Buildings)¹

Mr TSE Kin-leung
Assistant Director/Mandatory Building Inspection
Buildings Department

Mr Humphrey HO
Chief Structural Engineer/Mandatory Building
Inspection 2
Buildings Department

Mr Michael PANG
Senior Building Surveyor/Legislation
Buildings Department

Ms Rayne CHAI
Senior Government Counsel
Department of Justice

Mr Henry CHAN
Government Counsel
Department of Justice

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Mrs Mary TANG
Senior Council Secretary (1)1

I. Meeting with the Administration

(LC Paper No. CB(1) 567/11-12(02) — List of follow-up actions arising from the discussion at the meeting on 5 December 2011

LC Paper No. CB(1) 589/11-12(01) — List of follow-up actions arising from the discussion at the meeting on 7 December 2011

LC Paper No. CB(1) 589/11-12(02) — Administration's responses to CB(1) 567/11-12(02) and CB(1) 589/11-12(01))

The Subcommittee deliberated (Index of proceedings attached in **Annex**).

2. The Administration was requested to reconsider the need to add reference to the female gender in amendments to sections of the Building (Minor Works) (Amendment) Regulation 2011 with references of masculine gender, lest this would create inconsistency with the existing provisions in the Regulation.

(Post-meeting note: The Administration had subsequently advised that instead of adding reference to the female gender in amendments to provisions with references of masculine gender in the Building (Minor Works) (Amendment) Regulation 2011, the phrase of "the person or inspector" would be used.)

3. As the Subcommittee had completed scrutiny of the four pieces of subsidiary legislation, the Chairman reminded members that the deadline for giving notice of motion to amend the subsidiary legislation was 14 December 2011.

II. Any other business

4. There being no other business, the meeting ended at 11:50 am.

Council Business Division 1
Legislative Council Secretariat
2 April 2012

**Subcommittee on Building (Inspection and Repair) Regulation,
Building (Administration) (Amendment) Regulation 2011,
Building (Minor Works) (Amendment) Regulation 2011, and
Buildings (Amendment) Ordinance 2011 (Commencement) Notice 2011**

**Proceedings of the seventh meeting
held on Monday, 12 December 2011, at 10:45 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Meeting with the Administration</i>			
000623 - 001809	Chairman Administration	Administration's explanation on its response to follow-up actions arising from the discussion at the meetings on 5 and 7 December 2011 (LC Paper No. CB(1) 589/11-12(02)).	
001810 - 002752	Prof Patrick LAU Administration Chairman	<p>Prof Patrick LAU's views -</p> <p>(a) repair works should be better coordinated to facilitate compliance with both the building and fire safety requirements in one go; and</p> <p>(b) registered inspectors (RIs) would need to have access to premises in order to ascertain the existence of subdivision of flats.</p> <p>Administration's response -</p> <p>(a) if the building also came under the purview of the Fire Safety (Commercial Premises) Ordinance (Cap. 502) or Fire Safety (Buildings) Ordinance (Cap. 572), RIs could recommend the owners to carry out the improvements works required under the two ordinances and repair works under the Mandatory Building Inspection Scheme (MBIS) in one go; and</p> <p>(b) under MBIS, RIs were not required to enter into individual premises for carrying out prescribed inspections with regard to common parts. Suspected existence of subdivision of flats could be judged from the presence of multiple flat door openings, door bells or drain pipe</p>	

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		connections during the course of the prescribed inspection.	
002753 - 003454	Ms Starry LEE Administration Chairman	<p>Ms Starry LEE's request -</p> <p>(a) assistance similar to that provided under the Operation Building Bright, particularly vetting of tenders, should be provided under MBIS; and</p> <p>(b) there should be better coordination among relevant Government departments, including Electrical and Mechanical Services Department, and Fire Services Department (FSD), in facilitating building owners in their repair works.</p> <p>Administration's response -</p> <p>(a) the Hong Kong Housing Society and the Urban Renewal Authority had put in place various schemes to assist eligible building owners to carry out maintenance works; and</p> <p>(b) effort would be made to synchronize as far as practicable the timing for the issuance of fire safety directions for fire safety improvement works with the notices for prescribed inspection and prescribed repair under MBIS.</p>	
003455 - 004217	Prof Patrick LAU Chairman Administration	<p>Prof Patrick LAU's view/enquiry -</p> <p>(a) it was advisable for building owners to engage RIs who were members of professional institutes as the latter would take actions against malpractices (such as tender-rigging activities) of their members; and</p> <p>(b) how RIs could ascertain certain fire resisting constructions, e.g. fire resisting doors, were up to the required standards.</p> <p>Administration's response -</p> <p>(a) it was stipulated in the subsidiary legislation that only members of</p>	

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		<p>professional institutes were eligible to apply for registration as RIs; and</p> <p>(b) when carrying out prescribed inspection for fire resisting construction, RIs should exercise their professional judgment in checking the approved plans and other relevant records and then carry out on-site checking to ascertain if the fire resisting construction had deteriorated or were altered to below the standard stipulated in the regulation.</p>	
004218 -004855	Chairman Administration	<p>Chairman's enquiry on the level of supervision for large-scale repair works on column and shear wall.</p> <p>Administration's response -</p> <p>(a) Large-scale repair works involving the reconstruction or recasting of columns and shear walls were not minor works; and</p> <p>(b) the Technical Guidelines on Minor Works Control System would be updated in 2012 to give clearer guidelines on the differences between patch repair and reconstruction or recasting of structural members.</p>	
004856 - 010210	Chairman Administration	<p>Discussion on the use of gender reference in the Building (Minor Works) (Amendment) Regulation 2011.</p> <p>Chairman's remarks -</p> <p>(a) the inconsistency between provisions with reference of only masculine gender and provisions with addition of reference to the female gender within the same Regulation was undesirable; and</p> <p>(b) would seek other member's views on the need for the Subcommittee to amend the Regulation to remove the addition of reference to the female gender, if the Administration refused to do so.</p>	<p>The Administration to reconsider the need to add reference to the female gender in amendments to sections of the Building (Minor Works) (Amendment) Regulation 2011 with references of masculine gender, lest this would create inconsistency with the existing provisions in the Regulation.</p>

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010211 - 010236	Chairman	Members' attention was drawn to the deadline for amending the subsidiary legislation.	

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