

立法會
Legislative Council

LC Paper No. CB(3) 643/14-15

Ref : CB(3)/M/MM

Tel : 3919 3300

Date : 30 April 2015

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 6 May 2015

**Amendments to motion on
“Stepping up regulation on the repair
and maintenance works of private buildings”**

Further to LC Paper No. CB(3) 617/14-15 issued on 22 April 2015, five Members (Hon KWOK Wai-keung, Hon CHAN Hak-kan, Hon Ronny TONG, Hon WU Chi-wai and Hon LEE Cheuk-yan) have respectively given notice of their intention to move separate amendments to Hon Tony TSE’s motion on “Stepping up regulation on the repair and maintenance works of private buildings” scheduled for the Council meeting of 6 May 2015. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and the five amendments. To assist Members in debating the motion and the amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon Tony TSE to speak and move his motion;
- (b) the President proposes the question on Hon Tony TSE’s motion;
- (c) the President calls upon the five Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon KWOK Wai-keung;
 - (ii) Hon CHAN Hak-kan;

- (iii) Hon Ronny TONG;
 - (iv) Hon WU Chi-wai; and
 - (v) Hon LEE Cheuk-yan;
- (d) the President calls upon the public officer(s) to speak;
 - (e) the President invites other Members to speak;
 - (f) the President gives leave to Hon Tony TSE to speak for the second time on the amendments;
 - (g) the President calls upon the public officer(s) to speak again;
 - (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the five Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon KWOK Wai-keung to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon KWOK Wai-keung's amendment;
 - (i) after Hon KWOK Wai-keung's amendment has been voted upon, the President deals with the other four amendments; and
 - (j) after all amendments have been dealt with, the President calls upon Hon Tony TSE to reply. Thereafter, the President puts to vote the question on Hon Tony TSE's motion, or his motion as amended, as the case may be.

3. For Members' reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Stepping up regulation on the repair
and maintenance works of private buildings”
to be held at the Council meeting of 6 May 2015**

1. Hon Tony TSE’s original motion

That at present, the inadequate supply of developable land and newly constructed residential housing in Hong Kong has subjected many people to heavy housing pressure, and the situation is expected to persist in the near future; in addition to the need to expeditiously increase the supply of land and residential housing by the Government, developers and other public or non-profit-making organizations, the Government should encourage people to step up the repair, maintenance and management of buildings to prolong their useful life; the various building maintenance programmes introduced by the Government in recent years, including the Mandatory Building Inspection Scheme, have led to a significant increase in the amount of building repair and maintenance works; yet, the varying standards of building repair and maintenance service providers at present have rendered some property owners suffering monetary and other unnecessary losses; in this connection, this Council urges the Government to step up regulation on the repair and maintenance works of private buildings, including adopting effective measures to provide appropriate assistance to property owners, owners’ corporations and the building repair and maintenance sector, so that the public can receive professional building repair and maintenance services which are of good quality and value-for-money.

2. Motion as amended by Hon KWOK Wai-keung

That *the housing problem has always been of major concern to society*; at present, the inadequate supply of developable land and newly constructed residential housing in Hong Kong has subjected many people to heavy housing pressure, and the situation is expected to persist in the near future; in addition to the need to expeditiously increase the supply of land and residential housing by the Government, developers and other public or non-profit-making organizations, the Government should encourage people to step up the repair, maintenance and management of buildings to prolong their useful life; the various building maintenance programmes introduced by the Government in recent years, including the Mandatory Building Inspection Scheme, have led to a significant increase in the amount of building repair and maintenance works;

yet, *the designs of quite a number of buildings have not taken into account the feasibility and safety of future building repair and maintenance works, which directly increase the risk of industrial accidents, and* the varying standards of building repair and maintenance service providers at present have rendered some property owners suffering monetary and other unnecessary losses; in this connection, this Council urges the Government to step up regulation on the repair and maintenance works of private buildings, including adopting effective measures to provide appropriate assistance to property owners, owners' corporations and the building repair and maintenance sector, so that the public can receive professional building repair and maintenance services which are of good quality and value-for-money; *the Government should also face up to the issue of erecting safety installations for repair and maintenance works on external walls of buildings, so as to strengthen protection for construction workers' occupational safety.*

Note: Hon KWOK Wai-keung's amendment is marked in *bold and italic type*.

3. Motion as amended by Hon CHAN Hak-kan

That *the imbalance in the supply and demand of housing in Hong Kong persists;* at present, the inadequate supply of developable land and newly constructed residential housing in Hong Kong has subjected many people to heavy housing pressure, and the situation is expected to persist in the near future; in addition to the need to expeditiously increase the supply of land and residential housing by the Government, developers and other public or non-profit-making organizations, the Government should encourage people to step up the repair, maintenance and management of buildings to prolong their useful life; the various building maintenance programmes introduced by the Government in recent years, including the Mandatory Building Inspection Scheme, have led to a significant increase in the amount of building repair and maintenance works; yet, the varying standards of building repair and maintenance service providers at present have rendered some property owners suffering monetary and other unnecessary losses; in this connection, this Council urges the Government to step up regulation on the repair and maintenance works of private buildings, including adopting effective measures to provide appropriate assistance to property owners, owners' corporations and the building repair and maintenance sector, so that the public can receive professional building repair and maintenance services which are of good quality and value-for-money; *in order to encourage and support people to step up the repair, maintenance and management of buildings, the Government should introduce the following specific measures:*

- (1) *to create a commissioner for management of old buildings to co-ordinate the repair, maintenance and management of private buildings;*

- (2) *to actively assist owners of old buildings in organizing owners' corporations or hiring management companies to resolve building management and repair problems;*
- (3) *to set up an 'information database of building repair costs' and expeditiously implement the Competition Ordinance, so as to combat bid-rigging activities on building repair and maintenance;*
- (4) *to provide resources for the Hong Kong Housing Society and the Urban Renewal Authority to enhance their technical and legal support services on building repair for property owners or owners' corporations;*
- (5) *to further streamline the application procedure for the Integrated Building Maintenance Assistance Scheme;*
- (6) *to set up a 'building affairs tribunal' to resolve the existing problems of lengthy time required for handling building management disputes and expensive legal costs, etc.;*
- (7) *to provide financial and technical supports for property owners who have practical difficulties in compliance with the Fire Safety (Buildings) Ordinance to have fire service equipment and installations such as water tanks and hose reel systems, etc., in their buildings;*
- (8) *to allocate more resources to remove abandoned signboards on external walls of buildings and combat acts of overhanging signboards from external walls of buildings without prior permission; and*
- (9) *to launch a third round of the Operation Building Bright.*

Note: Hon CHAN Hak-kan's amendment is marked in *bold and italic type*.

4. Motion as amended by Hon Ronny TONG

That ~~at present~~ *while housing is a necessity for the public*, the inadequate supply of ~~developable land and newly constructed~~ residential housing in Hong Kong has subjected many people to heavy housing pressure, and the situation is expected to persist in the near future; in addition to the need to expeditiously increase the supply of land and residential housing by the Government, developers and other public or non-profit-making organizations, the Government should encourage people to step up the repair, maintenance and management of buildings to prolong their useful life; the various building maintenance programmes introduced by the Government in recent years,

including the Mandatory Building Inspection Scheme, have led to a significant increase in the amount of building repair and maintenance works; yet, the varying standards of building repair and maintenance service providers at present have rendered some property owners suffering monetary and other unnecessary losses; in this connection, this Council urges the Government to step up regulation on the repair and maintenance works of private buildings, including adopting effective measures to provide appropriate assistance to property owners, owners' corporations and the building repair and maintenance sector, so that the public can receive professional building repair and maintenance services which are of good quality and value-for-money; *specific measures include:*

- (1) *to introduce a registration system for building repair works, including listing the past projects the works consultants and contractors were awarded contracts or had engaged in, so that property owners can clearly understand the background and reputation of the relevant works consultants and contractors;*
- (2) *to set up a 'building repair works authority' dedicated to formulating service standards and guidelines for building repair and maintenance works, so as to facilitate works consultants and contractors to provide quality services for property owners, thereby safeguarding the interests of property owners;*
- (3) *by making reference to the practices of the Small Claims Tribunal, to set up a 'building affairs tribunal' to handle the problems of owners' corporations and property owners arising from the Building Management Ordinance, so as to minimize the money and time used by property owners on litigations; and*
- (4) *to amend the Building Management Ordinance to specify that large-scale maintenance projects with cost exceeding \$1 million or equal to 30% of the owners' corporation's annual budget must be decided by a resolution of the property owners passed at a general meeting, the quorum of which must be raised to 20% of the number of property owners, and the resolution must be passed by over 75% of the property owners voting either in person or by proxy; at the same time, a reasonable cooling-off period (such as seven to 14 days) must be provided for resolutions on any large-scale maintenance projects, so as to allow more time for property owners to understand the contents of the resolutions.*

Note: Hon Ronny TONG's amendment is marked in *bold and italic type* or with deletion line.

5. Motion as amended by Hon WU Chi-wai

~~That at present, the inadequate supply of developable land and newly constructed residential housing in Hong Kong has subjected many people to heavy housing pressure, and the situation is expected to persist in the near future; in addition to the need to expeditiously increase the supply of land and residential housing by the Government, developers and other public or non-profit-making organizations,~~ *as the buildings in Hong Kong are ageing gradually,* the Government should encourage people to step up the repair, maintenance and management of buildings to prolong their useful life; the various building maintenance programmes introduced by the Government in recent years, including the Mandatory Building Inspection Scheme, have led to a significant increase in the amount of building repair and maintenance works; yet, *at present,* the varying standards of building repair and maintenance service providers ~~at present~~ *and rampant bid-rigging activities, including the exaggeration of works costs by illegal means such as corruption, etc.,* have rendered some property owners suffering monetary and other unnecessary *serious* losses; in this connection, this Council urges the Government to step up regulation on the repair and maintenance works of private buildings, including adopting effective measures to provide appropriate assistance to property owners, owners' corporations and the building repair and maintenance sector: *stepping up law enforcement to combat bid-rigging syndicates; providing small property owners with appropriate and professional support; enhancing public education to give publicity to the perils of bid-rigging; setting up a 'building repair works authority' to regulate the service quality of building repair and maintenance service providers; and commissioning statutory bodies with credibility (such as the Hong Kong Housing Society and the Urban Renewal Authority) to provide property owners with professional building repair works services of authorized persons, such as information on works supervision and costs estimation, etc., with a view to bringing the building repair and maintenance industry back to the normal track,* so that the public can receive professional building repair and maintenance services which are of good quality and value-for-money.

Note: Hon WU Chi-wai's amendment is marked in *bold and italic type* or with deletion line.

6. Motion as amended by Hon LEE Cheuk-yan

~~That at present, the inadequate supply of developable land and newly constructed residential housing in Hong Kong has subjected many people to heavy housing pressure, and the situation is expected to persist in the near future; in addition to the need to expeditiously increase the supply of land and residential housing by the Government, developers and other public or~~

~~non-profit making organizations, the Government should encourage people to step up the repair, maintenance and management of buildings to prolong their useful life; the various building maintenance programmes introduced by the Government in recent years, including the Mandatory Building Inspection Scheme, have led to a significant increase in the amount of building repair and maintenance works; yet, the varying standards of building repair and maintenance service providers at present have rendered some property owners suffering monetary and other unnecessary losses; in this connection, this Council urges the Government to step up regulation on the repair and maintenance works of private buildings, including adopting effective measures to provide appropriate assistance to property owners, owners' corporations and the building repair and maintenance sector,:~~

- (1) *to increase the quorum of a general meeting for voting resolutions on large-scale maintenance projects, and raise the threshold for passing the relevant resolutions;*
- (2) *to formulate measures for eradicating the practice of bypassing the general meetings by using piecemeal approach to undertake large-scale maintenance projects;*
- (3) *to prescribe standard forms for large-scale maintenance projects tenders to clearly state that property owners have right of access to the relevant documents of the projects;*
- (4) *to require the submission of proxy instruments for general meetings to the Home Affairs Department for verification to prevent falsification; and*
- (5) *to invoke the Elections (Corrupt and Illegal Conduct) Ordinance to regulate the voting and electioneering activities of general meetings, thereby combating acts of purchasing proxy instruments blatantly,*

so that the public can receive professional building repair and maintenance services which are of good quality and value-for-money.

Note: Hon LEE Cheuk-yan's amendment is marked in *bold and italic type* or with deletion line.