

立法會
Legislative Council

LC Paper No. CB(1)897/20-21
(These minutes have been seen by
the Administration)

Ref : CB1/SS/12/20/1

**Subcommittee on Proposed Resolution
under Section 2(3) of the Buildings Ordinance (Cap. 123)**

**Minutes of meeting on
Tuesday, 30 March 2021, at 10:45 am
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon CHAN Han-pan, BBS, JP (Chairman)
Hon Abraham SHEK Lai-him, GBS, JP
Hon Steven HO Chun-yin, BBS
Hon Wilson OR Chong-shing, MH
Hon LAU Kwok-fan, MH

Members absent : Dr Hon Junius HO Kwan-yiu, JP
Hon CHEUNG Kwok-kwan, JP

Public officers : **Agenda item II**

Ms Jenny CHOI Mui-fun
Deputy Secretary (Planning & Lands)²
Development Bureau

Ms Jasmine CHOI Suet-yung
Principle Assistant Secretary (Planning & Lands)³
Development Bureau

Mr Thomas POON Tin-hang
Assistant Secretary (Building)⁴
Development Bureau

Ms Clarice YU Po-mei
Deputy Director of Buildings

Mr Tommy TAM Wing-cheung
Assistant Director/Corporate Services
Buildings Department

Mr Michael PANG Yuk-lung
Chief Officer/Minor Works & Signboard Control
Buildings Department

Mr Clement LEE Kai-hong
Senior Building Surveyor/Legislation
Buildings Department

Mr Gary LI Ming-fung
Senior Government Counsel/Law Drafting Division
Department of Justice

Clerk in attendance : Ms Connie HO
Chief Council Secretary (1)2

Staff in attendance : Ms Vanessa CHENG
Assistant Legal Adviser 5

Mr Raymond CHOW
Senior Council Secretary (1)10

Ms Christina SHIU
Legislative Assistant (1)2

Miss Joey LAW
Clerical Assistant (1)2

Action

I Election of Chairman

Election of Chairman

Mr CHAN Han-pan, the member with the highest precedence among those present at the meeting, presided over the election of the Chairman of the

Action

Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Mr LAU Kwok-fan nominated Mr CHAN Han-pan and the nomination was seconded by Mr Wilson OR. Mr CHAN accepted the nomination. As Mr CHAN Han-pan was nominated for the office, Mr Wilson OR, the member with the highest precedence among those present not nominated for the office, took over from Mr CHAN to preside over the election and called for other nominations. There being no other nominations, Mr CHAN Han-pan was declared Chairman of the Subcommittee. Mr CHAN then took over the chair. Members agreed that there was no need to elect a Deputy Chairman.

II Meeting with the Administration

(Appendix 1 to LC Paper No. — Proposed resolution under
CB(3)383/20-21 section 2(3) of the Buildings
Ordinance

(issued by the Development Bureau — Legislative Council Brief
in March 2021)

LC Paper No. LS46/20-21 — Legal Service Division Report

LC Paper No. CB(1)730/20-21(01) — Marked-up copy of the proposed
resolution under section 2(3) of
the Buildings Ordinance
prepared by the Legal Service
Division (Restricted to
members)

LC Paper No. CB(1)730/20-21(02) — Background brief prepared by
the Legislative Council
Secretariat)

Discussion

3. With the aid of a powerpoint presentation, the Administration briefed members on the proposed resolution under section 2(3) of the Buildings Ordinance (Cap. 123) ("the proposed resolution").

(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)747/20-21(01) by email on 30 March 2021.)

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

Action

Invitation for public views

5. Members agreed to invite public views on the proposed resolution. Having regard to the latest situation of the Coronavirus Disease—2019 pandemic in Hong Kong and the need to maintain social distancing to prevent spread of the disease, members agreed to invite written submissions only.

(Post-meeting note: A notice was posted on the website of the Legislative Council to invite written submissions on the proposed resolution on 30 March 2021 and the 18 District Councils were notified of the invitation. By the deadline on 7 April 2021, one written submission was received.)

Legislative timetable

6. The Subcommittee had completed section-by-section examination of Chinese text of the proposed resolution. The Legal Adviser to the Subcommittee confirmed that no difficulties relating to the legal and drafting aspects of the proposed resolution had been identified. The Chairman advised that subject to members' views on the Administration's response to the written submissions received and indication of their intention to propose amendments to the proposed resolution for consideration of the Subcommittee, he would decide whether it was necessary to hold a further meeting.

(Post-meeting note: Members were informed vide LC Paper No. CB(1)792/20-21 on 14 April 2021 that upon the deadline, no requests had been received from members for further discussion of the Administration's response. Also, no members had indicated their intention to propose amendments to the proposed resolution. As such, the Subcommittee had completed the scrutiny of the proposed resolution and it was not necessary to hold a further meeting. The Chairman had reported the deliberations of the Subcommittee to the House Committee at its meeting on 23 April 2021. The Administration had also given fresh notice to move the proposed resolution at the Council meeting of 12 May 2021. The deadline for giving notice to move amendments to the proposed resolution was 5 May 2021.)

III Any other business

7. There being no other business, the meeting ended at 11:31 am.

**Proceedings of meeting of the
Subcommittee on Proposed Resolution
under Section 2(3) of the Buildings Ordinance (Cap. 123)
on Tuesday, 30 March 2021, at 10:45 am
in Conference Room 2B of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
Agenda item I — Election of Chairman			
000525-000641	Mr LAU Kwok-fan Mr Wilson OR Mr CHAN Han-pan	Election of Mr CHAN Han-pan as Chairman of the Subcommittee Agreement by members that there was no need to elect a Deputy Chairman	
Agenda item II — Meeting with the Administration			
000642-001344	Chairman Administration	Briefing and powerpoint presentation by the Administration on the proposed resolution under section 2(3) of the Buildings Ordinance (Cap. 123) ("the proposed resolution") to amend Schedule 8 to the Buildings Ordinance (Cap. 123) to designate an additional 11 types of existing unauthorized minor amenity features as prescribed building or building works ("PBWs") so that such PBWs could be retained for continued use under the validation scheme. Upon the passage of the proposed resolution, the Building (Minor Works) (Amendment) Regulation 2021 ("B(MW)(A)R 2021") would be tabled in the Legislative Council ("LegCo") to amend section 62A of the Building (Minor Works) Regulation (Cap. 123N) ("B(MW)R") and prescribe the specifications of the 11 additional types of PBWs in Schedule 3 to B(MW)R. [Legislative Council Brief on Buildings Ordinance (Cap. 123) — Resolution to amend the Prescribed Building or Building Works and LC Paper No. CB(1)747/20-21(01)]	
001345-001846	Chairman Mr LAU Kwok-fan Administration	Expression of support by Mr LAU Kwok-fan for the proposed resolution and the Administration's response to Mr LAU's enquiries in relation to the time frame for the Administration's tabling of B(MW)(A)R 2021 in LegCo and details of the specifications	

Time Marker	Speaker	Subject(s)	Action Required
		of solid fence wall (one of the proposed PBWs items).	
001847-002829	Chairman Administration	The Administration's response to the Chairman's suggestion that building owners should be allowed to seek permission from the Building Authority on a case-by-case basis for the continued use of certain unauthorized features commonly used in buildings but not covered in the validation scheme (e.g. water tanks) after undergoing safety inspection and necessary strengthening by a prescribed building professional ("PBP") or a prescribed registered contractor ("PRC").	
002830-003139	Chairman Mr LAU Kwok-fan Administration	The Administration's response to Mr LAU Kwok-fan's enquiry on whether simplified requirements would be introduced for building owners to carry out building works relating to the proposed 11 types of minor amenity features after 1 September 2020 given that the proposed extended validation scheme would cover these 11 types of unauthorized minor amenity features that were completed or carried out before 1 September 2020.	
003140-003641	Chairman Mr Steven HO Administration	Expression of support by Mr Steven HO for the proposed resolution and the Administration's response to Mr HO's enquiry in relation to the details of the specifications of certain proposed PBWs items, including supporting frame for a light fitting, mesh fence or metal railing, pole and canopy.	
003642-004318	Chairman Mr Steven HO Administration	<p>Expression of support by the Chairman for the proposed extension of the validation scheme and his suggestion that the Administration should consider incorporating more commonly used unauthorized minor amenity features into the validation scheme.</p> <p>Expression of concern by the Chairman and Mr Steven HO about the way in which the Lands Department ("LandsD") dealt with unauthorized extensions (e.g. canopies and flower racks) of squatter structures and agricultural structures, and their suggestions that LandsD should consider –</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>(a) introducing a streamlined control system similar to the Minor Works Control System to allow PBPs or PRCs to carry out small-scale building works for and to validate the unauthorized minor amenity features of squatter structures to ensure their safety; and</p> <p>(b) rationalizing the squatter control policy, as well as reviewing the outdated squatter control regime and the internal work flow and procedures of LandsD in respect of squatter control.</p> <p>The Administration's response to the Chairman and Mr HO's above suggestions.</p>	
Section-by-section examination of the proposed resolution under section 2(3) of the Buildings Ordinance (Cap. 123)			
004319-004703	Chairman Mr Steven HO Administration	<p><u>Section 1 — Schedule 8 substituted</u></p> <p>Enquiry of Mr Steven HO on the time frame for the Administration's tabling of B(MW)(A)R 2021 in LegCo and the Administration's response.</p>	
004704-005009	Chairman Assistant Legal Adviser 5 ("ALA5") Mr Abraham SHEK Mr Steven HO	<p>Confirmation by ALA5 that no difficulties had been identified in relation to the legal and drafting aspects of the proposed resolution.</p> <p>Invitation for public views</p> <p>Legislative timetable</p>	
Agenda item III — Any other business			
005010-005012	Chairman	Concluding remarks	