

立法會
Legislative Council

LC Paper No. CB(1)1220/20-21
(These minutes have been seen by
the Administration)

Ref : CB1/SS/15/20/1

**Subcommittee on
Building (Minor Works) (Amendment) Regulation 2021
and Buildings Ordinance — Resolution of the Legislative Council
(Commencement) Notice**

**Minutes of meeting on
Monday, 5 July 2021, at 4:30 pm
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon Holden CHOW Ho-ding (Chairman)
Hon CHEUNG Kwok-kwan, JP
Dr Hon CHENG Chung-tai

Member absent : Dr Hon Junius HO Kwan-yiu, JP

Public officers : **Agenda item II**

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

Mr Holden CHOW Ho-ding, the member with the highest precedence among those present at the meeting, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Mr CHEUNG Kwok-kwan nominated Mr Holden CHOW and the nomination was seconded by Dr CHENG Chung-tai. Mr CHOW accepted the

Action

nomination. As Mr Holden CHOW was nominated for the office, Mr CHEUNG Kwok-kwan, the member with the highest precedence among those present not nominated for the office, took over from Mr CHOW to preside over the election and called for other nominations. There being no other nominations, Mr Holden CHOW was declared Chairman of the Subcommittee. Mr CHOW then took over the chair. Members agreed that there was no need to elect a Deputy Chairman.

II Meeting with the Administration

(L.N. 93 of 2021	— Building (Minor Works) (Amendment) Regulation 2021
L.N. 94 of 2021	— Buildings Ordinance — Resolution of the Legislative Council (Commencement) Notice
<i>(issued by the Development Bureau in June 2021)</i>	— Legislative Council Brief
LC Paper No. LS81/20-21	— Legal Service Division Report
LC Paper No. CB(1)1073/20-21(01)	— Marked-up copy of the Building (Minor Works) (Amendment) Regulation 2021 prepared by the Legal Service Division (Restricted to members only)
LC Paper No. CB(1)1073/20-21(02)	— Background brief prepared by the Legislative Council Secretariat)

Discussion

3. With the aid of a powerpoint presentation, the Administration briefed members on the Building (Minor Works) (Amendment) Regulation 2021 (L.N. 93 of 2021) ("the Amendment Regulation 2021") and the Buildings Ordinance — Resolution of the Legislative Council (Commencement) Notice (L.N. 94 of 2021) ("the Commencement Notice").

(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)1082/20-21(01) by email on 6 July 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 Amendment Regulation 2021 and the Commencement Notice. 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 on 5 July 2021 to invite written submissions on the two pieces of subsidiary legislation and the 18 District Councils were notified of the invitation on 6 July 2021. By the deadline on 12 July 2021, no written submission was received.)

Legislative timetable

6. The Subcommittee had completed section-by-section examination of Chinese text of the Amendment Regulation 2021 and the Commencement Notice. The Legal Adviser to the Subcommittee confirmed that no difficulties relating to the legal and drafting aspects of the two pieces of subsidiary legislation had been identified.

7. The Subcommittee noted that the scrutiny period of the Amendment Regulation 2021 and the Commencement Notice would expire at the Council meeting of 21 July 2021. Members agreed that the Chairman of the Subcommittee should move a motion at the Council meeting of 14 July 2021 to extend the scrutiny period to the Council meeting of 18 August 2021. If the scrutiny period was extended, the deadline for giving notice to amend the two pieces of subsidiary legislation would be 11 August 2021. The Chairman would make a verbal report on the deliberations of the Subcommittee to the House Committee at its meeting on 16 July 2021.

(Post-meeting note: The motion moved by the Chairman to extend the scrutiny period of the two pieces of subsidiary legislation was passed at the Council meeting of 14 July 2021. The written report of the Subcommittee was circulated to members of the House Committee vide LC Paper No. CB(1)1150/20-21 on 28 July 2021.)

Action

III Any other business

8. There being no other business, the meeting ended at 5:36 pm.

Council Business Division 1
Legislative Council Secretariat
18 August 2021

**Proceedings of meeting of the
Subcommittee on Building (Minor Works) (Amendment) Regulation 2021
and Buildings Ordinance — Resolution of the Legislative Council (Commencement) Notice
on Monday, 5 July 2021, at 4:30 pm
in Conference Room 2B of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
Agenda item I — Election of Chairman			
001426-001618	Mr Holden CHOW Mr CHEUNG Kwok-kwan Dr CHENG Chung-tai	Election of Mr Holden CHOW 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			
001619-003722	Chairman Administration	Briefing and powerpoint presentation by the Administration on the Building (Minor Works) (Amendment) Regulation 2021 (L.N. 93 of 2021) ("the Amendment Regulation 2021") and the Buildings Ordinance — Resolution of the Legislative Council (Commencement) Notice (L.N. 94 of 2021) ("the Commencement Notice") [Legislative Council Brief on Buildings Ordinance (Cap. 123) — Building (Minor Works) (Amendment) Regulation 2021 and Amendment to Schedule 8 to the Buildings Ordinance — Commencement Notice and LC Paper No. CB(1)1082/20-21(01)]	
003723-004425	Chairman Dr CHENG Chung-tai Administration	The Administration's response to Dr CHENG Chung-tai's suggestion that the Buildings Department ("BD") should be given discretionary power under the Minor Works Control System to allow building owners to carry out certain small-scale building works which fell outside the scope of the 21 new items of prescribed building or building works ("PBWs") as detailed in the new Part 4 of Schedule 3 to the Building (Minor Works) Regulation (Cap. 123N) but of similar nature to these items, or allow such existing unauthorized features be retained for continued use upon validation so as to meet the genuine needs of building owners (e.g. structure to cover an open	

Time Marker	Speaker	Subject(s)	Action Required
		carpark commonly found in private housing estates).	
004426-005100	Chairman Mr CHEUNG Kwok-kwan Administration	<p>Expression of support by Mr CHEUNG Kwok-kwan for the Amendment Regulation 2021 and the Commencement Notice.</p> <p>The Administration's response to Mr CHEUNG's enquiries on:</p> <p>(a) how BD would handle the existing unauthorized building works ("UBWs") relating to the 21 new PBW items from now until 1 September 2021 when the Amendment Regulation 2021 and the Commencement Notice would come into operation;</p> <p>(b) how building owners could re-erect the relevant amenity features upon compliance with a removal order issued by BD; and</p> <p>(c) regarding certain UBWs (e.g. metal ventilation ducts of some restaurants) that were constructed in the common areas/external wall of a building without the consent of the owners' committee or other building owners concerned, whether BD would take this factor into account in handling the validation of these UBWs under the validation scheme.</p>	
005101-005704	Chairman Administration	<p>The Administration's response to the Chairman's follow-up enquiries on:</p> <p>(a) whether the Administration would consider members' suggestion of entrusting BD with the discretionary power to allow existing unauthorized features which fell outside the scope of the 21 new PBW items but of similar nature to these items be retained for continued use upon validation; and</p> <p>(b) transitional arrangements on how BD would handle the existing UBWs relating to the 21 new PBW items before the commencement of the two pieces of subsidiary legislation.</p>	

Time Marker	Speaker	Subject(s)	Action Required
Section-by-section examination of the Building (Minor Works) (Amendment) Regulation 2021 (L.N. 93 of 2021)			
005705-010605	Chairman Administration	<u>Section 1 — Commencement</u> <u>Section 2 — Building (Minor Works) Regulation amended</u> <u>Section 3 — Section 62 amended (provisions relating to section 39C(1) of Ordinance)</u> <u>Section 4 — Section 62A amended (provisions relating to section 39C(1A) of Ordinance)</u> <u>Section 5 — Schedule 2 amended (designated exempted works)</u> <u>Section 6 — Schedule 3 amended (prescribed building or building works)</u> Members raised no objection to these sections.	
Section-by-section examination of the Buildings Ordinance — Resolution of the Legislative Council (Commencement) Notice (L.N. 94 of 2021)			
010606-010656	Chairman Administration	Members had no enquiries on the Commencement Notice.	
010657-010906	Chairman Assistant Legal Adviser 5 ("ALA5")	Confirmation by ALA5 that no difficulties had been identified in relation to the legal and drafting aspects of the Amendment Regulation 2021 and the Commencement Notice Invitation for public views Legislative timetable	
Agenda item III — Any other business			
010907-010937	Chairman	Concluding remarks	