

立法會
Legislative Council

LC Paper No. CB(2) 1323/01-02
(These minutes have been seen
by the Administration)

Ref : CB2/BC/10/00

Bills Committee on Fire Safety (Buildings) Bill

**Minutes of the meeting
held on Tuesday, 5 February 2002 at 10:45 am
in the Chamber of the Legislative Council Building**

Members Present : Hon IP Kwok-him, JP (Chairman)
Hon Cyd HO Sau-lan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon CHOY So-yuk

Members Absent : Hon Abraham SHEK Lai-him, JP
Hon Frederick FUNG Kin-kee
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Public Officers Attending : Mr David WONG
Principal Assistant Secretary for Security

Ms Esther LEUNG
Principal Assistant Secretary for Home Affairs (5)

Mr LEE Chee-chung
Chief Fire Officer (Fire Safety)

Mr C C TSANG
Assistant Director
Existing Building 2

Mrs Kenny WONG
Assistant Director of Home Affairs (4)

Mr CHEUNG Yat-cheong
Senior Divisional Officer (Building Improvement & Support)

Mr HO Cham
Chief Building Surveyor
Fire Safety

Mr Damian CHAN
Assistant Secretary for Security

Clerk in Attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in Attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Miss Mary SO
Senior Assistant Secretary (2)8

Action

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

2. The Bills Committee requested the Administration to give a response to the following issues raised by members at the meeting -

- a) Timing for introducing amendments to the Building Management Ordinance (Cap. 344) enabling Owners' Corporations (OCs) to borrow money from the Building Safety Loan Scheme (the Scheme) to cover outstanding contributions from owners who refused or failed to pay their shares of the costs incurred in upgrading the fire safety standards in the common parts of their buildings;
- b) Requirements and procedures for OCs to borrow money from the Scheme; and
- c) Feasibility of the Government placing a legal charge registrable against the titles of those irresponsible and missing owners with the Land Registry as a form of security for the money paid out from the Scheme.

3. The Administration agreed to revert to members on the issues set out in paragraph 2 above, after consulting the Subcommittee on review of the Building Management Ordinance of the Panel on Home Affairs on the same. The Administration said that it should be in a position to consult the Subcommittee within two to three months' time.

4. The Bills Committee agreed to hold the next meeting on 5 March 2002 at 10:45 am to start clause-by-clause examination of the Bill.
5. There being no other business, the meeting ended at 11:58 am.

Council Business Division 2
Legislative Council Secretariat
12 March 2002

**Proceedings of the meeting of the
Bills Committee on Fire Safety (Buildings) Bill
on Tuesday, 5 February 2002, at 10:45 am
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000 - 0404	Chairman	Inviting the Administration to give a response on how to address the problem of owners who refused or failed to pay their shares of the costs incurred in upgrading the fire safety standards in the common parts of their buildings	
0405 - 1413	Admin	<p>Briefed members on the existing legal framework enabling Owners' Corporations (OCs) to recover money from owners who refused or failed to pay their shares of the costs incurred in upgrading the fire safety standards in the common parts of their buildings and support provided by government departments, such as the Home Affairs Department, to building owners and OCs</p> <p>Also briefed members on the proposal to amend the Building Management Ordinance (Cap. 344) enabling OCs to borrow money from the Building Safety Loan Scheme (the Scheme) to cover outstanding contributions from irresponsible and missing owners. Legal advice was being sought on the feasibility of the Government placing a legal charge registrable against the titles of those irresponsible and missing owners with the Land Registry as a form of security for the money paid out from the Scheme. The Administration should be in a position to brief the Subcommittee on the review of the Building Management Ordinance of the Panel on Home Affairs on the aforesaid proposal within two to three months' time, before reverting to this Bills Committee</p>	
1414 - 1522	Mr James TO	Scrutiny of the Bill should continue, despite the fact that the problem of recovering money from irresponsible and missing owners could not be satisfactorily resolved at this stage	
1523 - 1806	Miss CHOY So-yuk	Scrutiny of the Bill should be held in abeyance until the problem of recovering money from irresponsible and missing owners was satisfactorily resolved	
1807 - 2022	Admin	Reiterated his views mentioned earlier at the meeting	
2023 - 2051	Chairman	Government should foot the bill borne by irresponsible and missing owners, instead of relying on OCs to do the same	

Time	Speaker	Subject(s)	Action required
2052 - 2209	Miss CHOY So-yuk	Reiterated her view that scrutiny of the Bill should be held in abeyance until the problem of recovering money from irresponsible and missing owners was satisfactorily resolved	
2210 - 2349	Miss CHAN Yuen-han	Echoed similar view expressed by Miss CHOY	
2350 - 2658	Admin	Members' concern should be addressed if OCs were allowed to borrow money from the Scheme to cover outstanding contributions from irresponsible and missing owners, and Government could place a legal charge registrable against the titles of those irresponsible and missing owners with the Land Registry as a form of security for the money paid out from the Scheme	
2659 - 2858	Miss CHAN Yuen-han	OCs should not be expected to foot the bill borne by irresponsible and missing owners	
2859 - 3219	Admin	Urged members to continue scrutiny of the Bill	
3220 - 3354	Ms Cyd HO	The Bill should not come into operation until the problem of recovering money from irresponsible and missing owners was resolved	
3355 -3623	Admin	Reiterated the work underway by the Administration to address members' concern on the difficulty for OCs to recover money from irresponsible and missing owners	
3624 - 3808	Chairman	Sought members' view on whether the scrutiny of the Bill should be held in abeyance	
3809 - 3839	Ms Cyd HO	Suggested to issue a circular inviting members' view on whether the scrutiny of the Bill should be held in abeyance	
3840 - 3925	Chairman	Considered not necessary, as members had been advised that this meeting would decide whether the scrutiny of the Bill should be held in abeyance	
3926 - 4011	Mrs Sophie LEUNG	Scrutiny of the Bill should continue	
4012 - 4050	Ms Cyd HO	Would not insist on suspending the scrutiny of the Bill	

Time	Speaker	Subject(s)	Action required
4051 - 4232	Chairman	The Administration should provide a response on the following - a) Timing for introducing amendments to Cap. 344 enabling OCs to borrow money from the Scheme to cover outstanding contributions from owners who refused or failed to pay their shares of the costs incurred in upgrading the fire safety standards in the common parts of their buildings; b) Requirements and procedures for OCs to borrow money from the Scheme; and c) Feasibility of the Government placing a legal charge registrable against the titles of those irresponsible and missing owners with the Land Registry as a form of security for the money paid out from the Scheme	
4233 - 4757	Admin	Agreed to revert to members on the issues mentioned by the Chairman, after consulting the Subcommittee on review of the Building Management Ordinance on the same.	✓ (Admin to provide a written response)
4758 - 4944	Chairman	Part 1 of the Administration's response to issues raised by members at the meeting on 23 November 2001 (LC Paper No. CB(2) 729/01-02(01))	
4945 - 5016	Admin	Ditto	
5017 - 5026	Chairman	Ditto	
5027 - 5058	Mrs Sophie LEUNG	Ditto	
5059 - 5218	Chairman	Ditto	
5219 - 5431	Admin	Ditto	
5432 - 5539	Chairman	Ditto	
5540 - 5856	Admin	Ditto	
5857 - 5946	Chairman	Part 2 of the Administration's response to issues raised by members at the meeting on 23 November 2001 (LC Paper No. CB(2) 749/01-02(01))	
5947 - 010052	Admin	Ditto	
010053 - 010236	Chairman	Date of next meeting	

Note : The audio records of the above proceedings are kept at the LegCo Library