

立法會
Legislative Council

LC Paper No. CB(2) 1723/01-02
(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 March 2002 at 10:45 am
in Conference Room A of the Legislative Council Building**

Members Present : Hon IP Kwok-him, JP (Chairman)
Hon Cyd HO Sau-lan
Hon James TO Kun-sun
Hon CHAN Yuen-han, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon Abraham SHEK Lai-him, JP
Hon CHOY So-yuk
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Ir Dr Hon Raymond HO Chung-tai, JP
Hon Frederick FUNG Kin-kee
Hon LAU Ping-cheung

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

Mr C C LEE
Chief Fire Officer (Fire Safety)

Mr LAM Tat-wah
Senior Divisional Officer (Building Improvement & Support)

Mr C C TSANG
Assistant Director
Existing Building 2

Mr WONG Kam-sing
Acting Chief Building Surveyor
Fire Safety

Mr Sunny CHAN
Acting Senior Assistant Law Draftsman

Ms Stella CHAN
Government Counsel

Mr Damian CHAN
Assistant Secretary for Security

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

Staff in Attendance : Miss Anita HO
Assistant Legal Adviser 2

Miss Mary SO
Senior Assistant Secretary (2) 8

Action

I. Meeting with the Administration

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

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

- a) To consider adopting a more commonly used term for "住用用途" referred to in clause 3, e.g. "住宅用途";
- b) To review clause 5(10) to reflect the Administration's intention that the committee referred to in this clause would be established and to consider strengthening the powers of the committee; or alternatively, to provide an avenue of appeal for owners or occupiers having difficulties in complying with certain requirements in the fire safety directions, before the enforcement authorities could apply to a magistrate court for compliance orders directing these owners or occupiers to comply with such;
- c) To improve the drafting of clause 6(1) of the Bill to remove inconsistencies between the English and Chinese versions;
- d) To consider amending "7 days" in clause 7(4) of the Bill to "14 days";
- e) To review the drafting of certain provisions in the Chinese version of the Bill to make it more comprehensible;

- f) To consider reflecting in the Bill that the enforcement authorities would have regard to the urban renewal programme when enforcing the Bill; and
- g) To consider ways to help owners to take out fire insurance policy for buildings which had complied with the upgraded fire safety standards stipulated in the Bill, particularly for old buildings.

3. The Administration had also duly noted and would follow up the Committee's request that during the resumption of the Second Reading debate, the Secretary for Security should repeat the Administration's undertaking to first brief the relevant Panel(s) on its preparatory work conducted for implementing the Bill before publishing in the Gazette the date on which the Fire Safety (Buildings) Ordinance would come into operation.

II. Dates of next meetings

- 3. Members agreed that the next two meetings be held on -
 - a) 28 March 2002 at 8:30 am; and
 - b) 8 April 2002 at 2:30 pm.
- 4. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 2
Legislative Council Secretariat
25 April 2002

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

Time	Speaker	Subject(s)	Action required
0000 - 0524	Chairman	Welcoming remarks and way forward Clause 1 - Short title and commencement	
0525 - 0701	Admin	Clause 1(2)	
0702 - 0712	Ms Audrey EU	Ditto	
0713 - 0746	Chairman	Ditto	
0747 - 0814	Admin	Ditto	
0815 - 0935	Ms Cyd HO	Provision of an information paper for commencement notice of the Bill, prior to publishing in the Gazette the date on which the Bill would come into operation	
0936 - 1020	Admin	Ditto	
1021 - 1048	Chairman	Ditto	
1049 - 1054	Admin	Ditto	
1055 - 1127	Chairman	Secretary for Security should state in her speech during the resumption of the Second Reading debate on the Bill that the Administration would brief the relevant Panel(s) of its preparatory work for implementing the Bill, prior to publishing in the Gazette the date on which the Bill would come into operation	
1128 - 1131	Admin	Noted the Chairman's request and would follow up	
1132 - 1218	Ms Audrey EU	Meaning of "such a building" referred to in clause 4 (Application of Ordinance)	
1219 - 1356	Admin	Ditto	
1357 - 1521	Ms Audrey EU	Ditto	
1522 - 1557	Admin	Ditto	
1558 - 1631	Ms Audrey EU	Ditto	
1632 - 1713	Admin	Ditto	
1714 - 1823	Chairman	Clause 3 - Interpretation	
1824 - 1858	Admin	Ditto	
1859 - 1929	Chairman	Ditto	
1930 - 2005	Admin	Ditto	
2006 - 2016	Chairman	Ditto	
2017 - 2024	Admin	Ditto	
2025 - 2042	Chairman	Ditto	
2043 - 2114	Admin	Ditto	

Time	Speaker	Subject(s)	Action required
2115 - 2208	Ms Cyd HO	Whether a building that was used for an educational institution would fall within the definition of "composite building"	
2209 - 2247	Admin	Response to Ms HO's question	
2248 - 2312	Ms Cyd HO	Whether a building that was used for an educational institution or a nursery school would fall within the definition of "domestic building" if some staff of the educational institution or nursery school resided in the building concerned as their living quarters	
2313 - 2505	Admin	Response to Ms HO's question	
2506 - 2536	Chairman	Whether there was a need to state in the definition of "domestic purposes" that a domestic building meant a building whose building plans submitted to the Building Authority for approval were intended for domestic purposes	
2537 - 2734	Admin	Response to the Chairman's question	
2735 - 2807	Ms Audrey EU	Which legislation was targetted at upgrading the fire safety standards of those composite buildings where the part intended for non-domestic purposes consisted wholly of a factory or industrial undertaking, godown, warehouse or place of bulk storage	
2808 - 2929	Admin	Response to Ms EU's question	
2930 - 3023	Ms Cyd HO	Concerned that the Bill did not cover composite buildings where the part intended for non-domestic purposes consisted wholly of a factory or industrial undertaking, godown, warehouse or place of bulk storage, as the domestic parts of some of these buildings were used as bedspace apartments	
3024 - 3032	Chairman	Why the Bill did not cover composite buildings where the part intended for non-domestic purposes consisted wholly of a factory or industrial undertaking, godown, warehouse or place of bulk storage	
3033 - 3317	Admin	Response to Ms HO's concern and the Chairman's question	
3318 - 3431	Ms Cyd HO	Would check with organisation(s) concerned about the situation of industrial buildings where the part intended for non-domestic purposes was used for bedspace apartments, and revert to the Bills Committee at the next meeting	
3432 - 3615	Admin	Briefed members that safety of bedspace apartments was regulated by the Bedspace Apartments Ordinance (Cap.447)	

Time	Speaker	Subject(s)	Action required
3641 - 3759	Chairman	Accepted the reasons given by the Administration for enacting legislation to improve the fire safety standards of industrial buildings at a later stage	
3800 - 3820	Ms Audrey EU	Whether a bedspace apartment situated above an industrial building was regulated by Cap. 447	
3821 - 3830	Admin	Response to Ms EU's question	
3831 - 3837	Ms Audrey EU	Whether Cap. 447 applied to bedspace apartments regardless of which types of buildings they were situated in	
3838 - 3855	Admin	Response to Ms EU's question	
3856 - 3911	Miss CHAN Yuen-han	Issuance of licence for operating a bedspace apartment inside an industrial building	
3912 - 3921	Admin	Ditto	
3922 - 3941	Miss CHAN Yuen-han	Ditto	
3942 - 4026	Admin	Ditto	
4027 - 4048	Miss CHAN Yuen-han	Accepted the reasons given by the Administration for enacting legislation to improve the fire safety standards of industrial buildings at a later stage	
4049 - 4110	Ms Audrey EU	Chinese term for "domestic purposes" referred to in clause 3	
4111 - 4148	ALA2	Ditto	
4149 - 4203	Chairman	Ditto	
4204 - 4239	Admin	Ditto	
4240 - 4259	ALA2	Ditto	
4300 - 4339	Chairman	Ditto	
4340 - 4449	Ms Audrey EU	Ditto	
4450 - 4548	ALA2	Ditto	
4549 - 4653	Admin	Ditto	
4654 - 4727	Chairman	Ditto	
4728 -4757	Ms Cyd HO	Ditto	
4758 - 4825	Admin	Ditto	
4826 - 4924	Chairman	The Administration should consider adopting a more commonly used Chinese term for "domestic purposes"	✓ (Admin to provide a response)
4925 - 4959	Chairman	Clause 5 - Owner or occupier may be directed to comply with fire safety measures	
5000 - 5026	Admin	Ditto	
5027 - 5124	Chairman	Clause 5(10)	

Time	Speaker	Subject(s)	Action required
5125 - 5240	Admin	Ditto	
5241 - 5430	Chairman	Ditto	
5431 - 5605	Admin	Ditto	
5606 - 5748	Chairman	Ditto	
5749 - 5916	Admin	Ditto	
5917 - 010003	Chairman	Ditto	
010004- 010209	Admin	Ditto	
010210- 010332	Ms Cyd HO	Ditto	
010333- 010436	Chairman	The Administration should - a) review clause 5(10) to reflect the Administration's intention that a committee referred to in this clause would be established and to consider strengthening the powers of the committee; or alternatively b) consider providing an avenue of appeal for owners or occupiers having difficulties in complying with certain requirements in the fire safety directions, before the enforcement authorities could apply to a magistrate court for compliance orders directing these owners or occupiers to comply with such	
010437- 010449	Admin	Agreed to consider the suggestions raised by the Chairman	✓ (Admin to provide a response)
010450- 010609	Ms Audrey EU	Drafting of the Chinese version of the Bill needed to be improved to make it more comprehensible. For examples, the Chinese terms for the heading of Part II of the Bill "Compliance with Fire Safety Measures"; "technology" as referred to in clause 3; and clause 5(6)(a) and (9) needed to be improved	
010610- 010629	Admin	Agreed to discuss with ALA2 on the drafting of certain provisions in the Chinese version of the Bill	✓ (Admin to provide a response)
010630- 010918	ALA2	Serving of fire safety directions on owners	
010919- 011159	Admin	Ditto	
011200- 011215	ALA2	Ditto	
011216- 011313	Admin	Ditto	
011314- 011340	Chairman	Ditto	
011341- 011502	Admin	Ditto	

Time	Speaker	Subject(s)	Action required
011503- 011617	Miss CHOY So-yuk	Upgrading of fire safety standards to the common parts of domestic buildings could not commence if some owners of the buildings concerned were missing or tenants refused to disclose the whereabouts of the missing owners	
011618- 011753	Admin	Referred members to clauses 17 and 23 and advised that the Administration was currently examining the feasibility of amending the Buildings Management Ordinance (Cap.344) to enable Owners' Corporations to borrow money from the Building Safety Loan 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	
011754- 011815	Miss CHOY So-yuk	Timing for introducing the amendments to Cap. 344	
011816- 011856	Admin	The Administration hoped to brief the Subcommittee on review of the Buildings Management Ordinance of the Panel on Home Affairs and this Bills Committee on the proposed amendments to Cap. 344 in two to three months' time	
011857- 011917	Chairman	Reason(s) for stipulating that a fire safety direction might be given by both enforcement authorities acting jointly as set out in clause 5(7)	
011918- 012009	Admin	Response to the Chairman's question	
012010- 012225	Ms Cyd HO	Owners had little say in complying with the requirements in the fire safety directions	
012226- 012633	Admin	Response to Ms HO's view	
012634- 012657	Chairman	Echoed Ms HO's view	
012658- 012740	Ms Cyd HO	Reiterated her view	
012741- 012748	Admin	The Administration would consider Ms HO's views	
012749- 012904	Chairman	Clause 6 - Magistrate may make fire safety compliance orders	
012905- 013141	Admin	Ditto	
013142- 013255	ALA2	Drafting of the English and Chinese versions of clause 6(1) lacked consistency	
013256- 013305	Chairman	The Administration should improve the drafting of clause 6(1) to remove inconsistencies between the English and Chinese versions	✓ (Admin to provide a response)

Time	Speaker	Subject(s)	Action required
013306- 013330	Ms Cyd HO	Whether the term "the period within which it is to be complied with" referred to in Clause 6(2) meant owners had to complete all required upgrading works within a period specified in the fire safety compliance orders or just to commence such works within the specified period	
013331- 013353	Admin	Response to Ms HO's question	
013354- 013407	Miss CHOY So-yuk	Concerned that not all upgrading works could be completed within the period specified in the fire safety compliance orders	
013408- 013536	Admin	The Administration would adopt a flexible and pragmatic approach in enforcing the Bill	
013537- 013638	Miss CHOY So-yuk	Hoped that the enforcement authorities could issue fire safety directions and directions to improve building safety to owners at the same time	
013639- 013714	Admin	Would strive to do so as far as practicable	
013715- 013811	Miss CHOY So-yuk	Owners of old buildings had great difficulty in taking out fire insurance policy for their buildings	
013812- 013852	Admin	Response to Miss CHOY's concern	
013853- 013915	Miss CHOY So-yuk	Reiterated her concern	
013916- 014044	Chairman	The Administration should consider ways to help owners to take out fire insurance policy for buildings which had complied with the upgraded fire safety standards stipulated in the Bill, particularly for old buildings	
014045- 014208	Admin	Agreed to consider the Chairman's suggestion	✓ (Admin to provide a response)
014209- 014256	Chairman	Clause 7 - District Court may make orders prohibiting occupation of a building or part of a building Reason(s) for stipulating that an enforcement authority must give at least 7 days' notice to the applicable owner or occupier before making an application to the District Court for a prohibition order as set out in clause 7(4), and whether the District Court might make a prohibition order only if it was satisfied all five conditions stipulated in clause 7(6) were met	
014257- 014404	Admin	Response to the Chairman's questions	

Time	Speaker	Subject(s)	Action required
014405- 014512	Miss CHOY So-yuk	Considered it unreasonable for the enforcement authorities to apply to the District Court for prohibition orders against owners who failed to comply with the requirements in the fire safety compliance orders, having regard to the fact that the specified date for compliance was set arbitrarily and that owners concerned might be made homeless. Also considered that the enforcement authorities should have regard to the urban renewal programme in enforcing the Bill	
014513- 014618	Admin	Response to Miss CHOY's views	
014619- 014804	Miss CHOY So-yuk	Reiterated her views	
014805- 014941	Admin	Reiterated his response and re-affirmed that the Administration would have regard to the urban renewal programme in enforcing the Bill	
014942- 015037	Miss CHOY So-yuk	Reiterated her concerns	
015038- 015252	Admin	The Administration would not lightly apply to the District Court for prohibition order and that District Court would only make such an order if it was satisfied that the five conditions stipulated in clause 7(6) were met	
015253- 015349	Miss CHOY So-yuk	Reiterated her concern about the prohibition order	
015350- 015536	Admin	Assured members that the Administration would adopt a flexible and pragmatic approach in enforcing the Bill	
015537- 015601	Miss CHOY So-yuk	The Administration should reflect in the Bill that the Administration would have regard to the urban renewal programme in enforcing the Bill	
015602- 015654	Admin	Response to Miss CHOY's suggestion	
015655 -015759	Miss CHOY So-yuk	Insisted on her suggestion	
015800- 015839	Ms Cyd HO	Drawn members' attention to the Administration's earlier response on how it would enforce the Bill on owners whose buildings were earmarked for demolition to pave way for urban renewal	
015840- 015900	Chairman	Requested the Administration to consider reflecting in the Bill that the Administration would have regard to the urban renewal programme in enforcing the Bill	✓ (Admin to provide a response)
015900- 015930	Chairman	Whether the "7 days" referred to in clause 7(4) were adequate	
015931- 020113	Ms Audrey EU	Response to the Chairman's question	

Time	Speaker	Subject(s)	Action required
020114- 020133	Chairman	The Administration should consider amending "7 days" referred to in clause 7(4) to "14 days"	✓ (Admin to provide a response)
020134- 020235	Ms Audrey EU	Summary of proposed amendments to the Bill	
020236- 020249	Admin	Ditto	
020250- 020340	ALA2	Ditto	
020341- 020423	Ms Audrey EU	Ditto	
020424- 020507	Admin	The Administration would prepare a summary of proposed amendments to the Bill after the completion of the scrutiny of the Bill	
020508- 021001	Chairman	Dates of next meetings	

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

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