

立法會
Legislative Council

LC Paper No. CB(2) 2685/01-02
(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 Monday, 29 April 2002 at 2:30 pm
in Conference Room A 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 Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon CHOY So-yuk
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon James TO Kun-sun
Hon CHAN Yuen-han, JP
Hon Abraham SHEK Lai-him, JP
Hon Frederick FUNG Kin-kee
Hon LAU Ping-cheung

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

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

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

Mr TSANG Cheung-chuen
Assistant Director

Existing Building 2
Mr HO Cham
Chief Building Surveyor
Fire Safety

Mr Sunny CHAN
Senior Government Counsel

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

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 to the following issues raised by members at the meeting -

- a) To consider amending clause 19(1)(b) so that any neglect on the part of a person concerned in the management of an owners' corporation would not commit an offence; or alternatively, to consider adding the word "gross" before "neglect" in clause 19(1)(b);
- b) To consider deleting the words "or apparently employed by" referred to in clause 23(b)(i); or alternatively, to consider qualifying the person apparently employed by the body corporate referred to in clause 23(b)(i); and
- c) To consider adding a provision to the Bill to enable the resolution of disputes among owners of non-domestic parts of composite buildings

arising from the need to comply with a fire safety requirement of improving the staircases in terms of their width and number; or alternatively, to consider putting in place a mechanism to achieve the same effect.

3. At the request of members, Assistant Legal Adviser undertook to provide information on which legislation governing construction and building works and related matters in Hong Kong also contained provision similar to clause 19.

II. Date of next meeting

4. Members agreed that the next meeting originally scheduled for 10 May 2002 at 8:30 am be re-scheduled to 15 May 2002 at 10:45 am to discuss the outstanding issues. Members requested the Administration to provide its outstanding responses to issues raised by members at previous meetings and at this meeting, and a full set of Committee Stage amendments to be proposed by the Administration one week before the next meeting.

5. There being no other business, the meeting ended at 4:38 pm.

Council Business Division 2
Legislative Council Secretariat
9 August 2002

**Proceedings of the meeting of the
Bills Committee on Fire Safety (Buildings) Bill
on Monday, 29 April 2002, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000 – 0214	Chairman	Welcoming remarks Clause 19 - Offences by persons concerned in management of body corporate	
0215 - 0336	Admin	Ditto	
0337 - 0351	Chairman	Ditto	
0352 - 0421	Ms Audrey EU	Subjecting members of a management committee to sanction if they had negligently failed to carry out their prescribed duties	
0422 - 0445	Admin	Ditto	
0446 - 0459	Chairman	Ditto	
0500 - 0515	Ms Audrey EU	Ditto	
0516 - 0542	Admin	Ditto	
0543 - 0656	ALA2	Ditto	
0657 - 0818	Ms Audrey EU	Ditto	
0819 - 0828	Chairman	Ditto	
0829 - 0926	Admin	Ditto	
0927 - 1314	Dr Raymond HO	Ditto	
1315 - 1358	Chairman	Ditto	
1359 - 1523	Admin	Ditto	
1524 - 1623	Dr Raymond HO	Ditto	
1624 - 1808	Admin	Ditto	
1809 - 1815	Chairman	Ditto	
1816 - 2021	Admin	Examples on what would constitute negligence by members of a management committee in carrying out their prescribed duties	
2022 - 2043	ALA2	Ditto	
2044 - 2056	Dr Raymond HO	Number of legislation containing provisions for vicarious liability of directors of a company engaging in building and construction works	
2057 - 2101	ALA2	Ditto	
2102 - 2104	Dr Raymond HO	Ditto	
2105 - 2140	ALA2	Ditto	
2141 - 2212	Dr Raymond HO	Ditto	
2213 - 2225	ALA2/Dr Raymond HO	Ditto	

Time	Speaker	Subject(s)	Action required
2226 - 2235	ALA2	Ditto	
2236 - 2255	Dr Raymond HO/ALA2/ Chairman	Ditto	
2256 - 2424	Dr Raymond HO	Members of a management committee should not be sanctioned if the fire safety work which they entrusted to a contractor failed to meet the requirements set out in a fire safety direction	
2425 - 2604	Admin	Ditto	
2605 - 2630	Dr Raymond HO	Ditto	
2631 - 2752	Admin	Ditto	
2753 - 3036	Ms Audrey EU	Members of a management committee should not be sanctioned for neglecting their prescribed duties, as their work was voluntary in nature Whether other legislation had provisions for vicarious liability of officers of an owners' corporation (OC) or owners' committee	
3037 - 3630	Admin	Ditto	
3631 - 3840	Ms Audrey EU	Acceptable if members of a management committee were only sanctioned for gross negligence in carrying out their prescribed duties	
3841 - 3955	Mrs Sophie LEUNG	Ditto	
3956 - 4227	Miss CHOY So-yuk	Disagreed that members of a management committee should be sanctioned for negligence in carrying out their prescribed duties	
4228 - 4421	Chairman	Shared members' concern that clause 19 would discourage people to work for OCs. Informed members that OCs were exempted from sanction under the Noise Control (Amendment) Bill 2001	
4422 - 4552	Ms Cyd HO	Whether the Administration had consulted the Home Affairs Department on clause 19(1)(b)	
4553 - 4647	Miss CHOY So-yuk	Reiterated her views	
4648 - 4753	Admin	The Administration would consider amending clause 19(1)(b) so that any neglect on the part of a person concerned in the management of an OC would not constitute an offence; or alternatively, to consider adding the word "gross" before "neglect" in clause 19(1)(b)	✓ (Admin to provide a written response)
4754 - 4855	Chairman	Clause 20 - Government not liable for certain matters	
4856 - 4857	Admin	Ditto	
4858 - 4926	Chairman	Clause 21 - Authorised officers not personally liable for certain acts and omissions	
4927 - 5015	Admin	Ditto	

Time	Speaker	Subject(s)	Action required
5016 - 5023	Ms Audrey EU	Ditto	
5024 - 5044	Chairman	Ditto	
5045 - 5223	Admin	Ditto	
5224 - 5259	Ms Audrey EU	Similar provision in other legislation	
5300 - 5506	Admin	Ditto	
5507 - 5529	Miss CHOY So-yuk	Whether the Government would be liable for certain acts and omissions of an authorised officer	
5530 - 5540	Admin	Ditto	
5541 - 5708	Ms Cyd HO	Provisions similar to clauses 20 and 21 in other legislation	
5709 - 5938	Admin	Ditto	
5939 - 5958	Chairman	Clause 22 - Offence to disclose information obtained officially	
5959 - 010025	Admin	Ditto	
010026 - 010124	Miss CHOY So-yuk	Whether information obtained while exercising or performing a function conferred or imposed on the person by this Bill could be disclosed to bank	
010125 - 010145	Admin	Ditto	
010146 - 010157	Miss CHOY So-yuk	Under what circumstances would information obtained while exercising or performing a function conferred or imposed on the person by this Bill be disclosed	
010158 - 010237	Admin	Ditto	
010238 - 010256	Chairman	Clause 23 - How documents are to be served for purposes of this Ordinance Whether sending documents by mail was acceptable	
010257 - 010324	Admin	Ditto	
010325 - 010339	Chairman	Ditto	
010340 - 010407	Admin	Ditto	
010408 - 010425	Miss CHOY So-yuk	Ditto	
010426 - 010427	Chairman	Ditto	
010428 - 010438	Miss CHOY So-yuk/ Chairman	Ditto	
010439 - 010516	Ms Audrey EU	Considered serving documents to people who "or apparently employed by" referred to in clause 23(b)(i) were too wide	
010517 - 010521	Admin	Ditto	
010522 - 010544	Ms Audrey EU	Ditto	
010545 - 010605	Admin	Ditto	

Time	Speaker	Subject(s)	Action required
010606 - 010610	Chairman	Ditto	
010611 - 010641	Admin	Ditto	
010642 - 010710	Chairman	Ditto	
010711 - 010750	Admin	Ditto	
010751 - 010756	Chairman	Ditto	
010757 - 010805	Admin	Ditto	
010806 - 010840	Chairman	Ditto	
010841 - 010909	Admin	Ditto	
010910 - 011030	Miss CHOY So-yuk	Ditto	
011031 - 011101	Admin	Ditto	
011102 - 011211	Ms Audrey EU	Ditto	
011212 - 011327	Admin	The Administration would consider deleting the words "or apparently employed by" referred to in clause 23(b)(i); or alternatively, to consider qualifying the person apparently employed by the body corporate referred to in clause 23(b)(i)	✓ (Admin to provide a written response)
011328 - 011356	Chairman	Clause 24 - Chief Executive in Council may make regulations Clause 25 - Effect of substituted or amended codes of practice	
011357 - 011444	Chairman	Schedule 1 - Fire safety measures to be complied with by owners of composite buildings in respect of parts intended for non-domestic purposes	
011445 - 011539	Admin	Ditto	
011540 - 011634	Miss CHOY So-yuk	Ditto	
011635 - 011751	Admin	Ditto	
011752 - 011828	Miss CHOY So-yuk	Ditto	
011829 - 011925	Admin	Ditto	
011926 - 011942	Miss CHOY So-yuk	Ditto	
011943 - 011959	Chairman	Ditto	
012000 - 012105	Ms Cyd HO	Role of the Government to settle disputes among owners arising from the need to comply with a fire safety requirement of improving the staircases in terms of their width and number	
012106 - 012117	Admin	Ditto	
012118 - 012122	Admin/Ms Cyd HO/ Chairman	Ditto	
012123 - 012322	Admin	Ditto	
012323 - 012403	Ms Cyd HO	Ditto	
012404 - 012525	Admin	Ditto	
012526 - 012652	Ms Cyd HO	Ditto	

Time	Speaker	Subject(s)	Action required
012653 - 012727	Chairman	Ditto	
012728 - 012747	Ms Cyd HO	Ditto	
012748 - 012757	Chairman	Ditto	
012758 - 012853	Ms Cyd HO	Ditto	
012854 - 013018	Admin	Ditto	
013019 - 013033	Ms Cyd HO	Ditto	
013034 - 013103	Admin	Ditto	
013104 - 013134	Ms Cyd HO	Ditto	
013135 - 013145	Chairman	Ditto	
013146 - 013233	Ms Cyd HO	Ditto	
013234 - 013456	Admin	Ditto	
013457 - 013744	Miss CHOY So-yuk	Ditto	
013745 - 013829	Admin	Ditto	
013830 - 013850	Miss CHOY So-yuk/ Admin/Chairman	Ditto	
013851 - 013912	Miss CHOY So-yuk	Ditto	
013913 - 014031	Admin	Ditto	
014032 - 014111	Miss CHOY So-yuk	Ditto	
014112 - 014214	Admin	Ditto	
014215 - 014232	Miss CHOY So-yuk	Ditto	
014233 - 014238	Admin	Ditto	
014239 - 014252	Miss CHOY So-yuk	Ditto	
014253 - 014307	Admin	Ditto	
014308 - 014316	Miss CHOY So-yuk/ Admin/Chairman	Ditto	
014317 - 014359	Admin	Ditto	
014400 - 014458	Miss CHOY So-yuk	Ditto	
014459 - 014522	Admin	Ditto	
014523 - 014717	Ms Cyd HO	Ditto	
014718 - 014720	Chairman	Ditto	
014721 - 014838	Ms Audrey EU	Ditto	
014839 - 015140	Admin	Ditto	
015141 - 015330	Chairman	Ditto	
015331 - 015448	Miss CHOY So-yuk	Ditto	
015449 - 015457	Chairman	Ditto	

Time	Speaker	Subject(s)	Action required
015458 - 015505	Admin	The Administration would consider adding a provision to the Bill to enable the resolution of disputes among owners of non-domestic parts of composite buildings arising from the need to comply with a fire safety requirement of improving the staircases in terms of their width and number; or alternatively, to consider putting in place a mechanism to achieve the same effect	✓ (Admin to provide a written response)
015506 - 015739	Chairman	Schedule 2 - Fire safety measures to be complied with by owners of composite buildings in respect of parts intended for domestic purposes and owners of domestic buildings Schedule 3 - Fire safety measures to be complied with by occupiers of composite buildings in respect of parts intended for non-domestic purposes	
015740 - 015750	Miss CHOY So-yuk	Outstanding Administration's responses on issues raised by members at this and previous meetings	
015751 - 015752	Chairman	Date of next meeting	
015753 - 015803	Miss CHOY So-yuk	Ditto	
015804 - 015820	Chairman	Ditto	
015821 - 015856	Admin	Ditto	
015857 - 015925	Chairman	Ditto	
015926 - 015936	Miss CHOY So-yuk/ Chairman	Ditto	
015937 - 020048	Chairman	Ditto	
020049 - 020100	Admin/Chairman	Ditto	
020101 - 020155	Miss CHOY So-yuk/ Chairman	Ditto	
020156 - 020209	Admin	Ditto	
020210 - 020757	Chairman/Miss CHOY So-yuk/Ms Cyd HO/ Ms Audrey EU/Admin	Ditto	

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

Council Business Division 2
Legislative Council Secretariat
9 August 2002