

立法會
Legislative Council

LC Paper No. CB(2) 2705/01-02
(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 Wednesday, 15 May 2002 at 10:45 am
in Conference Room B 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
Hon CHOY So-yuk
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, 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 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 Buildings 2

Mr HO Cham
Chief Building Surveyor
Fire Safety

Mr Sunny CHAN
Senior Government Counsel

Ms Stella CHAN
Government Counsel

Clerk in Attendance : Miss Mary SO
Senior Assistant Secretary (2) 8

Staff in Attendance : Miss Anita HO
Assistant Legal Adviser 2

Ms Dora WAI
Senior Assistant Secretary (2) 4

I. Meeting with the Administration

The Bills Committee deliberated (Index of proceedings **to follow**).

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

- (a) To specify in the Bill that the commencement date of the Bill would be made by resolution of the Legislative Council;
- (b) To specify clearly in the Bill that the committee referred to in clause 5(10) would be a standing committee which would be empowered to consider problematic cases referred to it by the enforcement authorities and consider written and oral representations from owners/occupiers affected. To consider also if it is necessary to specify the composition of the committee in the Bill;
- (c) To delete the words "or part of such a building" referred to in clause 17 of the Bill;
- (d) To amend clause 13(3) of the Bill to the effect that the court could revoke the prohibition order as it considered fit;

- (e) To specify in the Bill that authorised officers had to give 24 hours' prior notice in writing if the premises they sought to enter were private domestic units of a building; and
- (f) Insofar as owners' corporations are concerned, to consider deleting the words ", or was attributable to any neglect on the part of," from clause 19(1)(b) of the Bill.

II. Date of next meeting

- 3. Members agreed to hold the next meeting on 21 May 2002 at 4:30 pm.
- 4. There being no other business, the meeting ended at 1:03 pm.

Council Business Division 2
Legislative Council Secretariat
19 August 2002

Bills Committee on Fire Safety (Buildings) Bill
Meeting on Wednesday, 15 May 2002 at 10:45 am.
in Conference Room B of the Legislative Council Building

Time	Speaker	Subject(s)	Action required
000000 - 000334	Chairman	Welcoming remarks and way forward	
000334 - 000609	Administration	Administration's response to issues raised by members on 5 February 2002 (LC Paper No. CB(2)1882/01-02(02))	
000609 - 000732	Chairman	The Bill should not come operation until amendments to 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 the shares of the costs incurred in upgrading the fire safety standards in the common parts of their buildings had been passed by the Legislative Council (LegCo)	
000732 - 000746	Administration	Ditto	
000746 - 000756	Chairman	Ditto	
000756 - 000837	Administration	Ditto	
000837 - 000858	Miss CHOY So-yuk	Ditto	
000858 - 000911	Administration	Ditto	
000911 - 000933	Chairman	Ditto	
000933 - 001052	Administration	Ditto	
001052 - 001138	Miss CHOY So-yuk	Ditto	
001138 - 001314	Administration	Ditto	
001314 - 001355	Miss CHOY So-yuk	Ditto	
001355 - 001617	Chairman	Ditto	
001617 - 001638	Miss CHOY So-yuk	Ditto	
001638 - 001658	Chairman	Ditto	
001658 - 001756	Administration	Ditto	
001756 - 001909	Chairman	Ditto	
001909 - 001948	Administration	Ditto	
001948 - 002115	Miss CHOY So-yuk	Ditto	
002115 - 002225	Chairman	Ditto	
002225 - 002245	Miss CHOY So-yuk	Ditto	
002245 - 002257	Chairman	Ditto	
002257 - 002330	Administration	Ditto	
002330 - 002354	Chairman	Ditto	

Time	Speaker	Subject(s)	Action required
002354 - 002427	Mr James TO	Commencement date of the Bill should be subject to resolution of LegCo	
002427 - 002540	Chairman/Mr James TO	Ditto	
002540 - 002548	Administration	Ditto	
002548 - 002604	Mr James TO/Miss CHOY So-yuk	The Administration was requested to consider specifying in the Bill that the commencement date of the Bill should be subject to resolution of LegCo	✓ (Admin to provide a written response)
002604 - 002704	Administration	Administration's response to issues raised by members on 5 March 2002 (LC Paper No.CB(2)1882/01-02(02))	
002704 - 002714	Chairman	Adopting a more commonly used term for "住用用途" referred to in clause 3 of the Bill	
002714 - 002729	Ms Audrey EU	Ditto	
002729 - 002740	Chairman	Ditto	
002740 - 003201	Administration	Need for the provision of an avenue of appeal for owners or occupiers having difficulties in complying with certain fire safety requirements	
003201 - 003333	Chairman	Ditto	
003333 - 003439	Administration	Ditto	
003439 - 003622	Ms Audrey EU	Ditto	
003622 - 003806	Chairman	Ditto	
003806 - 003843	Ms Audrey EU	Ditto	
003843 - 003946	Chairman	Ditto	
003946 - 004048	Ms Audrey EU	Ditto	
004048 - 004146	Chairman	Ditto	
004146 - 004228	Ms Audrey EU	Ditto	
004228 - 004246	Chairman	Ditto	
004246 - 004533	Administration	Ditto	
004533 - 004614	ALA2	Ditto	
004614 - 004714	Chairman	The words " <u>may</u> establish a committee" referred to in clause 5(10) of the Bill should be changed to " <u>shall</u> establish a committee"	
004714 - 004829	Administration	The Chairman's suggestion, if adopted, would have the implication that the enforcement authority would then be under a duty to consult the committee referred to in clause 5(10) in each and every case. This was not the policy intent for setting up the aforesaid committee	

Time	Speaker	Subject(s)	Action required
004829 - 004954	ALA2	If the policy intent was to set up an advisory committee which would receive representations from aggrieved owners/occupiers, clause 5(10) should be amended to better reflect such	
004954 - 005002	Ms Audrey EU	Nature of the committee referred to in clause 5(10)	
005002 - 005012	Administration	Ditto	
005012 - 005112	Ms Audrey EU	Ditto	
005112 - 005231	Administration	Ditto	
005231 - 005337	Ms Audrey EU	Ditto	
005337 - 005402	Chairman	Ditto	
005402 - 005429	Administration	Ditto	
005429 - 005507	Ms Audrey EU	Ditto	
005507 - 005604	Administration	Ditto	
005604 - 005628	Chairman	Ditto	
005628 - 005651	Administration	The Administration undertook to consider specifying in the Bill that the committee referred to in clause 5(10) would be a standing committee which would be empowered to consider problematic cases referred to it by the enforcement authorities and consider written and oral representations from owners/occupiers affected	✓ (Admin to provide a written response)
005651 - 005829	Ms Cyd HO	The composition of the committee referred to in clause 5(10) of the Bill should be set out in the Bill	
005829 - 010126	Administration	Ditto	
010126 - 010204	Ms Cyd HO	Ditto	
010204 - 010253	Chairman	Ditto	
010253 - 010343	Ms Cyd HO	Ditto	
010343 - 010407	Administration	The Administration undertook to consider specifying the composition of the committee in the Bill	✓ (Admin to provide a written response)
010407 - 010526	ALA2	Wording of the draft Committee Stage amendment (CSA) to clause 6(1) of the Bill was inconsistent	
010526 - 010657	Administration	Ditto	
010657 - 010737	Ms Audrey EU	Ditto	
010737 - 010821	ALA2	Ditto	
010821 - 010844	Ms Audrey EU	Ditto	

Time	Speaker	Subject(s)	Action required
010844 - 010900	ALA2	Ditto	
010900 - 010910	Ms Audrey EU	Ditto	
010910 - 010946	Administration	The Administration agreed to consider deleting "or part of such a building" referred to in clause 17(1) of the Bill	✓ (Admin to provide a written response)
010946 - 011135	Administration	Administration's response to amending "7 days" in clause 7(4) of the Bill to "14 days"	
011135 - 011158	Ms Audrey EU	Ditto	
011158 - 011219	Chairman	Ditto	
011219 - 011338	Ms Audrey EU, Chairman	Ditto	
011338 - 011354	Administration	Ditto	
011354 - 011415	Chairman, Administration	Referred members to items (e) to (g) of the Administration's response to issues raised by members on 5 March 2002	
011415 - 011621	Chairman	Administration's response to issues raised by members on 28 March 2002 (LC Paper No.CB(2)1882/01-02(02))	
011621 - 011708	Chairman	Replacing the word "or" with "and" referred to in clause 7(4)	
011708 - 011729	Ms Audrey EU	Ditto	
011729 - 011740	Chairman	Draft CSAs to clause 8(1)(b) to make the requirement that owners or occupiers had to keep the premises effectively secured against unauthorised entry when the prohibition order was in force more specific; and to clause 9 to make the penalty for contravening clause 8(1)(b) more proportionate to the offence	
011740 - 012020	Administration	Ditto	
012020 - 012055	Chairman	Ditto	
012055 - 012112	Ms Audrey EU	Ditto	
012112 - 012207	Administration	Ditto	
012207 - 012225	Chairman	Ditto	
012225 - 012440	Ms Audrey EU	Ditto	
012440 - 012454	Chairman, Ms Audrey EU	Ditto	
012454 - 012535	Administration	Ditto	
012535 - 012559	Chairman	Use of different words "revocation" and "discharge" in relation to the ceasing effect of the prohibition order in clauses 12 and 13	
012559 - 012706	Administration	Ditto	
012706 - 012827	Chairman	Ditto	

Time	Speaker	Subject(s)	Action required
012827 - 013135	Ms Audrey EU	Ditto	
013135 - 013250	Administration	Ditto	
013250 - 013318	Ms Audrey EU	Ditto	
013318 - 013338	Administration	Ditto	
013338 - 013345	Ms Audrey EU	Ditto	
013345 - 013413	Administration	Ditto	
013413 - 013448	Ms Audrey EU	Clause 13(3) should be amended to the effect that the court could revoke the prohibition order as it considered fit	
013448 - 013510	Administration	Ditto	
013510 - 013611	Ms Audrey EU	Ditto	
013611 - 013636	Administration	Ditto	
013636 - 013706	Ms Audrey EU	Ditto	
013706 - 013715	Administration	The Administration agreed to consider Ms EU's suggestion	✓ (Admin to provide a written response)
013715 - 014215	Administration	Items (b) to (f) of the Administration's response to issues raised by members on 8 April 2002 (LC Paper No. CB(2)1882/01-02(02))	
014215 - 014226	ALA2	The Bill should specify that authorised officers had to give 24 hours' prior notice in writing if the premises they sought to enter were private domestic units of a building	
014226 - 014243	Administration	Ditto	
014243 - 014256	ALA2	Ditto	
014256 - 014337	Chairman	Ditto	
014337 - 014410	Ms Audrey EU	Ditto	
014410 - 014422	Administration	The Administration agreed to consider ALA2's view	✓ (Admin to provide a written response)
014422 - 014513	Chairman	Referred members to the Administration's response to issues raised by members on 29 April 2002 (LC Paper No. CB(2)1882/01-02(02))	
014513 - 014707	Ms Audrey EU	Liability of OCs under clause 19	
014707 - 014730	Chairman	Ditto	
014730 - 015121	Administration	Ditto	
015121 - 015219	ALA2	Ditto	

Time	Speaker	Subject(s)	Action required
015219 - 015338	Chairman	Ditto	
015338 - 015518	Ms Audrey EU	Ditto	
015518 - 015523	Chairman	Ditto	
015523 - 015609	ALA2	Briefed members on a paper prepared by the Legal Service Division on the clause 19 of the Bill and liability of directors in respect of building and construction tabled at the meeting (LC Paper No. LS93/01-02)	
015609 - 015913	Administration	Liability of OCs under clause 19	
015913 - 020046	Chairman	Ditto	
020046 - 020127	Administration	Ditto	
020127 - 020315	Ms Audrey EU	Ditto	
020315 - 020353	Chairman	Ditto	
020353 - 020410	Ms Audrey EU, Chairman	Ditto	
020410 - 020424	Administration	Ditto	
020424 - 020557	ALA2	Ditto	
020557 - 020645	Chairman	Ditto	
020645 - 020815	Administration	Ditto	
020815 - 020928	Ms Audrey EU	Ditto	
020928 - 020943	Ms Cyd HO	Ditto	
020943 - 021053	Chairman	Ditto	
021053 - 021634	Chairman, Administration, Ms Audrey, Ms Cyd HO	Ditto	
021634 - 021640	Administration	The Administration agreed, insofar as OCs were concerned, to consider deleting the words ", or was attributable to any neglect on the part of," from clause 19(1)(b) of the Bill	✓ (Admin to provide a written response)
021640 - 021723	Chairman	Date of next meeting	

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

Council Business Division 2
Legislative Council Secretariat
 19 August 2002