

立法會
Legislative Council

LC Paper No. CB(2)284/01-02
(These minutes have been seen by
the Administration)

Ref : CB2/BC/10/00

Bills Committee on Fire Safety (Buildings) Bill

**Minutes of the fifth meeting
held on Friday, 12 October 2001 at 10:45 am
in Conference Room A of the Legislative Council Building**

Members Present : Hon IP Kwok-him, JP (Chairman)
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
Hon Frederick FUNG Kin-kee
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon Cyd HO Sau-lan
Hon Abraham SHEK Lai-him, JP
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
Divisional Officer (Fire Protection)

Mr C C TSANG
Assistant Director
Existing Building 2

Mr HO Cham
Chief Building Surveyor
Fire Safety

Mr W B MADDAFORD
Senior Assistant Law Draftsman

Mr Vidy CHEUNG
Senior 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 the **Annex**).

2. The Administration was requested to provide further information on the following to facilitate the work of the Bills Committee :

- (a) to consider specifying in the Bill or in practice guidelines the circumstances under which owners or occupiers might be exempted from complying with certain fire safety requirements stipulated in the Bill;
- (b) to provide the basis for arriving at the decision that the provision of an automatic sprinkler system in the non-domestic parts of a composite building might be waived if the total floor area did not exceed 230m²;
- (c) to consider specifying in the Bill that commencement date of the Bill would be subject to the approval of the Legislative Council;

- (d) to consider setting up a committee under each of the 18 District Councils to handle disputes or complaints from owners arising from complying with the new fire safety requirements; and
 - (e) to make reference to an arrangement under consideration by the Buildings Department whereby orders issued by the Director of Buildings for the purpose of timely maintenance would no longer be made to the Owners' Corporations but to individual owners and that the Director of Buildings could place a legal charge registrable against the title with the Land Registry of those 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 to incorporate it in the Bill as far as practicable.
3. The Bills Committee agreed to hold the next meeting on 6 November 2001 at 10:45 am.
4. There being no other business, the meeting ended at 12:45 pm.

Legislative Council Secretariat

29 October 2001

**Proceedings of the meeting of the
Bills Committee on Fire Safety (Buildings) Bill
on Friday, 12 October 2001, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000 - 0259	Chairman	Update on the progress made so far on the scrutiny of the Bill and Administration's response to issues raised at the meeting on 28 May 2001	
0300 - 1621	Admin	Update on the progress made so far on the scrutiny of the Bill and Administration's response to issues raised at the meeting on 28 May 2001	
1622 - 1647	Chairman	Timetable for implementing the Bill	
1648 - 1726	Admin	Timetable for implementing the Bill	
1727 - 1824	Ms Audrey EU	Proposal to specify in the Bill the circumstances under which owners or occupiers might be exempted from complying with certain fire safety requirements stipulated in the Bill	
1825 - 2159	Admin	Proposal to specify in the Bill the circumstances under which owners or occupiers might be exempted from complying with certain fire safety requirements stipulated in the Bill	
2200 - 2321	Audrey EU	Proposal to specify in the Bill the circumstances under which owners or occupiers might be exempted from complying with certain fire safety requirements stipulated in the Bill	
2322 - 2359	Chairman	Proposal to specify in the Bill the circumstances under which owners or occupiers might be exempted from complying with certain fire safety requirements stipulated in the Bill	
2400 - 2609	Admin	Proposal to specify in the Bill the circumstances under which owners or occupiers might be exempted from complying with certain fire safety requirements stipulated in the Bill	
2610 - 3009	Ms CHOY So-yuk	Enforcement authorities allegedly failing to exercise flexibility in enforcing the Fire Safety (Commercial Premises) Ordinance (Cap.502)	
3010 - 3523	Admin	Enforcement authorities allegedly failing to exercise flexibility in enforcing Cap.502	
3524 - 3559	Chairman	Enforcement authorities allegedly failing to exercise flexibility in enforcing Cap.502	
3600 - 3624	Admin	Enforcement authorities allegedly failing to exercise flexibility in enforcing Cap.502	

3625 - 3639	Chairman, Admin	Enforcement authorities allegedly failing to exercise flexibility in enforcing Cap.502	
3640 - 4032	Admin	Enforcement authorities allegedly failing to exercise flexibility in enforcing Cap.502	
4033 - 4112	Ms CHOY So-yuk	Enforcement authorities allegedly failing to exercise flexibility in enforcing Cap.502	
4113 - 4119	Chairman	Enforcement authorities allegedly failing to exercise flexibility in enforcing Cap.502	
4120 - 4325	Ms CHOY So-yuk	Enforcement authorities allegedly failing to exercise flexibility in enforcing Cap.502	
4326 - 4555	Admin	Enforcement authorities allegedly failing to exercise flexibility in enforcing Cap.502	
4556 - 4608	Chairman	Enforcement authorities allegedly failing to exercise flexibility in enforcing Cap.502	
4609 - 4642	Admin	Enforcement authorities allegedly failing to exercise flexibility in enforcing Cap.502	
4643 - 4656	Chairman	Measure to address the problem whereby some owners refused or failed to pay for their shares of the expenses incurred in upgrading the fire safety standards in the common parts of their buildings	
4657 - 4803	Admin	Measure to address the problem whereby some owners refused or failed to pay for their shares of the expenses incurred in upgrading the fire safety standards in the common parts of their buildings	
4804 - 4939	Miss CHAN Yuen-han	Concern about the difficulty in enforcing the Bill in buildings where there were no Owners' Corporations (OCs) and proposal to delay the implementation of the Bill because of the current economic downturn	
4940 - 5153	Admin	Concern about the difficulty in enforcing the Bill in buildings where there were no OCs and proposal to delay the implementation of the Bill because of the current economic downturn	
5154 - 5239	Miss CHAN Yuen-han	Undertakings by the Home Affairs Department (HAD) in rendering building management support to owners	
5240 - 5356	Admin	Undertakings by HAD in rendering building management support to owners	
5357 - 5703	Mr Frederick FUNG	Proposals to draw up a set of guidelines specifying the circumstances under which owners or occupiers might be exempted from complying with certain fire safety requirements stipulated in the Bill, and to set up a committee in each of the 18 District Councils to handle disputes or complaints from owners arising from complying with the new fire safety requirements	

5704 - 5833	Admin	Proposals to draw up a set of guidelines specifying the circumstances under which owners or occupiers might be exempted from complying with certain fire safety requirements stipulated in the Bill, and to set up a committee in each of the 18 District Councils (DCs) to settle disputes amongst owners arising from complying with the new fire safety requirements	✓
5834 - 5920	Admin	Proposal to draw up a set of guidelines specifying the circumstances under which owners or occupiers might be exempted from complying with certain fire safety requirements stipulated in the Bill	
5921 - 010006	Mr Frederick FUNG	Proposal to set up a committee in each of the 18 DCs to settle disputes amongst owners arising from complying with the new fire safety requirements	
010007 - 010031	Admin	Proposal to set up a committee in each of the 18 DCs to handle disputes or complaints from owners arising from complying with the new fire safety requirements	
010032 - 010305	Chairman	Proposal to specify in the Bill that the commencement date of the Bill would be subject to the approval of the Legislative Council (LegCo)	
010306 - 010423	Admin	Proposal to specify in the Bill that the commencement date of the Bill would be subject to the approval of LegCo	✓
010424 - 010435	Chairman	Proposal to specify in the Bill that the commencement date of the Bill would be subject to the approval of LegCo	
010436 - 010901	Ms Audrey EU	Measure to address the problem whereby some owners refused or failed to pay for their shares of the expenses incurred in upgrading the fire safety standards in the common parts of their buildings; clarification on whether Cap. 502 would still be applied to commercial buildings used for habitation purpose; and the nature of work of the committee to be established under clause 5(10) of the Bill	
010902 - 010903	Chairman	Measure to address the problem whereby some owners refused or failed to pay for their shares of expenses incurred in upgrading the fire safety standards in the common parts of their buildings	
010904 - 010959	Admin	Measure to address the problem whereby some owners refused or failed to pay for their shares of expenses incurred in upgrading the fire safety standards in the common parts of their buildings	

011000 - 011014	Chairman	Measure to address the problem whereby some owners refused or failed to pay for their shares of the expenses incurred in upgrading the fire safety standards in the common parts of their buildings	
011015 - 011033	Chairman, Ms Audrey EU	Measure to address the problem whereby some owners refused or failed to pay for their shares of the expenses incurred in upgrading the fire safety standards in the common parts of their buildings	
011034 - 011323	Admin	Measure to address the problem whereby some owners refused or failed to pay for their shares of the expenses incurred in upgrading the fire safety standards in the common parts of their buildings	
011324 - 011330	Ms Audrey EU, Chairman	Measure to address the problem whereby some owners refused or failed to pay for their shares of the expenses incurred in upgrading the fire safety standards in the common parts of their buildings	
011331 - 011345	Admin	Measure to address the problem whereby some owners refused or failed to pay for their shares of the expenses incurred in upgrading the fire safety standards in the common parts of their buildings	
011346 - 011355	Chairman	Measure to address the problem whereby some owners refused or failed to pay for their shares of the expenses incurred in upgrading the fire safety standards in the common parts of their buildings	
011356 - 011451	Ms Audrey EU	Measure to address the problem whereby some owners refused or failed to pay for their shares of the expenses incurred in upgrading the fire safety standards in the common parts of their buildings	
011452 - 011511	Chairman	Measure to address the problem whereby some owners refused or failed to pay for their shares of the expenses incurred in upgrading the fire safety standards in the common parts of their buildings	
011512 - 011645	Admin	Measure to address the problem whereby some owners refused or failed to pay for their shares of the expenses incurred in upgrading the fire safety standards in the common parts of their buildings	
011646 - 011747	Mr Frederick FUNG	Proposal to make reference to the arrangement under consideration by the Buildings Department whereby orders to perform timely maintenance in the common parts of the buildings would be issued to individual owners instead of OCs and to adopt similar arrangement in enforcing the Bill	
011748 - 011750	Chairman	Proposal to make reference to the arrangement under consideration by the Buildings Department whereby orders to perform timely maintenance in the common parts of the buildings would be issued to individual owners instead of OCs and to adopt similar arrangement in enforcing the Bill	

011751 - 011802	Admin	Proposal to make reference to the arrangement under consideration by the Buildings Department whereby orders to perform timely maintenance in the common parts of the buildings would be issued to individual owners instead of OCs and to adopt similar arrangement in enforcing the Bill	✓
011803 - 011939	Admin	Clarification on whether Cap. 502 would still be applied to commercial buildings used for habitation purpose and the nature of work of the committee to be established under clause 5(10) of the Bill	
011940 - 012309	Ms CHOY So-yuk	Basis for arriving at the decision that the provision of an automatic sprinkler system in the non-domestic parts of a composite building might be waived if the total floor area did not exceed 230m ² ; suggestion to not apply Cap. 502 to owners who have used their commercial buildings for habitation purposes for a long period of time	
012310 - 012327	Chairman, Ms CHOY So-yuk	Basis for arriving at the decision that the provision of an automatic sprinkler system in the non-domestic parts of a composite building might be waived if the total floor area did not exceed 230m ²	
012328 - 012407	Ms CHOY So-yuk	Basis for arriving at the decision that the provision of an automatic sprinkler system in the non-domestic parts of a composite building might be waived if the total floor area did not exceed 230m ²	
012408 - 012623	Admin	Basis for arriving at the decision that the provision of an automatic sprinkler system in the non-domestic parts of a composite building might be waived if the total floor area did not exceed 230m ²	
012624 - 012703	Ms CHOY So-yuk	Basis for arriving at the decision that the provision of an automatic sprinkler system in the non-domestic parts of a composite building might be waived if the total floor area did not exceed 230m ²	
012704 - 012731	Chairman	Basis for arriving at the decision that the provision of an automatic sprinkler system in the non-domestic parts of a composite building might be waived if the total floor area did not exceed 230m ²	
012732 - 012754	Admin	Basis for arriving at the decision that the provision of an automatic sprinkler system in the non-domestic parts of a composite building might be waived if the total floor area did not exceed 230m ²	

012755 - 012829	Ms CHOY So-yuk	Basis for arriving at the decision that the provision of an automatic sprinkler system in the non-domestic parts of a composite building might be waived if the total floor area did not exceed 230m ²	
012830 - 012924	Admin	Basis for arriving at the decision that the provision of an automatic sprinkler system in the non-domestic parts of a composite building might be waived if the total floor area did not exceed 230m ²	✓
012925 - 013017	Chairman	Suggestion to not apply Cap. 502 to owners who had used their commercial buildings for habitation purpose for a long period of time	
013018 - 013029	Admin	Suggestion to not apply Cap. 502 to owners who had used their commercial buildings for habitation purpose for a long period of time	
013030 - 013033	Chairman	Suggestion to not apply Cap. 502 to owners who had used their commercial buildings for habitation purpose for a long period of time	
013034 - 013037	Admin	Suggestion to not apply Cap. 502 to owners who had used their commercial buildings for habitation purpose for a long period of time	
013038 - 013042	Chairman, Admin	Suggestion to not apply Cap. 502 to owners who had used their commercial buildings for habitation purpose for a long period of time	
013043 - 013135	Admin	Suggestion to not apply Cap. 502 to owners who had used their commercial buildings for habitation purpose for a long period of time	
013136 - 013245	Chairman	Suggestion to not apply Cap. 502 to owners who had used their commercial buildings for habitation purpose for a long period of time	
013246 - 013322	Admin	Suggestion to amend Cap. 502 to overcome certain existing difficulties in enforcing the legislation	
013323 - 013511	Ms CHOY So-yuk	Suggestion to amend Cap. 502 to overcome certain existing difficulties in enforcing the legislation	
013512 - 013751	Admin	Suggestion to amend Cap. 502 to overcome certain existing difficulties in enforcing the legislation	
013752 - 013801	Ms CHOY So-yuk	Suggestion to amend Cap. 502 to overcome certain existing difficulties in enforcing the legislation	
013802 - 013816	Chairman	Suggestion to amend Cap. 502 to overcome certain existing difficulties in enforcing the legislation	

013817 - 013829	Admin	Suggestion to amend Cap. 502 to overcome certain existing difficulties in enforcing the legislation	
013830 - 013950	Chairman	Issues for discussion at the next meeting	
013951 - 014022	Miss CHAN Yuen-han	Suggestion to suspend the scrutiny of the Bill	
014023 - 014027	Chairman, Miss CHAN Yuen-han	Suggestion to suspend the scrutiny of the Bill	
014028 - 014043	Chairman	Suggestion to suspend the scrutiny of the Bill	
014044 - 014141	Mr Frederick FUNG	Suggestion to suspend the scrutiny of the Bill	
014142 - 014149	Chairman, Mr Frederick FUNG, Miss CHAN Yuen-han	Suggestion to suspend the scrutiny of the Bill	
014150 - 014226	Admin	Suggestion to suspend the scrutiny of the Bill	
014227 - 014326	Chairman	Suggestion to suspend the scrutiny of the Bill	
014327 - 014340	Mr Frederick FUNG	Suggestion to suspend the scrutiny of the Bill	
014341 - 014520	Admin	Suggestion to suspend the scrutiny of the Bill	
014521 - 014523	Chairman	Suggestion to suspend the scrutiny of the Bill	
014524 - 014604	Mrs Sophie LEUNG	Suggestion to suspend the scrutiny of the Bill	
014605 - 014638	Chairman	Suggestion to suspend the scrutiny of the Bill	
014639 - 014654	Miss CHAN Yuen-han	Suggestion to suspend the scrutiny of the Bill	
014655 - 014714	Admin	Suggestion to suspend the scrutiny of the Bill	
014715 - 014721	Chairman	Suggestion to suspend the scrutiny of the Bill	
014722 - 014733	Mrs Sophie LEUNG	Suggestion to suspend the scrutiny of the Bill	
014734 - 014803	Chairman	Date of next meeting	
014804 - 014805	Admin	Date of next meeting	
014806 - 014848	Chairman	Date of next meeting	

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

Legislative Council Secretariat
29 October 2001