

立法會
Legislative Council

LC Paper No. CB(2)2615/99-00

(These minutes have been seen by the
Administration and cleared with the
Chairman)

Ref : CB2/BC/9/99

**Bills Committee on
Building Management (Amendment) Bill 2000**

**Minutes of the 11th meeting
held on Friday, 2 June 2000 at 9:30 am
in the Chamber of the Legislative Council Building**

- Members Present** : Hon CHAN Kam-lam (Chairman)
Hon Albert HO Chun-yan
Hon NG Leung-sing
Hon Gary CHENG Kai-nam, JP
Hon Howard YOUNG
- Members Absent** : Hon Edward HO Sing-tin, SBS, JP (Deputy Chairman)
Hon HO Sai-chu, SBS, JP
Hon LEE Wing-tat
Hon Eric LI Ka-cheung, JP
Hon Fred LI Wah-ming, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han
Hon Bernard CHAN
Hon Andrew WONG Wang-fat, JP
Hon CHOY So-yuk
Hon TAM Yiu-chung, GBS, JP
- Public Officers Attending** : Mrs Betty FUNG
Deputy Secretary for Home Affairs (2)
- Mr Francis LO
Principal Assistant Secretary for Home Affairs (5)
- Mr J D SCOTT
Senior Assistant Law Draftsman

Mr HSU Yung, Victor
Acting Chief Fire Officer (Protection/Fire Safety)
Fire Services Department

Mr CHOW Kim-ping
Chief Building Surveyor (Legal)

Miss Shirley WONG
Government Counsel

Mr Edward CHU
Assistant Secretary for Home Affairs

Mr MA Kam-ki
Senior Liaison Officer (Building Management)

Clerk in Attendance : Miss Flora TAI
Chief Assistant Secretary (2)6

Staff in Attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Mrs Eleanor CHOW
Senior Assistant Secretary (2)7

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I. Committee Stage amendments (CSAs) to be proposed by the Administration

[LC Paper Nos. CB(2)2125/99-00(02) and CB(2)2187/99-00(01)]

Members noted that the Chinese and English versions of the CSAs to be proposed by the Administration had been issued to members vide LC Paper Nos. CB(2)2187/99-00(01) and CB(2)2125/99-00(02) respectively.

2. Mr Albert HO remarked that the Democratic Party (DP) could not accept the Administration's proposed CSA which gave effect to the proposal put forward by the Real Estate Developers Association of Hong Kong (REDA). Under REDA's proposal, as far as multi-phased property developments were concerned, the new section 3(3) could be applied only after occupation permits in respect of all buildings had been issued. He informed members that the DP would introduce a CSA in respect of that provision.

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3. Regarding the new section 3(3) which the Administration proposed to amend, Assistant Legal Advisor 4 pointed out that according to the definition under section 2 of the Building Management Ordinance (the Ordinance) (Cap. 344), the word “estate” only meant the buildings or groups of buildings the subject of an application under section 34E(6). The scope of application of the word “estate” as referred to in the CSA should be wider than that of its corresponding definition as stipulated in the Ordinance. He enquired whether the Administration would introduce a consequential amendment to the definition of “estate”.

4. Senior Assistant Law Draftsman explained that the word “estate” as referred to in the CSA meant buildings or groups of buildings, which was in no way different from the general interpretation of the word. The principle behind the application of interpretation was to explain the special meaning of a term under certain circumstances. He pointed out that as the word “estate” as referred to in the CSA did not carry any special meaning, the Administration did not consider it necessary to amend the definition of “estate” as stipulated in the Ordinance.

5. Assistant Legal Advisor 4 pointed out that there were inconsistencies in the numbering of clauses between the Chinese and English versions of the CSAs. Deputy Secretary for Home Affairs (2) said that the Administration would conduct a final check on the CSAs before formally submitting them to the Legislative Council to ensure that the drafting of the Chinese version tallied with that of the English version.

6. In response to a question raised by the Chairman, Mr Albert HO said that after deliberation on the procedures for amending a deed of mutual covenant and terminating the appointment of a building manager, the DP and the Democratic Alliance for the Betterment of Hong Kong had decided to keep their own proposals. The two parties had agreed that they should introduce their own CSAs.

7. At the request of Mr Howard YOUNG, the Chairman instructed the Legislative Council Secretariat to prepare in tabular form a summary of the CSAs to be proposed by Members for members’ easy reference.

(Post meeting note: A summary of the draft CSAs to be proposed by Members was circulated to members on 7 June 2000 vide LC Paper No. CB(2)2238/99-00(01).)

II. Legislative timetable

8. The Chairman advised that the Bills Committee had completed the scrutiny of the Bill. Members agreed that the Bills Committee should submit a written report to the House Committee on 9 June 2000, recommending the resumption of the Second Reading debate on the Bill on 21 June 2000. The

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Chairman informed members that the deadline for giving notice to resume the Second Reading debate as well as to move CSAs to the Bill was 12 June 2000.

9. The meeting ended at 9:40 am.

Legislative Council Secretariat
30 August 2000