

立法會
Legislative Council

LC Paper No. CB(2) 1129/01-02
(These minutes have been seen by
the Administrative)

Ref : CB2/BC/10/00

Bills Committee on Fire Safety (Buildings) Bill

**Minutes of the meeting
held on Monday, 14 January 2002 at 2:30 pm
in the Chamber 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 Frederick FUNG Kin-kee
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Ir Dr Hon Raymond HO Chung-tai, JP
Hon CHOY So-yuk

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

Mr C C LEE
Chief Fire Officer (Fire Safety)

Mr CHEUNG Yat-cheong
Senior Divisional Officer (Building Improvement & Support)

Mr C C TSANG
Assistant Director
Existing Building 2

Mr HO Cham
Chief Building Surveyor
Fire Safety

Mrs Kenny WONG
Assistant Director of Home Affairs (4)

Mr W B MADDAFORD
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

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

2. The Bills Committee requested the Administration to provide a response on addressing the difficulties of recovering costs for upgrading the fire safety standards in the common parts of the buildings from the irresponsible or missing owners concerned. Subject to the Administration's response, the Bills Committee would decide at the next meeting to be held on 5 February 2002 at 10:45 am as to whether the scrutiny of the Bill should be held in abeyance.

3. There being no other business, the meeting ended at 4:02 pm.

**Proceedings of the meeting of the
Bills Committee on Fire Safety (Buildings) Bill
on Monday, 14 January 2002, at 2:30 pm
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000 - 0320	Chairman	Welcoming remarks and way forward	
0321 - 0331	Hon Frederick FUNG	Ditto	
0332 - 0373	Chairman	Ditto	
0374 - 0403	Hon Frederick FUNG	Ditto	
0404 - 0423	Chairman	Ditto	
0424 - 0451	Hon Frederick FUNG	Ditto	
0452 - 0901	Admin	Briefing on the Administration's response to the following suggestion raised by the Bills Committee on 12 October 2001 - To make an reference to an arrangement under consideration by the Buildings Department whereby orders issued by the Director of Buildings (D of B) for the purpose of timely maintenance would no longer be the Owners' Corporations (OCs) but to individual owners and that D of B might place a legal charge registrable against the title with the Lands 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 the their buildings, and to incorporate the arrangement in the Bill as far as practicable (LC Paper No. CB(2)709/01-02(01))	
0902 - 0920	Hon Frederick FUNG	Possibility of linking the commencement date of the Bill with that of the amendment to the Building Management Ordinance to enable OCs to apply for loans from the Comprehensive Building Safety Improvement Loan Scheme (BSILS) to cover the shares that should have been borne by the irresponsible or missing owners, and to make possible in such circumstances the registration of charges against those irresponsible and missing owners' titles as a form of security	
0921 - 1038	Admin	Ditto	
1039 - 1301	Ms Audrey EU	Workability of the OCs to place a legal charge registrable against the title with the Lands Registry of those owners who refused or failed to pay their shares of the costs in upgrading the fire safety standards in the common parts of their buildings for the purpose of recovering costs from irresponsible owners	
1302 - 1330	Chairman	Ditto	

1331 - 1925	Admin	Ditto	
1926 - 2035	Ms Audrey EU	Ditto	
2036 - 2305	Chairman	Ditto	
2306 - 2720	Admin	Ditto	
2721 - 2852	Ms Audrey EU	Ditto	
2853 - 3032	Chairman	Possibility of the Administration bearing the costs incurred for upgrading the fire safety standards in the common parts of the buildings that should have been borne by the irresponsible or missing owners	
3033 - 3252	Admin	Ditto	
3253 - 3351	Chairman	Ditto	
3352 - 3445	Admin	Ditto	
3446 - 3453	Chairman	Ditto	
3454 - 3806	Admin	Reasons why it was not appropriate for the Administration to undertake fire safety improvement works to the common parts of the buildings on behalf of non-compliant owners	
3807 - 3910	Chairman	Concerned about the smooth implementation of the Bill if a particular building covered by the Bill had no OC and where there were non-compliant owners despite having OCs	
3911 - 4042	Admin	Ditto	
4043 - 4123	Chairman	Ditto	
4124 - 4156	Admin	Ditto	
4157 - 4202	Chairman	Ditto	
4203 - 4205	Admin	Ditto	
4206 - 4239	Chairman	Ditto	
4240 - 4319	Admin	Ditto	
4320 - 4535	Mrs Sophie LEUNG	Proposal of the Administration tracking down 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 the their buildings, failing which, requiring occupiers of the flats owned by the irresponsible owners to pay the aforesaid costs	
4536 - 4812	Admin	Ditto	
4813 - 4859	Mrs Sophie LEUNG	Workability of the OCs to place a legal charge registrable against the title with the Lands Registry of those owners who refused or failed to pay their shares of the costs in upgrading the fire safety standards in the common parts of their buildings for the purpose of recovering costs from irresponsible owners	

4900 - 4925	Admin	Ditto	
4926 - 4939	Mrs Sophie LEUNG	Ditto	
4940 - 4958	Admin	Ditto	
4959 - 5123	Chairman	Ditto	
5124 - 5149	Admin	Ditto	
5150 - 5259	Mrs Sophie LEUNG	Ditto	
5300 - 5451	Miss CHAN Yuen-han	Lack of support to OCs by the Home Affairs Department (HAD) on building management and maintenance	
5452 - 5516	Chairman	Concerned about the smooth implementation of the Bill, even if the proposal of allowing OCs to place a legal charge registrable against the title with the Lands Registry of those owners who refused or failed to pay their shares of the costs in upgrading the fire safety standards in the common parts of their buildings for the purpose of recovering costs from these irresponsible owners was workable, as the majority of buildings covered by the Bill did not have OCs	
5517 - 5522	Miss CHAN Yuen-han	Ditto	
5523 - 5715	Mr Frederick FUNG	Ditto	
5716 - 5915	Ms Audrey EU	Reiterated the concern about the workability of the OCs to place a legal charge registrable against the title with the Lands Registry of those owners who refused or failed to pay their shares of the costs in upgrading the fire safety standards in the common parts of their buildings for the purpose of recovering costs from irresponsible owners	
5916 - 010247	Chairman	Reiterated the concern about the smooth implementation of the Bill if the Administration refused to bear the costs incurred for upgrading the fire safety standards in the common parts of the buildings that should have been borne by the irresponsible or missing owners	
010248 - 010724	Admin	Provision of support by HAD to building owners	
010725 - 010807	Chairman	Ditto	
010808 - 010932	Ms Audrey EU	Whether or not to suspend the scrutiny of the Bill until the issue on recovering the costs incurred for upgrading the fire safety standards in the common parts of the buildings from the missing or irresponsible owners concerned was fully addressed	

010933 - 011256	Admin	Stated the necessity of introducing the Bill	
011257 - 011424	Miss CHAN Yuen-han	Suggested that HAD should bear the responsibility for recovering the costs incurred for upgrading the fire safety standards in the common parts of the buildings from the missing or irresponsible owners concerned	
011425 - 011559	Chairman	Reiterated that the Administration should not place the responsibility on OCs to recover the costs incurred for upgrading the fire safety standards in the common parts of the buildings from the missing or irresponsible owners concerned	
011600 - 011903	ALA	Duties and liabilities of OCs, in particular in respect of those missing or irresponsible owners, had not been clearly spelt out in the Bill	
011904 - 011947	Miss CHAN Yuen-han	Whether or not to wait until the amendment to the Building Management Ordinance to enable OCs to apply for loans from BSILS to cover the shares that should have been borne by the irresponsible or missing owners, and to make possible in such circumstances the registration of charges against those irresponsible and missing owners' titles as a form of security, came into operation before continuing scrutiny of the Bill	
011948 - 012037	Chairman	Timetable for introducing the amendment to the Building Management Ordinance to enable OCs to apply for loans from BSILS to cover the shares that should have been borne by the irresponsible or missing owners, and to make possible in such circumstances the registration of charges against those irresponsible and missing owners' titles as a form of security	
012038 - 012210	Admin	Ditto	
012211 - 012311	Chairman	Ditto	
012312 - 012358	Miss CHAN Yuen-han	Suggested to suspend scrutiny of the Bill. In the meantime, the Administration should step up actions to ensure that building owners and occupiers complied with the existing fire safety requirements	
012359 - 012417	Chairman	Ditto	
012418 - 012558	Admin	Ditto	
012559 - 012809	Chairman	Ditto	
012810 - 012840	Miss CHAN Yuen-han	Requested that Home Affairs Bureau should be represented at future meetings of the Bills Committee	

012841 - 013011	Ms Audrey EU	Urged the Administration to actively come up with a workable solution to address the issue of recovering the costs incurred for upgrading the fire safety standards in the common parts of the buildings from the missing or irresponsible owners concerned	✓ (Admin to provide a written response)
013012 - 013032	Chairman	Date of next meeting	
013033 - 013034	Miss CHAN Yuen-han	Ditto	
013035 - 013058	Chairman	Ditto	

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

Council Business Division 2
Legislative Council Secretariat
19 February 2002