

立法會  
*Legislative Council*

LC Paper No. CB(2) 1323/01-02  
(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 Tuesday, 5 February 2002 at 10:45 am  
in the Chamber 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, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon CHOY So-yuk

**Members Absent** : Hon Abraham SHEK Lai-him, JP  
Hon Frederick FUNG Kin-kee  
Hon LAU Ping-cheung  
Hon Audrey EU Yuet-mee, SC, JP

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

Ms Esther LEUNG  
Principal Assistant Secretary for Home Affairs (5)

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

Mr C C TSANG  
Assistant Director  
Existing Building 2

Mrs Kenny WONG  
Assistant Director of Home Affairs (4)

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

Mr HO Cham  
Chief Building Surveyor  
Fire Safety

Mr Damian CHAN  
Assistant Secretary for Security

**Clerk in Attendance** : Mrs Sharon TONG  
Chief Assistant Secretary (2)1

**Staff in Attendance** : Miss Connie FUNG  
Assistant Legal Adviser 3

Miss Mary SO  
Senior Assistant Secretary (2)8

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Action

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

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

- a) Timing for introducing amendments to the 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 their shares of the costs incurred in upgrading the fire safety standards in the common parts of their buildings;
- b) Requirements and procedures for OCs to borrow money from the Scheme; and
- c) Feasibility of the Government placing a legal charge registrable against the titles of those irresponsible and missing owners with the Land Registry as a form of security for the money paid out from the Scheme.

3. The Administration agreed to revert to members on the issues set out in paragraph 2 above, after consulting the Subcommittee on review of the Building Management Ordinance of the Panel on Home Affairs on the same. The Administration said that it should be in a position to consult the Subcommittee within two to three months' time.

4. The Bills Committee agreed to hold the next meeting on 5 March 2002 at 10:45 am to start clause-by-clause examination of the Bill.
5. There being no other business, the meeting ended at 11:58 am.

Council Business Division 2  
Legislative Council Secretariat  
12 March 2002

**Proceedings of the meeting of the  
Bills Committee on Fire Safety (Buildings) Bill  
on Tuesday, 5 February 2002, at 10:45 am  
in the Chamber of the Legislative Council Building**

| <b>Time</b> | <b>Speaker</b>   | <b>Subject(s)</b>  | <b>Action required</b> |
|-------------|------------------|--|------------------------|
| 0000 - 0404 | Chairman         | Inviting the Administration to give a response on how to address the problem of 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   |                        |
| 0405 - 1413 | Admin            | <p>Briefed members on the existing legal framework enabling Owners' Corporations (OCs) to recover money from 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 support provided by government departments, such as the Home Affairs Department, to building owners and OCs</p> <p>Also briefed members on the proposal to amend the Building Management Ordinance (Cap. 344) enabling OCs to borrow money from the Building Safety Loan Scheme (the Scheme) to cover outstanding contributions from irresponsible and missing owners. Legal advice was being sought on the feasibility of the Government placing a legal charge registrable against the titles of those irresponsible and missing owners with the Land Registry as a form of security for the money paid out from the Scheme. The Administration should be in a position to brief the Subcommittee on the review of the Building Management Ordinance of the Panel on Home Affairs on the aforesaid proposal within two to three months' time, before reverting to this Bills Committee</p> |                        |
| 1414 - 1522 | Mr James TO      | Scrutiny of the Bill should continue, despite the fact that the problem of recovering money from irresponsible and missing owners could not be satisfactorily resolved at this stage   |                        |
| 1523 - 1806 | Miss CHOY So-yuk | Scrutiny of the Bill should be held in abeyance until the problem of recovering money from irresponsible and missing owners was satisfactorily resolved  |                        |
| 1807 - 2022 | Admin            | Reiterated his views mentioned earlier at the meeting  |                        |
| 2023 - 2051 | Chairman         | Government should foot the bill borne by irresponsible and missing owners, instead of relying on OCs to do the same  |                        |

| <b>Time</b> | <b>Speaker</b>     | <b>Subject(s)</b>   | <b>Action required</b> |
|-------------|--------------------|---|------------------------|
| 2052 - 2209 | Miss CHOY So-yuk   | Reiterated her view that scrutiny of the Bill should be held in abeyance until the problem of recovering money from irresponsible and missing owners was satisfactorily resolved  |                        |
| 2210 - 2349 | Miss CHAN Yuen-han | Echoed similar view expressed by Miss CHOY  |                        |
| 2350 - 2658 | Admin              | Members' concern should be addressed if OCs were allowed to borrow money from the Scheme to cover outstanding contributions from irresponsible and missing owners, and Government could place a legal charge registrable against the titles of those irresponsible and missing owners with the Land Registry as a form of security for the money paid out from the Scheme |                        |
| 2659 - 2858 | Miss CHAN Yuen-han | OCs should not be expected to foot the bill borne by irresponsible and missing owners   |                        |
| 2859 - 3219 | Admin              | Urged members to continue scrutiny of the Bill  |                        |
| 3220 - 3354 | Ms Cyd HO          | The Bill should not come into operation until the problem of recovering money from irresponsible and missing owners was resolved  |                        |
| 3355 -3623  | Admin              | Reiterated the work underway by the Administration to address members' concern on the difficulty for OCs to recover money from irresponsible and missing owners   |                        |
| 3624 - 3808 | Chairman           | Sought members' view on whether the scrutiny of the Bill should be held in abeyance   |                        |
| 3809 - 3839 | Ms Cyd HO          | Suggested to issue a circular inviting members' view on whether the scrutiny of the Bill should be held in abeyance   |                        |
| 3840 - 3925 | Chairman           | Considered not necessary, as members had been advised that this meeting would decide whether the scrutiny of the Bill should be held in abeyance  |                        |
| 3926 - 4011 | Mrs Sophie LEUNG   | Scrutiny of the Bill should continue  |                        |
| 4012 - 4050 | Ms Cyd HO          | Would not insist on suspending the scrutiny of the Bill   |                        |

| <b>Time</b>     | <b>Speaker</b>   | <b>Subject(s)</b>   | <b>Action required</b>                         |
|-----------------|------------------|---|--|
| 4051 - 4232     | Chairman         | The Administration should provide a response on the following -<br><br>a) Timing for introducing amendments to Cap. 344 enabling OCs to borrow money from the Scheme to cover outstanding contributions from 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;<br><br>b) Requirements and procedures for OCs to borrow money from the Scheme; and<br><br>c) Feasibility of the Government placing a legal charge registrable against the titles of those irresponsible and missing owners with the Land Registry as a form of security for the money paid out from the Scheme |  |
| 4233 - 4757     | Admin            | Agreed to revert to members on the issues mentioned by the Chairman, after consulting the Subcommittee on review of the Building Management Ordinance on the same.  | ✓<br><br>(Admin to provide a written response) |
| 4758 - 4944     | Chairman         | Part 1 of the Administration's response to issues raised by members at the meeting on 23 November 2001 (LC Paper No. CB(2) 729/01-02(01))   |  |
| 4945 - 5016     | Admin            | Ditto   |  |
| 5017 - 5026     | Chairman         | Ditto   |  |
| 5027 - 5058     | Mrs Sophie LEUNG | Ditto   |  |
| 5059 - 5218     | Chairman         | Ditto   |  |
| 5219 - 5431     | Admin            | Ditto   |  |
| 5432 - 5539     | Chairman         | Ditto   |  |
| 5540 - 5856     | Admin            | Ditto   |  |
| 5857 - 5946     | Chairman         | Part 2 of the Administration's response to issues raised by members at the meeting on 23 November 2001 (LC Paper No. CB(2) 749/01-02(01))   |  |
| 5947 - 010052   | Admin            | Ditto   |  |
| 010053 - 010236 | Chairman         | Date of next meeting  |  |

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