

立法會  
*Legislative Council*

LC Paper No. CB(2) 1939/01-02  
(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 Thursday, 28 March 2002 at 8:30 am  
in the Chamber 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 Abraham SHEK Lai-him, JP  
Hon CHOY So-yuk  
Hon LAU Ping-cheung  
Hon Audrey EU Yuet-mee, SC, JP

**Members Absent** : Hon Cyd HO Sau-lan  
Hon CHAN Yuen-han, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon Frederick FUNG Kin-kee

**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 HO Cham  
Chief Building Surveyor  
Fire Safety

Mr CHIANG Chi-man  
Senior Building Surveyor 1  
Fire Safety  
Mr Sunny CHAN

Acting 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

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Action

**I. Meeting with the Administration**

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

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

- a) To consider the need for replacing the word "or" with "and" referred to in clause 7(4);
- b) To consider whether there was a need to retain clause 8(1)(b) which stipulated that "the applicable owner and, if the owner is not the occupier, the occupier must take all practicable steps to ensure that any of the requirements in paragraph (a) is complied with."; and if so, to review whether the penalties for contravening clause 8(1)(b), as stipulated in clause 9, were proportionate to the offence;
- c) To advise on the reasons for the use of the different words "revocation" and "discharge" in relation to the ceasing of effect of the prohibition order in clauses 12 and 13; and
- d) To examine whether arrangements relating to the empowering of owner or occupier to apply to the District Court for the revocation of the prohibition order, as provided for in clause 13, were similarly provided for in the Buildings Ordinance.

**II. Date of next meeting**

3. Members noted that the next meeting would be held on 8 April 2002 at 2:30 pm to continue clause-by-clause examination of the Bill.

4. There being no other business, the meeting ended at 10:35 am.

Council Business Division 2  
Legislative Council Secretariat  
14 May 2002

**Proceedings of the meeting of the  
Bills Committee on Fire Safety (Buildings) Bill  
on Thursday, 28 March 2002, at 8:30 am  
in the Chamber of the Legislative Council Building**

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
0000 - 0225	Chairman	Welcoming remarks	
0226 - 0255	Ms Audrey EU	Whether subsidiary legislation would be enacted for effecting clause 7(5)	
0256 - 0345	Admin	Ditto	
0346 - 0438	Ms Audrey EU	Whether prohibition order should be served to both the owner and the occupier	
0439 - 0455	ALA2	Ditto	
0456 - 0505	Ms Audrey EU	Ditto	
0506 - 0514	ALA2	Ditto	
0515 - 0542	Ms Audrey EU	Ditto	
0543 - 0556	Chairman	Ditto	
0557 - 0656	Ms Audrey EU	Ditto	
0657 - 0738	Admin	Ditto	
0739 - 0753	Ms Audrey EU	Ditto	
0754 - 0808	Admin	Ditto	
0809 - 0823	Ms Audrey EU	Ditto	
0824 - 0840	Chairman	Ditto	
0841 - 0907	Admin	The Administration would consider the need for replacing the word "or" with "and" referred to in clause 7(4)	✓ (Admin to provide a response)
0908 - 0951	Chairman	Whether clause 7 would empower an enforcement authority to apply for a prohibition order in respect of a building irrespective of whether the building was owned by one person or whether there were more than one owner or occupier	
0952 - 1008	Admin	Ditto	
1009 - 1055	Chairman	Ditto	
1056 - 1129	Admin	Ditto	
1130 - 1222	ALA2	Ditto	
1223 - 1316	Admin	Ditto	
1317 - 1350	Chairman	When the Administration would provide a response to issues raised at previous meetings	
1351 - 1402	Admin	Ditto	

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
1403 - 1414	Ms Audrey EU	The Administration should also provide a full set of Committee Stage amendments for members' consideration	
1415 - 1447	Chairman	Clause 8 - Effect of prohibition order	
1448 - 1549	Ms Audrey EU	Whether there was a need to retain clause 8(1)(b)	
1550 - 1632	Admin	Ditto	
1633 - 1651	Ms Audrey EU	Ditto	
1652 - 1751	Admin	Ditto	
1752 - 1838	Chairman	Ditto	
1839 - 1924	Mr Abraham SHEK	Ditto	
1925 - 1935	Chairman	Ditto	
1936 - 2151	Admin	Ditto	
2152 - 2312	Miss CHOY So-yuk	Ditto	
2313 - 2432	Ms Audrey EU	Ditto	
2433 - 2542	Chairman	Ditto	
2543 - 2828	Admin	Ditto	
2829 - 2935	Miss CHOY So-yuk	Ditto	
2936 - 3058	Admin	Ditto	
3059 - 3159	Chairman	Ditto	
3200 - 3249	ALA2	Whether penalties for contravening clause 8(1)(b), as stipulated in clause 9, were proportionate to the offence	
3250 - 3318	Chairman	Ditto	
3319 - 3515	Admin	Ditto	
3516 - 3629	Miss CHOY So-yuk	Ditto	
3630 - 3823	Ms Audrey EU	Ditto	
3824 - 3919	Chairman	Ditto	
3920 - 4019	Admin	Ditto	
4020 - 4042	Chairman	Ditto	
4043 - 4208	Admin	Ditto	
4209 - 4314	Miss CHOY So-yuk	Ditto	
4315 - 4416	Mr Abraham SHEK	Ditto	
4417 - 4452	Miss CHOY So-yuk	Ditto	
4453 - 4611	Admin	Ditto	
4612 - 4714	Miss CHOY So-yuk	Ditto	
4715 - 4720	Admin	Ditto	
4721 - 4831	Chairman	Ditto	

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
4832 - 4842	Admin	The Administration would consider whether there was a need to retain clause 8(1)(b); and if so, to review whether the penalties for contravening clause 8(1)(b), as stipulated in clause 9, were proportionate to the offence	✓ (Admin to provide a response)
4843 - 4936	Ms Audrey EU	Reiterated her concern about the possible unfairness of clause 8(1)(b) to owners and occupiers	
4937 - 5109	Admin	Reiterated that owners and occupiers were only required to take all practicable steps to ensure that any of the requirements in clause 8(1)(a) was complied with	
5110 - 5242	Ms Audrey EU	Concerned that the compliance with clause 8(1)(b) was not one-off, as owners or occupiers must ensure that any of the requirements in clause 8(1)(a) was complied with at all times while a prohibition order was in force	
5243 - 5412	Mr LAU Ping-cheung	After owners or occupiers had taken all practicable steps to comply with any of the requirements in clause 8(1)(b), the Administration should give directives to owners or occupiers on how to ensure that any of the requirements in clause 8(1)(b) was complied while a prohibition order was in force	
5413 - 5612	Chairman	Expressed reservation about Mr LAU's suggestion	
5613 - 5709	Mr LAU Ping-cheung	Repeated his suggestion	
5710 - 5747	Admin	Reiterated that the Administration would consider whether there was a need to retain clause 8(1)(b); and if so, to review whether the penalties for contravening clause 8(1)(b), as stipulated in clause 9, were proportionate to the offence.	
5748 - 5817	Chairman	Suspended the meeting due to a lack of a quorum	
5818 - 010323	(Suspension of meeting)		
010324 - 010401	Chairman	How a prohibition order would be served on the owner or occupier	
010402 - 010514	Admin	Referred members to clauses 10 and 23	
010515 - 010541	Chairman	Clause 9 - Offence in relation to the contravention of prohibition order	

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
010542 - 010637	Mr LAU Ping-cheung	Whether the penalties stipulated in clause 9 were proportionate to the offence, and whether these penalties were in line with those in related legislation	
010638 - 010752	Admin	Ditto	
010753 - 010809	Mr LAU Ping-cheung	Ditto	
010810 - 010857	Admin	Ditto	
010858 - 010923	Mr LAU Ping-cheung	Ditto	
010924 - 010950	Admin	Ditto	
010951 - 010957	Mr LAU Ping-cheung	Ditto	
010958 - 011001	Admin	Ditto	
011002 - 011041	Chairman	Ditto	
011042 - 011052	Mr LAU Ping-cheung	Ditto	
011053 - 011100	Chairman	Considered the penalties stipulated in clause 9 acceptable, but expressed reservation about the penalties for contravening clause 8(1)(b)	
011101 - 011106	Mr LAU Ping-cheung	Maintained his view that the penalties were too harsh, in particular that a person would be subject to a further fine of \$25,000 for each day or part of a day during which the contravention continued	
011107 - 011130	Admin	Pointed out that a person was only liable to the penalties on conviction and that the penalties as stipulated were only the maximum level which the court could deliver	
011131 - 011206	Ir Dr Raymond HO	Considered the penalties stipulated in clause 9 acceptable, but hoped that they would be consistent with penalties in related legislation, such as the Buildings Ordinance and the Fire Services Ordinance	
011207 - 011307	Chairman	Clause 10 - Copy of prohibition order to be posted at entrances to affected building or part of a building  Meaning of "without lawful authority" to remove, deface or otherwise interfere with a copy of the prohibition order referred to in clause 10(3)	
011308 - 011429	Admin	Ditto	
011430 - 011435	Chairman	Which government department would be appointed to enforce clause 10(3)	
011436 - 011459	Admin	Referred members to clause 15	
011500 - 011600	Mr LAU Ping-cheung	Conflict of spirit between clause 10(2) and (3)	
011601 - 011703	Admin	Ditto	

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
011704 - 011737	Mr LAU Ping-cheung	Ditto	
011738 - 011938	Admin	Ditto	
011939 - 012035	Mr LAU Ping-cheung	Suggested adding to clause 10(2) that failure to comply with clause 10(1) would not invalidate the effect of a prohibition order if the relevant enforcement authority had taken all practicable steps to comply with subsection 10(1)	
012036 - 012116	Admin	Response to Mr LAU's suggestion	
012117 - 012232	Mr LAU Ping-cheung	Reiterated his suggestion	
012233 - 012355	Admin	Explained the intent of clause 10(2) and said that it was possible that the relevant enforcement authority could not post a prohibition order in a conspicuous place inside a building	
012356 - 012620	Mr LAU Ping-cheung	Effect of the prohibition order if it could not reach the owner or occupier and failed to be posted in a conspicuous place inside a building	
012621 - 012651	Admin	Ditto	
012652 - 012712	Mr LAU Ping-cheung	Ditto	
012713 - 012730	Chairman	Ditto	
012731 - 012909	Admin	Ditto	
012910 - 012946	Mr LAU Ping-cheung	Ditto	
012947 - 013030	Admin	Ditto	
013031 - 013118	Chairman	Clause 11 - Power to remove persons from building, etc.	
013119 - 013139	Admin	Ditto	
013140 - 013225	Chairman	Ditto	
013226 - 013328	Admin	Ditto	
013329 - 013349	Chairman	Clause 12 - Owner or occupier of building may request certificate of compliance	
013350 - 013424	Ms Audrey EU	Timeframe of "as soon as practicable" referred to in clause 12(2)	
013425 - 013610	Admin	Ditto	
013611 - 013710	Ir Dr Raymond HO	Rationale of using the words "as soon as practicable" and "as far as practicable" referred to in clause 10(4)	
013711 - 013823	Admin	Ditto	
013824 - 013849	Ir Dr Raymond HO	Ditto	
013850 - 013918	Admin	Ditto	
013919 - 013937	Ir Dr Raymond HO	Ditto	
013938 - 013953	Chairman	Ditto	



<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
013954 - 013959	Ir Dr Raymond HO	Ditto	
014000 - 014053	Admin	Ditto	
014054 - 014139	Ir Dr Raymond HO	Relationship between clauses 12(2) and 13(1)(b)	
014140 - 014357	Admin	Ditto	
014358 - 014429	Ir Dr Raymond HO	Ditto	
014430 - 014634	Ms Audrey EU	Reasons for using the words "revocation" and "discharge" alternatively in the context of the ceasing of effect of the prohibition order, and the appropriateness of using the Chinese term "已獲遵從" for "have been complied with" referred to in clause 13(3)	
014635 - 014756	Admin	Ditto	
014757 - 014837	Ms Audrey EU	Ditto	
014838 - 014926	Admin	Ditto	
014927 - 015047	Ms Audrey EU	Ditto	
015048 - 015056	Admin	The Administration would advise on the use of different words "revocation" and "discharge" in the context of the ceasing of effect of the prohibition order	✓ (Admin to provide a response)
015057 - 015105	Chairman	Appropriateness of using the Chinese term "已獲遵從" for "have been complied with" referred to in clause 13(3)	
015106 - 015132	Admin	Ditto	
015133 - 015200	Ms Audrey EU	Ditto	
015201 - 015207	ALA2	Ditto	
015208 - 015221	Ms Audrey EU	Ditto	
015222 - 015245	Admin	Ditto	
015246 - 015340	Chairman	Reasons why owner or occupier had to apply to District Court for revocation of prohibition order	
015341 - 015407	Ir Dr Raymond HO	Ditto	
015408 - 015443	Admin	The Administration undertook to examine whether arrangements relating to the empowering of owner or occupier to apply to the District Court for the revocation of the prohibition order, as provided for in clause 13, were similarly provided for in the Buildings Ordinance	✓ (Admin to provide a response)
015444 - 015535	Chairman	Date of next meeting	
015536 - 015537	Mr LAU Ping-cheung	Ditto	
015538 - 015546	Chairman	Ditto	
015547 - 015555	Admin	Ditto	
015556 - 015610	Chairman	Ditto	

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

Council Business Division 2  
Legislative Council Secretariat  
14 May 2002