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12 October 2001

Ms Anita Ho
Legislative Council Secretariat
Legal Service Division
Legislative Council Building
8 Jackson Road
Hong Kong

Dear Ms Ho

Fire Safety (Buildings) Bill

— Thank you for your letter of 8 October. Our clarifications are set out in the attached (Chinese and English). Please let us know if you need further information.

Yours sincerely,

(David Wong)
for Secretary for Security

Clause 3

The term “住用用途” is also adopted in the definition of “商業建築物” in section 3 of the Fire Safety (Commercial Premises) Ordinance (Cap.502). It is preferable to adopt a consistent Chinese term in the Bill.

Clause 7

The enforcement authorities, the Fire Services Department and the Buildings Department, will implement the Fire Safety (Buildings) Bill when enacted by the Legislative Council in the same fair way they implement the current Fire Safety (Commercial Premises) Ordinance. Specifically, the application for and the making of a prohibition order will be on the basis of a unit or part of a building where there are more than one owner or occupier in the building. A prohibition order will be considered only when a building owner or occupier fails to comply with a fire safety direction or a fire safety compliance order. Clause 7 of the Bill enables this policy approach. The reference to "the relevant building" covers a situation where the whole building is owned by one person and is subject to one fire safety direction or fire safety compliance order (cf. clause 5(1)).

Clause 8(1)(a)(iii)

As a matter of good practice, the enforcement authorities will give reasons for the cancellation of the permission. Such reasons would naturally be based on public safety grounds which are the underlying cause for the issue of the prohibition order in the first place. The question of arbitrary power does not seem to arise on the matter given that the sole purpose of granting permission to enter the premises is for implementing measures necessary for the discharge of the prohibition order, i.e. to achieve the objective of the Bill to improve fire safety of buildings.