

FIRE SAFETY (BUILDINGS) BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for Security

<u>Clause</u>	<u>Amendment Proposed</u>
5(1) and (2)	By deleting "技術和工藝" and substituting "科技".
5(4)	By deleting "or part of a building".
5(9)	(a) By deleting "of the building or part of a building" where it first appears. (b) In paragraph (a), by deleting "該建築物或該" and substituting "有關的建築物或建築物的". (c) In paragraph (b), by deleting "技術和工藝" and substituting "科技".
5(10)	(a) By deleting "may establish a committee" and substituting "must establish a committee (referred to in this section as "advisory committee")". (b) By deleting "技術和工藝" and substituting "科技".
5	By adding -

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"(11) Only the relevant enforcement authority may refer a case to the advisory committee for advice.

(12) The advisory committee may, before giving advice on any case referred to it, receive representations from an owner of a building to whom the case is related.

(13) Where advice has been given by the advisory committee, the relevant enforcement authority must take into consideration such advice before determining under subsection (1) or (2) what, if any, measures in place of any of the requirements in Schedule 1 or 2, as the case may be, would be appropriate."

6(1) By deleting "或某綜合用途建築物的某部分".

7 By adding -

"(4A) As soon as practicable after a notice is given under subsection (4), the relevant enforcement authority must post a copy of such notice in a conspicuous place -

- (a) inside the relevant building or part of a building; or
- (b) at or in the immediate vicinity

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of each entrance to the
relevant building or part of a
building.".

8(1) (b) By deleting everything after "that" and
substituting "the relevant building or part of a
building is effectively secured against entry by
any person other than an authorized officer or a
person having a permission under paragraph
(a) (ii)".

9 (a) By renumbering the clause as clause 9(1).
(b) In subclause (1), by adding "(a) (i)" after
"8(1)".
(c) By adding -

"(2) A person who, without
reasonable excuse, contravenes section
8(1) (b) is guilty of an offence and is
liable on conviction to a fine at level 4
and to imprisonment for 6 months.".

12(1) By deleting "thereof" and substituting "concerned".

12(6) By deleting "of the building or part of a
building".

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13(3) By deleting everything after "Court" and substituting "may make any order as it thinks fit."

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- (a) In the heading, by deleting "**notice of**".
 - (b) In subclause (1), by deleting everything after "Registry" and substituting a full stop.
 - (c) By adding -

"(1A) Where -

- (a) a fire safety compliance order or variance thereof is registered under subsection (1) and subsequently -

- (i) the order is revoked under section 6(4); or
- (ii) the relevant enforcement authority has, by a written notice referred to in section 6(6), informed the magistrate's clerk that the

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order has been
complied with;
or

(b) a prohibition order is
registered under
subsection (1) and
subsequently -

(i) a certificate of
compliance has
been issued
under section
12(3); or

(ii) the order is -

(A) discharged
under
section
12(5); or

(B) revoked
under
section
13(3),

the relevant enforcement authority must
cause to be registered by memorial the
revocation, notice, certificate of
compliance or discharge, as the case may
be, against the land register of the

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relevant property in the Land Registry as soon as practicable and in any event not later than one month after the date of the revocation, notice, certificate of compliance or discharge.".

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By adding -

"(2A) An authorized officer must not enter under subsection (1) or (2) any part of a building -

(a) intended for domestic purposes;
and

(b) in respect of which the occupier of that part of the building has an exclusive right of use and enjoyment,

unless no less than 24 hours' notice in writing of an intended entry by such officer has been given to that occupier.".

17(1)

By deleting "or part of such a building".

19(1) (a)

By adding "other than a corporation registered under section 8 of the Building Management Ordinance (Cap. 344)" after "corporate".

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By adding -

"(1A) If a corporation registered under section 8 of the Building Management Ordinance (Cap. 344) is convicted of an offence under this Ordinance, and it is proved that the offence was committed with the consent or connivance of a person concerned in the management of the corporation, that person also commits the offence."

Schedule 1 Within the square brackets, by deleting "& (10)" and substituting ", (10) & (13)".

Schedule 1,
section 2(b) (a) In subparagraph (i), by adding ", up to the standard of fireman's lifts" after "lifts".

 (b) In subparagraph (ii), by deleting "for" and substituting "of".

Schedule 2 Within the square brackets, by deleting "& (10)" and substituting ", (10) & (13)".

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