

立法會  
*Legislative Council*

LC Paper No. CB(2) 2686/01-02  
(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 Wednesday, 12 June 2002 at 9:00 am  
in Conference Room A 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 CHAN Yuen-han, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon LAU Ping-cheung  
Hon Audrey EU Yuet-mee, SC, JP

**Members Absent** : Hon Cyd HO Sau-lan  
Hon CHOY So-yuk  
Hon Frederick FUNG Kin-kee

**Public Officers Attending** : Mrs Jennie CHOK  
Deputy Secretary for Security  
  
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 C C TSANG  
Assistant Director  
Existing Buildings 2

Mr HO Cham  
Chief Building Surveyor  
Fire Safety

Mr Sunny CHAN  
Senior Government Counsel

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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## **I. Meeting with the Administration**

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

2. At the request of the Bills Committee, the Administration gave an undertaking that it would not bring the Bill into operation without first obtaining the support from a great majority of members of the Panel on Security.

3. Having regard to the Administration's undertaking mentioned in paragraph 2 above, Mr James TO did not insist on subjecting the commencement date of the Bill to resolution of the Legislative Council (LegCo). He, however, stressed that this should not be taken to mean that subjecting the commencement date of the Bill to resolution of LegCo was unsound from a legal point of view or as a matter of principle.

4. The Bills Committee agreed not to propose amendment to subject the commencement date of the Bill to resolution of LegCo.

5. The Administration agreed to amend the proposed new section 5(11) to clearly reflect the policy intent that only the relevant enforcement authority could refer a case to the advisory committee mentioned in clause 5(10) for advice.
6. Members agreed that a report be made to the House Committee on 21 June 2002 recommending that the Second Reading debate on the Bill be resumed on 3 July 2002, subject to the amendment mentioned in paragraph 5 above was adopted.
7. There being no other business, the meeting ended at 10:05 am.

Council Business Division 2  
Legislative Council Secretariat  
9 August 2002

**Bills Committee on Fire Safety (Buildings) Bill**  
**Meeting on Wednesday, 12 June 2002 at 9:00 am**  
**in Conference Room A of the Legislative Council Building**

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000152	Chairman	Welcoming remarks and way forward	
000152 - 000635	Administration	Briefed members on the Secretary for Security (S for S)'s letter to the Chairman dated 29 May 2002 regarding the commencement arrangement of the Bill (LC Paper No. CB(2) 2111/01-02(01))	
000635 - 000853	Chairman	Informed members that Mr Frederick FUNG supported the commencement clause as currently drafted, i.e. the commencement notice of the Bill subject to negative vetting by the Legislative Council (LegCo)	
000853 - 001030	Mr James TO	Commencement date of the Bill subject to resolution of LegCo	
001030 - 001144	Mr Abraham SHEK	Ditto	
001144 - 001252	Mr James TO	Ditto	
001252 - 001425	Ms Audrey EU	Ditto	
001425 - 001717	Administration	Ditto	
001717 - 001936	Mr James TO	Ditto	
001936 - 002025	Administration	Ditto	
002025 - 002303	ALA	Ditto	
002303 - 002609	Mrs Sophie LEUNG	Ditto	
002609 - 002625	Miss CHAN Yuen-han	Ditto	
002625 - 002702	Administration	Ditto	
002702 - 002903	Miss CHAN Yuen-han	Ditto	
002903 - 003048	Mr James TO	Ditto	
003048 - 003104	Administration	The Administration assured members that it would not bring the Bill into operation without first obtaining the support from a great majority of members of the Panel on Security	
003104 - 003155	Chairman	Informed members that Miss CHOY So-yuk accepted the commencement arrangement of the Bill given by S for S in her letter to the Chairman, and would not insist on the commencement date of the Bill be subject to resolution of LegCo	

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
003155 - 003210	Ir Dr Raymond HO	Accepted the commencement arrangement of the Bill given by S for S in her letter to the Chairman	
003210 - 003239	Chairman	Agreed that there would be no need for the Chairman to move an amendment, on behalf of the Bills Committee, to subject the commencement date of the Bill to resolution of LegCo	
003239 - 003303	Mr James TO	Would not insist on subjecting the commencement date of the Bill to resolution of LegCo, in view of the assurance given by the Administration that it would not bring the Bill into operation without first obtaining the support from the great majority of members of the Panel on Security. This, however, should not be taken to mean that subjecting the commencement date of the Bill to resolution of LegCo was unsound from a legal point of view or as a matter of principle	
003303 - 003325	Chairman	The Law Society of Hong Kong's view on clause 14 of the Bill (LC Paper No. CB(2) 2233/01-02(01))	
003325 - 003819	Administration	Ditto	
003819 - 003919	Chairman	Updated draft Committee Stage amendments proposed by the Administration (LC Paper No. CB(2) 2233/01-02(02))  Amendments to clause 5(1), (2), (4) and (9)	
003919 - 003942	Administration	Ditto	
003942 - 003952	Chairman	Amendments to clause 10	
003952 - 004209	Ms Audrey EU	Ditto	
004209 - 004342	Administration	Ditto	
004342 - 004503	Ms Audrey EU	Ditto	
004503 - 004601	Chairman	Ditto	
004601 - 004713	Ms Audrey EU	Ditto	
004713 - 004801	Chairman	Ditto	
004801 - 004829	Administration	Ditto	
004829 - 004846	Chairman	Ditto	
004846 - 004858	ALA	Ditto	
004858 - 004932	Administration	Ditto	
004932 - 005116	Ms Audrey EU	Ditto	
005116 - 005138	Chairman	Ditto	
005138 - 005254	Ms Audrey EU	Ditto	

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
005254 - 005348	Administration	Ditto	
005348 - 005422	Chairman, Administration	Ditto	
005422 - 005544	Mr Abraham SHEK	Ditto	
005544 - 005645	Ms Audrey EU	Ditto	
005645 - 005650	Chairman	Ditto	
005650 - 005716	Administration	The Administration agreed to revise the proposed new section 5(11) to better reflect the policy intent that only the relevant enforcement authority could refer a case to the advisory committee mentioned in clause 5(10) for advice	✓ (Admin to provide a written response)
005716 - 005759	Chairman	Amendments to clauses 6(1), 7 and 8(1)(b)	
005759 - 005853	Ms Audrey EU	Reason for including the words "or part of a building" in the revised clause 8(1)(b)	
005853 - 005950	Administration	Ditto	
005950 - 010049	Chairman	Amendments to clauses 9, 12(1) and (6), 13(3), 14, 16, 17(1), 19 and 19(1)(a)	
010049 - 010116	Administration	Explanation on amendments to clause 19	
010116 - 010409	Chairman	Amendments to Schedule 1, section 2(b) of Schedule 1 and Schedule 2  Legislative timetable	

Council Business Division 2  
Legislative Council Secretariat  
 9 August 2002