

立法會
Legislative Council

LC Paper No. CB(2) 1068/01-02
(These minutes have been seen by
the Administration)

Ref : CB2/BC/21/00

**Bills Committee on
Boilers and Pressure Vessels (Amendment) Bill 2001**

**Minutes of meeting
held on Tuesday, 22 January 2002 at 10:45 am
in the Chamber of the Legislative Council Building**

- Members Present** : Hon Cyd HO Sau-lan (Chairman)
Hon Jasper TSANG Yok-sing, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, JP
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members Absent** : Hon LEE Cheuk-yan
Hon Margaret NG
- Public Officers Attending** : Mr K K LAM
Principal Assistant Secretary (Education and Manpower)
- Miss Cheryl CHOW
Assistant Secretary (Education and Manpower)
- Mr MAK Hung-kae
Assistant Commissioner for Labour
- Mr WONG Yan-kit
Principal Surveyor (Boilers and Pressure Vessels Division)

Ms Mabel CHEUNG
Government Counsel

Clerk in Attendance : Mrs Constance LI
Chief Assistant Secretary (2)5

Staff in Attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Ms Joanne MAK
Senior Assistant Secretary (2)2

Ms Cyd HO was elected Chairman of the Bills Committee.

2. The Committee deliberated (Index of proceedings attached at **Annex**).
3. The Administration briefed members on the background of the Bill and confirmed that -
 - (a) the Bill did not seek to affect substantially the existing operation of the Ordinance (except for the appeal mechanism provided); and
 - (b) the "Guide and Syllabus" would be submitted to LegCo for Members' perusal and the Labour Department would consider Members' views on the "Guide and Syllabus".
4. The Chairman suggested that members representing the labour sector might wish to consult the employees of the relevant trade, if necessary, concerning the issue, endorsement and revocation of certificates. She also requested the Administration to briefly explain the operations of the different types of boilers and pressure vessels, and the associated risks, at the next meeting.
5. After going through issues covered by the Bill, the Committee commenced clause-by-clause examination of the Bill and completed scrutinising the proposed section 6(1) in clause 2 of the Bill.
6. The Administration was requested to provide information on the following -
 - (a) The intended meaning and the criteria of being a "fit and proper" person under the proposed subsection 6(1)(b)(i); and whether there were different connotations of the expression "fit and proper" under other laws;

- (b) To consider substituting the expression "fit and proper" with "suitable" and providing a definition of "suitable person" under section 2 of the principal ordinance;
- (c) To explain the qualifications, experience and knowledge required for the issue of certificates under the two different circumstances, i.e. with or without sitting and passing the examination;
- (d) To explain the objective standards for determining whether a candidate needed to sit an examination for the issue of a certificate of competency;
- (e) The measures for the employer and the Labour Department to verify whether a certificate is still valid, e.g. whether the holder had not been engaged in the operation of the type of boiler or steam receiver as specified in his certificate for a period of 4 years or more;
- (f) To spell out in the Bill the two-tier appeal mechanism for dealing with appeals, e.g. against revocation of certificates under section 6(4)(b);
- (g) Whether there were sufficient certificate holders to operate the existing boilers and pressure vessels, and the number of boilers and pressure vessels which were operated for a continuous period of more than 8 hours everyday;
- (h) The measures adopted by the Labour Department to ensure that such boilers were always operated under the direct supervision of a certificate holder; and
- (i) To consider reducing the fees for the issue or endorsement of a certificate as there had been a downward price adjustment since the last review of fees and charges under the Ordinance conducted in 1997.

7. The Committee agreed to hold the next two meetings on 27 February 2002 at 8:30 am and 12 March 2002 at 10:45 am.

8. There being no other business, the meeting ended at 12:35 pm.

**Proceedings of the meeting of the Bills Committee on
Boilers and Pressure Vessels (Amendment) Bill 2001
on Wednesday, 22 January 2002, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000-0352	Chairman	Election of Chairman	
0353-0918	Admin	Background and purpose of the Bill	
0919-0955	Chairman	- Ditto -	
0956-1023	Admin	- Ditto -	
1024-1029	Chairman	- Ditto -	
1030-1232	Ms Audrey EU	Meaning of "fit and proper" under proposed section 6(1)(b)(i)	
1233-1248	Chairman	- Ditto -	
1249-1333	Admin	- Ditto -	
1334-1611	Admin	- Ditto -	
1612-1659	Ms Audrey EU	- Ditto -	
1700-1712	Admin	- Ditto -	
1713-1714	Ms Audrey EU	- Ditto -	
1715-1741	Admin	- Ditto -	
1742-1745	Ms Audrey EU	- Ditto -	
1746-1751	Admin	- Ditto -	
1752-1809	Chairman	- Ditto -	
1810-1828	Admin	- Ditto -	
1829-1833	Chairman	- Ditto -	
1834-1844	Admin	- Ditto -	
1845-1852	Chairman	- Ditto -	
1853-1921	Ms Audrey EU	- Ditto -	
1922-1939	Chairman	- Ditto -	
1940-2054	Ms LI Fung-ying	Mechanism for revocation of certificates under section 6(4)	
2055-2257	Admin	- Ditto -	
2258-2300	Chairman	- Ditto -	
2301-2339	Ms LI Fung-ying	- Ditto -	
2340-2403	Admin	- Ditto -	
2404-2407	Chairman	- Ditto -	
2408-2433	Ms LI Fung-ying	- Ditto -	
2434-2506	Admin	- Ditto -	
2507-2512	Chairman	- Ditto -	
2513-2530	Admin	- Ditto -	

2531-2539	Admin	- Ditto -	
2540-2627	SALA2	- Ditto -	
2628-2656	Chairman	- Ditto -	
2657-2703	Admin	- Ditto -	
2704-2719	Chairman	- Ditto -	
2720-2822	Mr Andrew CHENG	- Ditto -	
2823-2824	Admin	- Ditto -	
2825-2940	Mr Andrew CHENG	- Ditto -	
2941-3100	Admin	- Ditto -	
3101-3227	Mr Andrew CHENG	- Ditto -	
3228-3845	Admin	Ambiguities in the existing provisions relating to the charging of fees	
3546-3707	Chairman	The need to review the fees for certificates	
3708-3729	Mr LEUNG Fu-wah	Breakdown of the boilers and pressure vessels by types	
3830-3836	Chairman	- Ditto -	
3837-3930	Admin	- Ditto -	
3931-3934	Chairman	- Ditto -	
3935-3958	Admin	- Ditto -	
3959-4009	Mr LEUNG Fu-wah	- Ditto -	
4010-4024	Admin	- Ditto -	
4025-4027	Mr LEUNG Fu-wah	- Ditto -	
4028-4033	Admin	- Ditto -	
4034-4055	Chairman	- Ditto -	
4056-4119	Mr LEUNG Fu-wah	- Ditto -	
4120-4126	Chairman	- Ditto -	
4127-4132	Admin	- Ditto -	
4133-4155	Mr LEUNG Fu-wah	Administrative arrangements for examinations	
4156-4213	Admin	- Ditto -	
4214-4220	Chairman	- Ditto -	
4221-4229	Admin	- Ditto -	
4230-4444	Mr Andrew CHENG	Criteria for exempting applicants from the examinations for the purpose of obtaining the certificate of competency	
4445-4519	Admin	- Ditto -	
4520-4549	Mr Andrew CHENG	- Ditto -	
4550-4628	Admin	- Ditto -	
4629-4643	Chairman	- Ditto -	
4644-4758	Mr Andrew CHENG	- Ditto -	
4759-4839	Admin	- Ditto -	
4840-4946	Chairman	- Ditto -	

4947-5053	Admin	- Ditto -	
5054-5114	Chairman	- Ditto -	
5115-5204	Mr Andrew CHENG	- Ditto -	
5205-5213	Chairman	- Ditto -	
5214-5227	Admin	- Ditto -	Adm to provide response
5228-5230	Chairman	- Ditto -	
5231-5314	Ms LI Fung-ying	Actual operation of boilers and steam receivers	
5315-5335	Chairman	- Ditto -	
5336-5354	Admin	- Ditto -	
5355-5359	Chairman	- Ditto -	
5400-5422	Admin	- Ditto -	
5423-5450	Ms LI Fung-ying	- Ditto -	
5451-5505	Admin	- Ditto -	
5506-5514	Chairman	- Ditto -	
5515-5523	Admin	- Ditto -	
5524-5532	Chairman Admin	- Ditto -	
5533-5710	Ms Audrey EU	Responsibility of employers to verify the experience of certificate holders	
5711-5826	Admin	- Ditto -	
5827-5910	Ms Audrey EU	Application fees for certificates	
5911-5951	Admin	- Ditto -	
5952-010032	Chairman	Verification of working experience of certificate holders	
010033-010131	Admin	- Ditto -	
010132-010216	Ms Audrey EU	- Ditto -	Adm to provide response
010217-010249	Chairman	- Ditto -	
010250-010409	Admin	- Ditto -	
010410-010606	Mr LEUNG Fu-wah	- Ditto -	
010607-010613	Chairman	- Ditto -	
010614-010742	Mr Andrew CHENG	Number of certificate holders who obtained the certificate by passing examination and those who did not	
010743-010907	Admin	- Ditto -	
010908-011020	Mr Andrew CHENG	Extending the proposed appeal mechanism to cover cases relating to revocation of certificates under section 6(4)(b)	
011021-011139	Admin	- Ditto -	
011140-011225	Mr Andrew CHENG	- Ditto -	
011226-011231	Chairman	- Ditto -	

011232-011247	Admin	- Ditto -	
011248-011312	Mr Andrew CHENG	- Ditto -	
011313-011439	Chairman	- Ditto -	Adm to provide response
011440-011452	Mr LEUNG Fu-wah	Rules to be made by the Commissioner for Labour in relation to examinations conducted for the issue or endorsement of certificates of competency	
011453-011631	Admin	- Ditto -	Adm to provide response
011632-011709	Chairman	- Ditto -	
011710-011719	Admin	- Ditto -	
011720-011814	Chairman	- Ditto -	
011815-011827	Admin	- Ditto -	
011828-011833	Chairman	- Ditto -	
011834-012111	SALA2	- Ditto -	
012112-012231	Chairman	Clause-by clause examination - proposed section 6(1) in clause 2 of the Bill	
012232-012248	Mr LEUNG Fu-wah	- Ditto -	
012249-012253	Admin	- Ditto -	
012254-012531	Ms Audrey EU	Meaning of "fit and proper" under the proposed subsection 6(1)(b)(i)	
012532-012555	Chairman	- Ditto -	
012556-012739	Admin	- Ditto -	
012740-012822	Ms Audrey EU	- Ditto -	
012823-012924	Chairman	- Ditto -	
012925-013039	Admin	- Ditto -	
013040-013128	Ms Audrey EU	- Ditto -	
013129-013135	Chairman	- Ditto -	
013136-013249	SALA2	- Ditto -	
013250-013333	Ms Audrey EU	- Ditto -	
013334-013339	Chairman	- Ditto -	Adm to provide response
013340-013346	Admin	- Ditto -	
013347-013405	Chairman	- Ditto -	
013406-013430	Admin	- Ditto -	
013431-013510	Admin	- Ditto -	
013511-013618	Ms LI Fung-ying	- Ditto -	
013619-013630	Chairman	- Ditto -	
013631-013808	Mr Andrew CHENG	- Ditto -	
013809-013832	Chairman	Definition of "pressure vessels" under the Ordinance	
013833-013851	Ms Audrey EU	- Ditto -	

013852-013915	Admin	- Ditto -	
013916-013951	Ms Audrey EU	- Ditto -	
013952-014122	SALA2	- Ditto -	
014123-014239	Chairman	Date of next meetings	
014240-014255	Admin	- Ditto -	
014256-014611	Chairman	- Ditto -	
014612-014652	SALA2	- Ditto -	SALA2 to provide background information
014653	End	- Ditto -	

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

Council Business Division 2
Legislative Council Secretariat
5 February 2002