

立法會
Legislative Council

LC Paper No. CB(2) 1354/01-02
(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 Wednesday, 27 February 2002 at 8:30 am
in Conference Room B of the Legislative Council Building**

Members Present : Hon Cyd HO Sau-lan (Chairman)
Hon Margaret NG
Hon Jasper TSANG Yok-sing, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
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 Andrew CHENG Kar-foo

Public Officers Attending : Mr MAK Hung-kae
Assistant Commissioner for Labour

Mr WONG Yan-kit
Principal Surveyor (Boilers and Pressure Vessels Division)

Mr LEUNG Yuk-keung
Senior Divisional Occupational Safety Officer
Labour Department

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

I. Confirmation of minutes of meeting
(LC Paper No. CB(2) 1068/01-02)

The minutes of the last meeting on 22 January 2002 were confirmed.

2. At the suggestion of the Chairman, the Committee agreed that the Index of proceedings to the minutes of the Committee should be further condensed, so that the relevant parts of the proceedings relating to the same topic would be combined into one column. The Clerk would also convey the Chairman's suggestion to the Committee on Rules of Procedure which was conducting a review of the new arrangement for the preparation of minutes of proceedings of committees as endorsed by the House Committee on 5 October 2001.

II. The Administration's response to issues raised at the last meeting
[LC Papers Nos. CB(2) 1183/01-02(01) and CB(2) 1222/01-02 (01)]

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

4. At the suggestion of Miss Margaret NG, the Administration was requested to provide a paper to explain -

- (a) the policy and principles for declaring what kinds of rules made by the authorities under powers conferred by Ordinances should or should not be subsidiary legislation; and
- (b) the reasons for specifying, in the present case, that the rules to be made in relation to examinations conducted for the issue or endorsement of certificates of competency were not subsidiary legislation.

5. Miss Margaret NG also requested Senior Assistant Legal Adviser 2 (SALA2) to provide written legal advice on the above for members' reference.

6. In response to Miss Margaret NG, the Chairman advised that the legislative issue related to the proposed section 6(8) in the Bill as reflected in paragraph 4 above would be dealt with after completing the examination of the other parts of the Bill.

III Clause-by-clause examination

7. The Committee deliberated on clauses 1 and 2 of the Bill and the relevant Committee Stage Amendments proposed by the Administration. The Administration was requested to consider -

- (a) providing an alternative version of the proposed subsection 6(4)(a) for members' consideration, having regard to SALA2's suggestion on the drafting of that new subsection; and
- (b) whether other Chinese versions for the word "substantial", such as "足夠", would be appropriate for the proposed new sections 6(1)(a) and 6(4)(a).

IV Any other business

8. The Chairman suggested to reschedule the next meeting for 13 March 2002 at 10:45 am to avoid clashes with a special meeting of the Panel on Environmental Affairs. Members agreed.

(Post-meeting note : The next meeting has been re-scheduled for 15 April 2002 at 8:30 am to allow more time for the Administration to consider the issues raised in paragraph 4.)

9. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
14 March 2002

**Proceedings of the meeting of the Bills Committee on
Boilers and Pressure Vessels (Amendment) Bill 2001
on Wednesday, 27 February 2002, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0001-0337	Chairman Clerk	Confirmation of the minutes of the last meeting on 22 January 2002 & the format of the Annex to the minutes of the Committee	Clerk to convey to CRoP the Chairman's suggestion on the format of condensed form of minutes
0338-1902	Admin	Briefing on the operation of the various types of boilers and pressure vessels	
1903-3034	Chairman Hon Margaret NG SALA2 Admin	Policy and principles for declaring what kinds of rules made by the authorities under powers conferred by Ordinances should or should not be subsidiary legislation	Admin & SALA2 to provide written views
3035-3332	Admin Chairman	The Administration's response on members' concern about the intended meaning and criteria of "fit and proper" person under the proposed sections 6(1)(b)(i) and 6(3A)(b)(i) [Paragraph 3 of LC Paper No. CB(2) 1183/01-02(01)]	
3333-3439	Admin Chairman	Objective standards of qualification, experience and knowledge required for applicants of certificates, with or without passing examinations [Paragraphs 4 to 7 and Appendices II(a)&(b) of LC Paper No. CB(2) 1183/01-02(01)]	
3440-4007	Admin Chairman Hon LI Fung-ying	"Deemed revocation" of Certificate of Competence due to insufficient length of continuous service in operating a particular class of equipment, and appeal mechanism against revocation of certificate under section 6(4)(b) [Paragraphs 8 to 10 of LC Paper No. CB(2) 1183/01-02(01)]	
4008-4737	Hon Albert CHAN Admin Chairman	Recognition of relevant qualifications obtained overseas	
4738-5225	Hon Margaret NG Chairman Admin SALA2	Appeal mechanism against revocation of certificate under section 6(4)(b) [Paragraph 10 of LC Paper No. CB(2) 1183/01-02(01)]	

5226-5354	SALA2 Admin Chairman	SALA2 advised that the operation of boilers on ships was not covered by this Ordinance	
5355-5629	Hon Margaret NG Chairman Admin SALA2	Appeal mechanism against revocation of certificate under section 6(4)(b) [Paragraph 10 of LC Paper No. CB(2) 1183/01-02(01)]	
5630-5909	Admin Chairman	Availability of sufficient certificate-holders to operate boilers and steam receivers [Paragraphs 14 and 15 of LC Paper No. CB(2) 1183/01-02(01)]	
5910-5953	Admin Chairman	Measures to ensure operation of boilers under the direct supervision of certificate holders [Paragraph 16 of LC Paper No. CB(2) 1183/01-02(01)]	
5954-010004	Admin, Chairman	Reduction of fees for endorsement of certificates [Paragraphs 17 and 18 of LC Paper No. CB(2) 1183/01-02(01)]	
010005-010647	Chairman SALA2 Admin Hon TSANG Yok-sing	Committee Stage Amendments (CSAs) proposed by the Administration - deleting the proposed section 6(1) and substituting with proposed new section 6(1) [Appendix I of LC Papers Nos. CB(2) 1183/01-02(01) & CB(2)1222/01-02(01)]	
010648-011243	Chairman Admin SALA2	CSAs proposed by the Administration - deleting the proposed section 6(3A) and substituting with proposed new section 6(3A) [LC Paper No. CB(2) 1222/01-02(01)]	
011244-013629	Chairman SALA2 Admin Hon LEUNG Fu-wah Hon TSANG Yok-sing, Hon LI Fung-ying	CSAs proposed by the Administration - repealing the existing section 6(4) and substituting with proposed new section 6(4) [LC Paper No. CB(2) 1222/01-02(01)]	Admin to consider SALA2's suggestion
013630-014623	Hon TSANG Yok-sing Chairman Admin SALA2	Chinese translation of "substantial" in the context of the new proposed sections 6(1)(a) and 6(4)(a)	Admin to consider Mr TSANG's suggestion
014624-014708	Chairman Admin	The proposed new section 7(5) [LC Paper No. CB(2) 1222/01-02(01)]	
014709-014911	SALA2 Admin	Appeal mechanism in relation to endorsement of certificate	
014912-015027	Chairman Admin	Consequential amendments - sections 6(9), 6(10) and 7(5)	
015028-015134	SALA2	Marked-up copy of the Bill - section 18 on "Fees" [LC Paper No. CB(2) 929/01-02(03)]	

015135-015510	Chairman	Date of next meeting	
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Note : The audio records of the above proceedings are kept at the LegCo Library

Council Business Division 2
Legislative Council Secretariat
14 March 2002