

**立法會**  
**Legislative Council**

LC Paper No. CB(2) 1743/01-02  
(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 Monday, 15 April 2002 at 9:30 am  
in Conference Room A of the Legislative Council Building**

**Members Present** : Hon Cyd HO Sau-lan (Chairman)  
Hon LEE Cheuk-yan  
Hon Margaret NG  
Hon Jasper TSANG Yok-sing, JP  
Hon Andrew CHENG Kar-foo  
Hon LI Fung-ying, JP  
Hon LEUNG Fu-wah, MH, JP

**Members Absent** : Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon Albert CHAN Wai-yip  
Hon Audrey EU Yuet-mee, SC, JP

**Public Officers Attending** : Mr MAK Hung-kae  
Assistant Commissioner for Labour  
  
Mr WONG Yan-kit  
(Labour Department)  
  
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

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**I. Confirmation of minutes of meeting**  
(LC Paper No. CB(2) 1354/01-02)

The minutes of the last meeting on 27 February 2002 were confirmed.

**II. Clause-by-clause examination**  
[LC Papers Nos. CB(2) 1560/01-02(01) and (02)]

2. The Committee deliberated (Index of proceedings attached at **Annex**).
3. The Committee noted the Administration's response to the drafting concerns raised at the last meeting.
4. The Committee completed clause-by-clause examination of the Bill. The Administration agreed to provide draft Committee Stage amendments to the proposed sections 6(1)(a) and 6(4)(a) of the Bill.

**III Date of next meeting**

5. The Committee expressed disappointment that the Administration had not yet provided a response to the following issues raised at the meeting on 27 February 2002

- (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 proposed section 6(8) of the Bill that the rules to be made in relation to examinations conducted for the issue or endorsement of certificates of competency were not subsidiary legislation.

6. Representatives of the Labour Department said that the Administration was still considering these issues. The Committee agreed that the next meeting would be scheduled after the Administration had confirmed when it could provide a response.

#### **IV. Any other business**

##### Legislative issues relating to the proposed section 6(8) of the Bill

7. The Chairman said that it was necessary for the Committee to decide how to proceed with the proposed section 6(8) of the Bill. She said that as the Bill was concerned with a relatively simple labour policy, it should not be complicated by the insertion of the proposed section 6(8), which had implications on Government's policy on legislation and administrative measures. She was of the view that the Administration should delete the proposed section 6(8) if it did not affect the Authority's powers to make rules in relation to examinations under the principal ordinance. She considered it more appropriate for the Panel on Administration of Justice and Legal Services or the Panel on Constitutional Affairs to follow up the legislative issues relating to the proposed section.

8. Miss Margaret NG said that if there was urgency to pass the Bill, she would agree to the Chairman's proposed approach. However, she considered that the present case provided a good basis for members to seek an explanation from the Administration on its policy and principles for declaring what kinds of rules made by authorities under powers conferred by Ordinances should or should not be subsidiary legislation.

9. Miss Margaret NG said that the Administration should be urged to provide a response to the outstanding issues (paragraph 5 refers) as soon as possible, in order not to delay the work of the Bills Committee. She pointed out that the scrutiny of bills should be completed as quickly as possible. If the Administration could not confirm when a response to the outstanding issues would be available, the Bills Committee should consider whether the consideration of the Bill should be held in abeyance, so that the slot could be vacated for the scrutiny of other bills on the waiting list.

10. The Committee agreed that the Chairman should ask the Secretary for Education and Manpower (SEM) when the Administration's response to the outstanding issues would be available. The Committee also agreed that if the Administration could not confirm when it could provide the response, the Committee would report to the House Committee that consideration of the Bill be held in abeyance until the Administration's response was received.

11. Mr Andrew CHENG said that representatives of the Education and Manpower Bureau (EMB) should also attend the meeting of the Bills Committee to discuss the policy issues in paragraph 5. He informed members that the Subcommittee on Occupational Safety and Health (Display Screen Equipment) Regulation had raised concern about EMB's decision that only Labour Department officers would attend meetings of LegCo committees on legislation concerning occupational safety and health. Mr CHENG said that the concern had been relayed to SEM by the Panel on Manpower at its meetings on 28 February and 21 March 2002. He suggested that this Bills Committee should raise with SEM that attendance of EMB representatives would be necessary to facilitate discussion of policy issues.

12. The Chairman said that as the outstanding issues concerning the proposed section 6(8) involved policy considerations which were beyond the scope of responsibilities of Labour Department, she would also convey to SEM that representatives of EMB should attend the Bills Committee meeting(s) to discuss these issues. Members agreed.

13. There being no other business, the meeting ended at 10 am.

Council Business Division 2  
Legislative Council Secretariat  
29 April 2002

**Proceedings of the meeting of the Bills Committee on  
Boilers and Pressure Vessels (Amendment) Bill 2001  
on Monday, 15 April 2002 at 9:30 am  
in Conference Room A of the Legislative Council Building**

<b>Time</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
0001-0353	Chairman Hon Margaret NG	Discussion on how to deal with the outstanding issues concerning the proposed section 6(8)	
0354-1208	Chairman SALA2 Admin	i. Clause-by-clause examination - clauses 6 and 7  ii. Administration's response to the drafting issues raised at the previous meeting [LC Paper No. CB(2) 1560/01-02(01)]	<b>Admin to provide draft CSA.</b>
1209-2541	Admin Chairman Hon Margaret NG Hon LEE Cheuk-yan Hon Andrew CHENG Hon LEUNG Fu-wah Hon LI Fung-ying	Legislative issue relating to the proposed section 6(8) of the Bill and the way forward	<b>(i) Chairman to write to SEM</b>  <b>(ii) Admin to provide response</b>

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

Council Business Division 2  
Legislative Council Secretariat  
29 April 2002