

立法會
Legislative Council

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by the Administration)

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**Bills Committee on
Fire Services (Amendment) Bill 2001**

**Minutes of meeting
held on Monday, 15 July 2002 at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members Present** : Hon IP Kwok-him, JP (Chairman)
Hon Cyd HO Sau-lan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon James TO Kun-sun
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members Absent** : Hon Miriam LAU Kin-ye, JP
Hon CHOY So-yuk
Hon Frederick FUNG Kin-kee
- Public Officers Attending** : Mrs Jennie CHOK
Deputy Secretary for Security (2)
- Mr David WONG
Principal Assistant Secretary for Security (B)
- Mr KWOK Jing-keung
Chief Fire Officer (Headquarters)
Fire Services Department

Mr TAM Chi-chung, Simon
Acting Chief Fire Officer (Licensing and Certification)
Fire Services Department

Mr K P LAI, Allen
Senior Government Counsel
Department of Justice

Mr Damian CHAN
Assistant Secretary for Security (B2)

Clerk in Attendance : Miss Flora TAI
Chief Assistant Secretary (2)2

Staff in Attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Mr Stanley MA
Senior Assistant Secretary (2)6

Action

I. Election of Chairman

Mr IP Kwok-him was elected Chairman of the Bills Committee.

II. Meeting with the Administration

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

3. The Bills Committee requested the Administration to respond in writing to the following so as to facilitate future discussions -

An overview relating to fire hazard abatement

- (a) the rationale for the existing provisions which would be amended by the Bill and the justifications (including operational experience) for amending each of these provisions;

- (b) whether direct prosecution against offences as proposed in the Bill would be initiated on the basis of individual circumstances, and if yes, the criteria for initiating such direct prosecution;
- (c) a comparison between the existing powers of the Director of Fire Services under the Fire Services Ordinance and the powers which would be given to the Director of Fire Services under the various proposed provisions in the Bill;
- (d) whether an appeal mechanism would be available;
- (e) the persons to be held liable for criminal offence under various proposed provisions in the Bill and the rationale for holding these persons liable;

Improper stowage or conveyance of motor vehicles (including motorcycles) and motor vehicles' spare parts containing residual fuel in an enclosed freight container or goods compartment

- (f) operation of the proposed provisions against improper stowage or conveyance of motor vehicles and motor vehicles' spare parts containing residual fuel in an enclosed freight container or goods compartment, including the detailed procedures for inspection, enforcement and direct prosecution as well as the legal responsibilities of the parties involved, i.e., whether the driver and/or the owner of the vehicle and/or owner of the vehicles/vehicles' spare parts would be prosecuted;
- (g) the measures which would be taken to prevent such improper stowage or conveyance;
- (h) the quantity of residual fuel to be found in motor vehicles or motor vehicles' spare parts in the freight container in such improper stowage or conveyance which would constitute an offence in the Bill;

Power of Director of Fire Services

- (i) a review on the scope of authorities and powers of the Director in the operation of proposed new section 9 within the context of fire hazard abatement, and the scope of "any person" under the provision, i.e. the power to serve a notice on or recover the expenses incurred from any person under the proposed new sections 9 (a) and 9 (b) respectively ;

Coverage of insurance against fire

- (j) whether the Consumer Council would be consulted on the adequacy of consumer protection as a result of extending the scope of the protection under the proposed section 21 to cover any damage done by the Fire Services Department on the occasion of a fire or an incident that might pose an immediate danger of fire;

Power to make regulations

- (k) the effectiveness of the proposed new section 25(1)(hk) as presently worded and proof of the *mens rea* of "a person who lets, or agrees to let, whether as principal or agent of another person, any premises with the knowledge that an offence under this Ordinance is to be committed in or on the premises";

Fire service installation works

- (l) whether provisions requiring certification of fire safety improvement works by registered professional engineers (building services) would be included in the Bill or the Regulations to be made;

Liquefied petroleum gas filling station

- (m) whether refuelling stations specified in the Bill included liquefied petroleum gas filling stations;

Fire hazard abatement

- (n) statistics in respect of the issue of fire hazard abatement notices and subsequent prosecutions, statistics on incidents of fire reported after the issue of fire hazard abatement notices and the deterrent effects of the penalties imposed;
- (o) justifications for the proposed increase in the level of fines; and

Overseas experience

- (p) overseas legislation on storage of dangerous goods in domestic premises.

III. Any other business

Date of next meeting

4. Members agreed to hold the next meeting on Thursday, 10 October 2002 at 8:30 am to discuss the Administration's response to the issues raised by members at the meeting.

(Post-meeting note: The next meeting has been re-scheduled for Tuesday, 15 October 2002 at 10:45 am)

Consultation on the Bill

5. Members agreed that the Bills Committee would receive views from organisations concerned on the Bill at a future meeting.

6. There being no other business, the meeting ended at 11:30 am.

Council Business Division 2
Legislative Council Secretariat
5 September 2002

Bills Committee on Fire Services (Amendment) Bill 2001
Meeting on Monday, 15 July 2002 at 10:45 am.
in Conference Room A of the Legislative Council Building

Time	Speaker	Subject(s)	Action required
000000 - 000119	Mr Michael MAK	Election of Chairman	
000119 - 000427	Chairman	Welcoming remarks	
000427 - 001903	Administration	Briefing on the proposals of the Bill	
001903 - 002041	Chairman	Invite views from members on the Bill	
002041 - 002152	Mr LEUNG Fu-wah	Enforcement against improper loading or conveyance of motor vehicles (including motorcycles) and motor vehicles' spare parts in freight containers as a fire hazard.	see para 3(f), 3(g) and 3(h) of the minutes
002152 - 002201	Chairman	Invite views from members	
002201 - 002438	Ms Audrey EU	Public consultation on the effects of the Bill on those who would be affected by the Bill, such as the power of the Director of Fire Services to serve a prescribed notice under proposed new section 9(a), etc.	see para 3(i) of the minutes
002438 - 002444	Chairman	ditto	
002444 - 002546	Administration	ditto	
002546 - 002624	Chairman	ditto	
002624 - 002640	Ms Audrey EU	ditto	
002640 - 002650	Chairman	ditto	

002650 - 003149	Mr James TO	Background and justifications for the proposals in the Bill and enforcement of proposed new section 25(1)(hk).	see para 3(a), 3(b) and 3(k) of the minutes of the meeting
003149 - 003405	Ms Cyd HO	Additional authority given to the Director of Fire Services in enforcement of the proposals of the Bill, justifications for the proposed offences and direct prosecutions, and the availability of an appeal mechanism, and the views of the Consumer Council in relation to the proposed expansion of the scope of the protection under proposed new section 21.	see para 3(c), 3(d), 3(e) and 3(j) of the minutes
003405 - 003454	Ir Dr Raymond HO	Certification of fire services installation works, and whether liquefied petroleum gas filling stations were included under the Bill	see para 3(l) and 3(m) of the minutes
003454 - 003555	Mr Michael MAK	Statistics on the issue of fire hazard abatement notices and subsequent prosecutions, incidents of fires reported after the issue of fire hazard abatement notices and the deterrent effects of the penalties imposed.	see para 3(n) and 3(o) of the minutes
003555 - 003729	Mr Ambrose LAU	Scope of application and the powers of the Director of Fire Services in respect of proposed new sections 9(a), 9(b) and 9(c).	see para 3(i) of the minutes
003729 - 003846	Chairman	Overseas legislation on unauthorised storage of dangerous goods in domestic premises and meeting with deputations at a future meeting.	see para 3(p) and 5 of the minutes
003846 - 003918	Ms Audrey EU	ditto	
003918 - 003920	Chairman	ditto	

003920 - 003927	Ms Audrey EU	ditto	
003927 - 004021	Chairman	Date of next meeting	
004021 - 004026	Ms Cyd HO	ditto	
004026 - 004034	Chairman	ditto	
004034 - 004043	Administration, Chairman	ditto	
004043 - 004142	Chairman	ditto	

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