

立法會
Legislative Council

LC Paper No. CB(2)781/02-03
(These minutes have been
seen by the Administration)

Ref : CB2/BC/25/00

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

**Minutes of meeting
held on Tuesday, 10 December 2002 at 8:30 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 Miriam LAU Kin-ye, 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 Ambrose LAU Hon-chuen, GBS, JP
Hon CHOY So-yuk
- Public Officers Attending** : Mr David WONG
Principal Assistant Secretary for Security(B)
- Mr KWOK Jing-keung
Chief Fire Officer (Headquarters)
Fire Services Department
- Mr LAU Kwai-shan
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

I. Confirmation of minutes
[LC Paper No. CB(2)533/02-03]

The minutes of the meeting held on 12 November 2002 were confirmed.

II. Meeting with the Administration

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

Administration's responses to issues raised at previous meetings
[LC Paper Nos. CB(2)523/02-03(01) - (02), CB(2)302/02-03(03),
CB(2)550/02-03(01) and CB(2)601/02-03(01)]

3. At members' request, the Administration had undertaken to draw up the guidance notes on the conveyance and stowage of motor vehicle parts, to facilitate the trade's compliance with the Fire Service (Fire Hazard Abatement) Regulation to be enacted, in consultation with the different parties of the container trade, including the drivers, tractor owners, cargo owners, freight forwarders, etc.. The Administration had also undertaken that before the Regulation came into force, a period of adequate duration would be allowed for comprehensive publicity to be carried out on the new law passed.

Clause-by-clause examination of the Bill

4. The Bills Committee examined the Bill clause-by-clause from clause 1 to clause 10.

5. The Administration agreed to propose draft Committee Stage amendments in respect of the following -

Clause 4 - Sections added

- (a) To expand the scope of the legal professional privilege under proposed section 8A(3) to cover information which a person might be required to give under proposed section 8A(2)(f)(ii);
- (b) To expand the obligation of non-disclosure under proposed section 8A(5) to cover information derived from documents obtained or inspected or copies taken under proposed section 8A(2)(g); and

Clause 10 - Power to make regulations

- (c) To delete the phrase "a motor vehicle or" from proposed sections 25(1)(he) and 25(1)(hf) to confirm the application of the Fire Service (Fire Hazard Abatement) Regulation to conveyance of parts of motor vehicles in containers.

6. The Administration also agreed to consider whether the drafting of the Chinese version of proposed section 8A(4) required any improvement.

III. Any other business

Date of next meeting

7. The Bills Committee agreed that the next meeting would be held on Friday, 10 January 2003 at 8:30 am to continue clause-by-clause examination of the Bill from clause 10 onwards. The Administration agreed to provide the draft Committee Stage amendments for members' consideration before the next meeting.

8. The meeting ended at 10:30 am.

Annex

Proceedings of the meeting of the Bills Committee on Fire Services (Amendment) Bill 2001 on Tuesday, 10 December 2002 at 8:30 am in Conference Room A of the Legislative Council Building

Time marker	Speaker	Subject(s)	Action required
000000 - 000315	Chairman	Confirmation of minutes and relevant papers.	
000316 - 000405	Chairman Admin	Time lapse between the lodging and the hearing of an application for a rescission of a closure order under relevant sections of the Crimes Ordinance and the Dangerous Drugs Ordinance.	
000406 - 001240	Hon Cyd HO Chairman Admin	Habitation of innocent residents on premises under a closure order.	
001241 - 002909	Hon Miriam LAU Chairman Admin	Enforcement against illegal storage of fuel in a motor car for refueling purpose.	
002910 - 003015	Chairman Admin	Rank of FSD officers authorised to obtain personal particulars and the requirement that they should wear uniform whilst on duty.	
003016 - 003430	Chairman Admin Hon Miriam LAU	Compilation of the guidance notes on the conveyance and stowage of motor vehicles/motor vehicle parts (codes of practice).	
003431 - 003730	Hon Miriam LAU Chairman Admin	Publication and compliance with the codes of practice.	
003731 - 004100	Chairman Hon Audrey EU Admin	Fire service installation and equipment for facilitating evacuation from any premises in case of fire and providing a stand-by power supply to other fire service installations or equipment.	

004101 - 004519	Chairman Admin	Clauses 1 and 2 - Short title and commencement; and Long title amended.	
004520 - 004610	Chairman Admin	Clause 3 – Interpretation.	
004611 - 010010	Chairman Admin ALA3	Clause 4 – Proposed sections 8A(1), (2) and (3). Application of the legal professional privilege to cover information which a person may be required to give under proposed section 8A(2)(f)(ii).	See para 5(a) of the minutes.
010011- 010923	Hon Miriam LAU Ms Cyd HO Chairman Admin	Clause 4 - Proposed section 8A(4). Drafting of the Chinese version.	See para 6 of the minutes.
010924 - 011254	Chairman Admin ALA3	Clause 4 - Proposed section 8A(5). Obligation of non-disclosure on information obtained.	See para 5 (b) of the minutes.
011255 - 011310	Chairman	Clause 4 – Proposed section 8A(6).	
011311 - 011416	Chairman Admin	Clause 4 – Proposed section 8B. Answers that may implicate criminal liability.	
011417 - 011759	Chairman Admin Hon Miriam LAU	Clause 4 – Proposed sections 8C and 8D. Disposal of article or thing removed and possessed by Director or member for purpose of fire investigation; and disposal of property connected with offences.	
011800 - 013603	Chairman Hon Miriam LAU Admin ALA3	Clause 5 - Section substituted Proposed new section 9 - Power of Director in respect of abatement and prevention of fire hazards.	
013604 - 013803	Chairman Admin	Clause 6 – Sections repealed. Repeal of sections 9A, 9B, 9C and 9D.	

013804 - 014003	Chairman Admin	Clauses 7 and 8 - amendment to Section 13A(1) and repeal of Section 14(8).	
014004 - 014158	Chairman Admin	Clause 9 - Section substituted. Repeal of and substitution for Section 21.	
014159 - 014619	Chairman Admin Hon Miriam LAU	Clause 10 - Power to make regulations. Proposed sections 25(1)(he) and (hf) - Regulation of the conveyance of a motor vehicle or a part of a motor vehicle on land.	See para 5(c) of the minutes.
014620 - 015319	Chairman Hon Cyd HO Admin Hon Miriam LAU	Clause 10 - Power to make regulations. Proposed section 25(1)(hg) - Power of any prescribed public officer to stop, board and search a vehicle.	
015320 - 015610	Hon Miriam LAU Chairman Admin	Legislative process of the proposed Fire Service (Fire Hazard Abatement) Regulation.	
015611 - 015925	Chairman Hon Miriam LAU	Date of next meeting.	

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

Council Business Division 2
Legislative Council Secretariat
8 January 2003