

立法會
Legislative Council

LC Paper No. CB(2)1142/02-03

(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 Friday, 10 January 2003 at 8:30 am
in Conference Room A of the Legislative Council Building**

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

Miss Agnes CHEUNG
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 and matters arising

Confirmation of minutes

[LC Paper No. CB(2)781/02-03]

The minutes of the meeting held on 10 December 2002 were confirmed.

Matters arising

[LC Paper No. CB(2)782/02-03(01)]

2. The Administration briefed the Bills Committee on the Administration's response to issues raised at the meeting on 10 December 2002 and the Committee Stage amendments (CSAs) to be proposed by the Administration (index of proceedings attached at **Annex**).

II. Clause-by-clause examination of the Bill

[LC Paper Nos. CB(3)826/00-01, CB(2)2563/01-02(02), Annex I to CB(2)782/02-03(01) and CB(2)782/02-03(02)]

3. The Bills Committee completed the clause-by-clause examination of the Bill from clause 10 (proposed section 25(1)(hh)) to the schedule (index of proceedings attached at **Annex**).

4. At the Chairman's request, Assistant Legal Adviser 3 undertook to check whether a fine at level 3 and an imprisonment for 6 months under clause 11 of the Bill for the offence of resisting, obstructing or delaying Fire Services

Department officers in the discharge of their duties without reasonable excuse were comparable to the penalties for similar offences in other ordinances. Members raised no further queries.

(Post-meeting note : ALA3 has compared the penalties for obstructing public officers in the execution of their duties in the Police Force Ordinance, Public Health and Municipal Services Ordinance, Fixed Penalty (Public Cleanliness Offences) Ordinance and Karaoke Establishments Ordinance. The level of fine for the offence in these Ordinances ranged from level 2 to level 5 and the maximum imprisonment term was 6 months.)

III. Any other business

Committee Stage amendments proposed by the Administration

5. Members examined the CSAs proposed by the Administration as at 10 January 2003 which were set out in Annex I to CB(2)782/02-03(01). Members raised no objection to these proposed CSAs.

Legislative timetable

6. In response to the Chairman, Principal Assistant Secretary for Security(B) informed the Bills Committee that the Administration tentatively planned to resume the Second Reading debate on the Bill at the Council meeting of 19 February 2003. Members agreed that the Bills Committee could report to the House Committee on 7 February 2003 supporting the resumption of the Second Reading debate on the Bill on 19 February 2003. The Chairman advised the Administration that the deadline for giving notice of resumption of Second Reading debate and CSAs would be 10 February 2003.

(Post-meeting note : The Administration has subsequently informed the Bills Committee of its plan to further propose a few minor CSAs in the light of comments received since the introduction of the Bill. A proposal would be submitted for members' consideration as soon as possible. In light of the development, the Bills Committee would not report to the House Committee on 7 February 2003 pending consideration of the CSAs to be submitted by the Administration.)

7. There being no other business, the meeting ended at 9:35 am.

Annex

Proceedings of the meeting of the Bills Committee on Fire Services (Amendment) Bill 2001 on Friday, 10 January 2003 at 8:30 am in Conference Room A of the Legislative Council Building

Time marker	Speaker	Subject(s)	Action required
0000 - 0201	Chairman	Confirmation of minutes	
0202 - 0527	Admin Chairman ALA3	Briefing on the Admin's paper for the meeting	
0528 - 0715	Chairman	Continuation of clause-by-clause examination of the Bill	
0716 - 0825	Chairman Admin	Clause 10 - proposed section 25(1)(hh)	
0826 - 1137	Chairman Admin	Clause 10 - proposed section 25(1)(hi)&(hl)	
1138 - 1310	Chairman Admin	Clause 10 - proposed section 25(1)(hj)&(hk)	
1311 - 1433	Chairman	Clause 10 - proposed section 25(2)	
1434 - 1818	Admin	Clause 10 - proposed section 25(3)	
1819 - 2233	Chairman Admin Hon Audrey EU Hon LEUNG Fu-wah	Clause 11 - Offences	ALA3 - see para 4 of the minutes
2234 - 2718	Chairman Admin	Clause 12 - Amendment of the level of fine Clause 13 - Forms	
2719 - 2837	Chairman Admin	Clause 14 - Ranks in the Fire Services Department	
2838 - 3053	Chairman Admin	Clause 15 - Posts specified for the purposes of section 3(2)	
3054 - 3205	Chairman Admin	Clause 16 - Powers of disciplinary board in Regulation 11(3) & (4) of the Fire Services (Installation Contractors) Regulations	

3206 - 3327	Chairman Admin	Clause 17 - Penalties under Regulation 16 of the Fire Service (Installation Contractors) Regulations Clause 18 - Issue of certificates by registered contractors under Regulation 9(2A) and (3) of the Fire Service (Installations and Equipment) Regulations; and Clause 19 - Penalty under Regulation 12 of the Fire Service (Installations and Equipment) Regulations	
3328 - 3627	Chairman Admin	Part II - Clauses 20, 21 and 22 - Consequential amendments to the definition of "fire service installation or equipment" in Public Health and Municipal Services Ordinance, Places of Public Entertainment Regulations and Fire Safety (Commercial Premises) Ordinance	
3628 - 4140	Chairman Admin	Transitional Provisions - Clauses 23 - 27	
4141 - 5530	Chairman ALA3 Admin Hon Raymond HO	Committee Stage amendments proposed by the Administration as at 10 January 2003	
5531 - 5840	Chairman Admin	Resumption of Second Reading debate	
5841 - 5908	Chairman	Concluding remarks and thanks	

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

Council Business Division 2
Legislative Council Secretariat
11 February 2003