

立法會
Legislative Council

Ref : CB2/SS/11/02

LC Paper No. CB(2) 2272/02-03
(These minutes have been seen by
the Administration)

**Subcommittee on
Fire Services (Fire Hazard Abatement) Regulation**

**Minutes of meeting
held on Monday, 26 May 2003 at 2:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon IP Kwok-him, JP (Chairman)
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon LI Fung-ying, JP
Hon LAU Ping-cheung

Member absent : Hon James TO Kun-sun

Public Officers Attending : Mr David WONG
Principal Assistant Secretary for Security

Mr KWOK Jing-keung
Deputy Director of Fire Services

Mr LAU Kwai-shan
Chief Fire Officer (Licensing & Certification)
Fire Services Department

Mr Allen LAI
Senior Government Counsel
Department of Justice

Miss Agnes CHEUNG
Assistant Secretary for Security

Clerk in attendance : Mrs Constance LI
Chief Assistant Secretary (2)5

Staff in attendance : Miss Monna LAI
Assistant Legal Adviser 7

Ms Joanne MAK
Senior Assistant Secretary (2)2

I. Election of Chairman

[Appendix IV of the House Rules]

Mr IP Kwok-him was elected Chairman of the Subcommittee.

II. Meeting with the Administration

[LC Paper No. CB(2) 2176/02-03]

2. The Subcommittee deliberated and conducted clause-by-clause examination of the Regulation (Index of proceedings attached at **Annex**).

3. The Administration was requested to provide supplementary information in respect of -

- (a) examples of similar provisions in ordinances for disciplined services involving the usage of "knowingly";
- (b) the draft guidance notes on the enforcement against conveyance and stowage of parts of motor vehicles, and the reference materials used in drawing up such guidance notes; and
- (c) a table comparing relevant provisions in sections 3 to 16 of the Fire Service (Fire Hazard Abatement) Regulation (the Regulation) and the deleted sections 9 and 9A to 9D of the Fire Services Ordinance (FSO).

4. The Administration was also requested to provide written response to the following issues raised at the meeting -

- (a) to consider Ms LI Fung-ying's suggestion of amending the Chinese version of sub-paragraph 22(1) of the Regulation to substitute "犯" with "觸犯"; and

- (b) to consider the Chairman's suggestion of amending the Chinese version of sub-paragraph 28(a) of the Regulation to substitute "識別" with "詳列".

5. The Chairman requested the legal adviser to study the information to be provided by the Administration on paragraph 3(c) above, and advise at the next meeting whether sections 3 to 16 of the Regulation reflected the policy intent of the deleted sections 9 and 9A to 9D of the FSO.

6. The Subcommittee completed scrutiny of sections 1, 2, 7 and 17 to 31 of the Regulation.

III. Any other business

Legislative timetable

7. The Subcommittee agreed that the scrutiny period should be extended to allow more time for the Subcommittee to study the Regulation and to report to the House Committee. As agreed by members, the Chairman would give notice to move a motion at the Council meeting on 11 June 2003 to extend the scrutiny period from 11 June 2003 to 2 July 2003.

8. Members agreed to hold the next meeting at 10:45 am on Monday, 2 June 2003.

9. The meeting ended at 4:35 pm.

Council Business Division 2
Legislative Council Secretariat
30 May 2003

**Subcommittee on
Fire Services (Fire Hazard Abatement) Regulation
Meeting on Monday, 26 May 2003 at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject	Action Required
0001-0313	Hon Ambrose LAU Hon LI Fung-ying Hon LAU Ping-cheung Hon IP Kwok-him	Election of Chairman	
0314-1345	Administration Chairman ALA7	<ul style="list-style-type: none"> - Background of the Fire Services (Fire Hazard Abatement) Regulation (the Regulation) - Amendments made to the draft Regulation annexed to the LegCo Brief issued in June 2001 for the scrutiny of the former Bills Committee on Fire Services (Amendment) Bill 2001 (Paragraphs 4(b) and (c) of the relevant LegCo Brief) 	
1346-1458	Hon LI Fung-ying	Liabilities on the part of drivers under sections 17 and 18 of the Regulation	
1459-1926	Administration	Consultation with the transport trade in drawing up the draft guidance notes on enforcement actions against conveyance and stowage of parts of motor vehicles	
1927-3133	Hon LI Fung-ying Administration	<ul style="list-style-type: none"> - Usage of "knowingly causes or permits" in sections 17(1) and 18(1) 	<ul style="list-style-type: none"> - Admin to provide examples of similar provisions in

		<ul style="list-style-type: none"> - Proof of mens reas required in convicting an offender under sections 17 or 18 - Reference to similar guidance notes issued by the Customs and Excise Department in drawing up the draft guidance notes on enforcement actions against conveyance and stowage of parts of motor vehicles 	<p>other ordinances</p> <ul style="list-style-type: none"> - Admin to provide the draft guidance notes and relevant reference materials
3134-3651	Chairman Administration Hon LI Fung-ying ALA7	<ul style="list-style-type: none"> - Clause-by-clause examination of the Regulation - Deletion of the original section 9(1)(a) of the draft Regulation provided to the former Bills Committee on Fire Services (Amendment) Bill 2001 for scrutiny 	
3652-3801	Hon LAU Ping-cheung	Section 20(1) - Liability of owners, tenants etc.	
3802-010018	Administration Chairman Hon LAU Ping-cheung ALA7	A person committed an offence under section 19 if the person let or agreed to let any premises, with the knowledge that an offence under section 19 was to be committed on the premises	
010019-010240	Administration Chairman Hon LAU Ping-cheung	Briefing on Part 1 - Fire Hazard Abatement	
010241-010745	Chairman ALA7 Administration	Scrutiny of sections 3 to 16 (except section 7) to be deferred to the next meeting, pending a comparison table to be provided by the Administration on the differences between sections 3 to 16 and sections 9 and 9A to 9D	<ul style="list-style-type: none"> - Admin to provide a comparison table - The legal adviser to

		of Fire Services Ordinance (FSO)	advise whether sections 3 to 16 (except section 7) reflected the policy intent of sections 9 and 9A to 9D of the FSO
010746-010948	Chairman Administration Hon LI Fung-ying	Section 7 - Articles or things removed	
010949-011635	Hon LAU Ping-cheung Administration Chairman	Existing arrangements on removal of articles or things creating fire hazards	
011636-012056	Administration Chairman	Sections 17 to 20 on conveyance / stowage of parts of motor vehicles and illegal vehicle fuelling stations	
012057-012349	Administration Chairman	Section 21 - Power to obtain personal particulars Section 22 - Power to stop, board and search	Admin to consider Ms LI Fung-ying's suggestion of reviewing the drafting of Chinese version of section 22(1)
012350-012504	Hon LI Fung-ying Chairman	Comments on the drafting of Chinese version of section 22(1)	
012505-013206	Administration Chairman Hon LAU Ping-cheung	Sections 23 - Notification to Land Registrar of charges Section 24 - Publication of fact of conviction	
013207-013342	ALA7 Administration Hon LAU Ping-cheung	Clarification on the definition of premises	

013343-013524	Administration Hon LAU Ping-cheung Chairman	Section 25 - Notification to owner etc. of conviction	
013525-013710	Administration ALA7	Section 26 - Termination of tenancy	
013711-014642	Administration Chairman ALA7 Hon LAU Ping-cheung	The order made by a magistrate to terminate the tenancy did not deal with any disputes arising from the relevant tenancy agreement	
014643-014914	Administration	Sections 27-31 on the issue and implementation of a closure order	
014915-015307	Hon LI Fung-ying Administration Chairman Hon LAU Ping-cheung	Comments on the drafting of the Chinese version of section 28(a)	Admin to consider the Chairman's suggestion of reviewing the drafting of Chinese version of section 22(a)
015308-020205	Chairman Administration Hon LI Fung-ying ALA7	- Legislative timetable - Date of next meeting	The Chairman to move a motion at a Council meeting to extend the scrutiny period

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

Council Business Division 2
Legislative Council Secretariat
 30 May 2003