

**立法會**  
**Legislative Council**

Ref : CB2/SS/11/02

LC Paper No. CB(2) 2816/02-03  
(These minutes have been seen by  
the Administration)

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

**Minutes of meeting  
held on Monday, 2 June 2003 at 10:45 am  
in Conference Room B of the Legislative Council Building**

- Members present** : Hon IP Kwok-him, JP (Chairman)  
Hon LI Fung-ying, JP  
Hon LAU Ping-cheung
- Member absent** : Hon Ambrose LAU Hon-chuen, GBS, JP
- 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 Connie FUNG  
Assistant Legal Adviser 3  
  
Ms Joanne MAK  
Senior Assistant Secretary (2)2

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**I Confirmation of minutes of meeting**  
[LC Paper No. CB(2) 2272/02-03]

The minutes of the meeting on 26 May 2003 were confirmed.

**II Meeting with the Administration**  
[LC Paper Nos. CB(2) 2176/02-03(02), CB(2) 2269/02-03(01) and 2290/02-03(01) - (04)]

2. The Administration briefed members on its response to issues raised at the last meeting and took members through the paper comparing the relevant sections in the Fire Services (Fire Hazard Abatement) Regulation (the Regulation) with sections 9 and 9A to 9D repealed by the Fire Services (Amendment) Ordinance 2003.
3. The Subcommittee deliberated and completed clause-by-clause examination of the Regulation and its schedules (Index of proceedings attached at **Annex**).
4. Members had no strong views to the Administration's proposal of retaining the words "犯" in sub-paragraph 22(1) and "識別" in sub-paragraph 28(a) of the Regulation.
5. The legal adviser advised that sections 2 to 16 of the Regulation, to the extent that they sought to re-enact sections 9 and 9A to 9D of the Fire Services Ordinance (FSO), reflected the policy intent of and had the same legal effect as the above-mentioned provisions of FSO. She drew members' attention to the increase in the level of fines under sections 9, 12(1), 13(4), 14(2), 15(2) and 16(4) of the Regulation. The Chairman advised that the proposed increase in fines had been discussed and agreed to by the Bills Committee on Fire Services (Amendment) Bill 2001.
6. Principal Assistant Secretary for Security informed members that the Administration was discussing with the legal adviser some technical issues related to the Regulation, and would provide a written response in due course.

7. The Chairman said that to allow time for the Administration to provide response to the outstanding issues, and for the Subcommittee to report to the House Committee, he would move a motion at the Council meeting on 11 June 2003 to extend the scrutiny period to 2 July 2003. If members had no further queries to the Administration's response to be provided, the Subcommittee would report to the House Committee on 20 June 2003. Members agreed.

### **III Any other business**

8. Mr LAU Ping-cheung commented that it was desirable that a subcommittee appointed to scrutinise an item of subsidiary legislation should comprise members who had participated in the scrutiny of the relevant principal legislation. He requested that the matter be raised at a House Committee meeting. The Chairman said that Members were free to join any committee they wished to, but he would raise Mr LAU's suggestion when he reported on the deliberations of the Subcommittee.

9. The meeting ended at 11:55 am.

Council Business Division 2  
Legislative Council Secretariat  
10 July 2003

**Subcommittee on  
Fire Services (Fire Hazard Abatement) Regulation  
Meeting on Monday, 2 June 2003 at 10:45 am  
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject	Action Required
0001-1107	Chairman Admin Hon LAU Ping-cheung	Clause-by-clause examination of the Fire Services (Fire Hazard Abatement) Regulation - section 32 onwards and sections 2 to 16 & 21	
1108-1450	Hon LI Fung-ying Admin Chairman	Query on how the Administration would ensure that the premises which were subject to a suspension order under section 35 would no longer be used as an illegal refuelling station	
1451-2206	Hon LAU Ping-cheung Chairman Admin	The period of validity of a suspension order made under section 35(4)	
2207-2432	Admin ALA3 Chairman Hon LAU Ping-cheung	Schedules - forms for notices and orders under the Regulation	
2433-2752	Chairman Admin	<p>Administration's response to issues raised at the last meeting - [LC Paper Nos. CB(2) 2269/02-03 and CB(2) 2290/02-03]</p> <ul style="list-style-type: none"> <li>a. table comparing the relevant provisions of the Regulation and sections 9 and 9A to 9D repealed by the Fire Services (Amendment) Ordinance 2003;</li> <li>b. examples on the usage of "犯" and "識別" in other existing legislation; and</li> <li>c. draft guidance notes on the proper conveyance and stowage of motor vehicle parts.</li> </ul>	

2753-3723	Admin Chairman Hon LAU Ping-cheung ALA3 Hon LI Fung-ying	Clause-by-clause examination of the Regulation - sections 2 to 16 & 21	
3724-5309	ALA3 Chairman Admin	The levels of fines imposed under sections 9, 12(1), 13(4), 14(2), 15(2) and 16(4) of the Regulation	
5310-5448	Chairman Admin	Section 21 - empowering officers of the Fire Services Department to demand instant production of a person's proof of identity in taking enforcement actions against offences that created fire hazards	
5449-5637	ALA3 Hon LAU Ping-cheung Chairman	Legal adviser's comments on sections 2 to 16 of the Regulation	
5638-010216	Admin Hon LAU Ping-cheung Chairman	Checking and proof-reading the Regulation by the Administration before introduction into LegCo	
010217-010230	Hon LAU Ping-cheung	Membership of a subcommittee appointed to scrutinise any item of subsidiary legislation to comprise members of the Bills Committee formed to study the principal legislation	
010231-010421	Chairman Admin	Legislative timetable and date of reporting to the House Committee	<b>Admin to provide written response to technical issues raised by the legal adviser</b>

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