

立法會
Legislative Council

LC Paper No. CB(2)2080/15-16
(These minutes have been
seen by the Administration)

Ref : CB2/BC/2/15

Bills Committee on Fire Services (Amendment) Bill 2015

Minutes of the fifth meeting
held on Tuesday, 7 June 2016, at 10:45 am
in Conference Room 2B of the Legislative Council Complex

Members present : Hon Tony TSE Wai-chuen, BBS (Chairman)
Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan, JP
Hon IP Kwok-him, GBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Dr Hon Kenneth CHAN Ka-lok
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

Public Officers attending : Mr Vic YAU Cheuk-hang
Deputy Secretary for Security 2
Security Bureau

Mr Alex CHAN Yuen-tak
Principal Assistant Secretary for Security B
Security Bureau

Miss Venus TSOI Yuen-san
Assistant Secretary for Security B2
Security Bureau

Mr Shane LO Siu-hang
Assistant Director (Fire Safety)
Fire Services Department

Mr Terrance TSANG Wing-hung
Deputy Chief Fire Officer (Fire Safety)
Fire Services Department

Mr CHENG Sui-on
Senior Divisional Officer (Support)
Fire Services Department

Ms Rayne CHAI Chih-hui
Acting Senior Assistant Law Draftsman (I) 2
Department of Justice

Miss Queenie WU Chung-yi
Government Counsel
Department of Justice

Clerk in attendance : Ms Maisie LAM
Chief Council Secretary (2) 5

Staff in attendance : Ms Vanessa CHENG
Assistant Legal Adviser 5

Ms Janet SHUM
Senior Council Secretary (2) 5

Ms Louisa YU
Legislative Assistant (2) 5

Action

I. Meeting with the Administration

[LC Paper Nos. CB(2)881/15-16(01) to (02), CB(2)970/15-16(03), CB(2)1162/15-16(01), CB(2)1542/15-16(02) to (03), CB(2)1639/15-16(01) to (02) and CB(3)207/15-16]

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

Action

Continuation of clause-by-clause examination of the Bill

2. The Bills Committee completed clause-by-clause examination of the Bill.

Committee stage amendments to the Bill

3. The Bills Committee considered the draft Committee stage amendments (CSAs) to clause 5 of the Bill to be proposed by the Administration, and did not raise objection to the proposed amendments.

Legislative timetable

4. The Bills Committee noted the written submissions dated 6 June 2016 from the Buildings Department Local Building Surveyors' Association ("BDLBSA") and the Royal Institution of Chartered Surveyors ("RICS") on the implementation details of the proposed Registered Fire Engineer Scheme [LC Paper Nos. CB(2)1669/15-16(01) and (02)], and that BDLBSA would provide the Bills Committee with its further views in this regard in a couple of days. The Administration was requested to provide a consolidated response to the views and concerns raised by BDLBSA and RICS after the meeting.

Admin

5. Members agreed to the Chairman's suggestion that the Bills Committee would hold no further meeting if members raised no other issue for discussion after considering the written response to be provided by the Administration as referred to in paragraph 4 above. Members further agreed that the Bills Committee would report its deliberations to the House Committee at its meeting on 17 June 2016. The Bills Committee noted the Administration's intention to resume the Second Reading debate on the Bill at the Council meeting of 29 June 2016 and no members raised objection. Members noted that the deadline for giving notice of moving CSAs to the Bill, if any, was 20 June 2016.

[*Post-meeting note:* The further submission from BDLBSA and the Administration's consolidated response were respectively circulated vide LC Paper No. CB(2)1699/15-16(02) on 8 June 2016 and LC Paper No. CB(2)1715/15-16(01) on 10 June 2016 for members' consideration. As no request had been received from members for holding a meeting to discuss the Administration's response and/or the issues of concern raised by the relevant stakeholders in their submissions, members were informed vide LC Paper No. CB(2)1732/15-16 on 13 June 2016 that the Bills Committee had completed scrutiny of the Bill and would hold no further meeting.]

Action

II. Any other business

6. There being no other business, the meeting ended at 11:36 am.

Council Business Division 2
Legislative Council Secretariat
27 September 2016

**Proceedings of the fifth meeting of
the Bills Committee on Fire Services (Amendment) Bill 2015
held on Tuesday, 7 June 2016, at 10:45 am
in Conference Room 2B of the Legislative Council Complex**

| Time marker | Speaker | Subject(s)/Discussion | Action required |
|---|------------------------------------|---|-----------------|
| <i>Agenda item I: Meeting with the Administration</i> | | | |
| 000244 - 000517 | Chairman | Opening remarks | |
| 000518 - 000845 | Chairman Admin | Briefing by the Administration on its written response to the issues raised at the meeting on 24 May 2016 [LC Paper No. CB(2)1639/15-16(01)]; and the Administration's verbal response to the two submissions dated 6 June 2016 from the Buildings Department Local Building Surveyors' Association and the Royal Institution of Chartered Surveyors respectively [LC Paper Nos. CB(2)1669/15-16(01) and (02)]. | |
| 000846 - 001043 | Chairman Mr James TO | <p>Mr James TO's remark that having taken into account that the relevant stakeholders no longer held strong view against the use of the name "registered fire engineer" ("RFE") to name the professionals qualified to provide the fire safety risk assessment and certification services, he would not propose any Committee stage amendments ("CSAs") to the Bill in this regard. That said, he remained of the view that a more neutral name should be adopted to provide clarity to members of the public that the qualified persons included professionals possessing different qualifications.</p> <p>The Chairman's remark that to his understanding, the reason why some relevant stakeholders decided not to further pursue their earlier proposals in this regard was to enable the taking forward of the Bill.</p> | |
| 001044 - 001614 | Chairman Mr WU Chi-wai Admin | <p>Mr WU Chi-wai's remark that while he did not have particular views on the Bill, he was concerned about whether, and if so, how the proposed RFE Scheme would be taken forward to cover also the fire safety improvement works in composite buildings and domestic buildings for compliance with the requirements set out in Schedule 2 of the Fire Safety (Buildings) Ordinance ("the Ordinance") (Cap. 572). He enquired whether the Ordinance should be amended in this regard. He pointed out that the insufficient supply of pool of authorized persons in the market had resulted in high level of charges in this regard.</p> <p>The Administration's advice that as a prudent start, the proposed RFE Scheme would first be implemented in the licensing process for the premises ("prescribed premises") to be listed out in a new regulation to be made by the Chief Executive in Council under the Fire Services Ordinance (Cap. 95) ("the new regulation") after the passage of the Bill. It would conduct a review to assess the effectiveness of the Scheme after running it for about two years, and consider whether and to what extent the Scheme should be extended to other areas. Legislative</p> | |

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| | | <p>amendments would be required if, after the review, it was considered appropriate for the Scheme to be extended to cover the certification of alteration and addition works of fire service installations and equipment in buildings and certification of fire safety upgrading works of buildings.</p> | |
| 001615 - 002042 | <p>Chairman Ir Dr LO Wai-kwok Admin</p> | <p>Ir Dr LO Wai-kwok's expression of appreciation of the efforts made by the Administration in working out the proposal on the three types of persons that might apply to be registered as RFEs, which was conducive to forging a consensus among the relevant stakeholders to take forward the proposed RFE Scheme which would offer an additional option for licence applicants of the prescribed premises by leveraging qualified persons in the market for the provision of the fire safety risk assessment and certification services.</p> <p>The Chairman's request for the Administration to provide a consolidated written response to the views and concerns of the relevant stakeholders on the implementation details of the proposed RFE Scheme as set out in their latest submissions to the Bills Committee. In response to the Chairman's enquiry, the Administration's assurance members that it would fully consult the relevant professional bodies and stakeholders on the detailed proposals on the implementation of the proposed RFE Scheme and regulation of RFEs to be set out in the new regulation after the passage of the Bill.</p> | <p>Admin</p> |
| 002043 - 002446 | <p>Chairman Ms Cyd HO Dr CHIANG Lai-wan Admin</p> | <p>Ms Cyd HO's expression of support to the proposed RFE Scheme which would help shortening the time required for fire risk assessment and certification as required of in the licensing process of the prescribed premises.</p> <p>Ms Cyd HO's view that while it would take time for the proposed RFE Scheme to be extended to cover fire safety works in domestic buildings in the future, the Administration should expeditiously work out a mechanism to ensure that the fire safety improvement works which involved alternation or additional works involving the building structure for compliance with the requirements set out in Schedule 2 of the Ordinance would not be regarded as contravening the relevant requirements of the Buildings Department. The Fire Services Department ("FSD") should accept alternative measures in place of any of these requirements as far as possible.</p> <p>Dr CHIANG Lai-wan's concern about the difficulty encountered by owners of some old domestic buildings, in particular those buildings without owners' corporations, residents' organizations or property management companies, in complying with the fire safety requirements under the Ordinance.</p> <p>Citing FSD's acceptance of smaller-scale fire service water tanks and improvised hose reel systems as an example, the Administration's assurance that efforts had been and would continuously be made by FSD in adopting a flexible and pragmatic approach when handling individual cases with a view</p> | |

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| | | to assisting the owners in complying with requirements of the Ordinance. | |
| 002447 - 002729 | Chairman Dr CHIANG Lai-wan | Dr CHIANG Lai-wan's expression of support for the Bill; and her view that the Administration should put in place measures to monitor the quality of work and professional conduct of, as well as the fees to be charged by, RFEs. Upon the implementation of the proposed RFE Scheme, the Administration should report to LegCo the overall performance of the RFEs on a regular basis. | |
| 002730 - 004139 | Chairman Mr WU Chi-wai Admin | <p>In response to Mr WU Chi-wai's enquiry, the Administration's advice that it would commence the drafting of the new regulation to provide for the implementation details of the proposed RFE Scheme soonest after the passage of the Bill. The timing for introducing the new regulation for scrutiny by LegCo would depend on the time required for consulting the professional bodies and the relevant stakeholders on the details of the regulatory framework. The proposed RFE Scheme would be rolled out after the passage of the new regulation.</p> <p>Mr WU Chi-wai's view that if the proposed RFE Scheme would be extended to cover fire safety works in domestic buildings in the future, the Administration should consider allowing RFEs to, without compromising fire safety, decide the most appropriate fire improvement works (including the alternative measures in place of any requirements in Schedule 2 to the Ordinance) for old domestic buildings. At present, the enforcement authority would only consider accepting other measures in place of any of the requirements in Schedule 2 to the Ordinance if it was of the opinion that it would not be reasonable for the owners to comply with such requirements, having regard to the structural integrity of the building and the technology available to comply with such requirements.</p> <p>The Administration's advice that notwithstanding the publication of a 1998 edition of the Code of Practice for Minimum Fire Service Installations and Equipment, owners of the target buildings were only required under Schedules 1 and 2 to the Ordinance (which came into operation in 2007) to comply with the Code of Practice for Minimum Fire Service Installations and Equipment 1994. It was necessary to enforce these minimum requirements of fire safety measures. The enforcement authorities would, without compromising basic fire safety, enforce certain requirements with reasonable flexibility or consider accepting the alternative proposals put forward by the owners, having regard to the actual circumstances of individual cases. A case in point was the pilot scheme to allow owners in selected old buildings of three storeys or less to install improvised hose reel systems with water directly fed from government town mains.</p> | |
| 004140 - 004308 | Chairman | Continuation of clause-by-clause examination of the Bill | |
| 004309 - 004519 | Chairman Admin | <u>Examination of clauses 19 and 20</u> | |

| Time marker | Speaker | Subject(s)/Discussion | Action required |
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| 004520 - 004812 | Chairman Admin | Briefing by the Administration on its proposed draft CSAs [LC Paper No. CB(2)1639/15-16(02)]. | |
| 004813 - 005226 | Chairman Admin | Legislative timetable Way forward | |
| <i>Agenda item II: Any other business</i> | | | |
| 005227 - 005240 | Chairman | Closing remarks | |

Council Business Division 2
Legislative Council Secretariat
27 September 2016