

立法會
Legislative Council

LC Paper No. CB(2)915/16-17

(These minutes have been
seen by the Administration)

Ref : CB2/BC/2/16

Bills Committee on Fire Services (Amendment) Bill 2016

**Minutes of the second meeting
held on Tuesday, 24 January 2017, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Ir Dr Hon LO Wai-kwok, SBS, MH, JP (Chairman)
Hon James TO Kun-sun
Hon WONG Ting-kwong, SBS, JP
Hon Frankie YICK Chi-ming, JP
Dr Hon Elizabeth QUAT, JP
Hon Alvin YEUNG
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon YIU Chung-yim

Members absent : Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon YIU Si-wing, BBS
Hon CHAN Han-pan, JP
Hon CHAN Chun-ying

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

Miss Venus TSOI Yuen-san
Acting Principal Assistant Secretary for Security B
Security Bureau

Mr Terrance TSANG Wing-hung
Assistant Director (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

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

Miss Maggie CHIU
Legislative Assistant (2) 5

Action

I. Meeting with the Administration

[File Ref.: SBCR 1/2361/14, LC Paper Nos. LS13/16-17, CB(2)1817/15-16, CB(2)457/16-17(02) to (03), CB(2)464/16-17(01), CB(2)643/16-17(01) to (08), CB(2)656/16-17(01) to (03) and CB(3)137/16-17]

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

2. Members noted the Administration's respective written response to issues raised at the meeting on 20 December 2016 and issues raised in the written submissions [LC Paper Nos. CB(2)656/16-17(02) and (03)].

Committee stage amendments ("CSAs") to the Bill

3. Members agreed that the Administration should move CSAs to amend the proposed new regulation 7(4) and the existing 10(1) of the Fire

Action

Service (Installations and Equipment) Regulations (Cap. 95B) along the line set out in paragraphs 7 and 8 of LC Paper No. CB(2)656/16-17(02).

Admin

4. The Bills Committee requested the Administration to provide the above draft CSAs to the Secretariat after the meeting for circulation to members for consideration. Members agreed that there would be no need to hold another meeting to discuss the draft CSAs unless warranted.

Legislative timetable

5. Members agreed that subject to the draft CSAs to be provided by the Administration under paragraph 3 above, the Bills Committee would report its deliberations to the House Committee at its meeting on 10 February 2017.

6. The Bills Committee noted the Administration's intention to resume the Second Reading debate on the Bill at the Council meeting of 1 March 2017 and no members raised objection. Members noted that the deadline for giving notice of moving CSAs to the Bill, if any, was 20 February 2017.

II. Any other business

7. There being no other business, the meeting ended at 11:31 am.

Council Business Division 2
Legislative Council Secretariat
2 March 2017

**Proceedings of the second meeting of
the Bills Committee on Fire Services (Amendment) Bill 2016
held on Tuesday, 24 January 2017, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

| Time marker | Speaker | Subject(s)/Discussion | Action required |
|---|---------------------------------------|--|------------------------|
| <i>Agenda item I: Meeting with the Administration</i> | | | |
| 000321 - 000513 | Chairman | Opening remarks | |
| 000514 - 001201 | Chairman Admin | Briefing by the Administration on its written response to the issues raised at the meeting on 20 December 2016 [LC Paper No. CB(2)656/16-17(02)]. | |
| 001202 - 001305 | Chairman Admin ALA5 | The Administration affirmed that in response to members' concerns, it would move Committee stage amendments ("CSAs") to amend the proposed new regulation 7(4) and the existing regulation 10(1) of the Fire Service (Installations and Equipment) Regulations (Cap. 95B). | |
| 001306 - 001529 | Chairman Admin ALA5 | <p>The Legal Adviser to the Bills Committee's remark that in line with the addition of the words "or for" in the proposed new regulation 7(3) and (4) of the Fire Service (Installations and Equipment) Regulations as compared to the Fire Services (Amendment) Bill 2015, regulations 6, 7, 8, and 9 of the Fire Service (Installations and Equipment) Regulations which also touch upon fire service installation or equipment installed or to be installed in the premises should be similarly amended following the holistic review being conducted by the Administration of the responsibilities of registered fire service installation contractors and owners of fire service installations and equipment.</p> <p>The Legal Adviser to the Bills Committee further pointed out that any corresponding amendments to be made to other provisions including regulations 6, 7, 8 and 9 of the Fire Service (Installations and Equipment) Regulations due to the proposed addition of the words "or for" might have read across implications on the new regulations to be made under the proposed new paragraph (ge) in section 25(1)(g) of the Fire Services Ordinance (Cap. 95) in relation to the duties of registered fire engineers ("RFEs") concerning fire safety requirements, and certification on compliance with fire safety requirements, for premises prescribed by regulations. The Administration was advised to take note of this when preparing and drafting the new regulations to be made for the implementation of the RFE Scheme.</p> <p>The Administration took note of the view of the Legal Adviser to the Bills Committee, and elaborated its response in this regard as set out in paragraph 5 of LC Paper No. CB(2)656/16-17(02).</p> | |
| 001530 - 001932 | Chairman Dr YIU Chung-yim Admin | In response to Mr YIU Chung-yim's enquiry, the Administration affirmed that a registered fire engineer (fire service installation) could, under the proposed new regulation 7(3) of the Fire Service | |

| Time marker | Speaker | Subject(s)/Discussion | Action required |
|---|---------------------------------------|--|-----------------|
| | | (Installations and Equipment) Regulations, inspect and test any fire service installation or equipment, for instance a fire services tank, which was originally not installed for a prescribed premises but was later connected to a fire service installation or equipment installed in or for the prescribed premises, as this fire services tank had become part of the fire service installation installed for that premises. | |
| 001933 - 002000 | Chairman Admin | The Administration's undertaking to provide the draft CSAs to amend the proposed regulation 7(4) and the existing 10(1) of the Fire Service (Installations and Equipment) Regulations after the meeting for onward circulation to members. | Admin |
| 002001 - 002555 | Chairman Admin | Briefing by the Administration on its response to issues raised in the written submissions to the Bills Committee [LC Paper No. CB(2)656/16-17(03)]. | |
| 002556 - 002702 | Chairman | The Chairman's remark that matters of details of the proposed RFE Scheme and regulation of RFEs would be set out in the new regulation to be made under the Fire Services Ordinance after the passage of the Bill. | |
| 002703 - 004306 | Chairman Dr YIU Chung-yim Admin | <p>Noting that persons from different backgrounds (provided that they had the relevant and sufficient academic and professional training and working experience) could enter the trade, Dr YIU Chung-yim was concerned about those cases of misconduct or neglect in a professional respect whereby the RFE concerned was not a member of any self-regulatory professional bodies (for instance the Hong Kong Institution of Engineers and the Hong Kong Institute of Surveyors) and would not be subject to the disciplinary actions imposed on the respective professions.</p> <p>The Administration's advice that its preliminary proposal was that a disciplinary board panel would be formed for inquiring into and dealing with cases in which an RFE was suspected to have failed to discharge the duties properly. Apart from disciplinary offences, RFEs might be subject to criminal liability if, among other things, an RFE had issued a fire safety certificate that was false or misleading. Separately, any person who was affected by the misconduct of an RFE might instigate legal action against the RFE concerned and claim civil liability.</p> | |
| 004307 - 004656 | Chairman Admin | Way forward Legislative timetable | |
| <i>Agenda item II: Any other business</i> | | | |
| 004657 - 004730 | Chairman | Closing remarks | |