

Fire Safety (Buildings) Bill

Administration's response to issues raised by the Bills Committee at its meeting on 23.11.2001 (part 1)

To include member of the public in the advisory committee mentioned in clause 5(10) of the Bill.

We have critically reviewed the proposal for the setting up of the advisory committee in the light of members' comments. A revised proposal is now provided at Annex A for members' reference.

To make it compulsory that fire safety improvement works required of the owners or occupiers under the Bill be supervised and certified by registered professional engineers (building services).

2. The issue was first raised at the Bills Committee meeting on 25 April 2001. The Administration's response was subsequently issued vide LC Paper No. CB(2)1656/00-01(01) for the meeting of 28 May 2001. We explained, among other things, the requirement in the Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg.) regarding the carrying out of all statutory fire services installation works by registered contractors, a review of the registration scheme of such contractors under the Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg.) being conducted by the Fire Services Department, and the initial proposal for recognition of the qualification of Registered Professional Engineers (Building Services) in appropriate classes of registered contractors. Supplementary and updated information is provided in the following paragraphs.

3. The working group undertaking the review comprises representatives of professional bodies, associations/unions of related trades and relevant government departments, including a representative of the Hong Kong Institution of Engineers coming from its Building Services Division. One concrete recommendation coming out of the review is that the qualification of Registered Professional Engineers (Building Services) will satisfy the registration requirements of all future classes of registered contractors, with the exception of the class concerning portable equipment.

4. As regards certification, regulation 9 of the Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg.) requires that a certificate must be issued by the registered contractor within 14 days after completion of the installation, maintenance, repair or inspection works undertaken by him and the certificate must be signed by a person authorised to do so under regulation 3A of the Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg.). A copy of the two regulations is at Annex B.

5. The working group is now proceeding to review the Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg.) and the Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg.) to strengthen the legal framework on the registration and regulation of fire service installation contractors. This stage of the review will cover the certification system and necessary proposals to revise the two sets of Regulations to give effect to the review recommendations. The engineering profession will continue to be properly consulted during the exercise via the representative of the Hong Kong Institution of Engineers.

6. In summary, the control on the types of persons who may undertake or certify fire services installation works to be required by the Bill is already provided for in the subsidiary legislation of the Fire Services Ordinance (Cap.95) which is now under review. It is beyond the scope of the current Bill to prescribe the control.

To make reference to an arrangement under consideration by the Buildings Department whereby orders issued by the Director of Buildings for the purpose of timely maintenance would no longer be made to the Owners' Corporations but to individual owners and that the Director of Buildings could place a legal charge registrable against the title with the Land Registry of those owners who refused or failed to pay their shares of the costs incurred in upgrading the fire safety standards in the common parts of the buildings, and to incorporate it in the Bill as far as practicable.

7. Please see "Information requested by the Bills Committee at the meeting held on 12.10.2001 (Part 2)".

Security Bureau
December 2001

**Information Paper on the Proposed Advisory Committee
under the Fire Safety (Buildings) Bill**

1. Terms of Reference

To advise the Director of Fire Services and Director of Buildings on the following:

- technical issues regarding the building fire safety upgrading works;
- costing issues;
- alternative fire safety measures either proposed by the owners themselves or the Committee;
- minimum level of building fire safety upgrading works to meet the mandatory requirements; and
- structural integrity of the building or part of the building as affected by fire safety upgrading works proposed.

2. Composition

Chairperson : Chief Fire Officer (Fire Safety)

Official Members : Two representatives from Fire Services Department
- Building Improvement & Support Division
- Fire Services Installation Task Force

A representative from Buildings Department
- Fire Safety Section

Non-official Members : A representative from the Hong Kong Institution of Engineers, Building Services Division

A representative from the Association of Registered Fire Services Installation Contractors of Hong Kong

A representative from one of the tertiary institutions whose major field of research is in building safety/fire engineering

Three members of public with an interest in building fire safety and building management, one from each of the Hong Kong, Kowloon and New Territories Regions (to be recommended by Director of Home Affairs)

Secretary : Executive Officer (Fire Safety)

Annex B

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[Previous section of enactment](#) [Next section of enactment](#) [Switch language](#) [Back to the List of Laws](#)

Section of Enactment

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Chapter:	95B	Title:	FIRE SERVICE (INSTALLATIONS AND EQUIPMENT) REGULATIONS	
Regulation:	9	Heading:	Issue of certificates by registered contractors	Version Date: 30/06/1997

(1) Whenever a registered contractor installs, maintains, repairs or inspects any fire service installation or equipment in any premises, he shall within 14 days after completion of the work issue to the person on whose instructions the work was undertaken a certificate and forward a copy thereof to the Director.

(2) A certificate issued under paragraph (1) shall state-

- (a) the address of the premises in which the work was carried out;
- (b) a description of the fire service installation or equipment concerned ;
- (ba) the date of the completion of the work; (L.N. 269 of 1978)
- (c) the nature of the work carried out; and
- (d) whether or not the fire service installation or equipment is in efficient working order.

(2A) A certificate issued under paragraph (1) shall be signed by the person authorized to do so under regulation 3A of the Fire Service (Installation Contractors) Regulations (Cap 95 sub. leg.) and any person who signs a certificate which is false or misleading in any material particular commits an offence and is liable on conviction to a fine of \$5000. (L.N. 269 of 1978; L.N. 191 of 1981)

(3) Any registered contractor who-

- (a) contravenes paragraph (1); or
- (b) issues or forwards a certificate thereunder, or a copy thereof, which is false or misleading in a material particular, commits an offence and is liable on conviction to a fine of \$5000.

Provided that where the certificate was signed by a person other than the registered contractor, the registered contractor shall not be convicted of an offence under sub-paragraph (b) if he proves that he exercised all due diligence to prevent the commission of the offence. (L.N. 269 of 1978; L.N. 191 of 1981)

[Previous section of enactment](#) [Next section of enactment](#) [Switch language](#) [Back to the List of Laws](#)

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[Previous section of enactment](#) [Next section of enactment](#) [Switch language](#) [Back to the List of Laws](#)

Section of Enactment

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Chapter: 95A Title: FIRE SERVICE (INSTALLATION CONTRACTORS) REGULATIONS Gazette Number:
Regulation: 3A Heading: Persons authorized to sign certificates issued under the Fire Service (Installations and Equipment) Regulations Version Date: 30/06/1997

- (1) Persons authorized to sign a certificate issued under regulation 9 of the Fire Service (Installations and Equipment) Regulations (Cap 95 sub. leg.) shall be-
- (a) in the case of a company which is a registered contractor such director, employee or other officer of such company as the company may appoint;
 - (b) in the case of a firm which is a registered contractor-
 - (i) one of the partners thereof; or
 - (ii) an employee or partner authorized by the firm to sign certificates when the partner responsible for signing under sub-sub-paragraph (i) is for any reason unable to sign; and
 - (c) in any other case, the registered contractor.
- (2) The registered contractor shall within 14 days of registration notify the Director in writing of the names, status and specimen signatures of persons authorized to sign certificates under paragraph (1).

(L.N. 263 of 1986)

[Previous section of enactment](#) [Next section of enactment](#) [Switch language](#) [Back to the List of Laws](#)