

# 立法會

## *Legislative Council*

LC Paper No. CB(2)110/16-17(03)

Ref : CB2/PL/SE

### **Panel on Security**

#### **Information note prepared by the Legislative Council Secretariat for the meeting on 11 November 2016**

#### **Registered Fire Engineer Scheme**

At present, a person who intends to run certain types of premises has to obtain a certificate or letter issued by the Director of Fire Services ("DFS"), certifying that the premises concerned have complied with all relevant fire safety requirements and will not expose persons therein to any undue risk of fire, before the applicant can be issued a licence, a permit, a certificate of compliance or a certificate of registration by the regulatory authorities concerned.<sup>1</sup> DFS is currently the only party vested with the statutory authority to issue fire safety certification for buildings or premises. The Fire Services Ordinance (Cap. 95) ("the principal Ordinance") and its subsidiary legislation do not provide for persons other than DFS to perform fire safety risk assessment and certification required for the licensing process.

2. Before issuing the certificate or letter, the Fire Services Department ("FSD") officers will inspect the premises to assess the fire risk. According to the fire risk assessment result, FSD officers will issue a set of fire safety requirements to the licence applicant, stipulating the fire safety works required (e.g. provision of fire service installations and equipment and ventilating systems). The licence applicant will then engage a registered fire service installation contractor, other contractors or workers to carry out the required works. Upon notification by the licence applicant that the required fire safety works have been completed, FSD officers will conduct compliance inspection. If the requirements have been complied with, FSD will issue a certificate or

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<sup>1</sup> Those premises requiring a licence or permit to operate include general restaurants, factory canteens, funeral parlours, cinemas, theatres, karaoke establishments, hotels, guesthouses, places of public entertainment, etc. A club-house requires a certificate of compliance to operate, whereas schools needs a certificate of registration.

letter to the licence applicant, with which the licence applicant can submit to the relevant regulatory authority for obtaining the relevant licence.

3. The Efficiency Unit conducted a Departmental Business Study for FSD in 2004 with a view to enhancing FSD's business-friendliness. The Efficiency Unit recommended FSD to reduce its involvement in day-to-day inspection and certification by devolving the responsibility of fire safety certification to the industry. FSD conducted two rounds of trade consultations in 2007 and 2011 respectively to gauge the views from the stakeholders on the proposal to implement a scheme so that qualified persons in the private market might also provide the fire safety risk assessment and certification services. To better assess the business impact of the proposed scheme on various stakeholders, a Business Impact Assessment study was conducted from mid-2012 to mid-2013. According to the Administration, the majority of the stakeholders expressed support for the introduction of the proposed scheme.

4. The Administration introduced the Fire Services (Amendment) Bill 2015 ("the Bill") into the Legislative Council ("LegCo") on 16 December 2015 and a Bills Committee was formed to scrutinize the Bill. The Bill seeks to expand the scope of the principal Ordinance to provide for RFEs and a scheme for fire safety risk assessment and certification on compliance with fire safety requirements by RFEs for certain premises; empower the Chief Executive in Council ("the CE in Council") to make regulations for the RFE Scheme and for regulating RFEs; and make related, consequential and other minor amendments.

5. The Bills Committee on Fire Services (Amendment) Bill 2015 completed scrutiny of the Bill in June 2016 and raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 29 June 2016.<sup>2</sup> However, owing to other pressing business LegCo had to transact, the Bill did not resume Second Reading debate and lapsed upon the prorogation of the Fifth LegCo on 16 July 2016.

6. Members may wish to note that the Fire Services (Amendment) Bill has been included in the Administration's 2016-2017 Legislative Programme.

Council Business Division 2  
Legislative Council Secretariat  
8 November 2016

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<sup>2</sup> The deliberations of the Bills Committee are detailed in its report (LC Paper No. CB(2)1791/15-16), which is available at the LegCo website at <http://www.legco.gov.hk/yr15-16/english/hc/papers/hc20160617cb2-1791-e.pdf>.