

**For discussion
on 4 July 2017**

Legislative Council Panel on Security

**Proposed Implementation Details of
the Registered Fire Engineer Scheme**

PURPOSE

This paper seeks Members' views on the proposed implementation details of the Registered Fire Engineer ("RFE") Scheme.

BACKGROUND

2. To facilitate business operation and make good use of professional and qualified human resources in the market, the Fire Services Department ("FSD") proposes to introduce the RFE Scheme. Under the Scheme, RFEs will be allowed to provide fire safety risk assessment and certification services for applicants for licences of certain premises, which are currently only offered by FSD. This will provide greater flexibility to these applicants.

3. The Scheme requires legislative backing. The Fire Services (Amendment) Ordinance 2017 was enacted by the Legislative Council ("LegCo") in March 2017 to provide a basis for the making of subsidiary legislation for the Scheme ("the New Regulations"). Our plan is to set out the implementation details in the New Regulations. The New Regulations will be subject to positive vetting by LegCo¹.

4. Regulation over RFEs will be enforced at several different levels. First, a rigorous set of qualification and experience requirements will be put in place to ensure that only those who fully qualify may enter the trade. Second, FSD will issue codes of practice and guidelines to the RFEs to guide the latter's performance of duties, and will require strict compliance. Third, to ensure that consistent fire safety standards will be applied, FSD will require that fire safety requirements formulated by an RFE must be endorsed by the FSD before they are issued to the licence applicants. In

¹ With the exception of the provisions in relation to the fees for registration of RFEs, which will be subject to negative vetting.

addition, to ensure the quality of certification work of the RFEs, FSD will conduct audit inspections of at least 70% of the certification completed at the initial stage of implementation of the Scheme. Finally, a disciplinary mechanism will be set up to deal with cases in which an RFE is suspected to have failed to discharge his/her duties properly. Such principles of the regulatory regime were supported by the Bills Committee when the Fire Services (Amendment) Bill was discussed.

IMPLEMENTATION DETAILS

(I) Applicable Premises

5. Initially, the Scheme will apply to the premises listed at **Annex**, which include all premises requiring a licence or its equivalent to operate and for which FSD has been providing fire safety risk assessment and certification services during the licensing process². They are referred to hereafter as “licensed premises”.

(II) Classes and Duties of RFEs

6. RFEs will be categorised into three classes in view of the different natures of duties they will be performing and the different professional skills required –

- (i) **RFE(Risk Assessment) (“RFE(RA)”)** who may conduct fire safety risk assessments and formulate fire safety requirements for licensed premises;
- (ii) **RFE(Fire Service Installation) (“RFE(FSI)”)** who may conduct compliance inspections of the fire safety requirements (except those relating to ventilating systems) in licensed premises and issue fire safety certificates upon confirmation of compliance; and
- (iii) **RFE(Ventilating System) (“RFE(VentS)”)** who may conduct

² The list of applicable premises does not include dangerous goods stores and timber stores as these premises have higher potential fire risks. It also does not include private columbaria and e-waste disposal facilities, as the licensing schemes for these facilities are newly established and FSD considers it prudent for it to be the only authority to perform the risk assessment and compliance certification services. The list of applicable premises will be reviewed after the Scheme comes into operation for two years.

compliance inspections of the fire safety requirements relating to ventilating systems in licensed premises and issue fire safety certificates upon confirmation of compliance.

7. A person may apply to be registered as one or more classes of RFE. To prevent conflict of interest, if an RFE provides certification services for fire service installations or ventilating systems for certain licensed premises (i.e. in his/her capacity as RFE(FSI) or RFE(VentS)), he/she must not be the proprietor, shareholder, director, partner or employee of the contractor responsible for the related works. An RFE must also provide a positive declaration of no conflict of interest on each occasion of certification.

(III) Eligibility Criteria

8. An RFE is expected to possess the relevant professional qualifications, academic qualifications and/or work experience in order for him/her to discharge the duties competently. An applicant may seek registration as an RFE through one of the following routes –

- (i) he/she is a Registered Professional Engineer (“RPE”) under the Engineers Registration Ordinance (Cap. 409)³ in a discipline relevant to fire safety risk assessment or compliance checks of fire service installations or ventilating systems. He/she should possess at least one year’s relevant working experience;
- (ii) he/she holds a bachelor’s or higher degree relevant to the duties of the three RFE classes (e.g. degrees in fire engineering, structural engineering, civil engineering, building services engineering, building surveying). He/she also needs to have completed courses relating to the class of RFE he/she applies for (such as fire science, fire protection systems, fire safety legislation) during the course of his/her degree programme or through recognised top-up courses. He/she should possess at least six years’ relevant working experience; or
- (iii) he/she is a practitioner with at least 15 years’ relevant working experience and has completed the recognised top-up courses as mentioned in paragraph 8(ii).

³ Generally speaking, it takes about five years of training and practice for an engineering bachelor’s degree holder to become eligible for registration as an RPE under the Engineers Registration Ordinance.

(IV) Registration Mechanism

9. A Registration Committee will be set up to advise the Director of Fire Services (“DFS”) on the operation of the Scheme and the detailed qualification criteria for registration of RFEs (for instance the top-up courses that would be recognised for the purpose of registration as RFEs). A person should submit an application for registration to FSD. If the applicant meets the basic eligibility criteria, the application will be referred to an Interview Board, which will conduct a professional interview with the applicant. Based on the interview result, the Interview Board will make a recommendation to DFS as to whether to register the applicant. Each registration of an RFE will be valid for up to five years and is renewable. Members of the Registration Committee and Interview Boards will be appointed by DFS, and composed of FSD officers and members of the relevant professional bodies and the academia as appropriate.

(V) Issue of Codes of Practice and Guidelines

10. DFS will be empowered to issue codes of practice and guidelines to the RFEs in order to provide practical guidance on fire safety risk assessment, as well as inspection and certification of fire service installations and equipment and ventilating systems. On the other hand, rules of conduct to be observed by RFEs and acts that could be subject to disciplinary offences will also be listed in the codes. RFEs are required to comply with the codes and guidelines.

(VI) Disciplinary Mechanism

11. The proposed disciplinary offences applicable to RFEs include –

- (i) committing misconduct or neglect in any professional respect;
- (ii) failing to discharge the duties or abide by the requirements under the New Regulations;
- (iii) as an RFE(FSI) or RFE(VentS), deviating from the fire safety requirements issued by FSD or an RFE(RA) when certifying compliance for any licensed premises;
- (iv) failing to notify DFS, without reasonable excuse, within a specified period after a change in his/her professional qualification that affects his/her fulfilling the requirements for registration;
- (v) obtaining registration or renewal of registration by fraud or misrepresentation; or

- (vi) committing a criminal offence under the New Regulations.

Disciplinary Boards will be set up to inquire into and deal with cases in which an RFE is suspected to have failed to discharge his/her duties properly. If a disciplinary offence against an RFE is established, the Disciplinary Board may order the RFE to be reprimanded, fined or de-registered temporarily or permanently. Appeal Boards will be established to handle appeals.

(VII) Criminal Liability

12. The proposed criminal offences applicable to RFEs include –

- (i) failing to send DFS a copy of the certificate he/she issued within a specified period from the issue date, which would make DFS unable to conduct audit inspection before the premises come into operation;
- (ii) issuing a fire safety certificate that is false or misleading;
- (iii) carrying out a duty that is not within the scope of duties of the class for which he/she is registered;
- (iv) issuing a false declaration of no conflict of interest as mentioned in paragraph 7 above; or
- (v) failing to give evidence and produce any document or information to the Disciplinary Board or the Appeal Board for the purpose of hearing a complaint made under the New Regulations.

13. Any person who performs the duties of an RFE without registration, or when his/her registration is suspended, will also commit a criminal offence.

(VIII) Registration Fees

14. The registration fees for RFEs will be formulated in accordance with the established “cost-recovery” and “user pays” principles.

FSD to maintain its current services

15. As previously reported to this Panel and the relevant Bills Committee, the purpose of introducing the RFE Scheme is to offer an additional option for the licence applicants with a view to facilitating business operation. In other words, licence applicants may still choose FSD to provide fire safety

risk assessment and certification services.

NEXT STEPS AND VIEWS SOUGHT

16. We will consult the relevant professional bodies and members of the relevant trades in the coming months on the proposed implementation details. We propose to make the New Regulations available for the positive vetting of LegCo in the first half of 2018.

17. Members are invited to comment on the proposed implementation details of the Scheme.

Security Bureau
Fire Services Department
June 2017

Licensed Premises to be covered under the RFE Scheme

	Ordinance / Regulation	Types of premises	Authority
1.	Miscellaneous Licences Regulations (Cap. 114A)	<ul style="list-style-type: none"> ● Public dance hall ● Dancing school 	<ul style="list-style-type: none"> ● Public officer appointed by the Secretary for Home Affairs
2.	Food Business Regulation (Cap. 132X)	<ul style="list-style-type: none"> ● General restaurant ● Light refreshment restaurant ● Factory canteen ● Bakery ● Food factory ● Composite food shop 	<ul style="list-style-type: none"> ● Director of Food and Environmental Hygiene
3.	Places of Amusement Regulation (Cap. 132BA)	<ul style="list-style-type: none"> ● Billiard centre ● Bowling centre ● Public skating rink 	<ul style="list-style-type: none"> ● Director of Leisure and Cultural Services
4.	Places of Public Entertainment Regulations (Cap. 172A)	<ul style="list-style-type: none"> ● Cinema ● Theatre ● Place of public entertainment (other than a cinema or theatre) 	<ul style="list-style-type: none"> ● Secretary for Home Affairs or any public officer authorised by him
5.	Education Ordinance (Cap. 279)	<ul style="list-style-type: none"> ● School 	<ul style="list-style-type: none"> ● Permanent Secretary for Education
6.	Non-local Higher and Professional Education (Regulation) Rules (Cap.493B)	<ul style="list-style-type: none"> ● Premises for conducting registered courses or exempted courses 	<ul style="list-style-type: none"> ● Registrar of Non-local Higher and Professional Education Courses
7.	Dutiable Commodities (Liquor) Regulations (Cap. 109B)	<ul style="list-style-type: none"> ● Premises for the sale and consumption of intoxicating liquor 	<ul style="list-style-type: none"> ● Liquor Licensing Board
8.	Funeral Parlours Regulation (Cap. 132AD)	<ul style="list-style-type: none"> ● Funeral parlour 	<ul style="list-style-type: none"> ● Director of Food and Environmental Hygiene
9.	Child Care Services Ordinance (Cap. 243)	<ul style="list-style-type: none"> ● Child care centre 	<ul style="list-style-type: none"> ● Director of Social Welfare
10.	Massage Establishments Ordinance (Cap. 266)	<ul style="list-style-type: none"> ● Massage establishment 	<ul style="list-style-type: none"> ● Commissioner of Police

	Ordinance / Regulation	Types of premises	Authority
11.	Hotel and Guesthouse Accommodation Ordinance (Cap. 349)	<ul style="list-style-type: none"> • Hotel • Guesthouse 	<ul style="list-style-type: none"> • Hotel and Guesthouse Accommodation Authority
12.	Clubs (Safety of Premises) Ordinance (Cap. 376)	<ul style="list-style-type: none"> • Club-house 	<ul style="list-style-type: none"> • Secretary for Home Affairs
13.	Amusement Game Centres Ordinance (Cap. 435)	<ul style="list-style-type: none"> • Amusement game centre 	<ul style="list-style-type: none"> • Public officer appointed by the Secretary for Home Affairs
14.	Bedspace Apartments Ordinance (Cap. 447)	<ul style="list-style-type: none"> • Bedspace apartment 	<ul style="list-style-type: none"> • Secretary for Home Affairs
15.	Residential Care Homes (Elderly Persons) Ordinance (Cap. 459)	<ul style="list-style-type: none"> • Residential care home for the elderly 	<ul style="list-style-type: none"> • Director of Social Welfare
16.	Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566)	<ul style="list-style-type: none"> • Drug dependence treatment centre 	<ul style="list-style-type: none"> • Director of Social Welfare
17.	Karaoke Establishments Ordinance (Cap. 573)	<ul style="list-style-type: none"> • Karaoke establishment (other than that in a restaurant, hotel, guesthouse or club) • Karaoke establishment (in a hotel, guesthouse or club) • Karaoke establishment (in a restaurant) 	<ul style="list-style-type: none"> • Secretary for Home Affairs • Secretary for Home Affairs • Director of Food and Environmental Hygiene
18.	Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613)	<ul style="list-style-type: none"> • Residential care home for persons with disabilities 	<ul style="list-style-type: none"> • Director of Social Welfare