

Comparison of the relevant provisions of the Fire Services (Fire Hazard Abatement) Regulation and the existing Fire Services Ordinance (Cap.95)

Section	Fire Services (Fire Hazard Abatement) Regulation	Section	Fire Services Ordinance
2	<p>(4) In sections 14 and 16, “article or thing” (物件或東西), in respect of premises, means any article or thing not being an installation, fitting or fixture required by the use or intended use of the premises.</p> <p>(3) In sections 14 and 15, “means of escape” (逃生途徑), in respect of premises, means such means of escape as may be required for the safety of persons having regard to the use or intended use of the premises.</p>	9 D	<p>In sections 9B and 9C –</p> <p>“matter or thing” (物料或東西) in relation to any premises, means any matter or thing not being an installation, fitting or fixture required by the use or intended use of the premises; and</p> <p>“means of escape” (逃生途徑) in relation to any premises, means such means of escape in case of emergency as may be required for the safety of persons having regard to the use or intended use of the premises.</p>
3	<p>(1) The Director may, if satisfied of the existence in or on any premises of a fire hazard, serve a fire hazard abatement notice in the form of Form 1 in Schedule 1 either personally on or by registered post sent to –</p> <p>(a) the person by reason of whose act, default or sufferance the fire hazard arose or continues;</p> <p>(b) if the person referred to in paragraph (a) is the servant or agent of some other person, such other person; or</p> <p>(c) if the person referred to in paragraph (a) and, if any, the person referred to in paragraph (b) cannot readily be found or is absent from Hong Kong, the owner, tenant, occupier or person in charge of the premises.</p> <p>(2) A fire hazard abatement notice may –</p>	9 (1)(a)	<p>The Director, if satisfied of the existence in or on any premises of any fire hazard, may serve-</p> <p>(i) upon the person by reason of whose act, default or sufferance the fire hazard arose or continues; or</p> <p>(ii) if such person is the servant or agent of some other person, upon such other person; or</p> <p>(iii) if such person or such other person, as the case may be, cannot readily be found or is absent from Hong Kong, upon the owner, tenant, occupier or person in charge of the premises in or on which such fire hazard exists,</p> <p>a notice in the form of Form 2 in the Fifth Schedule (in this section referred to as a fire hazard abatement notice) requiring him to abate the fire hazard within the period specified in the notice, and to do all such things as may be necessary for that purpose, and the notice may, if the Director thinks fit, specify any works to be</p>

	<ul style="list-style-type: none"> (a) require the person on whom the notice is served to abate the fire hazard within the period specified in the notice; (b) require the person on whom the notice is served to carry out such works as may be necessary for the purpose in paragraph (a); and (c) if the Director thinks fit, specify any works to be carried out for the purpose in paragraph (a). 	9 (1)(c)	<p>executed for the purpose aforesaid.</p> <p>Any notice served under this section may be served by registered post.</p>
4	<p>(1) Subject to subsection (2), if the person on whom a fire hazard abatement notice is served –</p> <ul style="list-style-type: none"> (a) fails to abate the fire hazard to which the notice relates within the period specified in the notice; or (b) causes, permits or suffers the fire hazard to recur at any time within a period of 12 months after the date of service of the notice, <p>the Director may cause to be carried out in or on the relevant premises such works, and cause to be removed and taken possession of such article or thing, that is considered necessary by the Director to abate the relevant fire hazard and to prevent its recurrence in or on the premises.</p> <p>(2) The Director may not cause works to be carried out, and cause to be removed and taken possession of any article or thing, under subsection (1), unless the Director is satisfied that the fire hazard to which the fire hazard abatement notice relates –</p> <ul style="list-style-type: none"> (a) constitutes an immediate and substantial danger of fire in or on the relevant premises; or (b) is likely, if fire breaks out in or on the premises, to increase substantially the normal risk to life which 	9 (3A)	<p>Where a fire hazard abatement notice is served on any person under subsection (1) and-</p> <ul style="list-style-type: none"> (a) that person- <ul style="list-style-type: none"> (i) fails to abate the fire hazard within the time specified in the notice; or (ii) causes, permits or suffers the fire hazard to recur at any time within a period of 12 months after the date of service of the notice; and (b) the Director is satisfied that the fire hazard to which the notice relates- <ul style="list-style-type: none"> (i) constitutes an immediate and substantial danger of fire in or on the premises; or (ii) is likely, if fire breaks out in or on the premises, to increase substantially the normal risk to life which occurs in the event of a fire, <p>the Director may cause to be carried out in or on the premises such work as appears to him to be necessary to abate the fire hazard and to prevent a recurrence thereof.</p>

	occurs in the event of a fire.		
5	<p>Notwithstanding section 3, the Director may, if satisfied of the existence in or on any premises of a fire hazard, cause to be carried out in or on the premises such works, and cause to be removed and taken possession of such article or thing, that is considered necessary by the Director to abate the fire hazard and to prevent its recurrence in or on the premises without the service of a fire hazard abatement notice if –</p> <p>(a) the person by reason of whose act, default or sufferance the fire hazard arose or continues in or on the relevant premises cannot readily be found or is absent from Hong Kong; and</p> <p>(b) the Director is satisfied that the fire hazard neither arose nor continues by reason of any act, default or sufferance on the part of the owner, tenant, occupier or person in charge of the premises.</p>	9 (2)	Where the person by reason of whose act, default or sufferance a fire hazard arose or continues cannot be found and it is clear that the fire hazard neither arose nor continues by reason of any act, default or sufferance on the part of the owner, tenant, occupier or person in charge of the premises in or on which it exists, the Director may abate the hazard and may do what is necessary to prevent a recurrence thereof.
6	The Director may authorize a Deputy Director or a Chief Fire Officer to exercise or discharge the powers and duties conferred on the Director by section 4 but the Director may not authorize any other member to exercise or discharge any of those powers or duties.	9 (3B)	Notwithstanding section 6, the Director may authorize the Deputy Director or any Chief Fire Officer to exercise the powers and duties conferred on him by subsection (3A) but he shall not be empowered to authorize any other person to exercise any of those powers or duties.

7	<p>(1) If an article or thing is removed under section 4 or 5, a notice in both Chinese and English shall be caused to be affixed by the Director to a conspicuous part of the relevant premises –</p> <ul style="list-style-type: none"> (a) setting out details of the article or thing; and (b) calling for the submission to the Director, within 1 month after the day on which the notice was affixed, of any claim for the return of the article or thing. <p>(2) Where a claim is made under subsection (1) for the return of an article or thing, the Director may refuse to return it unless he is satisfied that the claimant is the owner or otherwise entitled to the possession of the article or thing.</p> <p>(3) If an article or thing is not claimed within the period under subsection (1)(b), or if the Director refuses to return it under subsection (2), the article or thing –</p> <ul style="list-style-type: none"> (a) may be sold by public auction; or (b) if the Director thinks the circumstances of the case require it – <ul style="list-style-type: none"> (i) may otherwise be sold; or (ii) may otherwise be disposed of without sale. <p>(4) The proceeds arising from the sale of an article or thing under subsection (3)(a) or (b)(i) shall be applied in payment of the expenses reasonably incurred by the works carried out under section 4 or 5; and the surplus, if any, shall be paid into the general revenue.</p>	<p style="text-align: center;">-</p> <p>9 (11)(a)</p> <p>9 (11)(b)</p>	<p style="text-align: center;">-</p> <p>Any property removed by the Director in abating, or doing what is necessary to prevent the recurrence of, a fire hazard may be sold by public auction, or, if the Director thinks the circumstances of the case require it, may otherwise be sold, or may be disposed of without sale.</p> <p>The money arising from the sale of any property under this subsection may be retained by the Director and applied in payment of the expenses incurred by him in connection with the abatement of the fire hazard and the surplus, if any, shall be paid-</p> <ul style="list-style-type: none"> (i) to the owner of such property if he applies therefor within 12 months of the date of sale; or
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			(ii) into the general revenue of Hong Kong if, or to the extent to which, the surplus is not disposed of under sub-paragraph (i).
8	<p>(1) Subject to subsection (2), the expenses reasonably incurred by the Director in carrying out works under section 4 –</p> <p>(a) shall constitute a civil debt due to the Government by the person on whom the relevant fire hazard abatement notice was served; and</p> <p>(b) may be recovered by action in the District Court from that person.</p> <p>(2) It shall be a defence for a person against whom an action is brought under subsection (1) to satisfy the court that –</p> <p>(a) the fire hazard to which the fire hazard abatement notice relates –</p> <p>(i) did not constitute an immediate and substantial danger of fire in or on the relevant premises; and</p> <p>(ii) was not likely, if fire had broken out in or on the premises, to increase substantially the normal risk to life which occurs in the event of a fire; or</p> <p>(b) the fire hazard was due to the wilful act, default or sufferance of a person other than the person on whom the fire hazard abatement notice was served.</p> <p>(3) Nothing in this section shall be construed as affecting any right that the person on whom a fire hazard abatement notice has been served may have to a contribution, indemnity or damages from any other person.</p>	9 A	<p>(1) The expenses incurred by the Director in carrying out work under section 9(3A) shall be a debt due to the Government and, subject to subsection (2) of this section, shall be recoverable in the District Court from the person upon whom the fire hazard abatement notice was served.</p> <p>(2) It shall be a defence for any person against whom an action is brought under subsection (1) to satisfy the court that-</p> <p>(a) the fire hazard to which the fire hazard abatement notice relates-</p> <p>(i) did not constitute an immediate and substantial danger of fire in or on the premises where the fire hazard was found; and</p> <p>(ii) was not likely, if fire had broken out in or on the premises, to increase substantially the normal risk to life which occurs in the event of a fire; or</p> <p>(b) the fire hazard was due to the act or omission of some person other than the person upon whom the fire hazard abatement notice was served.</p> <p>(3) Nothing in this section shall be construed as affecting any right which the person upon whom a fire hazard abatement notice has been served may have to a contribution, indemnity or damages from any other person.</p>

<p>9</p>	<p>(1) A person on whom a fire hazard abatement notice is served commits an offence if that person fails to comply with a requirement of the notice within the period specified in the notice and shall (whether or not a fire hazard order has been made in respect of him) be liable on conviction to a fine at level 6 and to a further fine of \$10,000 for each day during which the offence continues.</p> <p>(2) If the person on whom a fire hazard abatement notice is served causes, permits or suffers the fire hazard to recur at any time within a period of 12 months after the date of service of the notice, the person commits an offence and shall be liable on conviction to a fine at level 6 and to a further fine of \$10,000 for each day during which the offence continues.</p>	<p>9 (3)</p> <p>9 (4A)</p>	<p>Where a fire hazard abatement notice is served on any person pursuant to subsection (1), then, if either-</p> <p>(a) the fire hazard to which the notice relates arose by reason of the wilful act or default of that person; or</p> <p>(b) that person fails to comply with any of the requirements of the notice within the time specified therein,</p> <p>he shall (whether or not an order under subsection (4) has been made in respect of him) be guilty of an offence and shall be liable to a fine of \$25,000 and, where the offence is the failure to comply with any of the requirements of a notice within the time specified therein, to a fine of \$2,500 for each day during which the offence continues.</p> <p>Where any person upon whom a fire hazard abatement notice is served under subsection (1) causes, permits or suffers the fire hazard to recur at any time within a period of 12 months after the date of service of the notice, he shall be guilty of an offence and shall be liable on conviction to a fine of \$25,000 and to a fine of \$2,500 for each day during which the offence continues.</p>
<p>10</p>	<p>(1) A magistrate may, at any time after a person is convicted of an offence under section 9, either on application by the Director or on the magistrate's own initiative, make a fire hazard order in the form of Form 2 in Schedule 1 in respect of that person.</p> <p>(2) Notwithstanding subsection (1), whether or not a person on whom a fire hazard abatement notice is served has been convicted of an offence under section 9, a magistrate may, on application by the Director, make a fire hazard order in respect of that person if the Director proves to the satisfaction of the magistrate –</p>	<p>9 (3AA)</p> <p>9 (4)</p>	<p>Where at any time any person is convicted of an offence under subsection (3), the magistrate may of his own motion or upon the application of the Director, make an order in respect of that person in Form 3 in the Fifth Schedule (in this section referred to as a "fire hazard order").</p> <p>Where a fire hazard abatement notice is served on any person under subsection (1) and-</p> <p>(a) whether or not that person has been convicted of an offence under subsection (3) he fails to comply with any of the requirements of the notice within the time specified therein; or</p>

	<p>(a) that the person has failed to comply with a requirement of the notice within the period specified in the notice; or</p> <p>(b) that the fire hazard, whether or not it has been abated since the service of the notice, has recurred, or is continuing.</p> <p>(3) A fire hazard order may provide for any or any combination of the following matters –</p> <p>(a) require a person to comply with all or any of the requirements of a fire hazard abatement notice in relation to which the order is made, or otherwise to abate the relevant fire hazard within the period specified in the order;</p> <p>(b) require a person to do what may be necessary to prevent the recurrence of the relevant fire hazard within the period specified in the order;</p> <p>(c) prohibit a person from causing, permitting or suffering the relevant fire hazard to recur.</p> <p>(4) If –</p> <p>(a) the person in respect of whom a fire hazard order is made so requires; or</p> <p>(b) the magistrate making the order considers it desirable, that order shall specify the works to be carried out by that person for the purpose of abating, or of preventing the recurrence of, the fire hazard to which the order relates.</p> <p>(5) A fire hazard order is in addition to any penalties imposed in respect of an offence under section 9.</p>	<p>9 (5)</p> <p>9 (7)</p> <p>9 (3AB)</p>	<p>(b) the fire hazard, whether or not abated since the service of the notice, recurs, or is in the opinion of the Director likely to recur, the Director may make a complaint to a magistrate's court and the magistrate hearing the complaint may make a fire hazard order in Form 3 in the Fifth Schedule.</p> <p>A fire hazard order may be-</p> <p>(a) an abatement order, that is to say, an order which requires a person to comply with all or any of the requirements of a fire hazard abatement notice in connection with which the order is made, or otherwise to abate the fire hazard or to do what may be necessary to prevent the recurrence of the fire hazard within the period specified in the order; or</p> <p>(b) a prohibition order, that is to say, an order which prohibits the recurrence of the fire hazard; or</p> <p>(c) (Repealed 54 of 1986 s. 3)</p> <p>(d) a combination of such orders.</p> <p>An abatement order or a prohibition order shall, if the person in respect of whom the order is made so requires or if the court making the order considers it desirable, specify the works to be executed by such person for the purpose of abating, or of preventing the recurrence of, the fire hazard to which the order relates.</p> <p>A fire hazard order shall be in addition to any penalty imposed in respect of an offence under subsection (3).</p>
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<p>11</p>	<p>(1) Subject to subsection (2), a magistrate may, on a sworn information by the Director, make a prohibition order in the form of Form 3 in Schedule 1 in respect of any premises to which a fire hazard abatement notice relates prohibiting the use of the premises for the purposes specified in the order.</p> <p>(2) A magistrate may not make a prohibition order unless the Director proves to the satisfaction of the magistrate –</p> <p>(a) that not less than 24 hours have elapsed since a notice in writing stating the intention of the Director to swear an information for the purpose of subsection (1) has been served either personally on or by registered post sent to the person on whom a fire hazard abatement notice was served;</p> <p>(b) that the fire hazard to which the fire hazard abatement notice relates continues at the time when the Director swears the information;</p> <p>(c) that the fire hazard –</p> <p>(i) is a result of the structural character of the relevant premises; or</p> <p>(ii) is a result of the location of the premises having regard to the nature of the area in which the premises are situated; and</p> <p>(d) that the premises are being used for a purpose that may materially increase the likelihood of –</p> <p>(i) fire or other calamity or danger to life or property resulting from the outbreak of fire; or</p> <p>(ii) the occurrence of any other calamity in or on the premises.</p>	<p>9 (7A)</p>	<p>Where a fire hazard abatement notice is served on any person under subsection (1) and it is proved to the satisfaction of a magistrate's court on the sworn information of the Director that-</p> <p>(a) not less than 24 hours notice in writing served either personally or by registered post of intention to swear the information was given by the Director to the person upon whom a notice was served under subsection (1); and</p> <p>(b) the fire hazard continues and the cause of the fire hazard is the structural character of the premises concerned or the location of the premises having regard to the nature of the area in which the premises are situate; and</p> <p>(c) the premises are being used for a purpose which may materially increase the likelihood of fire or other calamity or danger to life or property resulting from the outbreak of fire or the occurrence of any other calamity in or on the premises,</p> <p>the magistrate may make an order in Form 3A in the Fifth Schedule (in this section referred to as a "closing order") prohibiting the use of the premises for the purpose specified therein.</p>
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	(3) If a magistrate, on application, is satisfied that any premises in relation to which a prohibition order is in force has been rendered suitable for the use specified in the order, he may declare that fact and revoke the order.	9 (8)	A magistrate's court if satisfied that any premises in respect of which a closing order is in force has been rendered suitable for the use specified in the order may declare that it is so satisfied and revoke the closing order.
12	<p>(1) A person who without reasonable excuse knowingly contravenes a fire hazard order or a prohibition order commits an offence and shall be liable on conviction to a fine of \$200,000 and to a further fine of \$20,000 for each day during which the offence continues.</p> <p>(2) Without prejudice to subsection (1), if a fire hazard order has not been complied with, the Director –</p> <p>(a) subject to section 13(9), may abate the fire hazard;</p> <p>(b) subject to section 13(9), may do whatever may be necessary in execution of the order; and</p> <p>(c) may recover from the person in respect of whom the order was made any expenses reasonably incurred by the execution of the order as a civil debt due to the Government by action in the District Court.</p>	<p>9 (9)(a)</p> <p>9 (9)(b)</p>	<p>Any person who without reasonable excuse knowingly contravenes a fire hazard order or a closing order shall be guilty of an offence and shall be liable to a fine of \$50,000 and to a fine of \$5,000 for each day during which the offence continues.</p> <p>Without prejudice to paragraph (a), where a fire hazard order has not been complied with the Director may, subject to subsection (10)(c), abate the fire hazard and may do whatever may be necessary in execution of the order, and may recover any expenses reasonably incurred thereby from the person against whom the order was made.</p>
13	<p>(1) Subject to the following provisions, Part VII of the Magistrates Ordinance (Cap. 227) applies in relation to proceedings in a magistrate's court under this section.</p> <p>(2) In the event of an appeal against a fire hazard order or a prohibition order, the order shall be suspended pending the determination or abandonment of the appeal.</p> <p>(3) If the order in subsection (2) has not been quashed in the appeal, the period for compliance with the requirements of the order shall commence to run on the determination or abandonment of the appeal.</p>	9 (10)	<p>Part VII of the Magistrates Ordinance (Cap. 227) shall apply in relation to proceedings in a magistrate's court under this section subject to the following provisions-</p> <p>(a) in the event of an appeal against a fire hazard order or a closing order, the order shall be suspended pending the determination or abandonment of the appeal and, in the case of an order other than an order quashed in the appeal, the time for compliance with the requirements thereof shall not commence to run until the determination or abandonment of the appeal;</p> <p>(b) in the case of a fire hazard order which is or includes a prohibition order or requires structural works or a closing order, if the appeal is dismissed or abandoned, then,</p>

- (4) Subject to subsection (5), if an appeal –
- (a) against a fire hazard order that provides for the matter under section 10(3)(c) (whether or not it also provides for other matters);
 - (b) against a fire hazard order that requires the carrying out of structural works; or
 - (c) against a prohibition order,
- is dismissed or abandoned, then notwithstanding subsections (2) and (3), the appellant shall be liable to a further fine of \$20,000 for each day during the period when the order was not complied with.
- (5) The daily fine referred to in subsection (4) shall not be payable if the appellant –
- (a) in the case of an appeal that is dismissed, satisfies the court hearing the appeal; or
 - (b) in the case of an appeal that is abandoned, satisfies the court before which proceedings are taken for the recovery of the fine,
- that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay.
- (6) The period in respect of which a daily fine is payable under subsection (4) commences to run on the expiry of the period that would have been permitted for the compliance with the requirements of an order referred to in that subsection if there had been no appeal against the order, until the day immediately preceding the day of the dismissal or abandonment of the appeal.

- notwithstanding paragraph (a), the appellant shall be liable to a fine of \$5,000 for each day, during which the order was not complied with, after the expiry of the time that would have been permitted for compliance with the requirements of the order if there had been no appeal against the order, until the day immediately preceding the day of the dismissal or abandonment of the appeal, unless he satisfies the court hearing the appeal in the case of an appeal which is dismissed, or the court before which proceedings are taken for the recovery of the fine in the case of an appeal which was abandoned, that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay; and in the case of an appeal which is dismissed, the fine (if any) imposed under this paragraph shall be imposed by the court hearing the appeal, and in the case of an appeal which was abandoned the maximum fine of \$5,000 for each day aforesaid shall, for the purpose of proceedings for the recovery thereof, be deemed to have been imposed by the court before which such proceedings are taken but so, however, that the court may reduce or cancel the amount of the fine if it sees fit;
- (c) in the event of an appeal against a fire hazard order which requires the execution of structural work, no work, save as hereinafter mentioned, shall be done pursuant to subsection (9)(b) under the order until after the determination or abandonment of the appeal:
- Provided that, if the court by which the order was made is of opinion that the nature of the fire hazard is such as to require immediate abatement, the court may, notwithstanding that the appeal is pending, authorize the Director immediately to abate the hazard, so, however, that-
- (i) if the appeal is allowed, the Director shall pay to the person against whom the order was made the amount of any damage sustained by him by reason of the abatement of the hazard by the Director; and

<p>(7) In the case of an appeal that is dismissed, the daily fine (if any) imposed under subsection (4) shall be imposed by the court hearing the appeal.</p> <p>(8) In the case of an appeal that is abandoned, the daily fine (if any) shall, for the purpose of proceedings for the recovery of the fine, be taken to have been imposed by the court before which the proceedings are taken, but the court may reduce or cancel the amount of the fine if it thinks fit.</p> <p>(9) Subject to subsection (10), in the event of an appeal against a fire hazard order that requires the carrying out of structural works, no works shall be done under section 12(2) or under the order until after the determination or abandonment of the appeal.</p> <p>(10) If the magistrate by whom a fire hazard order that requires the carrying out of structural works was made is of the opinion that the nature of the relevant fire hazard is such as to require immediate abatement, the magistrate may, notwithstanding that an appeal in respect of the order is pending, authorize the Director to abate the fire hazard immediately.</p> <p>(11) If the Director abates the fire hazard under subsection (10), then –</p> <p>(a) if the appeal is allowed, the Director shall pay to the person in respect of whom the fire hazard order was made the amount of any damage sustained by the person by reason of the abatement of the fire hazard by the Director;</p> <p>(b) if the appeal is dismissed or abandoned, the Director may recover from the person any expenses reasonably incurred in abating the fire hazard as a civil debt due to the Government by action in the District Court.</p>		<p>(ii) if the appeal is dismissed or abandoned the Director may recover from such person the expenses incurred by him in abating the hazard.</p>
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<p>14</p>	<p>(1) In relation to any premises, a person commits an offence if the person –</p> <ul style="list-style-type: none"> (a) sets out or leaves or causes to be set out or left; or (b) being the owner, tenant, occupier or person in charge of the premises, permits or suffers to be set out or left, <p>any article or thing that obstructs or may obstruct the means of escape in respect of the premises.</p> <p>(2) A person who commits an offence under this section shall be liable –</p> <ul style="list-style-type: none"> (a) on a first conviction, to a fine at level 6; (b) on a subsequent conviction, to a fine of \$200,000 and to imprisonment for 1 year, <p>and, in any case, to a further fine of \$20,000 for each day during which the offence continues.</p> <p>(3) In any proceedings under subsection (2), a document purporting to be a certificate signed by the Director stating that the person named in the document was on the date specified in the document convicted of an offence contrary to this section shall be admitted in evidence on its production.</p> <p>(4) Unless the contrary is proved, it shall be presumed in respect of the document admitted in evidence under subsection (3) –</p> <ul style="list-style-type: none"> (a) that it is a certificate signed by the Director; and (b) that the person named in the document was on the date specified in the document convicted of an offence contrary to this section. 	<p>9B (1)</p> <p>9B (3)</p> <p>9B (4)</p>	<p>Any person-</p> <ul style="list-style-type: none"> (a) who sets out or leaves or causes to be set out or left; or (b) who being the owner, tenant, occupier or person in charge of any premises permits or suffers to be set out or left, <p>any matter or thing which obstructs or may obstruct the means of escape in any premises shall be guilty of an offence.</p> <p>Any person who is guilty of an offence under subsection (1) or (2) shall be liable-</p> <ul style="list-style-type: none"> (a) on first conviction to a fine of \$25,000; (b) on second or subsequent conviction, to a fine of \$50,000 and imprisonment for 1 year; and (c) in any case to a fine of \$5,000 for each day during which the offence continues. <p>In any proceedings under subsection (3), a document purporting to be a certificate signed by the Director stating that the person named in the certificate was on a date specified in the certificate convicted of an offence contrary to subsection (3) shall be admitted in evidence on its production without further proof, and until the contrary is proved it shall be presumed that-</p> <ul style="list-style-type: none"> (a) the person who signed the certificate was the Director; and (b) the person named in the certificate was on the date specified therein convicted of an offence contrary to subsection (3).
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<p>15</p>	<p>(1) A person commits an offence if the person –</p> <ul style="list-style-type: none"> (a) secures or causes to be secured the means of escape in respect of any premises; or (b) being the owner, tenant, occupier or person in charge of any premises, permits or suffers to be secured the means of escape in respect of the premises, <p>by any lock or other device which in the event of fire or other calamity –</p> <ul style="list-style-type: none"> (c) cannot readily and conveniently be opened from within the premises without the use of a key; or (d) might render escape materially more difficult. <p>(2) A person who commits an offence under this section shall be liable –</p> <ul style="list-style-type: none"> (a) on a first conviction, to a fine at level 6; (b) on a subsequent conviction, to a fine of \$200,000 and to imprisonment for 1 year, <p>and, in any case, to a further fine of \$20,000 for each day during which the offence continues.</p> <p>(3) In any proceedings under subsection (2), a document purporting to be a certificate signed by the Director stating that the person named in the document was on the date specified in the document convicted of an offence contrary to this section shall be admitted in evidence on its production.</p> <p>(4) Unless the contrary is proved, it shall be presumed in respect of the document admitted in evidence under subsection (3) –</p> <ul style="list-style-type: none"> (a) that it is a certificate signed by the Director; and 	<p>9B (2)</p> <p>9B (3)</p> <p>9B (4)</p>	<p>Any person-</p> <ul style="list-style-type: none"> (a) who secures or causes to be secured; or (b) who being the owner, tenant, occupier or person in charge of any premises permits or suffers to be secured, the means of escape in any premises by any lock or other device which in the event of fire or other calamity- <ul style="list-style-type: none"> (i) cannot readily and conveniently be opened from within the premises without the use of a key; or (ii) might render escape materially more difficult, <p>shall be guilty of an offence.</p> <p>Any person who is guilty of an offence under subsection (1) or (2) shall be liable-</p> <ul style="list-style-type: none"> (a) on first conviction to a fine of \$25,000; (b) on second or subsequent conviction, to a fine of \$50,000 and imprisonment for 1 year; and (c) in any case to a fine of \$5,000 for each day during which the offence continues. <p>In any proceedings under subsection (3), a document purporting to be a certificate signed by the Director stating that the person named in the certificate was on a date specified in the certificate convicted of an offence contrary to subsection (3) shall be admitted in evidence on its production without further proof, and until the contrary is proved it shall be presumed that-</p> <ul style="list-style-type: none"> (a) the person who signed the certificate was the Director; and (b) the person named in the certificate was on the date specified therein convicted of an offence contrary to subsection (3).
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	(b) that the person named in the document was on the date specified in the document convicted of an offence contrary to this section.		
16	<p>(1) If a person is convicted of an offence under section 14 or 15, a magistrate may, either on application by the Director or on the magistrate's own initiative, make a removal order in the form of Form 4 in Schedule 1 in respect of that person.</p> <p>(2) A removal order is in addition to any penalty imposed in respect of an offence under section 14 or 15.</p> <p>(3) A removal order may require the person in respect of whom it is made –</p> <p>(a) in the case where that person is convicted of an offence under section 14, to remove the article or thing to which that offence relates within the period specified in the order; or</p> <p>(b) in the case where that person is convicted of an offence under section 15, to remove the lock or other device to which that offence relates within the period specified in the order.</p> <p>(4) If a person in respect of whom a removal order is made fails to comply with a requirement of the order within the period specified in the order, the person commits an offence and shall be liable on conviction to a fine of \$200,000 and to a further fine of \$20,000 for each day during which the offence continues.</p> <p>(5) Whether or not a person in respect of whom a removal order is made has been convicted of an offence under</p>	9 C	<p>(1) Where at any time any person is convicted of an offence under section 9B, the court may of its own motion or upon the application of the Director, make an order in respect of that person in Form 4 in the Fifth Schedule (in this section referred to as a "removal order").</p> <p>(2) A removal order shall be in addition to any penalty imposed in respect of an offence under section 9B.</p> <p>(3) A removal order shall require the person in respect of whom it is made within the time specified in the order-</p> <p>(a) where that person is convicted of an offence under section 9B(1), to remove the matter or thing to which that offence relates; or</p> <p>(b) where that person is convicted of an offence under section 9B(2), to remove the lock or other device to which that offence relates.</p> <p>(4) If the person in respect of whom a removal order is made fails to comply with any requirement thereof, within the time specified therein-</p> <p>(a) such person shall be guilty of an offence and shall be liable on conviction to a fine of \$50,000 and to a fine of \$5,000 for each day during which the offence continues; and</p> <p>(b) the Director may execute, or cause to be executed any work necessary to give effect to the requirements of the removal</p>

	<p>subsection (4), if that person fails to comply with a requirement of the order within the period specified in the order, the Director –</p> <p>(a) may carry out, or cause to be carried out any works necessary to give effect to the requirements of the order; and</p> <p>(b) may recover from the person any expenses reasonably incurred by the carrying out of the works as a civil debt due to the Government by action in the District Court.</p>		<p>order and may recover in the District Court any expenses incurred thereby from such person as a debt due to the Government.</p>
21	<p>(1) The Director, or a member authorized by the Director in writing on producing, if so required, the document showing the member's authority, may require –</p> <p>(a) any person on whom a fire hazard abatement notice is served;</p> <p>(b) any person whom the Director or the member has reasonable grounds for suspecting as being the person by reason of whose willful act, default or sufferance a fire hazard arose or continues; or</p> <p>(c) any person whom the Director or the member has reasonable grounds for suspecting has committed, is about to commit or intends to commit an offence under this Regulation,</p> <p>to give correct particulars of the person's name and address and produce the person's proof of identity to the Director or the member.</p> <p>(2) The reference in subsection (1) to a person's proof of identity is construed in accordance with the definition of "proof of identity" in section 17B(1) of the Immigration Ordinance (Cap. 115).</p>	<p>9 (1A)</p> <p>9 (1B)</p>	<p>The Director may, by notice in writing served either personally or by registered post, require –</p> <p>(a) any person upon whom he serves a notice under subsection (1); or</p> <p>(b) any person whom he reasonably suspects of being the person by reason of whose act, default or sufferance the fire hazard arose, or continues,</p> <p>to give correct particulars of his name and address and produce proof of his identity to the Director before the expiry of such time being not less than 24 hours as may be specified in the notice.</p> <p>The reference in subsection (1A) to a person's identity shall be construed in accordance with the definition of "proof of identity" in section 17B of the Immigration Ordinance (Cap. 115)</p>

	<p>(3) A person who –</p> <ul style="list-style-type: none">(a) without reasonable excuse, fails to comply as soon as reasonably practicable with a requirement of the Director or the relevant member made under subsection (1); or(b) furnishes particulars which the person knows to be false in a material particular in connection with a requirement under subsection (1), <p>commits an offence and shall be liable on conviction to a fine at level 4.</p>	9 (1C)	<p>Any person who –</p> <ul style="list-style-type: none">(a) without reasonable excuse, fails to comply with a requirement under subsection (1A) before the expiry of the time specified in the notice; or(b) furnishes particulars which he knows to be false in connexion with a requirement under subsection (1A), <p>shall be guilty of an offence and shall be liable to a fine of \$5,000.</p>
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