

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2079/15-16  
(These minutes have been  
seen by the Administration)

Ref : CB2/BC/2/15

**Bills Committee on Fire Services (Amendment) Bill 2015**

**Minutes of the fourth meeting**  
**held on Tuesday, 24 May 2016, at 8:30 am**  
**in Conference Room 2B of the Legislative Council Complex**

**Members present** : Hon Tony TSE Wai-chuen, BBS (Chairman)  
Hon James TO Kun-sun  
Hon WONG Ting-kwong, SBS, JP  
Hon Cyd HO Sau-lan, JP  
Hon IP Kwok-him, GBS, JP  
Hon YIU Si-wing, BBS  
Dr Hon Kenneth CHAN Ka-lok  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

**Members absent** : Hon Abraham SHEK Lai-him, GBS, JP  
Hon WU Chi-wai, MH  
Dr Hon CHIANG Lai-wan, JP

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

Mr Alex CHAN Yuen-tak  
Principal Assistant Secretary for Security B  
Security Bureau

Miss Venus TSOI Yuen-san  
Assistant Secretary for Security B2  
Security Bureau

Mr Shane LO Siu-hang  
Assistant Director (Fire Safety)  
Fire Services Department

Mr Terrance TSANG Wing-hung  
Deputy Chief Fire Officer (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

Miss Queenie WU Chung-yi  
Government Counsel  
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

Ms Louisa YU  
Legislative Assistant (2) 5

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Action

**I. Meeting with the Administration**

[File Ref.: SB CR 1/2361/14, LC Paper Nos. LS21/15-16, CB(2)881/15-16(01) to (02), CB(2)970/15-16(01) to (03), CB(2)1162/15-16(01), CB(2)1542/15-16(01) to (03) and CB(3)207/15-16]

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

Action

Clause-by-clause examination of the Bill

2. The Bills Committee commenced clause-by-clause examination of the Chinese text of the Bill up to clause 18.

3. The Bills Committee noted that the Administration would propose Committee stage amendments ("CSAs") to clause 5 of the Bill to the effect that with the exception of the fees for registration, retention and restoration of registered fire engineers ("RFEs"), other details of the proposed RFE Scheme to be specified by a new regulation to be made under the Fire Services Ordinance (Cap. 95) after the passage of the Bill would be subject to the positive vetting procedure under section 35 of the Interpretation and General Clauses Ordinance (Cap. 1). Members requested the Administration to provide the proposed draft CSAs as early as practicable for consideration by the Bills Committee at its next meeting

Follow up actions required of the Administration

Admin 4. The Bills Committee requested the Administration to provide, for reference of the Bills Committee, the written response to be provided by the relevant professional bodies to the Administration setting out their views on the latest proposal put forward by the Administration on the qualifications requirements for registration as an RFE (as detailed in paragraph 3 of LC Paper No. CB(2)1542/15-16(02)), and the use of "registered fire engineer" to name the professionals so registered.

**II. Any other business**

5. Members agreed that the next meeting of the Bills Committee would be held on Tuesday, 7 June 2016, at 10:45 am.

6. The Chairman invited members who intended to propose CSAs to the Bill and wished their CSAs to be considered by the Bills Committee to forward their CSAs to the Secretariat as soon as practicable for the Bills Committee's consideration at the next meeting.

7. There being no other business, the meeting ended at 10:32 am.

**Proceedings of the fourth meeting of  
the Bills Committee on Fire Services (Amendment) Bill 2015  
held on Tuesday, 24 May 2016, at 8:30 am  
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item I: Meeting with the Administration</i>			
000135 - 000307	Chairman	Opening remarks	
000308 - 001207	Chairman Admin	Briefing by the Administration on its response to issues raised at the meetings on 22 and 29 February 2016, and its further reply to the letter dated 15 February 2016 from the Legal Adviser to the Bills Committee [LC Paper Nos. CB(2)1542/15-16(02) and (03)].	
001208 - 001852	Chairman Ir Dr LO Wai-kwok Admin	<p>Ir Dr LO Wai-kwok welcomed the further details provided by the Administration on the qualifications and experience required of registered fire engineers ("RFEs"), and the latest position of the Administration that with the exception of the fees for registration, retention and restoration of RFEs, it had no objection to subject the other details of the RFE Scheme being specified by a new regulation to be made under the Fire Services Ordinance (Cap. 95) ("the principal Ordinance") to the positive vetting procedure under section 35 of the Interpretation and General Clauses Ordinance (Cap. 1).</p> <p>In response to Ir Dr LO Wai-kwok's enquiry about the proposed composition of the Registration Committee for the RFE Scheme, the Administration's advice that the Committee was proposed to be composed of nine members, with two officers from the Fire Services Department ("FSD") as well as persons recommended by the Engineers Registration Board ("ERB") and other professional or academic bodies as the Director of Fire Services ("DFS") considered appropriate. The Administration would further consult the relevant professional bodies and stakeholders before finalising the proposal.</p> <p>Ir Dr LO Wai-kwok's remark that "registered fire engineer" was an appropriate name as the persons so registered would need to possess sufficient professional knowledge and experience in various areas under the scope of fire engineering; and the Administration's advice that the Hong Kong Institution of Engineers ("HKIE") and the Hong Kong Institute of Surveyors ("HKIS"), having due regard to the detailed qualifications and experience requirements for registration as RFEs, held no particular views on the name of "registered fire engineer".</p>	
001853 - 003605	Chairman Mr IP Kwok-him Admin Dr Kenneth CHAN	<p>Mr IP Kwok-him and Dr Kenneth CHAN welcomed the latest position of the Administration on the vetting procedures of the new regulation.</p> <p>Mr IP Kwok-him's view that for the sake of public safety, the Administration had to ensure that the knowledge and relevant working experience required of the three types of persons for</p>	

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		<p>application to be registered as RFEs as detailed in paragraph 3 of LC Paper No. CB(2)1542/15-16(02) would be sufficient to enable the RFEs to discharge their duties effectively.</p> <p>Referring to recent cases whereby a non-local course operator had fast-tracked the award of degrees to students by improper means, Dr Kenneth CHAN enquired about the mechanism to be put in place to ascertain whether the professional qualifications held by the applicants, in particular those qualifications related to the relevant top-up courses, met the requirements of the class of RFE being applied for.</p> <p>The Chairman's remark that for persons having registered as registered professional engineers ("RPE") of relevant disciplines under the Engineers Registration Ordinance (Cap. 409), their qualifications would have been assessed by ERB. The proposed Registration Committee, however, had to make public the programmes and/or courses to be recognized under paragraph 3(ii) and (iii) of LC Paper No. CB(2)1542/15-16(02).</p> <p>The Administration's response that:</p> <ul style="list-style-type: none"> <li>(a) the proposed qualifications and experience required of the applicants for registration as an RFE were set with reference to the requirements for registration as an RPE. The Registration Committee would offer professional advice to DFS on the assessment criteria; and</li> <li>(b) a qualified person who wished to become an RFE should submit to FSD a completed application form together with proof of his or her relevant professional qualifications and professional experience. FSD would examine the relevant materials before forwarding the application to a proposed Interview Board. The Interview Board would conduct a professional interview and recommend to DFS on whether or not the applicant could be registered as an RFE.</li> </ul> <p>Noting that the Administration was seeking the views of the relevant professional bodies on the proposed qualifications and experience required of the applicants for registration as an RFE, and the use of "registered fire engineer" to name the professionals so registered, the Chairman requested the Administration to provide for members' reference the views received when available.</p>	<b>Admin</b>
003606 - 004456	Chairman Mr YIU Si-wing Admin ALA5	<p>Citing the case relating to the collapse of rooftop of a building at the City University of Hong Kong as an example, Mr YIU Si-wing expressed concern about the measures to be put in place to ensure that RFEs would discharge their duties properly, and the liability of RFEs for professional misconduct.</p> <p>The Administration's response that RFEs would be required to strictly comply with the codes of practice and/or guidelines issued by FSD. At the initial implementation stage, the fire safety requirements formulated by an RFE (Risk Assessment) ("RFE(RA)") would need to be endorsed by FSD. FSD would</p>	

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		<p>also conduct audit inspections of premises selected on a random basis upon the issue of a fire safety certificate by an RFE (Fire Service Installation) ("RFE(FSI)") or an RFE (Ventilating System) ("RFE(VentS)") for such premises. One of the Administration's preliminary proposals was that an RFE might be regarded as having committed a disciplinary offence if he or she had committed misconduct or neglect in any professional aspect.</p> <p>The Legal Adviser to the Bills Committee's advice that a regulation made under section 25(3) of the principal Ordinance might provide that any person who contravened the regulation should be liable on conviction to a fine not exceeding \$300,000 and to imprisonment for a period not exceeding one year, and in the case of a continuing offence, to a daily penalty not exceeding \$30,000.</p> <p>In response to Mr YIU Si-wing's enquiry, the Administration's advice that according to the Business Impact Assessment ("BIA") study, it was estimated that a respective pool of around 150 and 1 500 RPEs could meet the qualification requirements for RFE(RA) and RFE(FSI) and/or RFE(VentS).</p>	
004457 - 005346	Chairman Mr WONG Ting-kwong Admin	<p>Mr WONG Ting-kwong's remark that while welcoming the proposed RFE Scheme, operators of the prescribed premises were concerned that there would be an increase in the fees to be charged by the licensing consultants as the latter had to engage RFEs to provide the fire safety risk assessment and certification services upon the implementation of the Scheme.</p> <p>The Administration's response that under the proposed RFE Scheme, licence applicants of the prescribed premises could opt to continue using the existing risk assessment and certification services provided by FSD, or to engage the services of RFEs at different stages of the licensing process. The level of service fees to be charged by the licensing consultants or RFEs would be determined by market forces. According to the BIA study, those licence applicants who could afford the likely higher fees to be charged by RFEs would switch from using FSD's services.</p> <p>In response to Mr WONG Ting-kwong's enquiry about the future service fees to be charged by FSD for cases whereby FSD only needed to endorse the fire service requirements formulated by the RFEs concerned but not provided the services direct, the Administration's advice that it would review the existing service fees to be charged by FSD in this regard. The review, however, had to take into account the fact that the existing fee level of FSD was below the full cost recovery level.</p>	
005347 - 010354	Chairman Ir Dr LO Wai-kwok Mr WONG Ting-kwong Admin	Way forward of the Bills Committee  Legislative timetable	
010355 - 010646	Chairman Mr YIU Si-wing	Mr YIU Si-wing's view that the Administration should conduct briefings for RFEs to ensure their understandings of the service	

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	Admin	standards and the liability concerned under the RFE Scheme upon their registration; and the Administration's advice that it would consider the suggestion.	
010647 - 010722	Chairman Admin	In response to the Chairman's enquiry, the Administration's advice that at present, the City University of Hong Kong and the Hong Kong Polytechnic University had offered courses relating to fire safety.	
010723 - 011409	Chairman Mr YIU Siu-wing Mr WONG Ting-kwong Ir Dr LO Wai-kwok	Issues to be considered at the next meeting	
011410 - 011623	Chairman Admin	Commencement of clause-by-clause examination of the Bill	
011624 - 012133	Chairman Admin Mr WONG Ting-kwong	<u>Examination of the long title and clauses 1 to 4</u>	
012134 - 012725	Chairman Admin Dr Kenneth CHAN	<p><u>Examination of clause 5</u></p> <p>Members noted that the Administration would introduce Committee stage amendments ("CSAs") to clause 5 to the effect that with the exception of the fees for registration, retention and restoration of RFEs, other details of the RFE Scheme to be specified by a new regulation to be made under the principal Ordinance would be subject to the positive vetting procedure.</p> <p>Dr Kenneth CHAN's remark that the Administration should provide its proposed draft CSAs as early as practicable for consideration by members and the Legal Adviser to the Bills Committee before the next meeting.</p> <p>In response to the Chairman's enquiry, the Administration's advice that the new regulation would list out the premises to which the proposed RFE Scheme would apply.</p>	<b>Admin</b>
012726 - 013123	Chairman Admin Mr WONG Ting-kwong	<p><u>Examination of clauses 6 to 7</u></p> <p>In response to the Chairman and Mr WONG Ting-kwong's enquiries, the Administration's advice that the proposed new regulation 7(3) of the Fire Service (Installations and Equipment) Regulations (Cap. 95B) would enable RFEs(FSI) to inspect and test any fire service installation or equipment (FSI) installed in the prescribed premises. According to the proposed amended regulation 7(1) of the Fire Service (Installations and Equipment) Regulations, maintenance and repair of the fire service installation or equipment had to be carried out by a registered fire service installation contractor.</p>	
013124 - 013445	Chairman Admin	<u>Examination of clauses 8 to 10</u>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action required</b>
013446 - 013823	Chairman Admin Dr Kenneth CHAN ALA5	<p><u>Examination of clauses 11 and 12</u></p> <p>Dr Kenneth CHAN's enquiry as to whether the proposed amendments to the Food Business Regulation (Cap. 132X) as set out under clauses 11 and 12 had covered all types of food premises to which the proposed RFE Scheme would apply; and the Administration's affirmation that no related or consequential amendments to other ordinances (apart from those provided under Part 4 of the Bill) were required for the proper implementation of the Scheme.</p> <p>The Legal Adviser to the Bills Committee's remark that in response to her letter dated 15 February 2016 (LC Paper No. CB(2)881/15-16(02)), the Administration had affirmed in its reply letter dated 19 May 2016 (LC Paper No. CB(2)1542/15-16(03)) that it had scrutinised other relevant ordinances (governing the prescribed premises to which the proposed RFE Scheme would apply) and considered that no related or consequential amendments to other ordinances (apart from those provided under Part 4 of the Bill) were required for the implementation of the Scheme.</p>	
013824 - 014116	Chairman Admin ALA5	<p><u>Examination of clauses 13 and 14</u></p> <p>In response to the Legal Adviser to the Bills Committee's enquiry, the Administration's advice that the proposed amendments to regulation 5(2) of the Places of Amusement Regulation (Cap. 132BA) was related to the applicant's compliance of the requirements issued by RFE(RA) for the grant, renewal or transfer of the licence concerned.</p>	
014117 - 014240	Chairman Admin	<p><u>Examination of clauses 15 and 16</u></p>	
014241 - 015614	Chairman Admin Ms Cyd HO Ir Dr LO Wai-kwok	<p><u>Examination of clause 17</u></p> <p>Ms Cyd HO's concern that given the wide scope of "public entertainment" and "place of public entertainment" under the Places of Public Entertainment Ordinance (Cap. 172), almost all activities to which the general public were admitted might be subject to the regulation of the Ordinance; and her enquiry about whether the proposed amendments to regulation 162 of the Places of Public Entertainment Regulations (Cap. 172A) would subject the licence applications of the relevant places of public entertainment to additional fire safety regulatory control.</p> <p>The Administration's response that:</p> <p>(a) the introduction of the proposed RFE Scheme would offer an additional option for the licence applicant of a place of public entertainment by leveraging qualified persons in the market for the provision of fire safety risk assessment and certification services. The proposed amendments to regulation 162 of the Places of Public Entertainment Regulations were of a related and consequential nature for the proper implementation of the Scheme; and</p>	



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		(b) the Security Bureau could relay members' concern about the scope of "public entertainment" and "place of public entertainment" under the Places of Public Entertainment Ordinance to the relevant Government departments for consideration.	
015615 - 015852	Chairman Admin Ms Cyd HO	<p><u>Examination of clause 18</u></p> <p>Ms Cyd HO's enquiry about whether the fire safety certification issued by an RFE(FSI) on any artificial lighting installed in the temporary structure which it was desired to use or which was licensed for a public entertainment would be subject to follow-up inspection by FSD.</p> <p>The Administration's response that under the proposed RFE Scheme, FSD would conduct, on a random basis, audit inspection for cases whereby the relevant compliance inspection was conducted by RFE(FSI) or RFE(VentS).</p>	
015853 - 020128	Chairman Admin Mr James TO	<p>In response to Mr James TO's enquiry, the Administration's advice that it was consulting the relevant professional bodies on the proposed qualifications requirements for applying to register as an RFE. To its understanding, HKIE and HKIS did not have particular views on using "registered fire engineer" to name the professionals so registered.</p> <p>Mr James TO's view that a more neutral name should be adopted since professionals possessing different qualifications might be qualified to register.</p>	
<i>Agenda item II: Any other business</i>			
020129 - 020337	Chairman Mr James TO	<p>Date of, and issues for discussion at, the next meeting</p> <p>The Chairman invited members who intended to propose CSAs to the Bill and wished their CSAs to be considered by the Bills Committee to forward their CSAs to the Secretariat as soon as practicable for the Bills Committee's consideration at the next meeting.</p>	