



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

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8 December 2016

Mr CHAN Yuen Tak, Alex
Prin AS for Security (B)
Security Bureau
9/F, East Wing
Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Dear Mr CHAN,

Fire Services (Amendment) Bill 2016

We are scrutinizing the legal and drafting aspects of the captioned Bill and should be grateful if you could clarify the following matters:-

Long title of the Bill

According to long title of the Fire Services (Amendment) Bill 2016 ("the Bill"), the Bill seeks to amend the Fire Services Ordinance to empower the Chief Executive in Council to make regulations for a scheme for fire safety risk assessment, and certification on compliance with fire safety requirements, by registered fire engineers ("RFEs") for certain premises and for regulating RFEs; and to make related amendments.

It is noted that clauses 6, 7(1) and 8 of the Bill, same as that of the Fire Services (Amendment) Bill 2015 ("the 2015 Bill"), deal with some textual amendments to the Fire Service (Installations and Equipment) Regulations (Cap. 95B). It seems that these amendments are not related to or occasioned by the introduction of the RFE scheme and should be considered as "other minor amendments" but not "related amendments". In this regard, please justify the omission of "other minor amendments", which existed in the long title of the 2015 Bill, from the long title of the Bill, and clarify whether the long title, as presently drafted, accurately reflects all the amendments made under the Bill.

Clause 7(3) – regulation 7 of Cap. 95B (maintenance or repair of fire service installations or equipment)

Clause 7(3) of the Bill seeks to amend regulation 7 of Cap. 95B to enable an RFE (fire service installation) to inspect and test any fire service installation or equipment installed in, or for, prescribed premises (proposed regulation 7(3)) and enable the Director of Fire Services ("DFS") or a person authorized by DFS in writing to inspect and test any fire service installation or equipment installed in, or for, any premises to check its safety and the efficiency of its working order (proposed regulation 7(4)).

Compared to the 2015 Bill, it is noted that the words "or for" are added in the proposed regulation 7(3) and (4) under clause 7(3) of the Bill. According to footnote 2 in the marked-up version showing the differences between the Bill and the 2015 Bill at Annex C to the Legislative Council Brief issued by the Security Bureau on 16 November 2016 (Ref: SBCR 1/2361/14), the words are added for the purpose of improving clarity. It appears that the addition of the words "or for" would have the effect that fire service installation or equipment to be inspected and tested by RFEs and DFS (or its authorized persons) could cover those installed at locations which are not within the premises but which are "installed for" the premises. Please clarify if this is the legislative intent.

I should appreciate your reply in both English and Chinese by 16 December 2016.

Yours sincerely,


(Vanessa CHENG)
Assistant Legal Adviser

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