

香港特別行政區政府
保安局

香港添馬添美道 2 號



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The Government of the
Hong Kong Special Administrative Region
Security Bureau

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(By E-mail)

19 December 2016

Ms Vanessa Cheng
Assistant Legal Adviser
Legal Service Division
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Cheng,

Fire Services (Amendment) Bill 2016

Thank you for your letter of 8 December 2016 on the captioned. With respect to the matters raised in your letter, our response is set out at **Annex**.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alex Chan'.

(Alex Chan)

for Secretary for Security

c.c. Director of Fire Services (Attn: Mr Terrance Tsang) (Fax: 2312 0376)
Department of Justice (Attn: Ms Rayne Chai) (Fax: 3918 4613)

Fire Services (Amendment) Bill 2016

**The Government's Response to the letter of 8 December 2016
from the Legal Service Division of the Legislative Council**

Long title of the Bill

The amendments contained in Clauses 6, 7(1) and 8 of the Fire Services (Amendment) Bill 2016 (the Bill) are amendments proposed to be made to regulations 6, 7 and 8 of the Fire Service (Installations and Equipment) Regulations (Cap. 95B). We are of the view that these amendments are related to or occasioned by the introduction of the Registered Fire Engineer (RFE) Scheme.

2. Clause 7(3) proposes to add two new paragraphs (i.e. paragraphs (3) and (4)) to regulation 7 of Cap. 95B for the purposes of implementing as well as enforcing the implementation of the RFE Scheme. The proposed paragraph (3) empowers an RFE (fire service installation) to inspect and test any fire service installation or equipment (FSI) installed in or for any prescribed premises, while the proposed paragraph (4) empowers the Director of Fire Services (the Director) or a person authorised by him to inspect and test any FSI installed in or for any premises (including any prescribed premises). Such powers are necessary for the implementation of the RFE Scheme.

3. The amendment proposed under Clause 7(1) is in fact necessary and directly related to the RFE Scheme as it amends the heading of regulation 7 of Cap. 95B to cover the expanded scope of the new paragraphs (3) and (4) proposed under Clause 7(3).

4. In both of the new paragraphs (3) and (4) of regulation 7 of Cap. 95B, the defined term “fire service installation or equipment” is used which qualifies the relevant inspection and test to be carried out only on the FSI as defined. As the amendment under the new paragraph (4) of regulation 7 of Cap. 95B deals with “prescribed premises” as well as other premises, the amendments in Clauses 6 and 8 become necessary. The reference of “fire service installation or equipment” in regulations 6 and 8 (both in the heading and body of the provisions) of Cap. 95B must be consistent with that in the new paragraph (4) of

regulation 7 of Cap. 95B in order that the Director may carry out the inspection and test under the new paragraph (4). The amendments to the headings of regulations 6 and 8 of Cap. 95B are therefore considered necessary and appropriate to clear any possible ambiguity.

5. In the light of the above, we take the view that all of the amendments in Clauses 6, 7(1) and 8 are related to, or occasioned by, the introduction of the RFE Scheme. The fact that these amendments may be textual and minor in nature does not preclude them from being also related amendments to the RFE Scheme. If they all share the nature as related amendments, we consider it unnecessary to group them separately as “other minor amendments”.

Clause 7(3) – regulation 7 of Cap. 95B

6. 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 FSI installed in, or for, prescribed premises, and enable the Director or a person authorised by him in writing to inspect and test any FSI installed in, or for, any premises to check its safety and the efficiency of its working order. Compared to the Fire Services (Amendment) Bill 2015, the words “or for” are added in the proposed regulation 7(3) and (4) of Cap. 95B under Clause 7(3). The addition is proposed in this Bill because some parts of an FSI for the prescribed premises might not necessarily be installed inside the premises. For instance, the fire service tank of an automatic sprinkler system required of in a restaurant might be installed on the roof of the building where the restaurant is located, but not inside the restaurant. It is necessary and indeed our legislative intent to enable an RFE (fire service installation), the Director or a person authorised by him to conduct inspections and tests on such FSIs. We have therefore taken the opportunity of the re-introduction of the Bill to add the term “or for” in the proposed regulation 7(3) and (4) of Cap. 95B under Clause 7(3) to clearly state the legislative intent.

Security Bureau
Fire Services Department
December 2016