

Bills Committee on Fire Services (Amendment) Bill 2016

Government's Response to Submissions from Deputations

Purpose

This paper sets out the Government's response to the written submissions from deputations to the Bills Committee on the Fire Services (Amendment) Bill 2016 ("the 2016 Bill").

Overview

2. Most submissions indicated support for the 2016 Bill and the Registered Fire Engineer (RFE) Scheme, and many welcomed the positive vetting procedure for the proposed new regulation to be made under the Fire Services Ordinance (Cap. 95) ("the New Regulation") to provide for the implementation details of the Scheme. Other comments mostly concern the implementation details. These are summarised and addressed in the ensuing paragraphs.

Qualifications for registration as an RFE

3. The Fire Division of the Hong Kong Institution of Engineers ("HKIE (Fire Div)"), the Hong Kong Institute of Surveyors ("HKIS"), the Institution of Fire Engineers (Hong Kong Branch) ("IFE(HK)") and the Royal Institution of Chartered Surveyors ("RICS") have expressed views on the qualifications and experience required for a person to be registered as an RFE.

4. As explained previously to the Bills Committee for the Fire Services (Amendment) Bill 2015 ("the 2015 Bills Committee"), we consider that the qualifications and experience requirements of RFEs must be rigorous to ensure that only fully qualified personnel will be allowed to perform fire safety risk assessment and compliance inspection, for the protection of public safety. We introduced to the 2015 Bills Committee our initial proposals for the qualifications and experience requirements, which would allow persons from different backgrounds to enter the trade, provided that they have the relevant and sufficient academic and professional training and working experience (see paragraph 3 of LC Paper No. CB(2)1542/15-16(02)). We will continue to engage the relevant professional bodies and stakeholders on this matter with a view to

formulating the detailed requirements which will be provided for in the New Regulation as appropriate.

Name of “Registered Fire Engineer”

5. HKIE (Fire Div) and IFE(HK) expressed support for the name of “Registered Fire Engineer”. HKIS was neutral. The Buildings Department Local Building Surveyors’ Association indicated strong objection.

6. As explained at the 2015 Bills Committee meetings as well as the last Bills Committee meeting of 20 December 2016, we consider “Registered Fire Engineer” an appropriate title which reflects the professional knowledge and practical experience required of this group of qualified personnel. They will have to possess sufficient knowledge and experience in such areas as fire protection systems, fire safety management, fire science, fire dynamics, human behavior in fire, etc. which are commonly referred to as “fire engineering”. The 2015 Bills Committee had a thorough discussion on this matter, as captured in paragraphs 24, 26 and 29 of the report of the Bills Committee (LC Paper No. CB(2)1817/15-16).

Regulatory Mechanism

7. The Hong Kong Catering Industry Association (“HKCIA”) and Mr Robin S. Howes have commented on the regulatory control for the RFEs, for instance how the RFEs are to perform the duties of fire safety risk assessment and compliance inspections, as well as how complaints against RFEs would be handled.

8. Regulation over RFEs will be enforced at several different levels. First, a rigorous set of qualification and experience requirements will be in place to ensure that only those who fully qualify may enter the trade. Second, the Fire Services Department (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 intends to require that fire safety requirements formulated by a registered fire engineer (risk assessment) must be endorsed by the FSD before they are issued to the licence applicants. In addition, to ensure the quality of certification work of the RFEs, FSD will select premises on a random basis to conduct audit inspections of the certification completed by registered fire engineers (fire service installation) or registered fire engineers (ventilating system).

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.

9. We note and thank the HKIE (Fire Div), HKIS, IFE(HK) and RICS for their comments on the composition of the committee/panels/boards to be set up for various regulatory purposes under the RFE Scheme. We will fully consult the professional bodies on this matter which would be provided for in the New Regulation as appropriate.

Level of Services provided by FSD

10. With regard to HKCIA's comment over the level of services provided by FSD after the implementation of the RFE Scheme, it should be highlighted that the purpose of the RFE scheme is to offer an additional option for the licence applicants with a view to facilitating business. After the RFE Scheme is rolled out, FSD will maintain its existing services. Licence applicants are free to choose FSD's services if they so wish.

11. As regards the fees to be charged by FSD for handling licence applications, FSD will in due course conduct a fee review to reflect the Department's involvement and workload in the licensing process, having regard to the implementation of the RFE Scheme. Nonetheless, the review should take into account the existing fee level of FSD, which is below the full-cost recovery level.

Way Forward

12. The valuable comments and views expressed by the deputations are well appreciated and duly noted. We will continue to engage them as well as other relevant professional bodies and stakeholders with a view to formulating the implementation details of the RFE Scheme.

**Security Bureau
Fire Services Department
January 2017**