

## LEGISLATIVE COUNCIL BRIEF

Fire Services Ordinance  
(Chapter 95)

### FIRE SERVICES (AMENDMENT) BILL 2016

#### INTRODUCTION

A At the meeting of the Executive Council on 25 October 2016, the Council ADVISED and the Chief Executive ORDERED that the Fire Services (Amendment) Bill 2016 (the 2016 Bill) at Annex A, which is by and large a replica of the Fire Services (Amendment) Bill 2015 (the 2015 Bill) but with the then agreed Committee Stage Amendments (CSAs) incorporated, should be introduced into the Legislative Council (LegCo) to –

- (a) **empower** Chief Executive in Council (CE in Council) to make regulations for the Registered Fire Engineer (RFE) Scheme and for regulating the RFEs. These new regulations, except those concerning fees to be charged in relation to the registration and de-registration of RFEs, are to be made subject to the approval of the LegCo;
- (b) **amend** the Fire Service (Installations and Equipment) Regulations (Cap. 95B) (FS(IE)R) to **permit** officers of the Fire Services Department (FSD) and the relevant class of RFEs to inspect and test fire service installation or equipment (FSI); and
- (c) make **consequential amendments** to the legislation governing the premises prescribed (prescribed premises) by regulations made under the Fire Services Ordinance (Cap. 95) (FSO) to the effect that fire safety risk assessment and certification services provided by RFEs will be recognised and accepted by the relevant regulatory authorities.

#### JUSTIFICATIONS

*(a) Need for introducing the 2016 Bill into the LegCo*

B 2. The RFE Scheme (see Annex B for details) was announced in the 2014 Policy Agenda as a new initiative. The 2015 Bill, which sought to provide for the enabling provisions for the Scheme, was introduced into the LegCo for First and Second Reading on 16 December 2015.

3. A Bills Committee was formed to scrutinise the 2015 Bill and held five meetings between February and June 2016. At its last meeting of 7 June 2016, the Bills Committee Members raised no objection to the Government's plan to resume the Second Reading

debate of the 2015 Bill at the LegCo sitting of 29 June 2016. Nevertheless, the Second Reading debate of the 2015 Bill eventually could not be resumed and the bill lapsed automatically upon prorogation of the Fifth LegCo on 16 July 2016.

4. In the light of the general support for the RFE Scheme and the need for legislative amendments to give effect to it, it is recommended to introduce the 2016 Bill into the LegCo.

*(b) Incorporation of Government-proposed CSAs in the 2016 Bill*

5. The implementation details of the RFE Scheme, including the registration and duties of RFEs, the disciplinary and appeal mechanisms, and the issue of codes of practice in relation to the Scheme, will be covered in new regulations to be made by CE in Council (the New Regulations) after the passage of the 2016 Bill. In the 2015 Bill, the New Regulations were originally proposed to be made subject to negative vetting pursuant to the arrangements stipulated in section 34 of the Interpretation and General Clauses Ordinance (Cap. 1), with reference to the rule-making procedure of other similar subsidiary legislation provided under the FSO<sup>1</sup>. During the Bills Committee's deliberation, some Members strongly suggested that the Government should consider subjecting the New Regulations to the approval of LegCo (i.e. the positive vetting procedures under section 35 of Cap. 1). The Government did not object, with the exception of the regulations providing for the fees for registration and de-registration of RFEs (as fees of similar nature are typically specified by subsidiary legislation under other laws of Hong Kong subject to the negative vetting procedure). This was agreed by the Bills Committee. The Government proposed CSAs to the 2015 Bill to this effect. However, the resumption of the Second Reading debate of the 2015 Bill did not take place, as stated above.

6. We have incorporated the said CSAs in the 2016 Bill, which is the only substantive change compared to the 2015 Bill. Other amendments are textual in nature. C A marked-up version of the changes in the 2016 Bill on top of the 2015 Bill is at Annex C.

## **OTHER OPTIONS**

7. In order to give effect to the RFE Scheme, we need to introduce the 2016 Bill into the LegCo. There are no other options.

## **THE BILL**

8. The key provisions of the 2016 Bill are as follows –

- (a) **Clause 4** amends section 2 to include new definitions of RFEs and the three proposed classes of RFEs in the FSO;
- (b) **Clause 5** amends section 25 to empower CE in Council to make regulations for the following purposes –

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<sup>1</sup> Including the Fire Service (Installation Contractors) Regulations (Cap. 95A) and the FS(IE)R (Cap. 95B), which provides for the regulation of the registration and disciplinary matters of fire service installation contractors, as well as the duties of the registered fire service installation contractors.

- (i) the registration and de-registration as well as duties of RFEs;
- (ii) fees to be charged in relation to the registration and de-registration of RFEs;
- (iii) the establishment, powers and procedure of a registration committee, the establishment of an interview board panel, a disciplinary board panel and an appeal board panel; as well as the appointment, powers and procedure of interview boards, disciplinary boards and appeal boards in relation to RFEs;
- (iv) the acts or omissions that constitute a disciplinary offence on the part of an RFE;
- (v) the grounds on which an appeal may be lodged in relation to the registration of persons as RFEs as well as in relation to RFEs; and
- (vi) the issue of codes of practice concerning fire safety of any premises and giving guidance in relation to the professional conduct, and the administration of RFEs.

A new regulation made in relation to the purposes (i), (iii), (iv), (v) and (vi) above is subject to the approval of the LegCo;

- (c) **Clause 7** amends Regulation 7 of the FS(IE)R to permit a registered fire engineer (fire service installation) as well as the Director of Fire Services or persons authorised by him to inspect and test FSI; and
- (d) **Clauses 9 to 20** deal with consequential amendments to the legislation governing some of the prescribed premises to which the RFE Scheme will apply, including the Miscellaneous Licences Regulations (Cap. 114A), the Food Business Regulation (Cap. 132X), the Places of Amusement Regulation (Cap. 132BA), the Places of Public Entertainment Regulations (Cap. 172A), the Education Ordinance (Cap. 279) and the Non-Local Higher and Professional Education (Regulation) Rules (Cap. 493B).

D 9. The existing provisions being amended by the 2016 Bill are at **Annex D**.

## LEGISLATIVE TIMETABLE

10. The legislative timetable will be as follows –

Publication in the Gazette	18 November 2016
First Reading and commencement of Second Reading debate	30 November 2016
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

11. Upon passage of the 2016 Bill, we will work towards introducing the New Regulations that encompass the implementation details<sup>2</sup> of the RFE Scheme.

## **IMPLICATIONS OF THE PROPOSAL**

12. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the FSO and its subsidiary legislation. It has no significant implications on sustainability and does not have productivity, family, gender or environmental implications. The economic, financial and civil service implications of the proposal are set out at **Annex E**.

E

## **PUBLIC CONSULTATION**

13. FSD conducted trade consultations in 2007 and 2011 to gauge the views from the stakeholders on the RFE Scheme. In general, the majority of the stakeholders expressed support for the Scheme. To better assess the business impact of the Scheme on various stakeholders, FSD, with the support from the Security Bureau and the Economic Analysis and Business Facilitation Unit, commissioned a Business Impact Assessment (BIA) study, which was conducted from mid-2012 to mid-2013. The BIA study also found that the stakeholders were generally supportive of the RFE Scheme, and that there should be a sufficient supply of potential RFE candidates in the market.

14. We briefed the LegCo Panel on Security on 3 November 2015 on the proposed RFE Scheme and the 2015 Bill, and Members raised no objection. When the 2015 Bill was introduced into the LegCo, its Bills Committee Members generally welcomed the introduction of the RFE Scheme. Some of the Members and some stakeholders from the relevant sectors raised certain concerns over the implementation details of the RFE Scheme, including the qualifications and experience required for registration as RFEs; the regulatory mechanism governing fire safety risk assessment and certification services to be performed by RFEs; and the fees to be charged by the RFEs. We presented our initial proposals and explained that the Government would continue to fully consult the relevant professional bodies and stakeholders in formulating the implementation details of the Scheme. We reported to the LegCo Panel on Security further on 11 November 2016 on the legislative progress of the RFE Scheme.

## **PUBLICITY**

15. We will issue a press release. A spokesperson will be available to answer media and public enquiries.

## **BACKGROUND**

16. FSD is at present the only party vested with the statutory authority to make fire

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<sup>2</sup> Including the registration, duties and qualifications of RFEs, their retention in and removal from the register, the disciplinary and appeal mechanisms, as well as the issue of codes of practice.

safety risk assessment and provide certification services in the licensing process of certain premises. To enhance business friendliness through the introduction of a third-party fire safety certification scheme, namely the RFE Scheme, it is necessary to amend the law to empower the CE in Council to make the relevant regulations and to regulate RFEs.

17. Under the proposed RFE Scheme, qualified personnel may register with FSD as RFEs, and members of the public may engage RFEs to provide fire safety certification services. The RFEs will be categorised into three classes to carry out risk assessment, compliance inspection for FSI and compliance inspection for ventilating systems. Meanwhile, FSD will continue to deliver fire risk assessment and fire safety certification services to members of the public if they so choose.

## **ENQUIRIES**

18. For enquiries on this brief, please contact Mr Alex Chan, Principal Assistant Secretary for Security (B) at 2810 3435.

**Security Bureau**  
**16 November 2016**

**Fire Services (Amendment) Bill 2016**

**Contents**

Clause	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1. Short title and commencement .....	1
2. Enactments amended .....	1
<b>Part 2</b>	
<b>Amendments to Fire Services Ordinance (Cap. 95)</b>	
3. Long title amended .....	2
4. Section 2 amended (interpretation).....	2
5. Section 25 amended (power to make regulations).....	3
<b>Part 3</b>	
<b>Amendments to Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg. B)</b>	
6. Regulation 6 heading amended (installation of fire service installations of equipment) .....	5
7. Regulation 7 amended (maintenance or repair of fire service installations or equipment) .....	5
8. Regulation 8 heading amended (duty of owners of fire service installations or equipment) .....	6

Clause	Page
<b>Part 4</b>	
<b>Related Amendments</b>	
<b>Division 1—Amendments to Miscellaneous Licences Regulations (Cap. 114 sub. leg. A)</b>	
9. Regulation 72 amended (exits and doors).....	7
10. Regulation 122 amended (exits and doors).....	7
<b>Division 2—Amendments to Food Business Regulation (Cap. 132 sub. leg. X)</b>	
11. Section 33B amended (compliance with fire safety requirements).....	8
12. Section 33C amended (provisional licence) .....	8
<b>Division 3—Amendments to Places of Amusement Regulation (Cap. 132 sub. leg. BA)</b>	
13. Section 5 amended (application for the grant, renewal or transfer of licence).....	9
14. Section 13 amended (fire services requirements) .....	9
<b>Division 4—Amendments to Places of Public Entertainment Regulations (Cap. 172 sub. leg. A)</b>	
15. Regulation 3 amended (licences).....	9
16. Regulation 3A amended (grant of provisional licence) .....	10
17. Regulation 162 amended (licences).....	10
18. Regulation 164 amended (temporary structures).....	11

Clause	Page
<b>Division 5—Amendment to Education Ordinance (Cap. 279)</b>	
19. Section 12 amended (additional documents required where premises not designed and constructed as a school).....	12
<b>Division 6—Amendment to Non-local Higher and Professional Education (Regulation) Rules (Cap. 493 sub. leg. B)</b>	
20. Section 5 amended (premises in which registered course or exempted course is conducted).....	12

# A BILL

## 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 for certain premises and for regulating registered fire engineers; and to make related amendments.

Enacted by the Legislative Council.

### Part 1

#### Preliminary

**1. Short title and commencement**

- (1) This Ordinance may be cited as the Fire Services (Amendment) Ordinance 2016.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

**2. Enactments amended**

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

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**Part 2****Amendments to Fire Services Ordinance (Cap. 95)****3. Long title amended**

The long title—

**Repeal**

“equipment; and”

**Substitute**

“equipment; and to provide for registered fire engineers and a scheme for fire safety risk assessment, and certification on compliance with fire safety requirements, by registered fire engineers for certain premises; and to make provision”.

**4. Section 2 amended (interpretation)**

Section 2—

**Add in alphabetical order**

“*registered fire engineer* (註冊消防工程師) means a person who is registered as a registered fire engineer under the regulations made under this Ordinance;

*registered fire engineer (fire service installation)* (註冊消防工程師(消防裝置)) means a person who is registered as a registered fire engineer for the class of fire service installation under the regulations made under this Ordinance;

*registered fire engineer (risk assessment)* (註冊消防工程師(風險評估)) means a person who is registered as a registered fire engineer for the class of risk assessment under the regulations made under this Ordinance;

*registered fire engineer (ventilating system)* (註冊消防工程師(通風系統)) means a person who is registered as a registered fire engineer for the class of ventilating system under the regulations made under this Ordinance;”.

**5. Section 25 amended (power to make regulations)**

(1) After section 25(1)(g)—

**Add**

- “(ga) the registration and de-registration of registered fire engineers;
- (gb) fees to be charged in relation to the registration and de-registration of registered fire engineers;
- (gc) the establishment, powers and procedure of a registration committee in relation to the registration of registered fire engineers;
- (gd) the establishment of an interview board panel, and the appointment, powers and procedure of interview boards, in relation to the registration of registered fire engineers;
- (ge) the duties of registered fire engineers in relation to fire safety risk assessment, and certification on compliance with fire safety requirements, for premises prescribed by regulations made under this section;
- (gf) the acts or omissions that constitute a disciplinary offence on the part of a registered fire engineer;
- (gg) the establishment of a disciplinary board panel, and the appointment, powers and procedure of disciplinary boards, in relation to registered fire engineers;
- (gh) the grounds on which appeals may be lodged in relation to—
  - (i) the registration of registered fire engineers; or



- (ii) registered fire engineers;
  - (gi) the establishment of an appeal board panel, and the appointment, powers and procedure of appeal boards, in relation to appeals mentioned in paragraph (gh);
  - (gj) the issue of codes of practice concerning fire safety of any premises, and giving guidance in relation to the professional conduct, and the administration, of registered fire engineers;”.
- (2) After section 25(3)—
- Add**
- “(4) A regulation made under subsection (1)(ga), (gc), (gd), (ge), (gf), (gg), (gh), (gi) or (gj) is subject to the approval of the Legislative Council.”.
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### Part 3

#### Amendments to Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg. B)

6. **Regulation 6 heading amended (installation of fire service installations of equipment)**  
Regulation 6, English text, heading—
- Repeal**  
“installations of”
- Substitute**  
“installation or”.
7. **Regulation 7 amended (maintenance or repair of fire service installations or equipment)**
- (1) Regulation 7, heading—
- Repeal**  
“or repair of fire service installations”
- Substitute**  
“, inspection or repair of fire service installation”.
- (2) Regulation 7(1)—
- Repeal**  
“paragraph (2)”
- Substitute**  
“paragraphs (2), (3) and (4)”.
- (3) After regulation 7(2)—
- Add**

- “(3) A registered fire engineer (fire service installation) may inspect and test any fire service installation or equipment installed in, or for, any premises prescribed by regulations made under section 25 of the Ordinance.
- (4) The Director or a person authorized by the Director in writing may inspect and test any fire service installation or equipment installed in, or for, any premises for checking its safety and the efficiency of its working order.”.

**8. Regulation 8 heading amended (duty of owners of fire service installations or equipment)**

Regulation 8, English text, heading—

**Repeal**

“installations”

**Substitute**

“installation”.

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**Part 4**

**Related Amendments**

**Division 1—Amendments to Miscellaneous Licences  
Regulations (Cap. 114 sub. leg. A)**

**9. Regulation 72 amended (exits and doors)**

Regulation 72—

**Repeal**

“Services.”

**Substitute**

“Services, or required by a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)).”.

**10. Regulation 122 amended (exits and doors)**

Regulation 122—

**Repeal**

“Services.”

**Substitute**

“Services, or required by a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)).”.

### Division 2—Amendments to Food Business Regulation (Cap. 132 sub. leg. X)

11. **Section 33B amended (compliance with fire safety requirements)**

(1) Section 33B—

**Repeal**

“Services and”

**Substitute**

“Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), and”.

(2) Section 33B—

**Repeal**

“Services.”

**Substitute**

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of that Ordinance).”.

12. **Section 33C amended (provisional licence)**

Section 33C(1)(b)—

**Repeal**

“Services have”

**Substitute**

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), have”.

### Division 3—Amendments to Places of Amusement Regulation (Cap. 132 sub. leg. BA)

13. **Section 5 amended (application for the grant, renewal or transfer of licence)**

Section 5(2)(b)—

**Repeal**

“Services.”

**Substitute**

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)).”.

14. **Section 13 amended (fire services requirements)**

Section 13—

**Repeal**

“Services in”

**Substitute**

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), in”.

### Division 4—Amendments to Places of Public Entertainment Regulations (Cap. 172 sub. leg. A)

15. **Regulation 3 amended (licences)**

(1) Regulation 3(3)(b)—

**Repeal**

“Services and”

**Substitute**

“Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), and”.

- (2) Regulation 3(3)(b)—

**Repeal**

“Services in”

**Substitute**

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of that Ordinance), in”.

**16. Regulation 3A amended (grant of provisional licence)**

Regulation 3A(2)(a)(i)—

**Repeal**

“Services;”

**Substitute**

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95));”.

**17. Regulation 162 amended (licences)**

- (1) Regulation 162(7)(b)—

**Repeal**

“him in that behalf”

**Substitute**

“the Director of Fire Services in that behalf, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95))”.

- (2) Regulation 162(9)(c)—

**Repeal**

“Services and”

**Substitute**

“Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), and”.

- (3) Regulation 162(9)(c)—

**Repeal**

“Services in”

**Substitute**

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of that Ordinance), in”.

**18. Regulation 164 amended (temporary structures)**

- (1) Regulation 164(q)—

**Repeal**

“him”

**Substitute**

“the Director of Fire Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95))”.

- (2) Regulation 164(s)—

**Repeal**

“Services who”

**Substitute**

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), and the Director of Fire Services”.

**Division 5—Amendment to Education Ordinance (Cap. 279)****19. Section 12 amended (additional documents required where premises not designed and constructed as a school)**

Section 12(1)(c)—

**Repeal**

“Services that”

**Substitute**

“Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), that”.

**Division 6—Amendment to Non-local Higher and Professional Education (Regulation) Rules (Cap. 493 sub. leg. B)****20. Section 5 amended (premises in which registered course or exempted course is conducted)**

Section 5(2)(b)—

**Repeal subparagraph (i)****Substitute**

“(i) is a certificate—

- (A) issued by the Director of Fire Services pursuant to regulation 2(c) of the Fire Services Department (Reports and Certificates) Regulations (Cap. 95 sub. leg. C); or
- (B) issued by a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)); and”.

**Explanatory Memorandum**

The object of this Bill is 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 for certain premises (*scheme*) and for regulating registered fire engineers, and to make related amendments.

2. The Bill is divided into 4 Parts.

**Part 1—Preliminary**

3. Clause 1 sets out the short title and provides for commencement.

**Part 2—Amendments to Fire Services Ordinance**

4. Clause 3 amends the long title of the Fire Services Ordinance (Cap. 95) (*Ordinance*) to include the scheme and registration of persons as registered fire engineers (*registered fire engineers*) for the class of fire service installation, risk assessment or ventilating system.
5. Clause 4 amends section 2 of the Ordinance to include new definitions of *registered fire engineer*, *registered fire engineer (fire service installation)*, *registered fire engineer (risk assessment)* and *registered fire engineer (ventilating system)*.
6. Clause 5 amends section 25 of the Ordinance to empower the Chief Executive in Council to make regulations to provide for the scheme and regulate the registered fire engineers. These regulations (except the one concerning fees to be charged in relation to the registration and de-registration of registered fire engineers) are to be made subject to the approval of the Legislative Council.

**Part 3—Amendments to Fire Service (Installations and Equipment) Regulations**

7. Clause 7 amends regulation 7 of the Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg. B) to enable a registered fire engineer to inspect and test any fire service installation or equipment installed in, or for, certain premises, and enable the Director of Fire Services (or his or her authorized person) 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.

**Part 4—Related amendments**

8. Clauses 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 contain related amendments to certain enactments. In particular—
  - (a) clauses 9 and 10 contain amendments to the Miscellaneous Licences Regulations (Cap. 114 sub. leg. A);
  - (b) clauses 11 and 12 contain amendments to the Food Business Regulation (Cap. 132 sub. leg. X);
  - (c) clauses 13 and 14 contain amendments to the Places of Amusement Regulation (Cap. 132 sub. leg. BA);
  - (d) clauses 15, 16, 17 and 18 contain amendments to the Places of Public Entertainment Regulations (Cap. 172 sub. leg. A);
  - (e) clause 19 contains an amendment to the Education Ordinance (Cap. 279); and
  - (f) clause 20 contains an amendment to the Non-local Higher and Professional Education (Regulation) Rules (Cap. 493 sub. leg. B).

## **Proposed Registered Fire Engineer Scheme**

Under the current legislation, a person who intends to run certain types of premises<sup>1</sup> (hereafter referred to as an Applicant) can only rely on the services of the Fire Services Department (FSD) in making fire risk assessment of buildings/premises and certifying compliance with the relevant fire safety requirements<sup>2</sup>.

2. The Efficiency Unit (EU) conducted a Departmental Business Study for FSD with a view to enhancing FSD's business-friendliness. EU recommended FSD to reduce its involvement in day-to-day inspection and certification by devolving the responsibility of fire safety certification to the industry. Taking the licensing process of food premises as an example, it currently takes around 17 days for FSD to conduct fire safety risk assessment and formulate fire safety requirements, and around 14 days to conduct compliance inspection and certification. There is no alternative way to complete the relevant process in a shorter period of time even if the Applicant so wishes. If FSD were to comprehensively shorten the time taken for completing the relevant process, a vast amount of additional resources and manpower would be required.

3. In order to facilitate business operation and optimise the use of professional human resources, it is proposed to implement the Registered Fire Engineer (RFE) Scheme to leverage professional engineers and qualified persons in the market for the provision of fire safety risk assessment and certification services. If more Applicants engage RFEs to provide fire safety risk assessment and certification services, FSD's involvement in the inspection and certification of fire services installations and equipment (FSI) and ventilating system can be reduced in the longer run, thereby allowing room for redeploying some of its resources to other duties that cannot be undertaken by a third party.

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<sup>1</sup> Under the existing legislation, certain types of premises will require a "licence", a "permit", a "certificate of compliance" or a "certificate of registration" (hereafter collectively referred to as "a **licence**") to operate. Those premises requiring a "licence" or a "permit" to operate include general restaurants, factory canteens, funeral parlours, cinemas, theatres, karaoke establishments, hotels, guesthouses, places of public entertainment etc. A club-house requires a "certificate of compliance" to operate, whereas a school needs a "certificate of registration". Such premises are hereafter collectively referred to as "**prescribed premises**".

<sup>2</sup> The authority of the Director of Fire Services (DFS) to issue fire related reports/certificates is set out in Regulation 2 of the Fire Services Department (Reports and Certificates) Regulations (Cap. 95C).

## *Qualifications and Duties of RFEs*

4. Under the proposed RFE Scheme, a person applying to become an RFE has possesses relevant fire engineering qualification and experience as considered appropriate by DFS. The RFEs will be categorised into three classes to carry out the tasks in conducting risk assessment as well as compliance inspection and certification. A qualified person may register as an RFE for any one or all of the following three classes –

- (i) Registered Fire Engineer (Risk Assessment) [RFE(RA)] – who will conduct fire risk assessments and formulate fire safety requirements for any prescribed premises;
- (ii) Registered Fire Engineer (Fire Service Installation) [RFE(FSI)] – who will conduct compliance inspections on the fire safety requirements (except those relating to ventilating system) in any prescribed premises and issue fire safety certificates upon confirmation of compliance;
- (iii) Registered Fire Engineer (Ventilating System) [RFE(VentS)] – who will conduct compliance inspections on the fire safety requirements relating to ventilating system(s) in any prescribed premises and issue fire safety certificates upon confirmation of compliance.

5. The proposed Scheme will provide greater flexibility to the Applicants by offering them an additional option in completing the fire safety risk assessment and certification process. Such RFEs are expected to be able to complete the required risk assessment and certification services within a shorter turnaround time than it takes for FSD, thus creating an incentive for the Applicants, particularly those who can afford the likely higher fees to be charged by RFEs, to switch from using FSD's services<sup>3</sup>. Besides, the RFEs are expected to be able to provide services with greater flexibility, such as conducting on-site inspections or compliance checks at more flexible hours. This notwithstanding, FSD will maintain its existing risk assessment and certification services to the Applicants, thus providing flexibility for those who may prefer to continue using FSD's services. Hence upon the implementation of the proposed RFE Scheme, an Applicant may, based on his / her preference, choose to engage the services of RFEs and

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<sup>3</sup> According to the Business Impact Assessment Study commissioned in 2012-13, the charge of fire safety risk assessment and certification services by RFE is estimated to be substantially higher (ranging from \$30,000 to \$200,000) than the current charges of FSD's services (generally around \$1,000 to \$4,000).



/ or FSD at different stages of the licensing process. The workflow is illustrated at **Enclosure I**, and the different combination options are listed below –

Types of Services	Options of Service Provider			
	(i)	(ii)	(iii)	(iv)
Risk assessment and formulation of fire safety requirements	RFE(RA)	RFE(RA)	FSD	FSD
Compliance check upon completion of FSI and/or ventilating system installation works	RFE(FSI)/ RFE(VentS)	FSD	RFE(FSI)/ RFE(VentS)	FSD

6. As a prudent start, we propose to implement the RFE Scheme in the licensing process for the prescribed premises (list at **Enclosure II**) first. After running it for about two years, FSD will conduct a review to assess the effectiveness of the Scheme. Subject to the results of the review, we will consider extending the Scheme to other areas (such as certification of alteration and addition works of FSI in buildings and certification of fire safety upgrading works of buildings, etc.) in future.

***Control Mechanism***

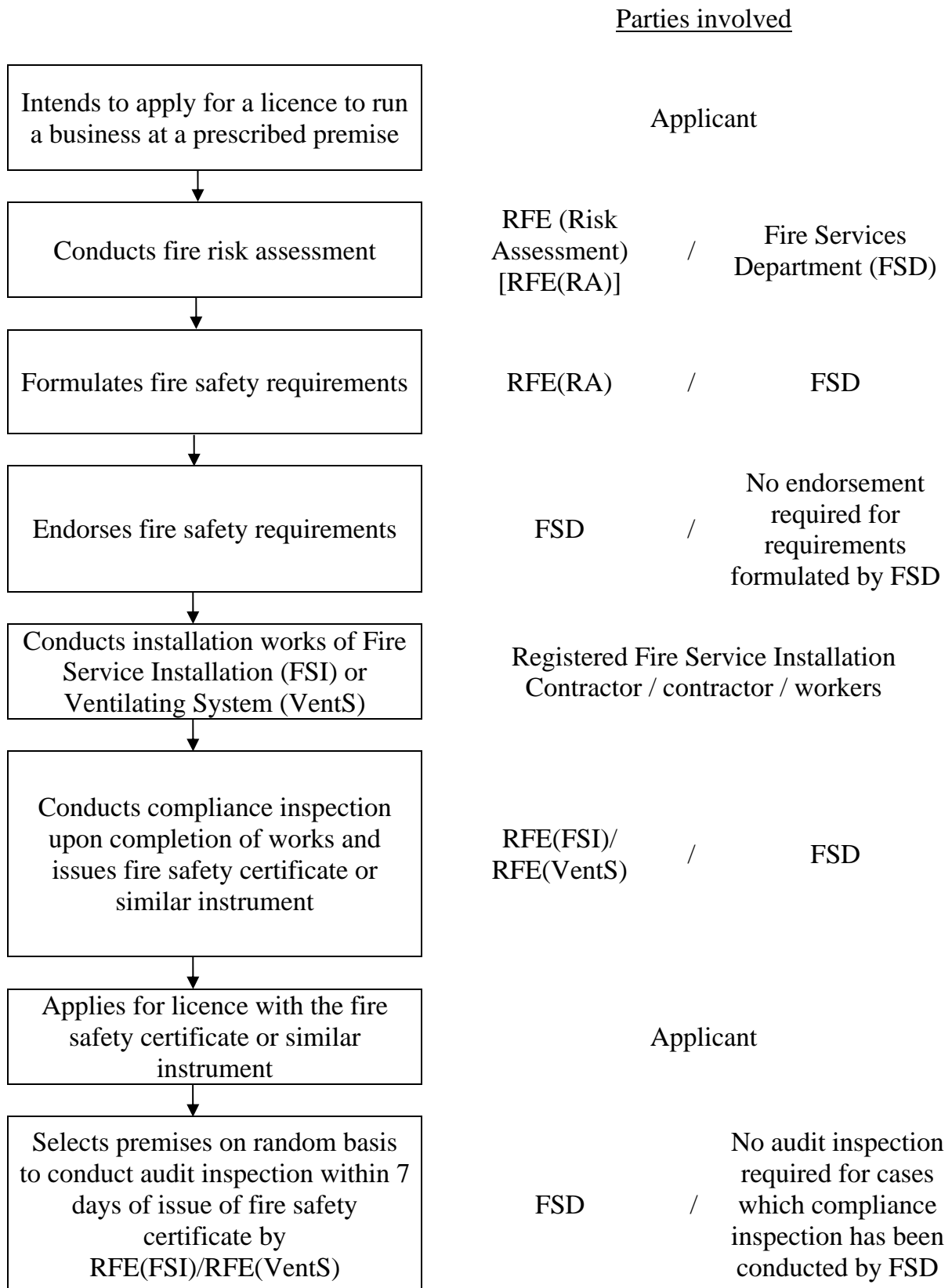
7. FSD would prepare and issue code of practice/practice notes for reference of RFEs. A Disciplinary Board Panel will be formed for inquiring into and dealing with cases in which an RFE is suspected to have failed to discharge his/her duties properly. In addition, an appeal mechanism will be established to handle appeals from any person who is aggrieved by DFS’ decision on the registration of RFEs or an order made in the disciplinary proceeding in relation to RFEs.

8. In order to ensure that consistent fire safety standards will be maintained, FSD intends to require that fire safety requirements formulated by an RFE(RA) must be endorsed by FSD before they are issued to the Applicants. This will help ensure that the Applicants will carry out the relevant fire safety works in accordance with requirements acceptable to FSD. In addition, to assess and ensure the quality of certification work of the RFE concerned, FSD will select premises on a random basis to conduct audit inspections of the certification completed by an RFE(FSI)/RFE(VentS) after the RFE(FSI)/RFE(VentS) issues fire safety certificates to the Applicants.

9. To prevent malpractices and conflict of interest, FSD has also sought advice from the Corruption Prevention Department of the Independent Commission Against Corruption (ICAC) for suitable control measures. Preventive measures recommended by ICAC include the prohibition of an RFE from certifying works carried out by an registered fire service installation contractor (RFSIC) / a registered specialist contractor (ventilating works category) (RSC(V)) if the RFE is the proprietor, shareholder, director, partner or an employee of that RFSIC/RSC(V); and positive declaration of no conflict of interest by the RFE on each occasion of his certification, etc. ICAC's recommended measures would be incorporated in the proposed Scheme by setting out in the new regulation to be made after the passage of the Bill or in the codes of practice / guidance notes that the RFEs should observe.

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**Workflow for Fire Safety Risk Assessment and Certification  
under the Proposed Registered Fire Engineer (RFE) Scheme**



## Enclosure II

### **List of Premises Proposed to be Covered under the Registered Fire Engineer Scheme**

*(A) Premises of which the relevant Ordinance / subsidiary legislation requires consequential amendments*

<b>Ordinance / Regulation</b>	<b>Types of premises</b>	<b>Authority</b>
Miscellaneous Licences Regulations (Cap. 114A)	<ul style="list-style-type: none"><li>● Public dance hall</li><li>● Dancing school</li></ul>	<ul style="list-style-type: none"><li>● Public officer appointed by the Secretary for Home Affairs</li></ul>
Food Business Regulation (Cap. 132X)	<ul style="list-style-type: none"><li>● General restaurant</li><li>● Light refreshment restaurant</li><li>● Factory canteen</li><li>● Bakery</li><li>● Food factory</li><li>● Composite Food Shop</li></ul>	<ul style="list-style-type: none"><li>● Director of Food and Environmental Hygiene</li></ul>
Places of Amusement Regulation (Cap. 132BA)	<ul style="list-style-type: none"><li>● Billiard centre</li><li>● Bowling centre</li><li>● Public skating rink</li></ul>	<ul style="list-style-type: none"><li>● Director of Leisure and Cultural Services</li></ul>
Places of Public Entertainment Regulations (Cap. 172A)	<ul style="list-style-type: none"><li>● Cinema</li><li>● Theatre</li><li>● Place of public entertainment (other than a cinema or theatre)</li></ul>	<ul style="list-style-type: none"><li>● Secretary for Home Affairs or any public officer authorized by him</li></ul>
Education Ordinance (Cap. 279)	<ul style="list-style-type: none"><li>● School</li></ul>	<ul style="list-style-type: none"><li>● Permanent Secretary for Education</li></ul>
Non-local Higher and Professional Education (Regulation) Rules (Cap.493B)	<ul style="list-style-type: none"><li>● Premises for conducting registered courses or exempted courses</li></ul>	<ul style="list-style-type: none"><li>● Registrar of Non-local Higher and Professional Education Courses</li></ul>

*(B) Premises of which the relevant Ordinance / subsidiary legislation does **not** require consequential amendments*

<b>Ordinance / Regulation</b>	<b>Types of premises</b>	<b>Authority</b>
Dutiable Commodities (Liquor) Regulations (Cap. 109B)	<ul style="list-style-type: none"> <li>• Premises for the sale and consumption of intoxicating liquor</li> </ul>	<ul style="list-style-type: none"> <li>• Liquor Licensing Board</li> </ul>
Funeral Parlours Regulation (Cap. 132AD)	<ul style="list-style-type: none"> <li>• Funeral parlour</li> </ul>	<ul style="list-style-type: none"> <li>• Director of Food and Environmental Hygiene</li> </ul>
Child Care Services Ordinance (Cap. 243)	<ul style="list-style-type: none"> <li>• Child care centre</li> </ul>	<ul style="list-style-type: none"> <li>• Director of Social Welfare</li> </ul>
Massage Establishments Ordinance (Cap. 266)	<ul style="list-style-type: none"> <li>• Massage establishment</li> </ul>	<ul style="list-style-type: none"> <li>• Commissioner of Police</li> </ul>
Hotel and Guesthouse Accommodation Ordinance (Cap. 349)	<ul style="list-style-type: none"> <li>• Hotel</li> <li>• Guesthouse</li> </ul>	<ul style="list-style-type: none"> <li>• Hotel and Guesthouse Accommodation Authority</li> </ul>
Clubs (Safety of Premises) Ordinance (Cap. 376)	<ul style="list-style-type: none"> <li>• Club-house</li> </ul>	<ul style="list-style-type: none"> <li>• Secretary for Home Affairs</li> </ul>
Amusement Game Centres Ordinance (Cap. 435)	<ul style="list-style-type: none"> <li>• Amusement game centre</li> </ul>	<ul style="list-style-type: none"> <li>• Public officer appointed by the Secretary for Home Affairs</li> </ul>
Bedspace Apartments Ordinance (Cap. 447)	<ul style="list-style-type: none"> <li>• Bedspace apartment</li> </ul>	<ul style="list-style-type: none"> <li>• Secretary for Home Affairs</li> </ul>
Residential Care Homes (Elderly Persons) Ordinance (Cap. 459)	<ul style="list-style-type: none"> <li>• Residential care home for the elderly</li> </ul>	<ul style="list-style-type: none"> <li>• Director of Social Welfare</li> </ul>
Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566)	<ul style="list-style-type: none"> <li>• Drug dependence treatment centre</li> </ul>	<ul style="list-style-type: none"> <li>• Director of Social Welfare</li> </ul>
Karaoke Establishments Ordinance (Cap. 573)	<ul style="list-style-type: none"> <li>• Karaoke establishment (other than that in a restaurant, hotel,</li> </ul>	<ul style="list-style-type: none"> <li>• Secretary for Home Affairs</li> </ul>

<b>Ordinance / Regulation</b>	<b>Types of premises</b>	<b>Authority</b>
	<ul style="list-style-type: none"> <li>• Karaoke establishment (in a hotel, guesthouse or club)</li> <li>• Karaoke establishment (in a restaurant)</li> </ul>	<ul style="list-style-type: none"> <li>• Secretary for Home Affairs</li> <li>• Director of Food and Environmental Hygiene</li> </ul>
Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613)	<ul style="list-style-type: none"> <li>• Residential care home for persons with disabilities</li> </ul>	<ul style="list-style-type: none"> <li>• Director of Social Welfare</li> </ul>

**Fire Services (Amendment) Bill 2016**

**Contents**

Clause	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1. Short title and commencement.....	1
2. Enactments amended .....	1
<b>Part 2</b>	
<b>Amendments to Fire Services Ordinance (Cap. 95)</b>	
3. Long title amended .....	2
4. Section 2 amended (interpretation) .....	2
5. Section 25 amended (power to make regulations) .....	3
<b>Part 3</b>	
<b>Amendments to Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg. B)</b>	
6. Regulation 6 amended (installation of fire service installations of equipment).....	5
7. Regulation 7 amended (maintenance or repair of fire service installations or equipment).....	5
8. Regulation 8 amended (duty of owners of fire service installations or equipment).....	6

Clause	Page
<b>Part 4</b>	
<b>Related <del>and Consequential</del> Amendments</b>	
<b>Division 1—Amendments to Miscellaneous Licences Regulations (Cap. 114 sub. leg. A)</b>	
9. Regulation 72 amended (exits and doors).....	7
10. Regulation 122 amended (exits and doors).....	7
<b>Division 2—Amendments to Food Business Regulation (Cap. 132 sub. leg. X)</b>	
11. Section 33B amended (compliance with fire safety requirements) .....	8
12. Section 33C amended (provisional licence).....	8
<b>Division 3—Amendments to Places of Amusement Regulation (Cap. 132 sub. leg. BA)</b>	
13. Section 5 amended (application for the grant, renewal or transfer of licence) .....	9
14. Section 13 amended (fire services requirements) .....	9
<b>Division 4—Amendments to Places of Public Entertainment Regulations (Cap. 172 sub. leg. A)</b>	
15. Regulation 3 amended (licences) .....	9
16. Regulation 3A amended (grant of provisional licence).....	10
17. Regulation 162 amended (licences) .....	10
18. Regulation 164 amended (temporary structures) .....	11
<b>Division 5—Amendment to Education Ordinance (Cap. 279)</b>	

Clause	Page
19. Section 12 amended (additional documents required where premises not designed and constructed as a school) .....	12
<b>Division 6—Amendment to Non-local Higher and Professional Education (Regulation) Rules (Cap. 493 sub. leg. B)</b>	
20. Section 5 amended (premises in which registered course or exempted course is conducted) .....	12

# A BILL

## 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 for certain premises and for regulating registered fire engineers; and to make related, ~~consequential and other minor~~ amendments.

Enacted by the Legislative Council.

### Part 1

#### Preliminary

**1. Short title and commencement**

- (1) This Ordinance may be cited as the Fire Services (Amendment) Ordinance ~~2015~~2016.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

**2. Enactments amended**

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

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## Part 2

### Amendments to Fire Services Ordinance (Cap. 95)

#### 3. Long title amended

The long title—

##### Repeal

“equipment; and”

##### Substitute

“equipment; and to provide for registered fire engineers and a scheme for fire safety risk assessment, and certification on compliance with fire safety requirements, by registered fire engineers for certain premises; and to make provision”.

#### 4. Section 2 amended (interpretation)

Section 2—

##### Add in alphabetical order

“*registered fire engineer* (註冊消防工程師) means a person who is registered as a registered fire engineer under the regulations made under this Ordinance;

*registered fire engineer (fire service installation)* (註冊消防工程師(消防裝置)) means a person who is registered as a registered fire engineer for the class of fire service installation under the regulations made under this Ordinance;

*registered fire engineer (risk assessment)* (註冊消防工程師(風險評估)) means a person who is registered as a registered fire engineer for the class of risk assessment under the regulations made under this Ordinance;

*registered fire engineer (ventilating system)* (註冊消防工程師(通風系統)) means a person who is registered as a registered fire engineer for the class of ventilating system under the regulations made under this Ordinance;”.

#### 5. Section 25 amended (power to make regulations)

(1) After section 25(1)(g)—

##### Add

“(ga) the registration and de-registration of registered fire engineers ~~and;~~

(gb) fees to be charged in relation to the registration and de-registration of registered fire engineers;

(gbc) the establishment, powers and procedure of a registration committee in relation to the registration of registered fire engineers;

(gbd) the establishment of an interview board panel, and the appointment, powers and procedure of interview boards, in relation to the registration of registered fire engineers;

(gbe) the duties of registered fire engineers in relation to fire safety risk assessment, and certification on compliance with fire safety requirements, for premises prescribed by regulations made under this section;

(gbf) the acts or omissions that constitute a disciplinary offence on the part of a registered fire engineer;

(gbg) the establishment of a disciplinary board panel, and the appointment, powers and procedure of disciplinary boards, in relation to registered fire engineers;

(gbh) the grounds on which appeals may be lodged in relation to—

(i) the registration of registered fire engineers; or

(ii) registered fire engineers;

(ehgi) the establishment of an appeal board panel, and the appointment, powers and procedure of appeal boards, in relation to appeals mentioned in paragraph (eggh);

(gigi) the issue of codes of practice concerning fire safety of any premises, and giving guidance in relation to the professional conduct, and the administration, of registered fire engineers;”.

(2) After section 25(3)—

**Add**

“(4) A regulation made under subsection (1)(ga), (gc), (gd), (ge), (gf), (gg), (gh), (gi) or (gj) is subject to the approval of the Legislative Council.”<sup>1</sup>.

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<sup>1</sup> To incorporate Committee Stage Amendments (CSAs) agreed by Bills Committee of the Fire Services (Amendment) Bill 2015 (the Bills Committee).

### Part 3

#### Amendments to Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg. B)

**6. Regulation 6 amended (installation of fire service installations of equipment)**

Regulation 6, English text, heading—

**Repeal**

“installations of”

**Substitute**

“installation or”.

**7. Regulation 7 amended (maintenance or repair of fire service installations or equipment)**

(1) Regulation 7, heading—

**Repeal**

“or repair of fire service installations”

**Substitute**

“, inspection or repair of fire service installation”.

(2) Regulation 7(1)—

**Repeal**

“paragraph (2)”

**Substitute**

“paragraphs (2), (3) and (4)”.

(3) After regulation 7(2)—

**Add**

“(3) A registered fire engineer (fire service installation) may inspect and test any fire service installation or equipment installed in, or for<sup>2</sup>, any premises prescribed by regulations made under section 25 of the Ordinance.

(4) The Director or a person authorized by the Director in writing may inspect and test any fire service installation or equipment installed in, or for<sup>3</sup>, any premises for checking its safety and the efficiency of its working order.”.

**8. Regulation 8 amended (duty of owners of fire service installations or equipment)**

Regulation 8, English text, heading—

**Repeal**

“installations”

**Substitute**

“installation”.

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<sup>2</sup> To improve clarity.

**Part 4**

**Related ~~and Consequential~~ Amendments**

**Division 1—Amendments to Miscellaneous Licences Regulations (Cap. 114 sub. leg. A)**

**9. Regulation 72 amended (exits and doors)**

Regulation 72—

**Repeal**

“Services.”

**Substitute**

“Services, or required by a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)).”.

**10. Regulation 122 amended (exits and doors)**

Regulation 122—

**Repeal**

“Services.”

**Substitute**

“Services, or required by a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)).”.

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**Division 2—Amendments to Food Business Regulation  
(Cap. 132 sub. leg. X)**

11. **Section 33B amended (compliance with fire safety requirements)**  
(1) Section 33B—  
**Repeal**  
“Services and”  
**Substitute**  
“Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), and”.
- (2) Section 33B—  
**Repeal**  
“Services.”  
**Substitute**  
“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of that Ordinance).”.
12. **Section 33C amended (provisional licence)**  
Section 33C(1)(b)—  
**Repeal**  
“Services have”  
**Substitute**  
“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), have”.

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**Division 3—Amendments to Places of Amusement  
Regulation (Cap. 132 sub. leg. BA)**

13. **Section 5 amended (application for the grant, renewal or transfer of licence)**  
Section 5(2)(b)—  
**Repeal**  
“Services.”  
**Substitute**  
“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)).”.
14. **Section 13 amended (fire services requirements)**  
Section 13—  
**Repeal**  
“Services in”  
**Substitute**  
“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), in”.

**Division 4—Amendments to Places of Public Entertainment  
Regulations (Cap. 172 sub. leg. A)**

15. **Regulation 3 amended (licences)**  
(1) Regulation 3(3)(b)—  
**Repeal**  
“Services and”

**Substitute**

“Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), and”.

- (2) Regulation 3(3)(b)—

**Repeal**

“Services in”

**Substitute**

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of that Ordinance), in”.

**16. Regulation 3A amended (grant of provisional licence)**

- Regulation 3A(2)(a)(i)—

**Repeal**

“Services;”

**Substitute**

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95));”.

**17. Regulation 162 amended (licences)**

- (1) Regulation 162(7)(b)—

**Repeal**

“him in that behalf”

**Substitute**

“the Director of Fire Services in that behalf, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95))”.

- (2) Regulation 162(9)(c)—

**Repeal**

“Services and”

**Substitute**

“Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), and”.

- (3) Regulation 162(9)(c)—

**Repeal**

“Services in”

**Substitute**

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of that Ordinance), in”.

**18. Regulation 164 amended (temporary structures)**

- (1) Regulation 164(q)—

**Repeal**

“him”

**Substitute**

“the Director of Fire Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95))”.

- (2) Regulation 164(s)—

**Repeal**

“Services who”

**Substitute**

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), and the Director of Fire Services”.

## Division 5—Amendment to Education Ordinance (Cap. 279)

### 19. Section 12 amended (additional documents required where premises not designed and constructed as a school)

Section 12(1)(c)—

#### Repeal

“Services that”

#### Substitute

“Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), that”.

## Division 6—Amendment to Non-local Higher and Professional Education (Regulation) Rules (Cap. 493 sub. leg. B)

### 20. Section 5 amended (premises in which registered course or exempted course is conducted)

Section 5(2)(b)—

#### Repeal subparagraph (i)

#### Substitute

“(i) is a certificate—

- (A) issued by the Director of Fire Services pursuant to regulation 2(c) of the Fire Services Department (Reports and Certificates) Regulations (Cap. 95 sub. leg. C); or
- (B) issued by a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)); and”.

## Explanatory Memorandum

The object of this Bill is 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 for certain premises (*scheme*) and for regulating registered fire engineers, and to make related, ~~consequential and other minor~~ amendments.

2. The Bill is divided into 4 Parts.

### Part 1—Preliminary

3. Clause 1 sets out the short title and provides for commencement.

### Part 2—Amendments to Fire Services Ordinance

4. Clause 3 amends the long title of the Fire Services Ordinance (Cap. 95) (*Ordinance*) to ~~enlarge the scope of the Ordinance for the purposes of providing for~~ include the scheme and registration of persons as registered fire engineers (*registered fire engineers*) ~~for the class of fire service installation, risk assessment or ventilating system~~<sup>3</sup>.
5. Clause 4 amends section 2 of the Ordinance to include new definitions of *registered fire engineer*, *registered fire engineer (fire service installation)*, *registered fire engineer (risk assessment)* and *registered fire engineer (ventilating system)*.
6. Clause 5 amends section 25 of the Ordinance to empower the Chief Executive in Council to make regulations to provide for the scheme and regulate the registered fire engineers. These regulations (except

<sup>3</sup> To state clearly our policy intent of introducing three classes of registered fire engineers.

the one concerning fees to be charged in relation to the registration and de-registration of registered fire engineers) are to be made subject to the approval of the Legislative Council<sup>4</sup>.

**Part 3—Amendments to Fire Service (Installations and Equipment) Regulations**

7. Clause 7 amends regulation 7 of the Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg. B) to enable a registered fire engineer to inspect and test any fire service installation or equipment installed in, or for, certain premises, and enable the Director of Fire Services (or his or her authorized person) 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.

**Part 4—Related ~~and consequential~~ amendments**

8. Clauses 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 contain related ~~and consequential~~ amendments to certain enactments. In particular—
- (a) clauses 9 and 10 contain amendments to the Miscellaneous Licences Regulations (Cap. 114 sub. leg. A);
  - (b) clauses 11 and 12 contain amendments to the Food Business Regulation (Cap. 132 sub. leg. X);
  - (c) clauses 13 and 14 contain amendments to the Places of Amusement Regulation (Cap. 132 sub. leg. BA);

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<sup>4</sup> To explain the CSAs agreed by the Bills Committee, corresponding to changes to Clause 5 of this Bill.

- (d) clauses 15, 16, 17 and 18 contain amendments to the Places of Public Entertainment Regulations (Cap. 172 sub. leg. A);
- (e) clause 19 contains an amendment to the Education Ordinance (Cap. 279); and
- (f) clause 20 contains an amendment to the Non-local Higher and Professional Education (Regulation) Rules (Cap. 493 sub. leg. B).

## Annex D

Chapter:	95	FIRE SERVICES ORDINANCE	Gazette Number	Version Date
		Long title	L.N. 194 of 2003	01/01/2004

To make better provision as to the constitution, duties and powers of the Fire Services Department and as to the discipline of members thereof and to make provision for the prevention of fire hazards, for the investigation into matters relating to a fire and for a welfare fund; and to regulate the registration of fire service installation contractors and to provide for the control of the sale, supply, installation, repair, maintenance and inspection of fire service installations or equipment; and for purposes connected with the matters aforesaid.

(Amended 42 of 1961 s. 2; 1 of 1964 s. 2; 45 of 1971 s. 2; 7 of 2003 s. 2)

[13 August 1954]

(Originally 32 of 1954)

Chapter:	95	FIRE SERVICES ORDINANCE	Gazette Number	Version Date
Section:	2	Interpretation	L.N. 9 of 2010	31/03/2010

In this Ordinance, unless the context otherwise requires-

"calamity" (災難) means an occurrence by which life or property is endangered; (Added 1 of 1961 s. 2)

"civil service provident fund scheme" (公務員公積金計劃) means the Civil Service Provident Fund Scheme referred to in the government regulations; (Added 6 of 2009 s. 3)

"Director" (處長) means the Director of Fire Services; (Replaced 42 of 1961 s. 2)

"fire hazard" (火警危險) means-

(a)-(b) (Repealed 4 of 1985 s. 2)

(c) any removal from any building of any fire service installation or equipment which was provided in such building in accordance with plans certified by the Director for the purposes of section 16 of the Buildings Ordinance (Cap 123);

(d) the presence in any building of any fire service installation or equipment which from lack of proper maintenance or for any other reason is not in efficient working order; (Amended 56 of 1969 s. 2)

(e) inadequate means of egress from any premises in a building to street level outside the building or using such means of egress for a purpose which gives rise to any circumstance described in paragraph (f); (Added 56 of 1969 s. 2. Amended 29 of 1975 s. 2)

(f) any other matter or circumstance which materially increases the likelihood of fire or other calamity or the danger to life or property that would result from the outbreak of fire or the occurrence of any other calamity, or which would materially hamper the Fire Services Department in the discharge of its duties in the event of fire or other calamity; (Added 1 of 1964 s. 3)

"fire service installation or equipment" (消防裝置或設備) means any installation or equipment manufactured, used or designed to be used for the purposes of-

(a) extinguishing, attacking, preventing or limiting a fire;

(b) giving warning of a fire;

(c) providing access to any premises or place for the purpose of extinguishing, attacking, preventing or limiting a fire; (Added 45 of 1971 s. 3)

(d) facilitating the evacuation from any premises in case of fire; (Added 7 of 2003 s. 3)

(e) providing a stand-by power supply to an installation or equipment the purposes of which are mentioned in paragraphs (a) to (d) in the event of the loss of normal power supply; (Added 7 of 2003 s. 3)

"government regulations" (政府規例) means the administrative rules known as the Government Regulations and any other administrative rules or instruments regulating the public service; (Replaced 76 of 1999 s. 3)

"member" (成員) means a person holding any rank in the Fire Services Department set out in the Sixth Schedule; (Replaced 29 of 1975 s. 2)



"member of other ranks" (員佐級成員) means a member holding a rank set out in Part III of the Sixth Schedule; (Added 29 of 1975 s. 2)

"occupier" (佔用人) means in the case of domestic buildings a person resident therein and in the case of other buildings means a person carrying on an occupation full-time in such building; (Added 29 of 1975 s. 2)

"owner" (擁有人)-

- (a) in respect of any premises, has the meaning assigned to it by section 2 of the Buildings Ordinance (Cap 123); and
- (b) in respect of any fire service installation or equipment, includes the occupier or the owner of the premises in or on which the fire service installation or equipment is installed or kept; (Replaced 45 of 1971 s. 3)

"premises" (處所) includes any place, but excludes any vessel; (Added 1 of 1964 s. 3. Amended 55 of 1981 s. 2)

"Public Service (Administration) Order" (《公務人員(管理)命令》) means-

- (a) the Public Service (Administration) Order 1997 (Executive Order No. 1 of 1997);
- (b) the Public Service (Disciplinary) Regulation made under section 21 of that Order (and together with that Order published as S.S. No. 5 to Gazette No. 2/1997); and
- (c) any other regulation made or any direction given under that Order, as amended from time to time; (Added 76 of 1999 s. 3)

"retirement benefits" (退休福利), in relation to a person, means-

- (a) the pension, gratuity or other allowance of that person as provided for under the Pensions Ordinance (Cap 89);
- (b) the pension benefits of that person as provided for under the Pension Benefits Ordinance (Cap 99); or
- (c) the part of that person's beneficial interests in the civil service provident fund scheme that is attributable to sums derived from the voluntary contributions made by the Government, as employer, in respect of that person under section 11(4) of the Mandatory Provident Fund Schemes Ordinance (Cap 485), together with the income, profits or losses arising from any investment of those sums and of such income or profits; (Added 6 of 2009 s. 3)

"senior officer" (高級人員) means a member holding a rank set out in Part I of the Sixth Schedule; (Replaced 29 of 1975 s. 2)

"subordinate officer" (部屬人員) means a member holding a rank set out in Part II of the Sixth Schedule; (Replaced 29 of 1975 s. 2)

"tenant" (租客) includes sub-tenant; (Added 54 of 1986 s. 2)

"vessel" (船隻) includes-

- (a) any ship (not being a ship of war or a ship having the status of a ship of war), junk, boat, dynamically supported craft, seaplane or any other description of vessel used in navigation; and (Amended 41 of 1992 s. 2)
- (b) any other description of vessel not used in navigation or not constructed or adapted for use in navigation. (Added 55 of 1981 s. 2.)

Chapter:	95	FIRE SERVICES ORDINANCE	Gazette Number	Version Date
Section:	25	Power to make regulations	L.N. 194 of 2003	01/01/2004

(1) The Chief Executive in Council may by regulation provide for- (Amended 76 of 1999 s. 3; 7 of 2003 s. 11)

- (a) discipline and punishment of subordinate officers and members of other ranks; (Amended 29 of 1975 s. 17)
- (b) the control, administration and investment of the Fire Services Department Welfare Fund; (Amended 42 of 1961 s. 2; 58 of 1999 s. 2)
- (c) description of uniforms and equipment to be provided;
- (d) such other matters as may be necessary or expedient for rendering the Fire Services Department efficient in the discharge of its duties; (Amended 42 of 1961 s. 2)
- (e) the making and issue of reports and certificates regarding-

- (i) fires or other calamities attended by the Fire Services Department; (Amended 42 of 1961 s. 2)
- (ii) premises, vessels or other property damaged by fire;
- (iii) matters relating to fire risks or fire precautions in or connected with any premises, vessel or other property,  
and fees to be charged in relation thereto; (Added 1 of 1961 s. 8)
- (f) the registration and de-registration of fire service installation contractors and fees to be charged in relation thereto; (Added 45 of 1971 s. 4. Amended 34 of 1986 s. 2)
- (g) the appointment, powers and procedure of a disciplinary board in relation to fire service installation contractors; (Added 45 of 1971 s. 4)
- (h) the control of the sale, supply, installation, repair, maintenance and inspection of fire service installations or equipment; (Added 45 of 1971 s. 4)
- (ha) fees or charges payable in respect of carrying into effect the provisions of the Ordinance (other than provisions relating to the discharge of any duty imposed by law on the Fire Services Department), whether similar or not to any matter mentioned in this section; (Added 34 of 1986 s. 2. Amended L.N. 63 of 1992)
- (hb) the making of an order by a court or magistrate-
  - (i) that requires a person to abate a fire hazard or prevent it from recurring;
  - (ii) that closes any premises in relation to which a person has been convicted of an offence under this Ordinance;
  - (iii) that rescinds or suspends an order under subparagraph (ii);
  - (iv) that prohibits any premises to be used for a particular purpose;
  - (v) that requires a person to remove any article or thing that obstructs or may obstruct, or locks or may lock the means of escape in any premises;
  - (vi) that terminates the tenancy of any premises; (Added 7 of 2003 s. 11)
- (hc) the procedure and other matters relating to an order under paragraph (hb); (Added 7 of 2003 s. 11)
- (hd) the prevention of obstruction to and locking of the means of escape in any premises; (Added 7 of 2003 s. 11)
- (he) the regulation of the conveyance on land of a container that contains a part of a motor vehicle that has fuel in its fuel tank or is otherwise stained with fuel; (Added 7 of 2003 s. 11)
- (hf) the regulation of the stowage of a part of a motor vehicle that has fuel in its fuel tank or is otherwise stained with fuel, in a container that is or is to be conveyed on land; (Added 7 of 2003 s. 11)
- (hg) the powers of any prescribed public officer to stop, board and search a vehicle or enter and search a container and seize, remove and detain articles or things carried in, on or by the vehicle or contained in the container that is related to an offence under this Ordinance; (Added 7 of 2003 s. 11)
- (hh) the prohibition of possession or control of a prescribed substance in or on any prescribed premises for the purpose of a business of supplying the substance for transferring to the fuel tank of a motor vehicle; (Added 7 of 2003 s. 11)
- (hi) the power of the Director to obtain, or to authorize a member in writing to obtain, personal particulars from any person under the prescribed circumstances; (Added 7 of 2003 s. 11)
- (hj) the liability of the owner, tenant, occupier or person in charge of any premises who knowingly permits or suffers an offence under this Ordinance to be committed in or on the premises; (Added 7 of 2003 s. 11)
- (hk) the liability of a person who lets, or agrees to let, whether as principal or agent of another person, any premises with the knowledge that an offence under this Ordinance is to be committed in or on the premises; (Added 7 of 2003 s. 11)
- (hl) the prescribing of anything required to be prescribed under this Ordinance; (Added 7 of 2003 s. 11)
- (i) generally, for the carrying into effect of the provisions of the Ordinance in relation to any matter, whether similar or not to those in this section mentioned, as to which it may be convenient to make regulations.

(2) A regulation made under this section may provide that the Director may not authorize members of certain ranks to exercise a power or discharge a duty that the Director by any enactment is entitled to exercise or required to discharge. (Added 7 of 2003 s. 11)

(3) A regulation made under this section may provide that-

- (a) any contravention of the provisions of the regulation shall be an offence; and
- (b) any person who contravenes the regulation shall be liable on conviction to a fine not exceeding

\$300000 and to imprisonment for a period not exceeding 1 year, and in the case of a continuing offence, to a daily penalty not exceeding \$30000. (Added 7 of 2003 s. 11)

Chapter:	95B	FIRE SERVICE (INSTALLATIONS AND EQUIPMENT) REGULATIONS	Gazette Number	Version Date
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Regulation:	6	Installation of fire service installations of equipment		30/06/1997
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(1) Subject to paragraph (2), no fire service installation or equipment shall be installed in any premises by any person other than a registered contractor.

(2) Paragraph (1) shall not apply to any portable equipment which is not required by law to be installed in any premises.

Chapter:	95B	FIRE SERVICE (INSTALLATIONS AND EQUIPMENT) REGULATIONS	Gazette Number	Version Date
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Regulation:	7	Maintenance or repair of fire service installations or equipment		30/06/1997
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(1) Subject to paragraph (2), no person other than a registered contractor shall maintain, inspect or repair any fire service installation or equipment which is installed in any premises.

(2) Paragraph (1) shall not apply to any portable equipment which is not required by law to be installed in any premises.

(L.N. 269 of 1978)

Chapter:	95B	FIRE SERVICE (INSTALLATIONS AND EQUIPMENT) REGULATIONS	Gazette Number	Version Date
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Regulation:	8	Duty of owners of fire service installations or equipment		30/06/1997
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The owner of any fire service installation or equipment which is installed in any premises shall-

- (a) keep such fire service installation or equipment in efficient working order at all times; and
- (b) have such fire service installation or equipment inspected by a registered contractor at least once in every 12 months.

Chapter:	114A	MISCELLANEOUS LICENCES REGULATIONS	Gazette Number	Version Date
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Regulation:	72	Exits and doors		30/06/1997
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Every door and barrier on the premises must open outwards, and every exit shall be plainly indicated in 170-millimetre letters and Chinese characters by a fixed lighted sign of a nature and in a position approved by the Director of Fire Services.

(L.N. 300 of 1982)

Chapter:	114A	MISCELLANEOUS LICENCES REGULATIONS	Gazette Number	Version Date
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Regulation:	122	Exits and doors		30/06/1997
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Every door and barrier on the premises must open outwards, and every exit shall be plainly indicated in 170-millimetre letters and Chinese characters by a fixed lighted sign of a nature and in a position approved by the Director of Fire Services.

(L.N. 123 of 1982; L.N. 300 of 1982)

Chapter:	132X	FOOD BUSINESS REGULATION	Gazette Number	Version Date
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Section:	33B	Compliance with fire safety requirements	L.N. 320 of 1999	01/01/2000
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No licence shall be granted by the Director under section 31 unless the applicant for such licence produces to the Director a certificate from the Director of Fire Services and such other evidence as the Director may require to the effect that the premises in respect of which the application is made comply with any requirements issued by the Director of Fire Services. This section does not apply to the issue of a provisional licence under section 33C.

(L.N. 238 of 1982; 10 of 1986 s. 32(2); L.N. 495 of 1993; L.N. 493 of 1995; 78 of 1999 s. 7)

Chapter:	132X	FOOD BUSINESS REGULATION	Gazette Number	Version Date
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Section:	33C	Provisional licence	L.N. 85 of 2013	19/07/2013
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(1) The Director may on application grant a provisional licence permitting the carrying on of any food business mentioned in section 31(1) where the applicant satisfies the Director- (L.N. 349 of 1998)

(a) that the conditions mentioned in sections 33(1)(b), (c), (d), (e), (f), (fa), (g), (h), (i), (m), (n), (o) and (p) and 33A have been complied with; and (L.N. 57 of 2010)

(b) that any requirements issued by the Director of Fire Services have been complied with. (L.N. 349 of 1998)

(2) The Director shall not consider an application for a provisional licence unless the applicant has applied to the Director for a full licence for the carrying on of any food business mentioned in section 31(1) in respect of the same premises. (L.N. 349 of 1998)

(3) A provisional licence shall be valid for a period of 6 months from and including the date of its issue.

(4) A provisional licence may be renewed on one occasion, and only on one occasion at the absolute discretion of the Director.

(5) A provisional licence that is renewed under subsection (4) shall be valid for a period of 6 months from and including the date of its renewal or such lesser period as may be specified in the provisional licence.

(6) The fee for the grant or renewal of a provisional licence shall be the prescribed fee. (L.N. 85 of 2013)

(7) If a full licence is granted before the expiry of a provisional licence, any refund of part of the fee paid in respect of the provisional licence will be made on a pro-rata basis. Any fraction of \$1 in the refund shall count as \$1.

(L.N. 493 of 1995; 78 of 1999 s. 7)

Chapter:	132BA	PLACES OF AMUSEMENT REGULATION	Gazette Number	Version Date
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Section:	5	Application for the grant, renewal or transfer of licence	L.N. 320 of 1999	01/01/2000
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(1) Every application for the grant, renewal or transfer of a licence shall be made in writing to the Director in such form and contain such particulars and be accompanied by such plans as the Director may require.

(2) The applicant for the grant, renewal or transfer of a licence shall produce to the Director such evidence as the Director shall require that the premises in respect of which the licence is to be issued comply with-

(a) the provisions in this Regulation; and

(b) any requirements issued by the Director of Fire Services.

(L.N. 234 of 1987; 78 of 1999 s. 7)

Chapter:	132BA	PLACES OF AMUSEMENT REGULATION	Gazette Number	Version Date
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Section:	13	Fire Services requirements	L.N. 320 of 1999	01/01/2000
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The licensee shall comply with and observe at all times all requirements issued by the Director of Fire Services in respect of the licensed premises.

Chapter:	172A	PLACES OF PUBLIC ENTERTAINMENT REGULATIONS	Gazette Number	Version Date
Regulation:	3	Licences	L.N. 198 of 2006	30/11/2006

### Applications for licences

- (1) (a) Any person who desires to keep or use premises specially designed as a theatre or cinema shall apply in triplicate in such form, if any, as the licensing authority may specify to the licensing authority for the grant of a licence in respect thereof; but in case it is proposed to install laser equipment, or such equipment is already installed, in the premises to which the application relates, the application shall be in quadruplicate. (L.N. 127 of 1977; L.N. 193 of 1996)
- (b) A person to whom a licence is granted or renewed under this regulation may at any time during the period not more than 6 months and not less than 5 months before the expiration of the licence apply to the licensing authority for the renewal of the licence. (L.N. 193 of 1996)
- (2) (a) Where an application for the grant of a licence is made under paragraph (1)(a), the licensing authority shall, as soon as practicable, forward a copy of the application, together with a copy of any documents and particulars furnished in support thereof under regulation 5, to-
  - (i) the Director of Fire Services;
  - (ii) (A) in case the application relates to premises which are under the control of the Housing Authority, the Director of Housing; or  
(B) in case the application relates to any other premises, the Building Authority; and
  - (iii) in case the application relates to any premises in which laser equipment is, or is proposed to be, installed, the Director of Electrical and Mechanical Services.
- (b) Where an application for the renewal of a licence is made under paragraph (1)(b), the licensing authority shall, as soon as practicable, consult-
  - (i) the Director of Fire Services;
  - (ii) (A) in case the application relates to premises which are under the control of the Housing Authority, the Director of Housing; or  
(B) in case the application relates to any other premises, the Building Authority; and
  - (iii) in case the application relates to any premises in which laser equipment is, or is proposed to be, installed, the Director of Electrical and Mechanical Services.
- (c) Subject to paragraphs (3) and (4), the licensing authority may, where it thinks fit and on being notified by each of the Director of Fire Services, the Director of Housing, the Building Authority and the Director of Electrical and Mechanical Services, in so far as he has been forwarded a copy of the application under subparagraph (a) or has been consulted under subparagraph (b), as the case may be, that he has no objection as regards the application, grant or renew, as the case may be, the licence sought under the application. (L.N. 193 of 1996)
- (3) Where an application for the grant of a licence is made under paragraph (1)(a), the licence shall not be granted unless and until-
  - (a) where the application is in respect of any premises in which a fixed electrical installation is, or is to be, installed, the licensing authority has received from the applicant concerned-
    - (i) in case the installation is a new one, a copy of a work completion certificate issued both as regards the installation and for the purposes of regulation 19 of the Electricity (Wiring) Regulations (Cap 406 sub. leg. E); or
    - (ii) in case the installation is an existing one, a copy of a periodic test certificate issued both as regards the installation and for the purposes of regulation 20 of those Regulations; and
  - (b) the licensing authority has received from the applicant concerned a certificate issued by the Director of Fire Services and such other evidence as the licensing authority may require to show that any requirements imposed by the Director of Fire Services in respect of the premises to which the application relates have been complied with. (L.N. 193 of 1996)
- (4) Where an application for the grant or renewal of a licence made under paragraph (1) is refused-
  - (a) the licensing authority shall notify the applicant concerned in writing of the refusal and the notification shall be sent to the applicant by registered post; and
  - (b) such applicant may, within the period of 28 days after the date of the receipt by him of such

notification, appeal to the Municipal Services Appeals Board as regards the refusal. (L.N. 193 of 1996; 78 of 1999 s. 7)

(5) For the avoidance of doubt, this regulation does not apply to an application for the grant or renewal of a provisional licence. (L.N. 198 of 2006)

**Note:**

The fees payable under this regulation are subject to certain concessions within the following periods-

- (a) 1 June 2003 to 31 May 2004 (please see the [Places of Public Entertainment \(Waiver of Fees\) Regulation 2003 \(L.N. 141 of 2003\)](#)); and
- (b) 1 July 2009 to 30 June 2010 (please see the [Places of Public Entertainment \(Fee Concessions\) Regulation 2009 \(L.N. 142 of 2009\)](#)).

Chapter:	172A	PLACES OF PUBLIC ENTERTAINMENT REGULATIONS	Gazette Number	Version Date
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Regulation:	3A	Grant of provisional licence	L.N. 198 of 2006	30/11/2006
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(1) Where an application for the grant of a licence is made under regulation 3(1)(a), the licensing authority may grant a provisional licence permitting the applicant to keep or use the premises to which the application relates as a theatre or cinema.

- (2) The licensing authority shall not grant a provisional licence under paragraph (1) unless—
  - (a) the licensing authority is satisfied that the applicant has complied with the requirements respectively imposed by it and the following persons in respect of the grant of the provisional licence—
    - (i) the Director of Fire Services;
    - (ii) (A) in case the application relates to any premises which are under the control of the Housing Authority, the Director of Housing; or
    - (B) in case the application relates to any other premises, the Building Authority; and
    - (iii) in case the application relates to any premises in which laser equipment is, or is proposed to be, installed, the Director of Electrical and Mechanical Services; and
  - (b) where the application is in respect of any premises in which a fixed electrical installation is, or is to be, installed, the licensing authority has received from the applicant—
    - (i) in case the installation is a new one, a copy of a work completion certificate issued both as regards the installation and for the purposes of regulation 19 of the Electricity (Wiring) Regulations (Cap 406 sub. leg. E); or
    - (ii) in case the installation is an existing one, a copy of a periodic test certificate issued both as regards the installation and for the purposes of regulation 20 of those Regulations.
- (3) A provisional licence granted in respect of any premises is valid until—
  - (a) the expiration of a period of 6 months from and including the date of its issue or of such lesser period as may be indicated in the provisional licence; or
  - (b) the licensing authority grants a licence under regulation 3(2)(c) in respect of the premises,

whichever occurs first.

(L.N. 198 of 2006)

Chapter:	172A	PLACES OF PUBLIC ENTERTAINMENT REGULATIONS	Gazette Number	Version Date
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Regulation:	162	Licences	L.N. 320 of 1999	01/01/2000
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(1) Any person who desires to keep or use any place of public entertainment to which regulation 3 does not apply shall apply in quadruplicate in such form, if any, as the licensing authority may specify to the licensing authority for the grant of a licence in respect thereof not less than 42 days before the commencement of the proposed entertainment, or such lesser period as the licensing authority may allow; but in case it is proposed to install laser equipment, or such equipment is already installed, in the place to which the application relates, the application shall be in quintuplicate.

(2) If the licensing authority does not reject an application sent to it under paragraph (1) it shall forward a copy of the application, together with a copy of any documents and particulars furnished in support of the application under this regulation, to-

- (a) the Commissioner of Police;
- (b) the Director of Fire Services;
- (c) (i) in case the application relates to any place which is under the control of the Housing Authority, the Director of Housing;
- (ii) in case the application relates to a vessel, the Director of Marine; or
- (iii) in case the application relates to any other place, the Building Authority; and
- (d) in case the application relates to any place in which laser equipment is, or is proposed to be, installed, the Director of Electrical and Mechanical Services.

(3) Except in the case of a vessel, the applicant under paragraph (1) shall supply in quadruplicate, or, in case the application relates to any place in which laser equipment is, or is proposed to be, installed, in quintuplicate, to the licensing authority not less than 28 days before the commencement of the proposed entertainment, or such lesser period as the licensing authority may allow- (L.N. 127 of 1977)

- (a) a plan showing to the satisfaction of the licensing authority the layout of the place to which the application relates including, in particular, each of the following-
  - (i) each part of the place intended to be used for holding entertainment;
  - (ii) each part of the place intended to be used for seating or otherwise accommodating an audience (if any);
  - (iii) each existing and any proposed exit route from the place; (iv) the position or location in the place of any existing or proposed permanent structure;
  - (v) each part of the place in which it is intended that temporary barriers may be erected or otherwise provided;
  - (vi) the proposed or actual location in the place of all sanitary fittings;
  - (vii) the proposed or actual location in the place of fire service installations and equipment;
  - (viii) all or, as may be appropriate, any 1 or 2 of the following means by which ventilation of the place, or any part thereof, is provided, namely, windows, ducts or any mechanical means;
  - (ix) the proposed or actual location in the place of all laser equipment (if any); and (L.N. 193 of 1996)
- (b) (Repealed L.N. 193 of 1996)
- (c) in the case of a temporary structure, diagrams sufficient to illustrate the proposed method of construction and the spacing and scantling of structural members.

(4) The licensing authority may require the applicant under paragraph (1) to furnish to it in quadruplicate such further scale or other plans, elevations and sections and such further information, including information as to the contractor employed to erect any structure on the place, as it thinks fit. (L.N. 127 of 1977)

(5) The licensing authority may require the applicant under paragraph (1) to amend any plans, elevations and sections furnished by him under paragraphs (3) and (4) and the licensing authority shall retain one copy of the amended plans and shall return one copy thereof to the applicant under paragraph (1).

(6) The applicant shall ensure that not less than 2 days prior to the commencement of the proposed entertainment, or such lesser period as the licensing authority may allow, the place in respect of which application is made under paragraph (1) complies with the requirements of regulation 164.

(7) For the purposes of paragraph (8) the place in respect of which application is made under paragraph (1) shall be inspected at any time prior to the commencement of the proposed entertainment-

- (a) by the Building Authority, or a public officer authorized by him in that behalf, for the purpose of ascertaining whether the requirements of paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i),(j), (k), (l), (m), (o), (p), (w) and (x) of regulation 164 have been complied with;
- (b) by the Director of Fire Services, or a fire services officer authorized by him in that behalf, for the purpose of ascertaining whether the requirements of paragraphs (n), (q), (s), (t), (u) and (v) of regulation 164 have been complied with; and (L.N. 193 of 1996)
- (c) in the case of a vessel, by the Director of Marine, or a public officer authorized by him in that behalf, for the purpose of ascertaining whether the vessel may safely be used for the proposed entertainment.

(8) Subject to paragraph (9), where an application is made under paragraph (1), the licensing authority may, where it thinks fit and on being notified by each of the Commissioner of Police, the Director of Fire Services, the Director of Housing, the Director of Marine, the Building Authority and the Director of Electrical and Mechanical Services, in so far as he has been forwarded a copy of the application under paragraph (2), that he has no objection as regards the application, grant the licence sought under the application. (L.N. 193 of 1996)

(9) Where an application for the grant of a licence is made under paragraph (1), the licence shall not be granted

unless and until-

- (a) where the application is in respect of a place in which a fixed electrical installation is, or is to be, installed, the licensing authority has received from the applicant concerned-
  - (i) in case the installation is a new one, a copy of a work completion certificate issued both as regards the installation and for the purposes of regulation 19 of the Electricity (Wiring) Regulations (Cap 406 sub. leg. E); or
  - (ii) in case the installation is an existing one, a copy of a periodic test certificate issued both as regards the installation and for the purposes of regulation 20 of those Regulations;
- (b) where the application is in respect of a place in which laser equipment is, or is to be, installed, the licensing authority has received from the applicant concerned 2 copies of a plan showing the proposed or actual location of all such equipment, together with such specifications or other particulars as regards the equipment as the licensing authority may specify; and
- (c) the licensing authority has received from the applicant concerned a certificate issued by the Director of Fire Services and such other evidence as the licensing authority may require to show that any requirements imposed by the Director of Fire Services in respect of the place to which the application relates have been complied with. (L.N. 193 of 1996)

(10) A person to whom a licence is granted or renewed under this regulation may at any time prior to the expiration of the licence apply to the licensing authority for the renewal of the licence. (L.N. 193 of 1996)

(11) Where an application for the grant or renewal of a licence made under paragraph (1) or (10) is refused-

- (a) the licensing authority shall notify the applicant concerned in writing of the refusal and the notification shall be sent to the applicant by registered post; and
- (b) such applicant may, within the period of 28 days after the date of the receipt by him of such notification, appeal to the Municipal Services Appeals Board as regards the refusal. (L.N. 193 of 1996; 78 of 1999 s. 7)

(L.N. 193 of 1996)

Chapter:	172A	PLACES OF PUBLIC ENTERTAINMENT REGULATIONS	Gazette Number	Version Date
Regulation:	164	Temporary structures		30/06/1997

The following requirements shall apply to a temporary structure which it is desired to use or which is licensed for a public entertainment-

- (a) the structure shall be constructed of such materials as shall be approved by the Building Authority;
- (b) no part of the structure shall be built over water;
- (c) no part of the structure shall be within 9 m of any other structure;
- (d) the structure shall not exceed one storey in height;
- (e) no part of the floor or decking of the structure shall-
  - (i) if the structure has a ramped floor or deck; be more than 1.5 m above ground level; and
  - (ii) if the structure has stepped rows of seating forming a spectator stand, be more than 3 m above ground level;
- (f) the seating area assigned to each person shall not be less than-
  - (i) 700 mm deep if backs are provided for the seats;
  - (ii) 600 mm deep if backs are not provided for the seats;
  - (iii) 500 mm wide if arm-rests are provided for the seats; and
  - (iv) 450 mm wide if arm-rests are not provided for the seats;
- (g) there shall be an unobstructed way or space of at least 300 mm measured between perpendiculars between the back of one seat and the front of the seat immediately behind;
- (h) the seating shall be fixed firmly to the ground, floor or decking and if separate chairs are used they shall be securely battened or otherwise securely fastened together in lengths of not less than 4; (L.N. 193 of 1996)
- (i) the structure shall have gangways not less than 1.2 m in width intersecting the rows of seating in such a manner that no seat shall be more than 3 m from a gangway measured in the line of seating, and there shall be a gangway abutting each side of the structure from which the exit ways shall open;
- (j) gangways not less than 1.2 m in width at right angles to the longitudinal gangways required by paragraph (i) shall also be formed in such a manner that the seating is divided into blocks not more



- than 9 m in depth measured between perpendiculars between the front of the seats forming the front row and the back of the seats forming the back row of a block of seating;
- (k) exit ways not less than 2.4 m in width shall be provided in each side of the structure in such a manner that there is one exit way at each end of a prolongation of the centre line of each of the gangways required by paragraph (j) and for the avoidance of doubt one such exit way is required at each end of a prolongation of a line 1.2 m in front of the first or front row of seating;
  - (l) such further exit ways as are considered necessary by the Building Authority shall be provided from the area of the stage or the space provided for the performance;
  - (m) all gangways, exit ways, seating and the spacing and fixing thereof shall be provided, formed and maintained to the satisfaction of the Building Authority or a public officer authorized by him;
  - (n) every gangway, exit way, and passage shall be kept at all times free from any obstruction;
  - (o) any door erected at the exit ways shall open in 2 folds in the direction of egress and any fastening used for maintaining the doors closed shall readily give way upon light pressure being applied by one person from inside;
  - (p) the number of persons admitted shall be limited to those for whom seating accommodation is provided and in no case shall such number exceed 2500;
  - (q) any artificial lighting shall be to the satisfaction of the Director of Fire Services or a public officer authorized by him;
  - (r) (Repealed L.N. 193 of 1996)
  - (s) there shall be provided fire-extinguishing apparatus of such type as may be required by the Director of Fire Services who may direct that the structure shall be further protected by the provision of fire services officers at the expense of the licensee;
  - (t) no cooking shall be allowed in, or within 9 m of, the structure;
  - (u) no smoking shall be allowed within the structure and the licensee shall take all reasonable precautions, including the posting of notices, to prevent such smoking;
  - (v) no loose inflammable material shall be left in, on, under or near the structure;
  - (w) the licensee shall at all times ensure that the structure is kept in a safe condition;
  - (x) the licensee shall ensure that at all times the structure conforms with the plans, elevations, sections and diagrams as supplied to, and amended at the request of, the licensing authority under regulation 162(3), (4) and (5). (L.N. 193 of 1996)

(L.N. 63 of 1977)

Chapter:	279	EDUCATION ORDINANCE	Gazette Number	Version Date
Section:	12	Additional documents required where premises not designed and constructed as a school	3 of 2003	28/02/2003

- (1) The documents referred to in section 11(b)(ii) shall be-
  - (a) a certificate from the competent authority as to his opinion with regard to the suitability for the purposes of a school of the premises or the part of the premises in which the school is to be operated, having regard to the loading for which they are designed and constructed;
  - (b) a certificate from the competent authority that the premises in or in part of which the school is to be operated do not have structural timber floors;
  - (c) a certificate from the Director of Fire Services that the use for the purposes of a school of the premises or the part of the premises in which the school is to be operated would not expose the persons in the school premises to any undue risk of fire; (Replaced 6 of 1985 s. 2)
  - (ca) a certificate from the competent authority that in the event of fire in the premises in or in part of which the school is to be operated the means of escape for all persons in the premises (including the persons in the school premises) would be adequate; (Added 6 of 1985 s. 2. Amended 47 of 1990 s. 4)
  - (d) if the Buildings Ordinance (Cap 123) applies to the premises in or in part of which the school is to be operated, a notice in writing from the Building Authority stating that he does not intend, in exercise of the powers conferred on him by section 25 of that Ordinance, to prohibit the use for the purposes of a school of the premises or the part of the premises in which the school is to be operated; and
  - (e) if-

- (i) the competent authority has certified under paragraph (a) that in his opinion the premises or the part of the premises in which the school is to be operated are not suitable for the purposes of a school, having regard to the loading for which they are designed and constructed;
  - (ii) the premises in or in part of which the school is to be operated were erected prior to 1 January 1946; or
  - (iii) at the time of erection of the premises in or in part of which the school is to be operated, the Buildings Ordinance (Cap 123) did not apply to such premises, a certificate from an authorized person that the premises in or in part of which the school is to be operated are in sound structural condition. (Amended 47 of 1990 s. 4)
- (2) An application to the competent authority, the Building Authority or the Director of Fire Services for a certificate or a notice required for the purposes of subsection (1) shall be-
- (a) made in such form as the Permanent Secretary shall specify; and
  - (b) accompanied by a plan, drawn to such scale and with such number of copies as the Permanent Secretary shall specify, of the premises or the part of the premises in which the school is to be operated. (Amended 3 of 2003 s. 11)
- (3) The Director of Buildings may, where he is the competent authority for the purposes of subsection (1)(a), (b) and (ca), appoint any officer of the Buildings Department to perform the functions of the competent authority under those paragraphs. (Amended L.N. 76 of 1982; L.N. 94 of 1986; 47 of 1990 s. 4; L.N. 291 of 1993)
- (4) Nothing in this section shall affect the powers of the Building Authority under the Buildings Ordinance (Cap 123).
- (5) For the purposes of this section, "competent authority" (主管當局) means-
- (a) the Housing Authority in the case of any premises or part of any premises upon land vested in the Housing Authority or over which the Housing Authority has control and management; (Replaced 23 of 1973 s. 36)
  - (b) (Repealed 23 of 1973 s. 36)
  - (c) in any other case, the Director of Buildings and any officer of the Buildings Department appointed by him under subsection (3). (Amended L.N. 76 of 1982; L.N. 94 of 1986; L.N. 291 of 1993)

Chapter:	493B	NON-LOCAL HIGHER AND PROFESSIONAL EDUCATION (REGULATION) RULES	Gazette Number	Version Date
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Section:	5	Premises in which registered course or exempted course is conducted	L.N. 568 of 1997	01/12/1997
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Remarks:

Adaptation amendments retroactively made - see 29 of 1998 s. 105

(1) An operator of a registered course or an exempted course shall furnish to the Registrar, in such form as the Registrar may specify, such particulars as the Registrar may specify in respect of any premises in Hong Kong in which the course or any part thereof is to be conducted, not later than 3 months before the course or the part thereof, as the case may be, is to be so conducted, or such later date (if any) as the Registrar may allow.

- (2) (a) An operator of a registered course or an exempted course shall furnish to the Registrar a certificate complying with the requirements of paragraph (b) in respect of any premises (other than exempted premises) in Hong Kong in which the course or any part thereof is to be conducted, not later than 1 month before the course or the part thereof, as the case may be, is to be so conducted, or such later date (if any) as the Registrar may allow.
- (b) The certificate required to be furnished under paragraph (a) in respect of any premises in which a registered course or an exempted course, or any part thereof, is to be conducted-
  - (i) is a certificate issued by the Director of Fire Services pursuant to regulation 2(c) of the Fire Services Department (Reports and Certificates) Regulations (Cap 95 sub. leg. C); and
  - (ii) shall certify that the use of the premises for the conduct of the course or the part thereof, as the case may be, will not expose any person in the premises to any undue risk of fire.
- (3) (a) A registered course or an exempted course, or any part thereof, shall not be conducted in any premises (other than exempted premises) in Hong Kong, without the approval of the Registrar granted under

- paragraph (c).
- (b) An operator of a registered course or an exempted course may at any time not later than 3 months before the course or any part thereof is conducted in any premises in Hong Kong, or such later date (if any) as the Registrar may allow, apply to the Registrar, in such form as the Registrar may specify, for the grant of an approval for the purposes of paragraph (a).
  - (c) Upon an application to him under paragraph (b) for an approval in respect of any premises in which a registered course or an exempted course, or any part thereof, is to be conducted, the Registrar may grant the approval if he is satisfied, on the information provided for the purposes of the application or on any other information available to him, that-
    - (i) the operator has furnished to the Registrar particulars in respect of the premises in accordance with subsection (1);
    - (ii) the operator has furnished to the Registrar a certificate in respect of the premises in accordance with subsection (2)(a);
    - (iii) the conduct of the course or the part thereof, as the case may be, in the premises will not expose any person in the premises to any undue risk of fire;
    - (iv) the means of escape in case of fire available to persons in the premises at any time when the course or the part thereof, as the case may be, is to be conducted will be adequate;
    - (v) the premises will be structurally suitable for the conduct of the course or the part thereof, as the case may be;
    - (vi) the conduct of the course or the part thereof, as the case may be, will not result in a contravention of any approved plan or draft plan prepared under the Town Planning Ordinance (Cap 131) or of any terms or conditions of the Government lease of the land in which the premises are comprised; and (29 of 1998 s. 105)
    - (vii) the premises will not be unsuitable for any other reason for the conduct of the course or the part thereof, as the case may be.
- (4) (a) An operator of a registered course or an exempted course who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine at level 4.
- (b) Where a registered course or an exempted course, or any part thereof, is conducted in any premises in contravention of subsection (3)(a), the person by whom the course or the part thereof, as the case may be, is conducted commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.
- (5) For the purposes of this section, a reference to exempted premises is a reference to-
- (a) any premises specified in a certificate of registration within the meaning of the Education Ordinance (Cap 279);
  - (b) any premises specified in a certificate of provisional registration within the meaning of that Ordinance;
  - (c) any premises owned or leased by a local institution of higher education for educational purposes;
  - (d) any premises which are specified to the effect that they are designed and constructed for educational purposes on a plan approved for the purposes of section 14(1) of the Buildings Ordinance (Cap 123);
  - (e) any premises which are-
    - (i) comprised in a hotel in respect of which a licence or a certificate of exemption within the meaning of the Hotel and Guesthouse Accommodation Ordinance (Cap 349) is for the time being in force; and
    - (ii) specified as "function room" on a plan approved for the purposes of section 14(1) of the Buildings Ordinance (Cap 123).

## **IMPLICATIONS OF THE PROPOSAL**

### **Financial and Civil Service Implications**

Fees in relation to registration (and de-registration, if any) under the proposed Registered Fire Engineer (RFE) Scheme will be charged on full-cost recovery basis with the exact amount to be determined. The Fire Services Department (FSD) will endeavour to absorb within its existing resources the additional workload arising from the implementation of the RFE Scheme such as setting up and running the registration committee of the RFE. On the other hand, the proposed RFE Scheme, if implemented, would enable the Government to leverage professional engineers in the market for provision of fire safety certification services while FSD would continue to provide their existing service. It is considered that there may be manpower savings and room for redeployment of resources within the department for better utilisation in the long run.

### **Economic Implications**

2. According to the Business Impact Assessment of the proposed RFE Scheme, the Scheme would incur additional cost to the licence applicants who choose to engage an RFE for the fire safety risk assessment and certification services as comparing to using FSD's services. However, under the proposed Scheme, licence applicants may continue to use the services provided by FSD. The engagement of an RFE for the relevant services is therefore considered a voluntary business decision and the subsequent cost involved is considered as part of the normal cost of conducting business. The proposed RFE Scheme would provide users who are willing to pay more with alternative service which may be more fitting to their needs than that provided by FSD, and therefore is conducive to a more competitive market.

3. Subject to the popularity of the RFE services and the actual number of licence applications, licence applicants who opt for existing services provided by FSD might also benefit indirectly from the Scheme in terms of a shorter processing time by the department. The Scheme would facilitate business operations, promote a more efficient use of public resources, bring business opportunities for RFEs and support the development of the fire engineering profession.