

Bills Committee on Fire Safety (Industrial Buildings) Bill

Government's Response to Issues Arising from the Bills Committee Meeting on 2 April 2019

Purpose

This paper sets out the Government's response to issues in respect of the Fire Safety (Industrial Buildings) Bill ("the Bill") raised by the Bills Committee at the meeting on 2 April 2019.

Number of mini-storages in target industrial buildings

2. At the meeting on 2 April, some Members enquired the current number of mini-storages in target industrial buildings ("target IBs") under the Bill.

3. Based on information obtained from inspections by departments, as at early April this year, there were a total of 564 mini-storages in 207 target IBs.

Provisions under Clauses 24(1) and 24(2) of the Bill

4. Currently, Clause 24(1) of the Bill stipulates that "[a]s soon as practicable after the District Court makes a prohibition order for a building or a part of a building, the enforcement authority must—

(a) *post a copy of the order at a conspicuous place—*

(i) *inside the building or part; or*

(ii) *at, or in the immediate vicinity of, each entrance to the building or part; and*

(b) *in another way serve a copy of the order on the owner or occupier concerned."*

5. Clause 24(2) provides that "*failure to comply with subsection (1) does not affect the validity of the prohibition order."*

6. At the meeting on 2 April, Members raised the following views on the two provisions for the Government's consideration –

(1) given the ambiguity of the expression "in another way serve...on the owner..." in Clause 24(1)(b), it was recommended that the Government should consider rephrasing the expression;

(2) whether the requirement to serve a copy of the prohibition order "on

the owner **or** occupier concerned” stipulated in Clause 24(1)(b) should be amended as “on the owner **and** occupier concerned” to bring it in line with the statutory responsibilities of owners and occupiers as stipulated in Clause 19(4) of the Bill¹; and

- (3) Clause 24(2) may cause misunderstanding that the enforcement authorities (“EAs”) (i.e. the Director of Fire Services and the Director of Buildings) do not necessarily have to comply with the requirement to serve a copy of the prohibition order under Clause 24(1), since failure to serve it does not affect the validity of the prohibition order. As such, the Committee recommended that the Government should consider whether Clause 24(2) is necessary.

Our responses to the views of the Bills Committee are set out in the ensuing paragraphs.

Item (1) - serve a copy of the prohibition order in “another way”

7. As we explained at the Bills Committee meeting, “another way” in Clause 24(1)(b) refers to ways of serving other than “posting” as described in Clause 24(1)(a). Clauses 48 and 49 of the Bill set out in detail the ways in which a document may be given or served by the EAs under the Bill. In addition to posting, a document may also be delivered personally, or sent by post, facsimile transmission or electronic mail, etc.. Having considered the views of the Committee, we agree that Clause 24(1)(b) can be slightly amended to indicate more clearly that “another way” refers to ways other than posting in accordance with Clause 24(1)(a).

8. Under Clause 22 of the Bill, the date on which a prohibition order comes into force is directly related to the date on which a copy of the prohibition order is served on the owner or occupier concerned. To express more clearly that the ways in which a copy of the prohibition order may be served on the owner or occupier under Clause 24(1)(b) do not include “posting” as per Clause 24(1)(a), we propose to add a new provision under Clause 22 (i.e. Clause 22(2A)(a)) to make clear this legislative intent.

9. Regarding the above two points, please refer to **Annex 1** for the detailed provisions of the proposed Committee Stage Amendments (“CSAs”) (marked in blue).

¹ Clause 19(4) of the Bill provides that “[w]hile a prohibition order is in force for a building or a part of a building, the owner and occupier of the building or part must take all practicable measures to ensure the building or part is effectively secured against entry by any person other than a person referred to in subsection (1)(a) or (b).”

Item (2) - whether a copy of the prohibition order should be served on the owner and occupier concerned instead of either one

10. The issue of a prohibition order is triggered by the non-compliance of a fire safety direction (“FSDn”) or a fire safety compliance order (“FSCO”), and there being substantial fire risks if the building or part concerned is occupied. Given that FSDns or FSCOs are issued to owners or occupiers, it is appropriate for the Bill to require the EAs to serve copies of the prohibition orders pertaining to the FSDns or FSCOs on the owners or occupiers concerned. On the other hand, under Clause 24(1)(a), the EAs must also post a copy of the prohibition order at a conspicuous place inside the building or part (or at a conspicuous place at, or in the immediate vicinity of, each entrance to the building or part) to ensure persons entering the building or part are aware of the prohibition order.

11. Having carefully contemplated the views of the Bills Committee, we consider it desirable to require the EAs to serve a copy of the prohibition order on both the owners and occupiers concerned. This would help ensure that the owners and occupiers concerned are aware of the prohibition order issued by the court for the relevant building or part, as well as their statutory responsibilities under Clause 19(4) of the Bill, thereby improving the regime of prohibition order. As such, we agree to put forward CSAs to Clause 24(1)(b) and the related Clauses 22(1)(a) and 22(2)(a). In addition, we suggest introducing a new provision (i.e. Clause 22(2A)(b)) to provide more clearly for the date of service of a copy of the prohibition order to the owners and occupiers. Please refer to **Annex 1** for the detailed provisions (marked in yellow).

Item (3) - the necessity of Clause 24(2)

12. The effect and validity period of prohibition order are stipulated in Clauses 19 and 22 of the Bill respectively. As we explained at the meeting on 2 April, the intention of Clause 24(2) is for the avoidance of doubt, i.e. when an EA, due to certain exceptional circumstances, fails to post a copy of a prohibition order in the building or part as soon as possible in accordance with Clause 24(1)(a), the validity of the prohibition order will not be affected. However, it does not mean that the EA will not comply with the requirements of Clause 24(1)(a) by deliberately delaying the posting of a copy of prohibition order or even not posting the copy after the court has made a prohibition order, as such non-compliance by the EA may constitute a reasonable excuse under Clause 23(1) for contravening Clause 19(1)² by a person.

² Clause 19(1) of the Bill provides that “[w]hile a prohibition order is in force for a building or a part of a building, no person may occupy the building or part, except-

(a) a person with a permission granted under subsection (2); or
(b) an authorized officer acting in the course of duty.”

13. At the meeting on 2 April, we noted the views of some Members that the existing provision of Clause 24(2) may cause misunderstanding. In fact, the EA will certainly post a copy of the order and serve the same on the owner and occupier concerned according to the requirements of Clause 24(1). Therefore, in practice, the deletion of Clause 24(2) will not affect the validity of the prohibition order. Having considered the views of the Committee, we agree that Clause 24(2) can be deleted. Please refer to **Annex 1** for detailed provisions of the amendment (marked in green).

14. A marked-up version of the provisions to be amended by the proposed CSAs is at **Annex 2** for the Committee's reference.

Whether the proposed fine under Clause 24(4) of the Bill is a fixed penalty

15. Clause 24(4) of the Bill provides that “[a] person who commits an offence under subsection (3) is liable on conviction to a fine at level 2”. The offence therein refers to that provided in Clause 24(3), i.e. “If a prohibition order is in force and a copy of the order is posted under subsection (1)(a), a person who, without lawful authority, removes, defaces or in another way interferes with the copy commits an offence.”

16. At the meeting on 2 April, some Members enquired whether the proposed amount of the fine under Clause 24(4) was a fixed penalty. Under section 101F of the Criminal Procedure Ordinance (Cap. 221), where in any ordinance a penalty is prescribed for an offence under that Ordinance, such offence shall be punishable upon conviction by a penalty **not exceeding** the penalty prescribed. Thus, the proposed level of fine under Clause 24(4) is the maximum fine that may be imposed by the court, rather than a fixed penalty.

The power of the Fire Services Department (“FSD”) and the Buildings Department (“BD”) to enter and inspect a building without warrant under existing laws and the Bill

17. An authorized officer may enter and inspect a building or a part of the building without warrant only under the following two circumstances as stipulated in Clause 36 of the Bill:

- (1) if an authorized officer knows or reasonably believes that a building is one to which the Bill applies, the officer may, during any reasonable hours, enter and inspect the building or a part of the building without warrant in order to perform a function under this Ordinance; or
- (2) if an authorized officer knows or reasonably believes that an offence

under the Bill is being or has been committed in a building or a part of a building, the officer may also, during any reasonable hours, enter and inspect the building or part without warrant.

18. At the meeting on 2 April, some Members enquired whether the power conferred on an authorized officer to enter a building without warrant under Clause 36 was similar to the enforcement powers of FSD and BD under other existing laws.

19. As we explained at the meeting, the purpose of Clause 36 is to facilitate the EAs' day-to-day inspection, or their entry and inspection when an offence under this Bill is committed, with a view to upgrading the fire safety of target IBs as soon as possible. In addition to the similar provisions in the Fire Safety (Commercial Premises) Ordinance (Cap. 502) and the Fire Safety (Buildings) Ordinance (Cap. 572), the two EAs have put in place administrative measures (including that when an EA intends to carry out an initial inspection of a target IB, it will issue a written notification to the owner or occupier concerned in advance). The mechanism concerned has been working effectively. The EAs may only enter and inspect a building or a part of the building for the purpose of performing its functions under the respective Ordinances, so as to ensure that the power of warrantless entry to a building will not be abused.

20. Apart from Cap. 502 and Cap. 572, some other existing laws enforced by FSD and BD also empower their officers to enter premises without warrant in order to perform their duties under the relevant legislation. For example:

- (1) section 12(1)(a) of the Dangerous Goods Ordinance (Cap. 295) empowers the enforcement officers of the Ordinance (including police officers, officers of FSD, officers of the Mines Division of the Civil Engineering and Development Department and members of the Customs and Excise Service) to enter, inspect and examine any place or building in which dangerous goods are manufactured, stored or used, and every part thereof, at all times by day and by night;
- (2) regulation 169 of the Places of Public Entertainment Regulations (Cap. 172A) empowers relevant public officers, including officers of FSD and BD, to enter at any time any place in respect of which an application for a licence has been received by the licensing authority, or a licence has been issued, in order to inspect the same for the purposes of the Ordinance; and
- (3) section 18 of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and section 16 of the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) both empower specified persons (including officers of FSD and BD) at all reasonable times to

enter and inspect any residential care home/residential care home for persons with disabilities (“PWDs”) or suspected premises (i.e. any premises that are suspected to be used as or for the purposes of a residential care home/a residential care home for PWDs).

21. In response to the request made by the Committee, an overview of the power to enter and inspect a building without warrant under Clause 36 of the Bill and the similar powers provided to FSD and BD under other existing laws is tabulated in **Annex 3**. However, we must stress that as the legislative intent and law enforcement purposes of each Ordinance vary, the power so conferred on relevant law enforcement officers should not be compared directly.

Security Bureau
Buildings Department
Fire Services Department
May 2019

Fire Safety (Industrial Buildings) Bill

Committee Stage

Amendments to be moved by the Secretary for Security

<u>Clause</u>	<u>Amendment Proposed</u>
22(1)(a)	By deleting everything after “after the date” and substituting “of service of a copy of the order on the owner and occupier ; or”.
22(2)	By deleting paragraph (a) and substituting— “(a) on the date of service of a copy of the prohibition order on the owner and occupier concerned ; or”.
22	By adding— “(2A) For subsections (1) and (2)— (a) service must be in a way other than by posting in accordance with section 24(1)(a); and (b) the date of service is— (i) if copies are served on the owner and occupier on the same date—that date; or (ii) if copies are served on the owner and occupier on different dates—the last of those dates.”.
24(1)	By deleting paragraph (b) and substituting— “(b) serve, in a way other than by posting in accordance with paragraph (a), a copy of the order on the owner and occupier concerned.”.
24	By deleting subclause (2).

**Marked-up version of the provisions to be amended by
the proposed Committee Stage Amendments**

22. Validity period of prohibition order

- (1) A prohibition order for a building or a part of a building comes into force—
 - (a) if the owner or occupier concerned does not appeal against the order—on the 29th day after the date of service of a copy of the order on the owner and occupier; or ~~on which the order is served on the owner or occupier; or~~
 - (b) if the owner or occupier appeals against the order (including an appeal against a decision determining the appeal)—on the day following the date on which the appeal is finally rejected or is withdrawn.
 - (2) However, the District Court may, if it considers appropriate in a particular case, order that a prohibition order comes into force—
 - (a) on the date of service of a copy of the prohibition order on the owner and occupier concerned; or
 - ~~(a) on the date on which a copy of the prohibition order is served on the owner or occupier concerned; or~~
 - (b) on a date within 28 days after the date of service.
- (2A) For subsections (1) and (2)—
- (a) service must be in a way other than by posting in accordance with section 24(1)(a); and
 - (b) the date of service is—
 - (i) if copies are served on the owner and occupier on the same date—that date; or
 - (ii) if copies are served on the owner and occupier on different dates—the last of those dates.
- (3) A prohibition order ceases to be in force on the earliest of—
 - (a) the discharge of the order under section 20;
 - (b) the revocation of the order under section 21; or
 - (c) the building or part ceasing to exist.

24. Posting and service of copy of prohibition order

- (1) As soon as practicable after the District Court makes a prohibition order for a building or a part of a building, the enforcement authority must—
 - (a) post a copy of the order at a conspicuous place—
 - (i) inside the building or part; or
 - (ii) at, or in the immediate vicinity of, each entrance to the building or part; and
 - (b) serve, in a way other than by posting in accordance with paragraph (a), a copy of the order on the owner and occupier concerned.
 - ~~(b) in another way serve a copy of the order on the owner or occupier concerned.~~

- ~~(2) Failure to comply with subsection (1) does not affect the validity of the prohibition order.~~
- (3) If a prohibition order is in force and a copy of the order is posted under subsection (1)(a), a person who, without lawful authority, removes, defaces or in another way interferes with the copy commits an offence.
 - (4) A person who commits an offence under subsection (3) is liable on conviction to a fine at level 2.
 - (5) The enforcement authority must, as soon as practicable after a prohibition order ceases to be in force, remove all copies of the order posted under subsection (1)(a).

Table showing the power under Clause 36 of the Fire Safety (Industrial Buildings) Bill and similar powers of entry to and inspection of buildings without warrant for officers of the Fire Services Department and the Buildings Department under other existing laws

Provision of relevant legislation		Officers who enter buildings	Conditions for entry to buildings	Purpose and power of entry to buildings ¹
1.	Fire Safety (Industrial Buildings) Bill Clause 36 - Power to enter building without warrant	Authorized officer means— (1) the Director of Fire Services; (2) the Director of Buildings; (3) a police officer; or (4) a public officer appointed by an enforcement authority in writing.	Knows or reasonably believes that a building is one to which this Ordinance applies.	Enter and inspect the building or a part of the building without warrant during any reasonable hours in order to perform a function under this Ordinance.
			Knows or reasonably believes that an offence under this Ordinance is being or has been committed in a building or a part of a building.	Enter and inspect the building or part without warrant during any reasonable hours.
<i>Similar power of entry to and inspection of buildings for officers of the Fire Services Department and the Buildings Department under other existing laws</i>				
2.	Fire Safety (Commercial Premises) Ordinance (Cap. 502) Section 15 (1)-(2) – Power to enter premises or building and other powers of	Authorized officer means— (1) the Director of Fire Services; (2) the Director of Buildings; (3) a police officer; or (4) a public officer authorized	Reasonably believes that – (a) the premises or building are or may be prescribed commercial premises or a specified commercial building; or (b) an offence against this	Enter and inspect premises or a building without warrant.

¹ Under certain laws, the relevant provisions not only grant the public officers concerned power of entry to and inspection of the building, but also other powers (such as requesting information from persons operating certain premises, or removing articles from the premises for examination). As these powers are irrelevant to power of entry to and inspection of buildings without warrant, hence they are not set out in this table.

Provision of relevant legislation		Officers who enter buildings	Conditions for entry to buildings	Purpose and power of entry to buildings ¹
	authorized officers	by an enforcement authority in writing.	Ordinance is being or has been committed on those premises or buildings.	
			—	Enter and inspect prescribed commercial premises or a specified commercial building without warrant in order to ascertain whether or not a fire safety direction, fire safety improvement direction, fire safety compliance order or fire safety improvement compliance order, as the case may be, made in respect of the premises or building has been complied with.
3.	Fire Safety (Buildings) Ordinance (Cap. 572) Section 16(1)-(3) – Power to enter a building, etc. and other powers of authorized officers	Authorized officer means— (1) the Director of Fire Services; (2) the Director of Buildings; (3) a police officer; or (4) a public officer authorized by an enforcement authority in writing.	(1) Reasonably believes that – (a) it is or may be a composite building or domestic building or a part thereof; or (b) an offence against this Ordinance is being or has been committed therein. (2) For any part of a building	Enter and inspect a building or part of a building without warrant.

Provision of relevant legislation		Officers who enter buildings	Conditions for entry to buildings	Purpose and power of entry to buildings ¹
			intended for domestic purposes; and in respect of which the occupier of that part of the building has an exclusive right of use and enjoyment, authorized officer must not enter such part of building unless no less than 24 hours' notice in writing of an intended entry has been given to that occupier.	
			For any part of a building intended for domestic purposes; and in respect of which the occupier of that part of the building has an exclusive right of use and enjoyment, authorized officer must not enter such part of building unless no less than 24 hours' notice in writing of an intended entry has been given to that occupier.	Enter and inspect a building or part of a building, without warrant, in order to ascertain whether or not a fire safety direction or fire safety compliance order, (as the case may be), made in respect of it has been complied with.
4.	Fire Services Ordinance	The Director of Fire Services	(1) Produce the writing showing his	Enter any premises at all reasonable

Provision of relevant legislation		Officers who enter buildings	Conditions for entry to buildings	Purpose and power of entry to buildings ¹
	(Cap. 95) Section 8(1) – General powers of entry	or any person authorized by him in writing.	authority (if so required). (2) The right of entry conferred by this subsection shall not be exercised in respect of such premises as are not a place of public entertainment or public assembly, factory, workshop or workplace nor premises otherwise used for business purposes, unless 24 hours' notice in writing of the intended entry has been given to the occupier.	hours for the purpose of – (1) ascertaining whether there is, or has been, on or in connexion with the premises, any contravention of any of the provisions of this Ordinance; (2) obtaining information required for fire-fighting purposes with respect to the character of the premises, the available water supplies and the means of access thereto, and other material circumstances; (3) ascertaining whether or not there exists any fire hazard; (4) the performance by the Director or by the Fire Services Department of his or its powers or duties under any enactment.
5.	Dangerous Goods Ordinance (Cap. 295) Section 12(1)(a)&(c) and Section 12(2)(a) - (c) – Power of entry, etc.	(1) Any police officer not below the rank of inspector; (2) any officer of the Fire Services Department not below the rank of station	(1) Any place or building (except for the places listed in (2) below). (2) Without prejudice to any power of entry or search conferred by any other	(1) Enter, inspect and examine any place or building in which dangerous goods are manufactured, stored or used and every part thereof, at all times by day and by night, but so as not unnecessarily to impede or

Provision of relevant legislation		Officers who enter buildings	Conditions for entry to buildings	Purpose and power of entry to buildings ¹
		<p>officer;</p> <p>(3) any officer of the Mines Division, Civil Engineering and Development Department not below the rank of explosives officer I;</p> <p>(4) any other officer of the Mines Division, Civil Engineering and Development Department, not below the rank of explosives officer II, authorized in writing by the Commissioner of Mines; or</p> <p>(5) any member of the Customs and Excise Service, as defined in the Customs and Excise Service Ordinance (Cap. 342).</p>	<p>enactment, no officer or member shall enter or search any part of any premises used solely for dwelling purposes except –</p> <p>(a) by virtue of a warrant issued by a magistrate, where such magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Ordinance has been, is being or is about to be committed in such part of the premises or there is in such part of the premises anything likely to be or to contain evidence of such offence; or</p> <p>(b) without warrant, where such officer or member is of opinion having regard to the circumstances that the</p>	<p>obstruct the work in such place or building;</p> <p>(2) may make inquiries as to the observance of this Ordinance and all matters and things relating to the safety of the public or of the persons employed in or about such place or building; and</p> <p>(3) enter and search any place or building in which such officer may have reasonable grounds for suspecting that there may be anything which is liable to seizure.</p> <p>Such officer or member may –</p> <p>(1) break open any outer or inner door of any place or building which he is empowered to enter and search;</p> <p>(2) remove by force any material obstruction to, or any persons obstructing any arrest, detention, search, inspection, seizure or removal which he is empowered to make; and</p>

Provision of relevant legislation		Officers who enter buildings	Conditions for entry to buildings	Purpose and power of entry to buildings ¹
			purpose of the entry or the search would be defeated by application for such warrant.	(3) detain any person found in any place or building which he is empowered to enter and search until such place or building has been searched.
6.	Timber Stores Ordinance (Cap. 464) Section 11(1) – Power of entry	(1) Any police officer; or (2) the Director of Fire Services or any public officer authorized in writing by him.	On production of his authority, if required, may enter and inspect.	Enter and inspect any licensed timber store for the purpose of ascertaining whether the provisions of this Ordinance or of any regulations made under section 12 are being complied with.
7.	Places of Public Entertainment Regulations (Cap. 172A) Regulation 169 – Right of entry	(1) The licensing authority, and any public officer authorized by the licensing authority; (2) any police officer of or above the rank of inspector; (3) the Building Authority and any public officer authorized by him; (4) the Director of Fire Services and any fire services officer authorized	–	(1) Enter at any time any place in respect of which an application for a licence has been received by the licensing authority; and (2) enter at any time any place a licence has been issued, in order to inspect the same for the purposes of the Ordinance.

Provision of relevant legislation		Officers who enter buildings	Conditions for entry to buildings	Purpose and power of entry to buildings ¹
		<p>by him;</p> <p>(5) any health inspector; and</p> <p>(6) in the case of water-borne craft, the Director of Marine and any public officer authorized by him.</p>		
8.	<p>Child Care Services Regulations (Cap. 243A)</p> <p>Regulation 27(1) – Fire Officers may inspect centre premises</p>	Officer of the Fire Services Department.	–	<p>Enter and inspect any centre premises at all reasonable times.</p> <p><i>[Remark: According to Regulation 2 of the Regulations, “centre” means a registered child care centre.]</i></p>
9.	<p>Child Care Services Regulations (Cap. 243A)</p> <p>Regulation 28(1) – Fire officers may inspect buildings in neighbourhood of a centre if fire risk suspected</p>	Officer of the Fire Services Department.	If it appears that a risk of fire to the centre premises may arise in the relevant premises.	<p>May enter and inspect at all reasonable times –</p> <p>(1) any premises in or in part of which a centre is operated;</p> <p>(2) any premises in the neighbourhood of any centre premises.</p>

Provision of relevant legislation		Officers who enter buildings	Conditions for entry to buildings	Purpose and power of entry to buildings ¹
10.	Education Regulations (Cap. 279A) Regulation 34(1) – Fire officers may inspect school premises	Officer of the Fire Services Department.	–	Enter and inspect any school premises at all reasonable times. <i>[Remark: According to section 3 of Education Ordinance (Cap. 279), “school premises” includes school recreation rooms, residential facilities, playing fields and playing grounds, and any other places used for the purposes of a school.]</i>
11.	Education Regulations (Cap. 279A) Regulation 35(1) – Fire officers may inspect buildings in the neighbourhood of schools if fire risk suspected	Officer of the Fire Services Department.	If it appears that a risk of fire to the school premises may arise in the relevant premises.	Enter and inspect at all reasonable times – (1) any premises in or in part of which a school is operated; (2) any premises in the neighbourhood of any school premises.
12.	Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) Section 18(2)(a)&(c) – Inspection of residential care	Specified person means – (1) the Director of Social Welfare; (2) an officer of the Fire Services Department; or	Produces, if so required, proof of identity as the specified person, and the specified person’s identity card issued under the Registration of Persons Ordinance (Cap. 177).	(1) At all reasonable times enter and inspect any residential care home or any premises which the specified person has reason to suspect are used as or for the purposes of a

Provision of relevant legislation		Officers who enter buildings	Conditions for entry to buildings	Purpose and power of entry to buildings ¹
	homes	<p>(3) an inspector.</p> <p><i>[Remark: According to section 17 of the Ordinance, the Director may by notice in writing appoint –</i></p> <p><i>(a) any officer of the Social Welfare Department;</i></p> <p><i>(b) any officer of the Buildings Department;</i></p> <p><i>(c) any person who is registered as a medical practitioner, or who is deemed to be so registered under section 29 of the Medical Registration Ordinance (Cap. 161); and</i></p> <p><i>(d) any person whose name appears on the register of nurses maintained under section 5 of the Nurses Registration Ordinance (Cap. 164),</i></p>		<p>residential care home (suspected premises);</p> <p>(2) do any other things that are necessary for –</p> <p>(a) the inspection of the residential care home; or</p> <p>(b) the inspection or testing of any equipment, works or system used for or in connection with the operation, keeping, management or other control of the residential care home.</p>

Provision of relevant legislation		Officers who enter buildings	Conditions for entry to buildings	Purpose and power of entry to buildings ¹
		<i>to be an inspector of residential care homes.]</i>		
13.	Residential Care Homes (Elderly Persons) Regulation (Cap. 459A) Regulation 31 – Inspection of premises by members of Fire Services Department	Member of the Fire Services Department.	If so required, production of proof of his membership and his particulars of identity.	Without warrant, enter and inspect at all reasonable times any residential care home.
			(1) If it appears that a risk of fire to the residential care home may arise in any – (a) building or part of any building where a residential care home is situated; or (b) building, place or premises adjacent or near to a residential care home. (2) If so required, production of proof of his membership and his particulars of identity.	Without warrant, enter and inspect at all reasonable times such building, part of the building, place or premises.
14.	Residential Care Homes (Persons with Disabilities)	Specified person means – (1) the Director of Social	Produces, if so required, proof of identity as the specified person, and	(1) At all reasonable times enter and inspect any residential care home

Provision of relevant legislation	Officers who enter buildings	Conditions for entry to buildings	Purpose and power of entry to buildings ¹
<p>Ordinance (Cap. 613) Section 16(2)(a)&(e) – Inspection of residential care homes for persons with disabilities</p>	<p>Welfare; (2) an officer of the Fire Services Department; or (3) an inspector.</p> <p><i>[Remark: According to section 15 of the Ordinance, the Director may by notice in writing appoint the following persons to be an inspector of residential care homes for persons with disabilities –</i> (a) <i>an officer of the Social Welfare Department;</i> (b) <i>an officer of the Buildings Department;</i> (c) <i>a person who is registered as a medical practitioner under the Medical Registration Ordinance (Cap. 161);</i> (d) <i>a person whose name appears on the register of nurses maintained under</i></p>	<p>the specified person's identity card issued under the Registration of Persons Ordinance (Cap. 177).</p>	<p>for persons with disabilities or any premises which the specified person has reason to suspect are used as or for the purposes of a residential care home for persons with disabilities (suspected premises); (2) do any other things that are necessary for – (a) the inspection of the residential care home; or (b) the inspection or testing of any equipment, works or system used for or in connection with the operation, keeping, management or other control of the residential care home.</p>

Provision of relevant legislation		Officers who enter buildings	Conditions for entry to buildings	Purpose and power of entry to buildings ¹
		<i>section 5 of the Nurses Registration Ordinance (Cap. 164).]</i>		
15.	Residential Care Homes (Persons with Disabilities) Regulation (Cap. 613A) Regulation 32(1) – Inspection of premises by members of Fire Services Department	Member of the Fire Services Department.	If so required, production of proof of his membership and his particulars of identity.	Enter and inspect at all reasonable times a residential care home for persons with disabilities, without warrant.
			(1) If it appears that a risk of fire to the residential care home may arise in a building where a residential care home for persons with disabilities is situated. (2) If so required, production of proof of his membership and his particulars of identity.	Enter and inspect at all reasonable times the building, without warrant.
			(1) If it appears that a risk of fire to the residential care home may arise in a building, place or premises adjacent or near to a residential care home for persons with disabilities.	Enter and inspect at all reasonable times the building, place or premises, without warrant.

Provision of relevant legislation		Officers who enter buildings	Conditions for entry to buildings	Purpose and power of entry to buildings ¹
			(2) If so required, production of proof of his membership and his particulars of identity.	
16.	Public Health and Municipal Services Ordinance (Cap. 132) Section 126(1) – General powers of entry	A public officer authorized by the Director of Buildings or other relevant Authorities in writing and such persons as may be necessary.	<p>(1) If so required, production of some duly authenticated document showing his authority.</p> <p>(2) Provided that admission to any premises or vessel, not being premises or a vessel used for business purposes or as a workplace, shall not be demanded as of right unless not less than 2 hours' notice in writing of the intended entry has been given to the occupier of such premises or the person in charge of such vessel, or, in the absence of such person, posted in some conspicuous place on such premises or vessel, as the case may be.</p>	<p>Enter any premises, vehicle, vessel or aircraft at any time between the hours of 7 a.m. and 7 p.m., and, in the case of any workplace or any premises or vessel used for business purposes, at any time during which work or business is carried on—</p> <p>(1) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises, vehicle, vessel or aircraft any contravention of the provisions of this Ordinance, being provisions which it is the duty of the authorizing authority to enforce;</p> <p>(2) for the purpose of ascertaining whether or not circumstance exist which would authorize or require the authorizing authority to take any action, or execute any work, under</p>

Provision of relevant legislation		Officers who enter buildings	Conditions for entry to buildings	Purpose and power of entry to buildings ¹
				<p>the provisions of this Ordinance, and for this purpose, such officer may take and carry away samples of any article or thing, including water, found there;</p> <p>(3) for the purpose of taking any action, or executing any work, authorized or required by the provisions of this Ordinance to be taken or executed by the authorizing authority;</p> <p>(4) for the purpose of carrying out any tests the carrying out of which is authorized under the provisions of this Ordinance;</p> <p>(5) generally, for the purpose of the performance by the authorizing authority of his functions under the provisions of this Ordinance.</p>
