

LEGISLATIVE COUNCIL BRIEF

Fire Services Ordinance
(Chapter 95)

FIRE SERVICE (INSTALLATIONS AND EQUIPMENT) (AMENDMENT) REGULATION 2021

INTRODUCTION

A At the meeting of the Executive Council on 25 May 2021, the Council ADVISED and the Chief Executive ORDERED that the Fire Service (Installations and Equipment) (Amendment) Regulation 2021 at **Annex A** should be made under section 25 of the Fire Services Ordinance (the Ordinance) to –

- (a) add a new definition of “stand-alone fire detector”;
- (b) exclude any stand-alone battery-operated fire detector (stand-alone fire detector) that is not required by or pursuant to law to be installed in any premises from the application of regulations 6(1) and 7(1) of the Fire Service (Installations and Equipment) Regulations (FS(IE)R)¹, which provide for the installation, maintenance, inspection or repair of fire service installations or equipment (FSI)²; and
- (c) exclude any stand-alone fire detector that is not required by or pursuant to law to be installed in any premises from the application of regulation 8 of FS(IE)R, which provides for the duties of owners of FSI to keep such installations or equipment in efficient working order at all times and have them inspected by a registered contractor at least once in every 12 months.

¹ FS(IE)R sets out in detail the regulatory regime for the sale, supply, installation, repair, maintenance and inspection of fire service installations or equipment.

² The proposed exclusion also covers portable equipment. Under the existing FS(IE)R, any portable equipment which is not required by law to be installed in any premises is already exempted from the requirements of regulations 6(1) and 7(1). The proposed exclusion concerning portable equipment is only technical in nature with a view to stating more clearly in FS(IE)R that portable equipment not pursuant to law to be installed (on top of those not required by law) will be exempted from the requirements of regulations 6(1) and 7(1).

JUSTIFICATIONS

2. The Fire Services Department (FSD) attaches great importance to fire safety and protection of life and property in the territory. According to FSD's analysis, of the building fires which claimed 84 lives between 2016 and 2020 in Hong Kong, almost 90% occurred in domestic premises. The fatality rate could have been reduced if building occupants were able to evacuate before they became unable to save themselves due to the effects of exposure to smoke, heat, or toxic effluent, particularly in circumstances where the occupants fell asleep in their premises when the fires occurred. Early detection of fire and an early warning to building occupants for timely evacuation are therefore of paramount importance to save their lives in case of a fire. To this end, FSD has been exploring pragmatic ways to ensure timely evacuation from domestic premises in case of a fire.

Stand-alone fire detectors

3. A stand-alone fire detector is a self-contained battery-operated device that incorporates a fire detector and an alarm, serving the purpose of detecting a fire and giving audible alarm warning or other form of warning³ to building occupants during the incipient stage of fire. With prompt notification, occupants can have more time for evacuation before the escape route becomes impassable due to smoke and heat.

4. Since the establishment of the first international standard by the National Fire Protection Association (NFPA⁴) for stand-alone fire detectors in 1967, the device has become more durable, affordable and simple to be installed. The technology is now well developed with high reliability. In order to evaluate the performance and functionality of stand-alone fire detectors available in the market, FSD has conducted tests in simulated domestic fire scenarios on 22 different models which are manufactured and tested in accordance with various international/national standards of the Mainland, the United Kingdom and the United States. Testing results show that all these devices perform satisfactorily and effectively in giving timely alarm warning.

5. A stand-alone fire detector adopting the modern technology normally has a lifespan of around ten years. Its installation is simple and does not require any specific skill. It is normally fitted to a mounting plate, which can be attached to the surface of a ceiling by adhesive tapes or screws. It usually comes with a test button for checking whether it works normally, and a low battery warning buzz to alert users to the need for battery replacement. Owners can carry out periodic tests

³ Some stand-alone fire detectors can give sound, vibration and visual alarm at the same time, targeting persons with visual or hearing impairments.

⁴ NFPA is a global non-profit organisation which is based in the United States and devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards. It publishes more than 300 codes and standards intended to minimise the possibility and effects of fire and other risks. The codes and standards published by the association have been widely adopted in North America and the Middle East.

themselves by following the instructions in the user manual. No specific maintenance skill is required.

Mainland and overseas experience

6. In the Mainland, adoption of stand-alone fire detectors is regarded as a fire safety protection measure, and the installation of stand-alone fire detectors in different premises has been encouraged. Other places, such as Singapore, the United States and the United Kingdom, have also been stepping up efforts to promote a wider use of stand-alone fire detectors in residential premises. According to a report issued by NFPA in January 2019, the risk of dying in reported home structure fires is 54% lower in homes with working smoke alarms (a kind of fire detector) than in homes with no alarm or none that works.

7. Having regard to the effectiveness of stand-alone fire detectors in reducing fire losses, minimal technical skills required for their installation and maintenance, as well as their rising importance in domestic fire protection, FSD is of the view that promoting the use of stand-alone fire detectors of the owners/occupants' own volition in buildings and premises, particularly in domestic premises, would be the simplest and most practical way to ensure timely evacuation in case of a fire.

The Extant Regulatory Control under FS(IE)R

B 8. A stand-alone fire detector falls within the definition of FSI under section 2 of the Ordinance⁵. Regulations 6(1) and 7(1) of FS(IE)R (at **Annex B**) provide that no FSI shall be installed, maintained, inspected or repaired by any person other than a registered fire service installation contractor (RFSIC). Regulation 8 of FS(IE)R also stipulates that the owner of any FSI which is installed in any premises shall keep such FSI in efficient working order at all times and have such FSI inspected by an RFSIC at least once in every 12 months.

9. The above statutory obligations, and the cost involved in engaging RFSICs for fulfilling those statutory requirements⁶, may be reasons hindering the public from installing stand-alone fire detectors in buildings and premises of their own volition.

⁵ According to section 2 of the Ordinance, FSI means any installation or equipment manufactured, used or designed to be used for the purposes of, among others, giving warning of a fire.

⁶ Under the existing regulatory regime, the owner of a stand-alone fire detector needs to shoulder the costs of purchasing it, engaging an RFSIC for its installation and issuance of a Certificate of Fire Service Installations and Equipment upon completion of installation (costing about \$1,000 altogether). Moreover, the owner has to pay \$500 for engaging an RFSIC to inspect the stand-alone fire detector at least once a year. Such expenditure may not be proportionate in the eyes of the public, as compared to the retail price of a stand-alone fire detector (ranging from \$200 to \$800 per device).

OUR PROPOSAL

10. With a view to promoting a wider use of stand-alone fire detectors in buildings and premises, particularly in domestic premises, we propose to amend FS(IE)R to exempt stand-alone fire detectors from the application of regulations 6(1), 7(1) and 8 of FS(IE)R, to the effect that owners/occupants of any buildings/premises will not be required to engage RFSICs for the installation, maintenance, inspection or repair of any stand-alone fire detectors which are installed of the owners/occupants' own volition. Besides, owners and occupants will be exempted from the statutory duty of keeping the stand-alone fire detectors in efficient working order at all times and having them inspected by RFSICs at least once in every 12 months.

FIRE SERVICE (INSTALLATIONS AND EQUIPMENT) (AMENDMENT) REGULATION 2021 (THE AMENDMENT REGULATION)

B 11. The Amendment Regulation will amend FS(IE)R as set out in paragraph 1 above. The existing provisions being amended are at **Annex B**.

12. As indicated above, we do not intend to exempt any stand-alone fire detector that is required by or pursuant to law to be installed in any premises from the statutory requirement of having the device to be installed, maintained, inspected or repaired by an RFSIC, or from the owner's statutory duty to keep such device in efficient working order at all times and to have it inspected by an RFSIC at least once in every 12 months. In general, a fire detection system⁷ instead of stand-alone fire detectors should be installed in buildings or premises for compliance with relevant laws, licensing requirements or the Codes of Practice for Minimum Fire Service Installations and Equipment and Inspection, Testing and Maintenance of Installations and Equipment (Codes of Practice) issued by FSD. Installation of stand-alone fire detectors may be required as part of the licensing requirements under certain statutory regimes⁸ or as a mandatory stop-gap measure for mitigating the risk imposed on buildings, premises and their occupants during the suspension or inoperative period of FSI. Stand-alone fire detectors installed under the above circumstances should continue to be subject to the requirements of regulations 6(1), 7(1) and 8 of FS(IE)R.

⁷ A traditional fire detection system mainly consists of a fire detector, a fire alarm, circuitry and a main control panel powered by electricity.

⁸ For example, guesthouses (i.e. holiday flats) regulated by the Hotel and Guesthouse Accommodation Ordinance, and the Drug Treatment and Rehabilitation Centres regulated by the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance.

Promotion and Publicity

13. FSD will launch promotional activities educating the public on the benefits and use of the device through the social media and traditional media. It will publish guidelines for members of the public on selection of appropriate stand-alone fire detectors which meet established international/national standards of the Mainland, the United Kingdom, the United States and Australia⁹. In these guidelines, FSD will also advise on the tips and procedures for maintaining the effectiveness of the detectors by the owners themselves.

14. In parallel, FSD will liaise with relevant trade representatives advising them to import/sell stand-alone fire detectors which meet the above-mentioned standards. If FSD receives any report on suspected false description of the device (e.g. failure to comply with the standard claimed by the manufacturer/ supplier), the case will be referred to the relevant enforcement authorities.

LEGISLATIVE TIMETABLE

15. The legislative timetable is as follows –

Publication in the Gazette	4 June 2021
Tabling at the Legislative Council (LegCo)	9 June 2021

The Amendment Regulation will come into operation on 1 September 2021.

IMPLICATIONS OF THE PROPOSAL

16. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no financial, sustainability, environmental, family, gender, economic, civil service and productivity implications. It will not affect the current binding effect of the Ordinance.

PUBLIC CONSULTATION

17. FSD consulted the key stakeholder, Registered Fire Service Installation Contractors of Hong Kong Association (FSICA), in October 2018 and December 2020. FSICA is in support of the proposal. Given that the legislative amendments involve only stand-alone fire detectors which will be installed of one's volition, the impact on the FSI trade is comparatively small. FSD also conducted

⁹ These standards are generally adopted worldwide, holistically regulating the construction, components, performance, manufacturing and production, marking, etc. of stand-alone fire detectors. These standards provide a general benchmark on the reliability of the stand-alone fire detectors in the market.

ten briefing sessions on the proposal from December 2020 to March 2021, which were attended by FSICA, the Hong Kong Institution of Engineers, the Hong Kong Federation of Insurers and construction industry. In addition, FSD uploaded an information note regarding the use and benefits of stand-alone fire detector and the related legislative proposal onto its website in March 2021 for public information.

18. We consulted the LegCo Panel on Security in April 2021 on the Government's proposal to make legislative amendments to promote a wider use of stand-alone fire detectors to be installed in buildings or premises of owners/occupants' own volition. Panel members were supportive of the proposal.

PUBLICITY

19. A press release will be issued. We will also make available a spokesperson to answer media enquiries.

ENQUIRIES

20. Enquiries on this brief should be directed to Miss Rebecca Cheung, Principal Assistant Secretary for Security at 2810 3435.

Security Bureau
June 2021

Fire Service (Installations and Equipment) (Amendment) Regulation 2021

(Made by the Chief Executive in Council under section 25 of the Fire Services Ordinance (Cap. 95))

1. Commencement

This Regulation comes into operation on 1 September 2021.

2. Fire Service (Installations and Equipment) Regulations amended

The Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg. B) are amended as set out in sections 3 to 6.

3. Regulation 2 amended (interpretation)

(1) Regulation 2, definition of *registered contractor*—

Repeal

“sub. leg. A).”

Substitute

“sub. leg. A);”.

(2) Regulation 2—

Add in alphabetical order

“*stand-alone fire detector* (獨立火警偵測器) means a self-contained battery-operated installation that is manufactured, used or designed to be used for the purpose (whether or not the sole purpose) of detecting, and giving warning (by an audible alarm or otherwise) of, fire.”.

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

(1) Regulation 6(1)—

Repeal

“Subject to paragraph (2), no”

Substitute

“No”.

(2) Regulation 6—

Repeal paragraph (2)

Substitute

“(2) Paragraph (1) does not apply to any portable equipment or stand-alone fire detector that is not required by or pursuant to law to be installed in any premises.”.

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

(1) Regulation 7(1)—

Repeal

“Subject to paragraph (2), no”

Substitute

“No”.

(2) Regulation 7—

Repeal paragraph (2)

Substitute

“(2) Paragraph (1) does not apply to any portable equipment or stand-alone fire detector that is not required by or pursuant to law to be installed in any premises.”.

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

(1) Regulation 8—

Renumber the regulation as regulation 8(1).

(2) After regulation 8(1)—

Add

“(2) Paragraph (1) does not apply to any stand-alone fire detector that is not required by or pursuant to law to be installed in any premises.”.



Clerk to the Executive Council

COUNCIL CHAMBER

25 May 2021

Explanatory Note

This Regulation amends the Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg. B) (*principal Regulations*) to—

- (a) add a new definition of *stand-alone fire detector* to regulation 2 of the principal Regulations;
- (b) exclude portable equipment or stand-alone fire detector that is not required by or pursuant to law to be installed in any premises from the application of regulations 6(1) and 7(1) of the principal Regulations, which provide for the installation, maintenance, inspection or repair of fire service installations or equipment; and
- (c) exclude stand-alone fire detector that is not required by or pursuant to law to be installed in any premises from the application of regulation 8(1) of the principal Regulations, which provides for the duties of owners of fire service installations or equipment.

Fire Service (Installations and Equipment) Regulations

T-2

Cap. 95B

Fire Service (Installations and Equipment) Regulations

(Cap. 95 sub. leg. B)

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Fire Service (Installations and Equipment) Regulations

(Cap. 95, section 25)

[1 June 1972] *L.N. 56 of 1972*
(*Format changes—E.R. 4 of 2019*)

1. Citation

These regulations may be cited as the Fire Service (Installations and Equipment) Regulations.

2. Interpretation

In these regulations, unless the context otherwise requires—

equipment list (設備清單) means the list kept under regulation 4;

portable equipment (手提設備) means any fire service equipment which is manufactured, used or designed to be used as an independent unit for the purpose of extinguishing, attacking, preventing or limiting a fire;

registered contractor (註冊承辦商) means a fire service installation contractor registered under the Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg. A).
(*L.N. 269 of 1978; E.R. 4 of 2019*)

3. Approval of portable equipment

- (1) The Director may from time to time approve for sale or supply any type of portable equipment.
- (2) Any person aggrieved by any decision of the Director under paragraph (1) may, within 14 days after the date when such decision has come to that person's notice, appeal by way of

petition to the Chief Executive who may confirm, vary or reverse the decision.

- (3) The decision of the Chief Executive on the appeal shall be final.

(76 of 1999 s. 3)

4. List to be kept of approved portable equipment

- (1) The Director shall cause a list to be kept of portable equipment approved by him under regulation 3.
- (2) A list of portable equipment approved by the Director shall—
- (a) be published in the Gazette at least once in every year; and
 - (b) be made available for inspection by any person at all reasonable times free of charge at the offices of the Fire Services Department and at each fire station in Hong Kong.

5. Prohibition on sale of certain portable equipment

No person shall sell or supply any portable equipment which is not included in the equipment list.

6. Installation of fire service installations of equipment

- (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.

7. Maintenance or repair of fire service installations or equipment

- (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.
(*L.N. 269 of 1978*)

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

8. Duty of owners of fire service installations or equipment

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.

9. Issue of certificates by registered contractors

- (1) Whenever a registered contractor installs, maintains, repairs or inspects any fire service installation or equipment in any premises, he shall within 14 days after completion of the work issue to the person on whose instructions the work was undertaken a certificate and forward a copy thereof to the Director.
- (2) A certificate issued under paragraph (1) shall state—
- (a) the address of the premises in which the work was carried out;
 - (b) a description of the fire service installation or equipment concerned;
 - (ba) the date of the completion of the work; (*L.N. 269 of 1978*)
 - (c) the nature of the work carried out; and
 - (d) whether or not the fire service installation or equipment is in efficient working order.

(2A) A certificate issued under paragraph (1) shall be signed by the person authorized to do so under regulation 3A of the Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg. A) and any person who signs a certificate which is false or misleading in any material particular commits an offence and is liable on conviction to a fine at level 5. (*L.N. 269 of 1978; L.N. 191 of 1981; 7 of 2003 s. 19*)

(3) Any registered contractor who—

(a) contravenes paragraph (1); or

(b) issues or forwards a certificate thereunder, or a copy thereof, which is false or misleading in a material particular,

commits an offence and is liable on conviction to a fine at level 5: (*7 of 2003 s. 19*)

Provided that where the certificate was signed by a person other than the registered contractor, the registered contractor shall not be convicted of an offence under subparagraph (b) if he proves that he exercised all due diligence to prevent the commission of the offence. (*L.N. 269 of 1978; L.N. 191 of 1981*)

10. Standard of inspection

(1) The Director may, by notice in the Gazette, prescribe a Code of Practice which shall govern the inspection and testing of fire service equipment.

(2) Any fire service installation or equipment shall be deemed to be in efficient working order if it complies with the requirements specified by the Director in the Code of Practice prescribed under paragraph (1).

(3) The Code of Practice prescribed under paragraph (1) shall—

- (a) be published in the Gazette at least once in every year; and
- (b) be made available for inspection by any person at all reasonable times free of charge at the offices of the Fire Services Department and at each fire station in Hong Kong.

11. Delegation of powers

The Director may authorize the Deputy Director or a Chief Fire Officer to exercise any of the powers or duties conferred or imposed on him by these regulations.

12. Penalty

Any person who contravenes any of the provisions of regulation 5, 6, 7 or 8 shall be guilty of an offence and shall be liable on conviction to a fine at level 5.

(L.N. 191 of 1981; 7 of 2003 s. 20)