

立法會

Legislative Council

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Panel on Security

Meeting on 4 February 2025

Background brief on the implementation of the Registered Fire Engineer Scheme

Purpose

This paper provides background information and gives an account of Members' past discussions on the Administration's initiative to implement a scheme for fire safety risk assessment and certification on compliance with fire safety requirements by registered fire engineers ("RFEs") for certain premises ("RFE Scheme").

Background

2. At present, operating certain types of premises requires a licence, a permit, a certificate of compliance or a certificate of registration (collectively referred to as "licence") from relevant regulatory authorities. The licence applicant has to obtain a Fire Services Certificate, Letter of Compliance or Letter of Approval (as the case may be) issued by the Director of Fire Services ("DFS"), certifying that the premises concerned have complied with all relevant fire safety requirements and will not expose persons therein to any undue risk of fire, during the licensing process. The prevailing Fire Services Ordinance (Cap. 95) ("FSO") and its subsidiary legislation do not provide for persons other than DFS to perform fire safety risk assessment and certification on compliance required for the licensing process. A flowchart on the services provided by the Hong Kong Fire Services Department ("FSD") at different stages of the licensing process is in [Appendix 1](#).

3. The RFE Scheme, a third-party fire safety certification scheme, was proposed as a policy measure of the Chief Executive's 2014 Policy Address to facilitate business operation and to optimize the use of qualified persons available in the market. Under the Scheme, RFEs will be categorized into three classes, namely

RFE (Risk Assessment) (“RFE(RA)”), RFE (Fire Service Installation) (“RFE(FSI)”) and RFE (Ventilating System) (“RFE(VentS)”). The Scheme will first be applied to certain premises requiring a licence to operate (“the prescribed premises”) as listed in [Appendix 2](#) to provide an additional option for the provision of fire safety assessment and certification services while FSD will maintain its existing services in this regard for applicants for licences of the prescribed premises to choose from at different stages of the licensing process. To provide the legal backing and a basis for the making of subsidiary legislation for the RFE Scheme, the Fire Services (Amendment) Ordinance 2017 ([Ord. No. 1 of 2017](#)) (“the Amendment Ordinance”) was enacted in March 2017.¹ The Amendment Ordinance will come into operation on a date to be appointed by the Secretary for Security by notice published in the Gazette.

Members’ views and concerns

Coverage and business implications of the Registered Fire Engineer Scheme

4. Members noted that the RFE Scheme was proposed to cover fire safety risk assessment and certification in relation to the licensing of the prescribed premises only. They enquired whether the Administration had any **plan to widen the scope of premises to be covered by the RFE Scheme** to include **construction sites, mini-storages and old buildings issued with statutory directions and orders in relation to fire safety**. The Administration advised that the RFE Scheme would be implemented in stages. As a prudent start, it would first be taken forward with the licensed premises. In the meantime, the Administration had no plan to include the fire protection measures of construction sites and the vetting of fire safety improvement works of old buildings in the proposed duties of RFEs. That said, a review on the RFE Scheme would be conducted by FSD, say, two years after its implementation, to consider, among others, whether the scope would be expanded to other areas.

¹ Pursuant to section 25 of FSO as amended by the Amendment Ordinance, the matters in relation to the implementation of the RFE Scheme to be provided for in the regulations include: (a) the registration and de-registration of RFEs and related matters; (b) the fees to be charged in relation to the registration and de-registration; (c) the duties of RFEs in relation to fire safety risk assessment, and certification on compliance with fire safety requirements for prescribed premises; (d) the regulation of the conduct of RFEs including the provision of disciplinary offences and the establishment of disciplinary boards; and (e) 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. These regulations are subsidiary legislation subject to the approval of the Legislative Council under section 35 of the Interpretation and General Clause Ordinance (Cap. 1), except those in relation to fees which are subject to the negative vetting procedure under section 34 of the Interpretation and General Clause Ordinance.

5. Referring to the long processing time required of licence applications for certain prescribed premises, Members enquired **how the implementation of the RFE Scheme could expedite the entire licensing process**. The Administration advised that the fire safety risk assessment and certification process accounted for a substantial proportion of time in the licensing process of the prescribed premises. Taking the licensing process of premises of food businesses as an example, it currently took around 17 days for FSD to conduct fire safety risk assessment and formulate fire safety requirements upon receipt of the referral of a licence application from the licensing authority, and around 14 days to conduct compliance inspection and certification after the licence applicant concerned notified FSD of the completion of the relevant fire services works. It was estimated that RFE(RA) and RFE(FSI)/RFE(VentS) might be able to complete the risk assessment services in about five days and the certification services in about three days, thereby expediting the licensing process.

6. Holding the view that cost would be a key consideration of the licence applicants in deciding whether to engage the services of RFEs, Members expressed concern about **the level of fees to be charged by RFEs** for the fire safety risk assessment and certification services. They suggested that **the list of RFEs and statistics on their fees and charges should be made available for reference by the public**. Concerns were also expressed as to the level of services to be provided by FSD after the launch of the RFE Scheme.

7. The Administration advised in 2016 that depending on the type and size of the premises concerned, the estimated fees to be charged by an RFE would range from about \$30,000 to \$200,000. FSD would maintain its existing services to the licence applicants of the prescribed premises after the roll-out of the RFE Scheme. Licence applicants could opt to continue to use the services provided by FSD if they so wished, or engage the services of RFEs at different stages of the licensing process. A fee review would be conducted by FSD in due course to reflect its involvement and workload in the licensing process, with due consideration over the fact that the existing fee level of FSD fell below the full-cost recovery level.

Eligibility for registration as registered fire engineers

8. Members noted that the qualifications and experience requirements for registration as RFEs would be provided for in the new regulation to be made under FSO as amended by the Amendment Ordinance. They considered that **rigorous qualifications and experience requirements** should be imposed for registration as RFEs to **ensure fire safety and public safety**. The Administration should **consult the relevant professional bodies and stakeholders on the detailed requirements** for registration as RFEs before introducing the new regulation into the Legislative Council (“LegCo”).

9. The Administration advised that it would do so. Meanwhile, the new regulation would provide for the establishment of a registration committee consisting of professionals and representatives from the academia to provide professional advice to DFS on matters including whether to accept qualified persons who had relevant experience and/or completed the relevant fire engineering courses to register as an RFE of the relevant classes. Interview boards would also be formed to conduct professional interviews in respect of the applications for registration and recommend to DFS if the applications should be approved.

10. The supply of qualified engineers and persons in the market to meet the service demand arising from the implementation of the RFE Scheme was another concern of Members. Some Members were concerned that the launch of the RFE Scheme would lead to **a brain drain of related FSD officers to the private sector**. The Administration advised that according to an earlier Business Impact Assessment Study commissioned by FSD², there should be a sufficient supply of potential RFE candidates in the market, and it was expected that the implementation of the RFE Scheme would attract more people to develop a professional career in the fire engineering field. In respect of FSD officers currently involved in processing licence applications, the Administration could not estimate the number of FSD officers who would meet the relevant qualification requirements for registration as RFEs.

Disciplinary offences and criminal liability applicable to registered fire engineers

11. Members were of the view that a **comprehensive quality control mechanism** should be put in place by virtue of the regulations to be made under FSO as amended by the Amendment Ordinance to **ensure the quality of work of RFEs**, as well as the **consistency** of the fire risk assessment and certification standard across RFEs. In this regard, they enquired about the details of the proposed disciplinary regime applicable to RFEs, in particular for cases involving RFEs who were **not members of any of the self-regulatory professional bodies**, thereby not being subject to any disciplinary actions imposed on the respective professions.

12. The Administration advised that FSD would issue codes of practice or guidance notes for RFEs to observe and a disciplinary board would be formed to inquire into and deal with cases in which an RFE was suspected to have failed to discharge the duties properly. Apart from disciplinary offences, RFEs might be subject to criminal liability in appropriate cases, say when an RFE issued a fire safety certificate that was false or misleading. FSD also intended to put in place a series of measures to ensure the quality of work of RFEs and consistency of standards, say

² The Executive Summary of the study is accessible at the website of FSD at https://www.hkfsd.gov.hk/eng/news/BIA_Final_Report_2013_eng.pdf.

by requiring that fire safety requirements formulated by an RFE(RA) to be endorsed by FSD before they were issued to the licence applicants, as well as selecting premises on a random basis for audit inspections of at least 70% of the certification completed by an RFE(FSI) or RFE(VentS) after the fire safety certificates were issued to the licence applicants.

13. As regards Members' concerns over **bid-rigging and anti-competitive acts** in the tendering process in relation to the appointment of RFEs by licence applicants, the Administration advised that the Independent Commission Against Corruption had been consulted for suitable control measures to prevent malpractices and conflict of interest, which included positive declaration of no conflict of interest by RFEs on each certification occasion. These measures would be set out in the new regulation to be made, or in the code of practice or guidance notes to be issued by FSD for RFEs.

Latest development

14. The Administration conducted a trade consultation from 22 December 2023 to 31 March 2024 on the draft Code of Practice for Registered Fire Engineers to be issued under the new regulation, which aims at providing practical guidance to RFEs on assessing fire risk, formulating fire safety requirements, conducting compliance inspection or testing, and issuing fire safety certificates.³ According to the Administration, the relevant items of subsidiary legislation for the implementation of the RFE Scheme will be introduced in the seventh term of LegCo.

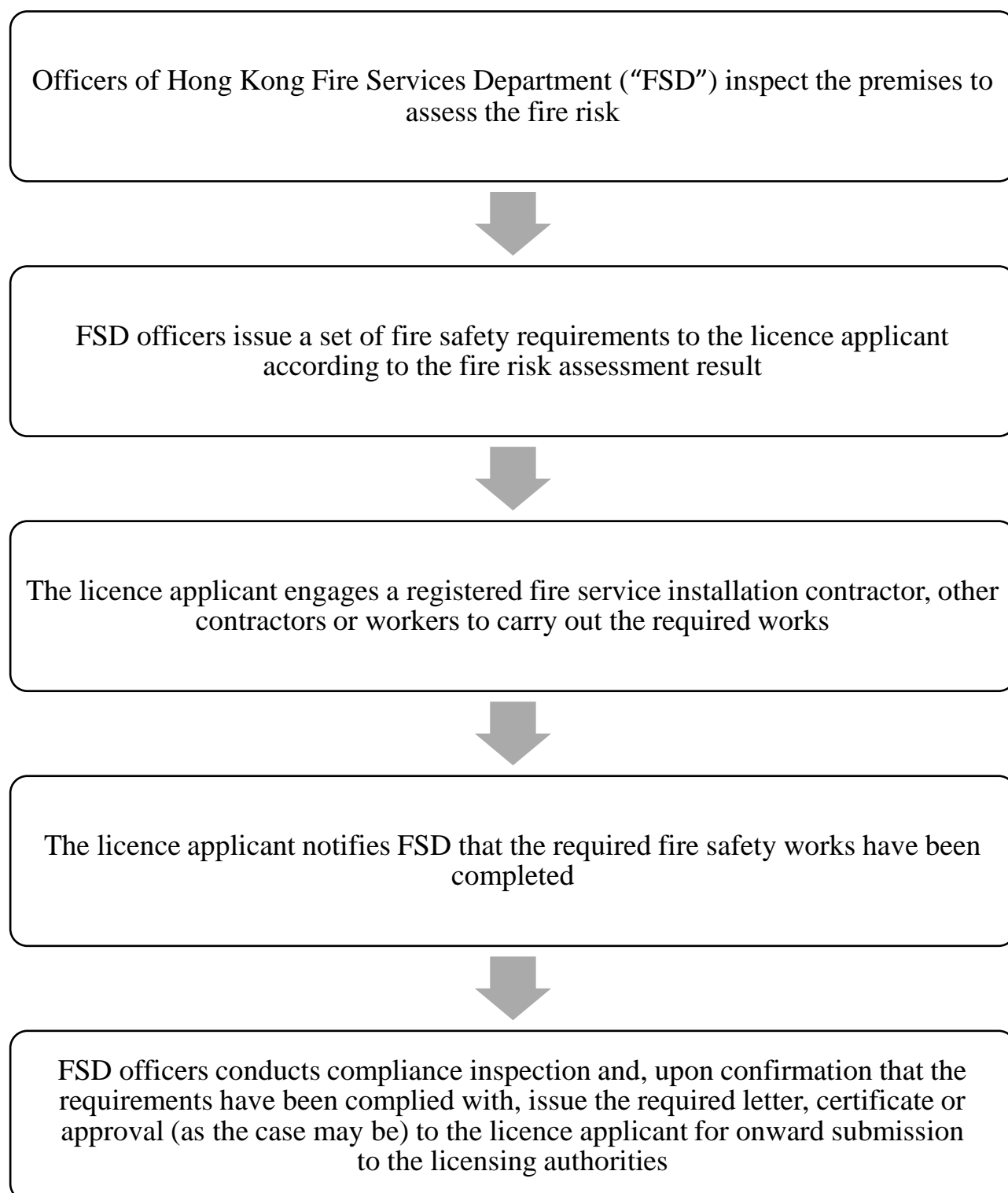
Relevant papers

15. A list of the relevant papers on the LegCo's website is in [Appendix 3](#).

Council Business Divisions
Legislative Council Secretariat
3 February 2025

³ The draft Code of Practice is accessible at the website of FSD at https://www.hkfsd.gov.hk/eng/fire_protection/rfes/.

**Flowchart of fire safety risk assessment and certification services
provided by Hong Kong Fire Services Department in the licensing process**



(Source : Administration's paper on "Proposed Introduction of the Registered Fire Engineer Scheme by the Fire Services Department" for agenda item IV of the meeting of the Panel on Security on 3 November 2015 (LC Paper No. [CB\(2\)142/15-16\(03\)](#))

Prescribed premises to be covered under the Registered Fire Engineer Scheme

- public dance hall and dancing school established under the Miscellaneous Licences Regulation (Cap. 114A)
- general restaurant, light refreshment restaurant, factory canteen, bakery, food factory, composite food shop established under the Food Business Regulation (Cap. 132X)
- billiard centre, bowling centre and public skating rink established under the Places of Amusement Regulation (Cap. 132BA)
- cinema, theatre and place of public entertainment (other than a cinema or theatre) established under the Places of Public Entertainment Regulations (Cap. 172A)
- school established under the Education Ordinance (Cap. 279)
- premises for conducting registered courses or exempted courses established under the Non-local Higher and Professional Education (Regulation) Rules (Cap. 493B)
- premises for the sale and consumption of intoxicating liquor established under the Dutiable Commodities (Liquor) Regulations (Cap. 109B)
- funeral parlour established under the Funeral Parlours Regulation (Cap. 132AD)
- child care centre established under the Child Care Services Ordinance (Cap. 243)
- massage establishment established under the Massage Establishments Ordinance (Cap. 266)
- hotel and guesthouse established under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349)
- club-house established under the Clubs (Safety of Premises) Ordinance (Cap. 376)
- amusement game centre established under the Amusement Game Centres Ordinance (Cap. 435)
- bedspace apartment established under the Bedspace Apartments Ordinance (Cap. 447)

- residential care home established under the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459)
- drug dependence treatment centre established under the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566)
- karaoke establishment (other than that in a restaurant, hotel, guesthouse or club), karaoke establishment in a hotel, guesthouse or club and karaoke establishment in a restaurant established under the Karaoke Establishments Ordinance (Cap. 573)
- residential care home established under the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613)

**List of relevant papers
on the implementation of the Registered Fire Engineer Scheme**

Committee	Date of meeting	Paper
Panel on Security	3 November 2015	Agenda item IV: Proposed introduction of the registered Fire Engineer Scheme by the Fire Services Department Minutes
Bills Committee on Fire Services (Amendment) Bill 2015	20 June 2016*	Report of the Bills Committee
Bills Committee on Fire Services (Amendment) Bill 2016	9 February 2017*	Report of the Bills Committee
Panel on Security	4 July 2017	Agenda item III: Proposed implementation details of the Registered Fire Engineer Scheme Minutes
Finance Committee	12 April 2023	Administration's replies to initial questions raised by Members in examining the Estimates of Expenditure 2023-2024 (Reply serial no.: SB142)
Bills Committee on Fire Safety (Buildings) (Amendment) Bill 2024	2 December 2024*	Report of the Bills Committee

* Issue date

Council meeting	Paper
29 March 2023	Question 8 : Fire safety at construction sites