

**Fire Services Ordinance
and
Interpretation and General Clauses Ordinance**

Resolution

(Under section 25 of the Fire Services Ordinance (Cap. 95) and section 35 of the Interpretation and General Clauses Ordinance (Cap. 1))

Fire Services (Registered Fire Engineers) Regulation

Resolved that the Fire Services (Registered Fire Engineers) Regulation, made by the Chief Executive in Council on 27 May 2025, be approved, subject to the amendments as set out in the Schedule.

Schedule

Amendments to Fire Services (Registered Fire Engineers) Regulation

1. **Section 3 amended (holding oneself out as registered fire engineer)**
 - (1) Section 3(1)—
Delete
“for a certain class”.
 - (2) Section 3(1)(a)—
Delete
“for that class”
Substitute
“(whether or not for any specific class)”.
 - (3) Section 3(1)(b)—
Delete
“for that class”
Substitute
“(whether or not for any specific class)”.
 - (4) Section 3(1)(c)—
Delete
“for that class”
Substitute
“(whether or not for any specific class)”.
 - (5) After section 3(1)—

Add

“(1A) A person who is a registered fire engineer for a certain class must not—

- (a) wilfully or falsely advertise or represent himself or herself as a registered fire engineer for another class for which the person is not registered, or in a misleading title;
- (b) knowingly permit himself or herself to be advertised or represented as a registered fire engineer for such other class, or in a misleading title; or
- (c) wilfully or falsely hold out in any way intended to cause, or that may reasonably cause, another person to believe that the person is a registered fire engineer for such other class.”.

(6) Section 3(2), after “subsection (1)”—

Add

“or (1A)”.

(7) Section 3(3), definition of *misleading title*—

Delete

everything after “believe”

Substitute

“—

- (a) if the person is not a registered fire engineer—that the person is a registered fire engineer (whether or not for any specific class); or
- (b) if the person is a registered fire engineer for a certain class—that the person is a registered fire engineer for another class for which the person is not registered.”.

2. Section 15 amended (removal of name from register)

Section 15(2)—

Delete

“subsection (3)”

Substitute

“subsection (4)”.

3. Section 16 amended (grounds for removal)

Section 16(2)(f), after “engineer”—

Add

“for the relevant class”.

4. Section 60 amended (orders by appeal board after hearing)

(1) Section 60(1), before “original order”—

Add

“original decision or”.

(2) Section 60(2), before “original order, or”—

Add

“original decision or”.

(3) Section 60(2), before “original order, the”—

Add

“original decision or”.

(4) Section 60(2)—

Delete

“disciplinary board whose decision is so revoked, varied or substituted”

Substitute

“Director or the disciplinary board concerned”.

5. Section 72 amended (disclosure of interests of member of interview board)

Section 72, after “pecuniary”—

Add

“or personal”.

6. Section 79 amended (disclosure of interests of member of disciplinary board)

Section 79, after “pecuniary”—

Add

“or personal”.

7. Section 87 amended (disclosure of interests of member of appeal board)

Section 87, after “pecuniary”—

Add

“or personal”.

Fire Services (Registered Fire Engineers) Regulation

Contents

Section	Page
Part 1	
Preliminary	
1. Commencement	1
2. Interpretation	1
Part 2	
Prohibitions on Certain Acts	
3. Holding oneself out as registered fire engineer	7
4. Prohibition on issue of fire safety requirements or fire safety certificates	7
Part 3	
Registration as Registered Fire Engineers	
Division 1—Registration	
5. Application	9
6. Appointment of interview board	9
7. Interview	9
8. Interview board's recommendation	9
9. Registration	10
10. "Fit and proper person" consideration	11

Section	Page
Division 2—Renewal	
11. Renewal of registration	12
12. Effect of existing registration pending Director's decision	13
13. Effective date of renewal	14
Division 3—Replacement of Registration Cards	
14. Issue of replacement registration card	15
Division 4—Removal	
15. Removal of name from register	15
16. Grounds for removal	17
17. Effective date of removal	18
18. Ceasing to hold certain qualifications	18
Division 5—General Provisions about Applications	
19. Requirements for application	19
20. Notification of reasons for refusal	19
Division 6—Requirements for Registration	
21. Different requirements for different classes of registered fire engineers	19
22. Requirements for registered fire engineer (risk assessment)	20
23. Requirements for registered fire engineer (fire service installation)	21

Section	Page
24. Requirements for registered fire engineer (ventilating system)	23
Part 4	
Duties of Registered Fire Engineers	
Division 1—General	
25. Appointment of registered fire engineers	26
26. Restrictions on carrying out of duties	26
Division 2—Duties	
27. Registered fire engineer (risk assessment)	26
28. Registered fire engineer (fire service installation)	28
29. Registered fire engineer (ventilating system)	29
30. Duty of registered fire engineer to keep certain documents	30
31. Duty to notify Director of change in personal particulars	31
32. Registered fire engineers to carry with them registration cards or produce the cards if required for inspection	31
Division 3—Issue of Fire Safety Certificates and Fire Safety Requirements	
33. Issue of fire safety certificates	32
34. Fire safety requirements and fire safety certificates must be in specified form and signed by registered fire engineer	33
35. Offences relating to issue of fire safety requirements or fire safety certificates	33

Section	Page
Part 5	
Power to Obtain Personal Particulars	
36. Power to obtain personal particulars	35
Part 6	
Disciplinary Proceedings	
Division 1—Disciplinary Offences and Complaints	
37. Disciplinary offences	37
38. Exceptions to disciplinary offences	37
39. Complaints of disciplinary offence	38
40. Grounds for refusing to refer complaints to Secretary	39
41. Appointment of disciplinary board	40
Division 2—Hearing of Disciplinary Board	
42. Interpretation of Division 2 of Part 6	40
43. Proceedings before disciplinary board	40
44. Giving of evidence and related offence	41
45. Records of previous conviction of disciplinary offence	41
46. Code of practice in hearing	42
47. Legal adviser to disciplinary board	42
48. Orders by disciplinary board after hearing	42
49. Publication of disciplinary orders	43

Section	Page
50. Privileges and immunities of members of disciplinary board etc.....	44

Part 7

Appeals

Division 1—Interpretation

51. Interpretation of Part 7	45
------------------------------------	----

Division 2—Appeal and Hearing

52. Appeal to appeal board.....	46
53. Commencement of appeal by persons other than Director.....	46
54. Commencement of appeal by Director.....	47
55. Appointment of appeal board.....	48

Division 3—Hearing of Appeal Board

56. Proceedings before appeal board.....	48
57. Giving of evidence and related offence.....	48
58. Code of practice in hearing	49
59. Legal adviser to appeal board	49
60. Orders by appeal board after hearing	49
61. Privileges and immunities of members of appeal board etc.	50

Part 8

Registration Committee, Board Panels and Boards

Division 1—Registration Committee

Section	Page
62. Establishment and composition.....	51
63. Function of registration committee	52
64. Term of members of registration committee	52
65. Procedure of registration committee	52

Division 2—Interview Board Panel

66. Establishment and composition.....	52
67. Term of members of interview board panel	53
68. Procedure of interview board panel	53

Division 3—Interview Board

69. Composition of interview board.....	53
70. Functions of interview board	54
71. Meetings.....	55
72. Disclosure of interests of member of interview board	55

Division 4—Disciplinary Board Panel

73. Establishment and composition.....	55
74. Term of members of disciplinary board panel	56
75. Procedure of disciplinary board panel.....	56

Division 5—Disciplinary Board

76. Composition of disciplinary board.....	56
77. Chairperson of disciplinary board	57

Section	Page
78. Quorum	57
79. Disclosure of interests of member of disciplinary board.....	58
80. Procedure of disciplinary board	58
Division 6—Appeal Board Panel	
81. Establishment and composition.....	58
82. Term of members of appeal board panel.....	59
83. Procedure of appeal board panel	59
Division 7—Appeal Board	
84. Composition of appeal board	59
85. Chairperson of appeal board	61
86. Quorum	61
87. Disclosure of interests of member of appeal board.....	61
88. Procedure of appeal board.....	62
Part 9	
Miscellaneous Provisions	
89. Director to issue code of practice.....	63
90. Director to specify forms	65
91. Director to establish and keep register	65
92. Appointment of authorized officers	66
93. Delegation of Director's duties or powers	66

Section	Page
94. Performance of duties and exercise of powers	66
95. Service of notices or other documents	66
96. Requirements specified for digital signature under section 95(7)	71
97. Electronic and hard copy forms of registration card	72
98. Fees paid not refundable	72
99. Reasonable excuse	73
Schedule Scheduled Premises	74

Fire Services (Registered Fire Engineers) Regulation

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

Part 1**Preliminary****1. Commencement**

- (1) Subject to subsection (2), this Regulation comes into operation on the day on which section 5 of the Fire Services (Amendment) Ordinance 2017 (1 of 2017) comes into operation.
- (2) The Schedule (except item 3 of Part 1) comes into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

2. Interpretation

In this Regulation—

appeal (上訴) means an appeal made under section 52;

appeal board (上訴委員會) means a board appointed under section 55;

appeal board panel (上訴委員會) means the panel established under section 81;

audit check (審核檢驗), in relation to a fire safety certificate, means any verification, checking, inspection or testing conducted to ascertain whether the certificate is properly issued;

authorized officer (獲授權人員) means a public officer appointed to be an authorized officer under section 92(1), and includes the Director;

class (類別), in relation to a person who is registered, or who seeks to be registered, as a registered fire engineer, means any of the following classes to which the registration (or intended registration) of the person relates—

- (a) class of risk assessment;
- (b) class of fire service installation;
- (c) class of ventilating system;

code of practice (實務守則) means a code of practice issued under section 89;

complaint (投訴) means a complaint made under section 39;

disciplinary board (紀律審裁委員會) means a board appointed under section 41;

disciplinary board panel (紀律審裁委員會) means the panel established under section 73;

disciplinary offence (違紀行為)—see section 37;

duty (職責) includes a function;

Electronic Transactions Ordinance (《電子交易條例》) means the Electronic Transactions Ordinance (Cap. 553);

Engineers Registration Ordinance (《工程師註冊條例》) means the Engineers Registration Ordinance (Cap. 409);

fire safety certificate (消防安全證明書) means—

- (a) a fire safety (fire service installation) certificate; or
- (b) a fire safety (ventilating system) certificate;

fire safety (fire service installation) certificate (消防安全(消防裝置)證明書), in relation to any scheduled premises, means a certificate certifying the premises' compliance with all relevant

fire safety requirements issued in relation to the premises (other than those relating to the ventilating system of the premises);

fire safety requirement (消防安全規定), in relation to any scheduled premises, means any requirement, specified by the Director or relevant licensing authority, relating to fire safety that has to be met for the purposes of a specified application to which the premises relate, and includes a requirement that is issued under section 27(1)(c) for the premises;

fire safety (ventilating system) certificate (消防安全(通風系統)證明書), in relation to any scheduled premises, means a certificate certifying the premises' compliance with all relevant fire safety requirements issued in relation to the premises relating to the ventilating system of the premises;

fire services member (消防處成員) means a person holding—

- (a) a rank in the Fire Services Department set out in Part I or II of the Sixth Schedule to the Ordinance; or
- (b) a post in the Fire Services Department set out in the Seventh Schedule to the Ordinance;

identity document (身分證明文件) means—

- (a) an identity card issued under the Registration of Persons Ordinance (Cap. 177);
- (b) a passport furnished with a photograph of the holder, or some other travel document establishing to the satisfaction of an immigration officer or immigration assistant the identity and nationality of the holder for the purposes of the Immigration Ordinance (Cap. 115); or
- (c) any other document of identity acceptable to the Director for the purposes of this Regulation;

interview board (面試委員會) means a board appointed under section 6;

interview board panel (面試委員會) means the panel established under section 66;

licensing authority (發牌當局) means an authority specified in column 4 of Part 1, 2, 3, or 4 of the Schedule;

prescribed fee (訂明費用), in relation to a matter, means a fee for that matter specified in the regulation made under section 25(1)(gb) and (ha) of the Ordinance;

register (註冊紀錄冊) means the register established and kept under section 91;

registered fire engineer (註冊消防工程師) means a person registered under section 9(6);

registered fire engineer (fire service installation) (註冊消防工程師(消防裝置)) means a registered fire engineer for the class of fire service installation;

registered fire engineer (risk assessment) (註冊消防工程師(風險評估)) means a registered fire engineer for the class of risk assessment;

registered fire engineer (ventilating system) (註冊消防工程師(通風系統)) means a registered fire engineer for the class of ventilating system;

registered professional engineer (註冊專業工程師) has the meaning given by section 2(1) of the Engineers Registration Ordinance;

registration card (註冊證) means a registration card issued under section 9(6)(b), 11(8)(b) or 14(1);

registration committee (註冊事務小組) means the committee established under section 62(1);

removal order (除名令) means—

- (a) an order under section 48(3)(b) to remove the name of a registered fire engineer from the register; or

- (b) if the name of a registered fire engineer is removed from the register as a result of an order under section 60—that order;

required documentation or registration (所須文件或註冊) means—

- (a) in relation to any scheduled premises used or intended to be used as an establishment listed in column 2 of Part 1 of the Schedule—the licence required by law for the premises to be so used;
- (b) in relation to any scheduled premises used or intended to be used as an establishment listed in column 2 of Part 2 of the Schedule—the certificate of compliance (however called) required by law for the premises to be so used;
- (c) in relation to any scheduled premises used or intended to be used as an establishment listed in column 2 of Part 3 of the Schedule—the registration required by law for the premises to be so used; or
- (d) in relation to any scheduled premises used or intended to be used as an establishment listed in column 2 of Part 4 of the Schedule—the permit required by law for the premises to be so used;

scheduled premises (表列處所) means any premises used or intended to be used as an establishment listed in column 2 of Part 1, 2, 3 or 4 of the Schedule;

Secretary (局長) means the Secretary for Security;

specified application (指明申請), in relation to any scheduled premises, means—

- (a) an application for the grant or issue of a required documentation or registration that—
 - (i) is made under the enactment specified in column 3 of the relevant Part of the Schedule opposite the

establishment the premises are used or intended to be used (*specified enactment*); and

- (ii) is made to the licensing authority specified in column 4 of that relevant Part opposite that establishment; or

- (b) an application for the alteration of the scheduled premises that—

- (i) is made under the specified enactment; and
- (ii) is made to the relevant licensing authority;

specified event (指明事件), in relation to a member of the registration committee, interview board panel, disciplinary board panel or appeal board panel, means any of the following—

- (a) that the member is bankrupt;
- (b) that the member has entered into a voluntary arrangement as defined by section 2 of the Bankruptcy Ordinance (Cap. 6) with the member's creditors;
- (c) that the member is incapacitated by physical or mental illness;
- (d) that the member has ceased to have the capacity by virtue of which the member was appointed;
- (e) that the member is otherwise unable or unfit to perform the functions of a member of the registration committee, interview board panel, disciplinary board panel or appeal board panel (as appropriate).

Part 2

Prohibitions on Certain Acts

3. Holding oneself out as registered fire engineer

- (1) A person who is not a registered fire engineer for a certain class must not—
- (a) wilfully or falsely advertise or represent himself or herself as a registered fire engineer for that class, or in a misleading title;
 - (b) knowingly permit himself or herself to be advertised or represented as a registered fire engineer for that class, or in a misleading title; or
 - (c) wilfully or falsely hold out in any way intended to cause, or that may reasonably cause, another person to believe that the person is a registered fire engineer for that class.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 1 year.
- (3) In this section—

misleading title (誤導職銜), in relation to a person, means a title (however described) of the person that is capable of causing another person to falsely believe that the person is a registered fire engineer for a certain class.

4. Prohibition on issue of fire safety requirements or fire safety certificates

- (1) A person must not issue any fire safety requirement or fire safety certificate for a specified application in relation to any scheduled premises unless the person—

- (a) is a registered fire engineer for the relevant class; or
 - (b) is empowered under any other enactment to issue such a requirement or certificate.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 1 year.
-

Part 3

Registration as Registered Fire Engineers

Division 1—Registration

5. Application

- (1) A person may apply to the Director for registration as a registered fire engineer for one or more classes.
- (2) The application must be accompanied by the prescribed fee.

6. Appointment of interview board

On receiving an application made under section 5, the Director may appoint a board to consider the application.

7. Interview

- (1) If an applicant is invited to attend an interview before an interview board for consideration of the application, the applicant must attend the interview.
- (2) If the applicant fails to attend the interview, the interview board may—
 - (a) if satisfied that the failure was due to sickness or any other reasonable cause—adjourn the interview to another time; or
 - (b) in any other case—proceed to make a recommendation without an interview.

8. Interview board's recommendation

- (1) An interview board must make a recommendation in writing to the Director on whether or not an application made under section 5 should be approved—

- (a) after conducting an interview in relation to the application; or
 - (b) without any interview if section 7(2)(b) applies.
- (2) However, the Director is not bound by the recommendation.

9. Registration

- (1) The Director may—
 - (a) approve an application made by an applicant under section 5 in respect of any or all classes applied for; or
 - (b) subject to subsection (3), refuse the application, but only if the Director considers it inappropriate to approve the application.
- (2) Without limiting the meaning of “inappropriate” in subsection (1)(b), the Director may consider it inappropriate to approve the application if the Director is not satisfied that the applicant meets both of the following criteria—
 - (a) the applicant has met the applicable requirements for registration specified in Division 6;
 - (b) the applicant is a fit and proper person who may be registered as a registered fire engineer for the relevant class.
- (3) If the Director intends to refuse the application, the Director—
 - (a) must give the applicant written notice of the intention and reasons for the refusal;
 - (b) must not refuse the application until the expiry of a 30-day period beginning on the date immediately following the date of the notice; and
 - (c) if the applicant makes any representations, in the way specified in the notice, within that period to support the

application—must consider the representations before making a decision on the application.

- (4) However, if the applicant is subject to a removal order—
 - (a) the Director must refuse the application; and
 - (b) subsection (3) does not apply to the refusal.
- (5) On approving the application, the Director may impose any condition considered appropriate.
- (6) After approving the application, the Director must, subject to the applicant's payment of the prescribed fee—
 - (a) register the applicant as a registered fire engineer for the relevant class and enter the applicant's name in the register accordingly; and
 - (b) issue a registration card specifying the date on which the registration takes effect to the applicant for the class for which the applicant is registered.
- (7) A registration under this section is, subject to an earlier removal of name under section 15, valid for 5 years beginning on the date referred to in subsection (6)(b).

10. “Fit and proper person” consideration

- (1) In deciding whether an applicant is a fit and proper person under section 9(2)(b), the Director may take into account any factors that the Director considers appropriate.
- (2) Without limiting subsection (1), the Director may consider—
 - (a) whether the applicant has been—
 - (i) convicted in Hong Kong or elsewhere of any offence which, if committed by a registered fire engineer, may bring the profession of registered fire engineer into disrepute; or

- (ii) sentenced to imprisonment in Hong Kong or elsewhere, whether suspended or not; and
- (b) whether the applicant has committed any misconduct or neglect in a professional respect.

Division 2—Renewal

11. Renewal of registration

- (1) A person who is a registered fire engineer may apply to the Director for renewal of the person's registration for any or all classes for which the person is registered as such an engineer.
- (2) The application—
 - (a) must be accompanied by the prescribed fee; and
 - (b) must be made not more than 4 months but not less than 1 month before the existing registration expires.
- (3) The Director may—
 - (a) approve the application; or
 - (b) subject to subsection (5), refuse the application, but only if the Director considers it inappropriate to approve the application.
- (4) Without limiting the meaning of “inappropriate” in subsection (3)(b), the Director may consider it inappropriate to approve the application if the Director is not satisfied that the applicant meets both of the criteria referred to in section 9(2)(a) and (b).
- (5) If the Director intends to refuse the application, the Director—
 - (a) must give the applicant written notice of the intention and reasons for the refusal;
 - (b) must not refuse the application until the expiry of a 30-day period beginning on the date immediately following the date of the notice; and

- (c) if the applicant makes any representations, in the way specified in the notice, within that period to support the application—must consider the representations before making a decision on the application.
- (6) However, if the applicant is subject to a removal order—
 - (a) the Director must refuse the application; and
 - (b) subsection (5) does not apply to the refusal.
- (7) If the Director approves the application, the Director may—
 - (a) amend or remove any condition of registration previously imposed; and
 - (b) impose any new condition as the Director considers appropriate.
- (8) After approving the application, the Director must, subject to the applicant's payment of the prescribed fee—
 - (a) renew the applicant's registration as a registered fire engineer for the relevant class; and
 - (b) issue a registration card specifying the date on which the renewal takes effect to the applicant for the class for which the applicant is registered.

12. Effect of existing registration pending Director's decision

- (1) This section applies if the Director has not made a decision on an application made under section 11 before the day on which the existing registration is due to expire (*expiry day*).
- (2) If the application is made not less than 1 month before the expiry day, the existing registration is taken to continue in effect until the day on which the Director has made the decision.
- (3) Despite section 11(2), if the application is made less than 1 month before the expiry day—

- (a) the Director may process the application if the Director considers there is a good reason for doing so; and
 - (b) the existing registration ceases to have effect on that day even though the Director is still considering the application.
- (4) In this section—
existing registration (現有註冊), in relation to an application made under section 11, means the registration as a registered fire engineer that the application seeks to renew.

13. Effective date of renewal

A renewal of registration (*existing registration*) under section 11 is, subject to an earlier removal of name under section 15, valid for 5 years—

- (a) if the Director approves the application for renewal before the existing registration expires—beginning on the date immediately after the expiry of the existing registration; or
- (b) if the Director approves the application for renewal after the existing registration expires—
 - (i) where the application is made not less than 1 month before the existing registration expires—despite section 12(2), beginning on the date immediately after the expiry of the existing registration; or
 - (ii) where the application is made less than 1 month before the existing registration expires—beginning on the date on which the Director's decision of approval of renewal takes effect.

Division 3—Replacement of Registration Cards

14. Issue of replacement registration card

- (1) The Director may, on application by a registered fire engineer, issue to the engineer a registration card (*replacement card*) to replace the engineer's original registration card (*original card*) if—
 - (a) there is a change in the name of the engineer; or
 - (b) if the original card is in hard copy form—the card is lost, destroyed, defaced or damaged.
- (2) When making an application under subsection (1), the registered fire engineer must—
 - (a) pay the prescribed fee; and
 - (b) if the original card is in hard copy form and is in the possession of the engineer—return the card to the Director.
- (3) The Director may refuse to issue a replacement card to the registered fire engineer if the engineer fails to comply with subsection (2).
- (4) A replacement card issued under subsection (1) has the same effect as, and is equivalent to, the original card.
- (5) On the issue of a replacement card, the original card ceases to be valid.

Division 4—Removal

15. Removal of name from register

- (1) The Director must remove a person's name from the register if satisfied that one or more of the grounds specified in section 16(1) applies to the person.

- (2) Subject to subsection (3), the Director must remove a person's name from the register if satisfied that one or more of the grounds specified in section 16(2) applies to the person.
- (3) If a person's name is removed from the register because of the ground specified in section 16(1)(b), the person must not make an application under section 5 or 11 during—
 - (a) in the case of a permanent removal—a period specified by the Director; or
 - (b) in the case of a temporary removal—the period during which the removal order has effect.
- (4) Subject to subsection (5), if the Director intends to remove a person's name from the register because of a ground specified in section 16(2)(c), (d), (e), (f) or (g), the Director—
 - (a) must give the person written notice of the intention to remove the person's name;
 - (b) must not remove the person's name until the expiry of a 30-day period beginning on the date immediately following the date of the notice; and
 - (c) if the person makes any representations, in the way specified in the notice, within that period in respect of the intended removal—must consider the representations before making a decision on the removal.
- (5) Subsection (4) does not apply if the Director considers that it is in the public interest to immediately remove the person's name from the register.
- (6) Unless the removal is because of the ground specified in section 16(2)(a), the Director must, as soon as practicable after removing a person's name from the register under this section, notify the person in writing.

- (7) The notice must state the period mentioned in subsection (3)(a) or (b) (if applicable).
- (8) A notice of intention to remove under subsection (4) and a notice under subsection (6)—
 - (a) must set out the ground for the removal; and
 - (b) must state the date on which the removal is intended to take effect or takes effect (as appropriate).

16. Grounds for removal

- (1) The following grounds are specified for the purposes of section 15(1)—
 - (a) the Director has refused an application made by the person for renewal of the person's registration under section 11;
 - (b) a removal order has effect against the person.
- (2) The following grounds are specified for the purposes of section 15(2)—
 - (a) the person has died;
 - (b) the person has applied to discontinue the person's registration as a registered fire engineer;
 - (c) the person has not renewed the person's registration under section 11;
 - (d) the person has ceased to hold the qualification by virtue of which the person became a registered fire engineer;
 - (e) at the time of the person's application to be registered as a registered fire engineer—
 - (i) the person in fact did not meet the applicable requirements for registration specified in Division 6;or

- (ii) the person was in fact not a fit and proper person who may be registered as a registered fire engineer for the relevant class;
- (f) the person has ceased to be a fit and proper person who may be registered as a registered fire engineer;
- (g) the person is convicted of a criminal offence under this Regulation.

17. Effective date of removal

For the purposes of section 15(8)(b), a removal of a person's name takes effect—

- (a) if on the ground specified in section 16(1)(a) or (2)(c)—on the date immediately after the expiry of the existing registration;
- (b) if on the ground specified in section 16(1)(b)—on the date of the removal order; or
- (c) if on the ground specified in section 16(2)(b), (d), (e), (f) or (g)—on the date stated in the notice under section 15(8)(b).

18. Ceasing to hold certain qualifications

- (1) If a person ceases to hold the qualification by virtue of which the person is registered, the person must notify the Director in writing within 14 days after the date on which the person ceases to hold the qualification.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

Division 5—General Provisions about Applications

19. Requirements for application

- (1) This section applies to an application made under this Part.
- (2) The application—
 - (a) must be made in the form and way specified by the Director; and
 - (b) must be accompanied by—
 - (i) any document or information specified by the Director; and
 - (ii) the prescribed fee.
- (3) If a person obtains registration as a registered fire engineer for the person or any other person by means of any misleading, false or fraudulent representation or statement (whether oral or in writing), the person commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 1 year.

20. Notification of reasons for refusal

If the Director refuses an application made under this Part, the Director must notify the applicant in writing of the reasons for the refusal.

Division 6—Requirements for Registration

21. Different requirements for different classes of registered fire engineers

- (1) This section applies to a person who applies for—
 - (a) registration as a registered fire engineer for a certain class; or

- (b) renewal of registration as a registered fire engineer for a certain class.
 - (2) The applicant must meet the applicable requirements specified in section 22, 23 or 24 for the class to which the application relates.

22. Requirements for registered fire engineer (risk assessment)

- (1) The requirements for registering as a registered fire engineer (risk assessment) or renewing a registration as a registered fire engineer (risk assessment) are—
 - (a) that the applicant—
 - (i) is a registered professional engineer under the Engineers Registration Ordinance who is in the fire discipline; and
 - (ii) has at least 1 year of relevant working experience;
 - (b) that the applicant—
 - (i) holds a bachelor degree in any of the following disciplines—
 - (A) fire engineering;
 - (B) building services engineering;
 - (C) mechanical engineering;
 - (D) civil engineering;
 - (E) structural engineering;
 - (F) building surveying; and
 - (ii) has at least 6 years of relevant working experience;
 - (c) that the applicant—
 - (i) holds any academic qualification recognized by the Director as equivalent to, or higher than, any of the qualifications mentioned in paragraph (b)(i); and

- (ii) has at least 6 years of relevant working experience;
or
 - (d) that the applicant—
 - (i) attains, as recognized by the Director on the advice of an interview board, a level of competence meeting the standard that is equivalent to, or higher than, that represented by any of the qualifications mentioned in paragraph (b)(i); and
 - (ii) has at least 15 years of relevant working experience.
- (2) To meet the requirements of subsection (1)(b) (other than subsection (1)(b)(i)(A)), (c) or (d), the applicant must show—
 - (a) that the applicant has undertaken—
 - (i) the courses specified by the Director in relation to the class for which the applicant seeks to be registered; or
 - (ii) other courses recognized by the Director as equivalent; or
 - (b) that equivalent content has been covered in the bachelor degree programme taken by the applicant.

23. Requirements for registered fire engineer (fire service installation)

- (1) The requirements for registering as a registered fire engineer (fire service installation) or renewing a registration as a registered fire engineer (fire service installation) are—
 - (a) that the applicant—
 - (i) is a registered professional engineer under the Engineers Registration Ordinance who is in any of the following disciplines—
 - (A) fire;

- (B) building services;
 - (C) mechanical;
 - (D) electrical; and
 - (ii) has at least 1 year of relevant working experience;
- (b) that the applicant—
 - (i) holds a bachelor degree in any of the following disciplines—
 - (A) fire engineering;
 - (B) building services engineering;
 - (C) mechanical engineering;
 - (D) civil engineering;
 - (E) structural engineering;
 - (F) electrical engineering;
 - (G) building surveying; and
 - (ii) has at least 6 years of relevant working experience;
- (c) that the applicant—
 - (i) holds any academic qualification recognized by the Director as equivalent to, or higher than, any of the qualifications mentioned in paragraph (b)(i); and
 - (ii) has at least 6 years of relevant working experience; or
- (d) that the applicant—
 - (i) attains, as recognized by the Director on the advice of an interview board, a level of competence meeting the standard that is equivalent to, or higher than, that represented by any of the qualifications mentioned in paragraph (b)(i); and

- (ii) has at least 15 years of relevant working experience.
- (2) To meet the requirements of subsection (1)(b) (other than subsection (1)(b)(i)(A)), (c) or (d), the applicant must show—
 - (a) that the applicant has undertaken—
 - (i) the courses specified by the Director in relation to the class for which the applicant seeks to be registered; or
 - (ii) other courses recognized by the Director as equivalent; or
 - (b) that equivalent content has been covered in the bachelor degree programme taken by the applicant.

24. Requirements for registered fire engineer (ventilating system)

- (1) The requirements for registering as a registered fire engineer (ventilating system) or renewing a registration as a registered fire engineer (ventilating system) are—
 - (a) that the applicant—
 - (i) is a registered professional engineer under the Engineers Registration Ordinance who is in any of the following disciplines—
 - (A) fire;
 - (B) building services;
 - (C) mechanical; and
 - (ii) has at least 1 year of relevant working experience;
 - (b) that the applicant—
 - (i) holds a bachelor degree in any of the following disciplines—
 - (A) fire engineering;

- (B) building services engineering;
 - (C) mechanical engineering;
 - (D) civil engineering;
 - (E) structural engineering;
 - (F) building surveying; and
 - (ii) has at least 6 years of relevant working experience;
- (c) that the applicant—
 - (i) holds any academic qualification recognized by the Director as equivalent to, or higher than, any of the qualifications mentioned in paragraph (b)(i); and
 - (ii) has at least 6 years of relevant working experience; or
- (d) that the applicant—
 - (i) attains, as recognized by the Director on the advice of an interview board, a level of competence meeting the standard that is equivalent to, or higher than, that represented by any of the qualifications mentioned in paragraph (b)(i); and
 - (ii) has at least 15 years of relevant working experience.
- (2) To meet the requirements of subsection (1)(b) (other than subsection (1)(b)(i)(A)), (c) or (d), the applicant must show—
 - (a) that the applicant has undertaken—
 - (i) the courses specified by the Director in relation to the class for which the applicant seeks to be registered; or

- (ii) other courses recognized by the Director as equivalent; or
 - (b) that equivalent content has been covered in the bachelor degree programme taken by the applicant.
-

Part 4

Duties of Registered Fire Engineers

Division 1—General

25. Appointment of registered fire engineers

A person may, for making a specified application in relation to any scheduled premises, appoint a registered fire engineer to carry out a duty specified in section 27, 28 or 29 in relation to the premises.

26. Restrictions on carrying out of duties

- (1) A registered fire engineer must not carry out a duty that is not within the scope of duties of the class for which the engineer is registered.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 1 year.

Division 2—Duties

27. Registered fire engineer (risk assessment)

- (1) A registered fire engineer (risk assessment) may carry out the following duties in relation to any scheduled premises—
 - (a) to conduct an inspection of, and carry out a fire safety risk assessment for, the scheduled premises for the specified application to which the premises relate;
 - (b) to recommend, from a fire safety point of view, to the person who has appointed the registered fire engineer for the inspection and assessment of the suitability of the

- scheduled premises to be used for the person's intended purpose;
- (c) subject to subsection (2), to issue for the scheduled premises any requirement relating to fire safety.
- (2) Before issuing any fire safety requirement under subsection (1)(c), the registered fire engineer must submit the requirement to the Director for endorsement.
- (3) If any fire safety requirement is issued without the Director's endorsement, the requirement is not valid for any specified application.
- (4) The Director may refuse to endorse any fire safety requirement submitted for endorsement under subsection (2) if—
- (a) the Director is satisfied that, by issuing, or attempting to issue, the requirement, the registered fire engineer has contravened, or is likely to contravene, this Regulation or a code of practice;
 - (b) the fire safety risk assessment referred to in the requirement was carried out more than 30 days before the date on which the requirement was submitted to the Director for endorsement;
 - (c) information required to be given in the specified form for the requirement has not yet been given; or
 - (d) the Director considers that it is inappropriate to endorse the requirement.
- (5) The endorsement by the Director of any fire safety requirement under this section does not affect the exercise of any power, or the discharge of any duties, by the Director under the Ordinance.
- (6) For the purposes of subsection (1)(a)—

- (a) an inspection is conducted by a registered fire engineer (risk assessment) only if the inspection is personally conducted by the engineer or another person who is under the direct and proper supervision of the engineer at the place at which the inspection takes place; and
 - (b) an assessment is carried out by a registered fire engineer (risk assessment) only if the assessment is personally carried out by the engineer or another person who is under the direct and proper supervision of the engineer at the place at which the assessment takes place.
- (7) For the purposes of subsection (1)(b), a registered fire engineer (risk assessment) may make a recommendation only if the inspection and assessment are personally conducted and carried out by the engineer or another person who is under the direct and proper supervision of the engineer at the place at which the inspection and assessment take place.

28. Registered fire engineer (fire service installation)

- (1) A registered fire engineer (fire service installation) may carry out the following duties in relation to any scheduled premises—
- (a) to conduct—
 - (i) an inspection of the scheduled premises to verify the premises' compliance with the fire safety requirement (other than that relating to the ventilating system of the premises); and
 - (ii) a testing of any fire service installation or equipment (other than that relating to the ventilating system of the premises) installed in the scheduled premises to verify the premises' compliance with the fire safety requirement (other than that relating to the ventilating system of the premises);

- (b) to issue a fire safety (fire service installation) certificate in the specified form for the scheduled premises if all relevant fire safety requirements (other than those relating to the ventilating system of the premises) are complied with.
- (2) The Director may, for the purposes of this Regulation, enter any scheduled premises to carry out an audit check for any fire safety (fire service installation) certificate issued under subsection (1)(b) for the premises—
 - (a) during reasonable hours; or
 - (b) at any other time with the consent of the occupier of the premises.
- (3) For the purposes of subsection (1)(a), an inspection and testing are conducted by a registered fire engineer (fire service installation) only if the inspection and testing are personally conducted by the engineer or another person who is under the direct and proper supervision of the engineer at the place at which the inspection and testing take place.

29. Registered fire engineer (ventilating system)

- (1) A registered fire engineer (ventilating system) may carry out the following duties in relation to any scheduled premises—
 - (a) to conduct—
 - (i) an inspection of the scheduled premises to verify the premises' compliance with the fire safety requirement relating to the ventilating system of the premises; and
 - (ii) a testing of the ventilating system installed in the scheduled premises to verify the premises' compliance with the fire safety requirement relating to the ventilating system of the premises;

- (b) to issue a fire safety (ventilating system) certificate in the specified form for the scheduled premises if all relevant fire safety requirements relating to the ventilating system of the premises are complied with.
- (2) The Director may, for the purposes of this Regulation, enter any scheduled premises to carry out an audit check of any fire safety (ventilating system) certificate issued under subsection (1)(b) for the premises—
 - (a) during reasonable hours; or
 - (b) at any other time with the consent of the occupier of the premises.
- (3) For the purposes of subsection (1)(a), an inspection and testing are conducted by a registered fire engineer (ventilating system) only if the inspection and testing are personally conducted by the engineer or another person who is under the direct and proper supervision of the engineer at the place at which the inspection and testing take place.

30. Duty of registered fire engineer to keep certain documents

- (1) A registered fire engineer must keep, for the period specified in subsection (2), a copy of every fire safety requirement and every fire safety certificate (as appropriate), issued by the engineer.
- (2) The following period is specified for the purposes of subsection (1)—
 - (a) in relation to copies kept for a fire safety requirement—the 3-year period beginning on the date of the issue of the requirement;
 - (b) in relation to copies kept for a fire safety certificate—the 3-year period beginning on the date of the issue of the certificate.

- (3) If an authorized officer requests a registered fire engineer to produce for the officer's inspection a copy of any document mentioned in subsection (1), the engineer must comply with the request within 5 days after the date of the receipt of the request.
- (4) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment of 6 months.
- (5) A person who, without reasonable excuse, contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 3.

31. Duty to notify Director of change in personal particulars

- (1) If there is a change in any of the following personal particulars of a registered fire engineer—
 - (a) name;
 - (b) phone number;
 - (c) correspondence address;
 - (d) electronic mail address;
 - (e) identity document,the engineer must, within 14 days after the date on which the change takes place, notify the Director of the change in the specified form.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.

32. Registered fire engineers to carry with them registration cards or produce the cards if required for inspection

- (1) This section applies to a registered fire engineer who—

- (a) personally carries out any duties under section 27, 28 or 29; or
 - (b) supervises another person to carry out such duties.
- (2) A registered fire engineer must, at all times while the engineer is at the place at which the duties are carried out, carry—
 - (a) if the engineer's registration card is in electronic form—an electronic device on which the registration card that is relevant to the duties being carried out (*relevant registration card*) can be readily displayed; or
 - (b) if the engineer's registration card is in hard copy form—the registration card.
- (3) A registered fire engineer at the place mentioned in subsection (2) must, on being required by an authorized officer, produce—
 - (a) if the engineer's registration card is in electronic form—the relevant registration card for inspection; or
 - (b) if the engineer's registration card is in hard copy form—the registration card for inspection.
- (4) A person who, without reasonable excuse, fails to comply with subsection (2) or (3) commits an offence and is liable on conviction to a fine at level 1.

Division 3—Issue of Fire Safety Certificates and Fire Safety Requirements

33. Issue of fire safety certificates

- (1) This section applies in relation to a registered fire engineer (fire service installation) or registered fire engineer (ventilating system) who—
 - (a) has conducted an inspection and testing in relation to certain scheduled premises under section 28(1)(a) or 29(1)(a); and

- (b) is satisfied with the result of the inspection and testing.
- (2) The registered fire engineer must, within 5 days after completing the inspection and testing—
 - (a) issue a fire safety certificate to—
 - (i) the person who has appointed the registered fire engineer for the inspection and testing; or
 - (ii) the person's representative; and
 - (b) send a copy of the certificate to the Director.

34. Fire safety requirements and fire safety certificates must be in specified form and signed by registered fire engineer

Any fire safety requirement or fire safety certificate issued under section 27, 28 or 29 for any scheduled premises—

- (a) must be in the specified form; and
- (b) must be signed by the registered fire engineer who, in relation to the premises, has—
 - (i) conducted the relevant inspection and carried out the relevant assessment; or
 - (ii) conducted the relevant inspection and testing.

35. Offences relating to issue of fire safety requirements or fire safety certificates

- (1) A registered fire engineer must not—
 - (a) issue any fire safety requirement without the Director's endorsement;
 - (b) issue a fire safety certificate that is false or misleading; or
 - (c) issue a fire safety certificate while knowing that the relevant fire safety requirement has not been endorsed by the Director.

- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 1 year.

Part 5

Power to Obtain Personal Particulars

36. Power to obtain personal particulars

- (1) This section applies if—
 - (a) a fire services member has reasonable grounds to suspect that a person (*relevant person*)—
 - (i) has committed, or is committing, an offence under this Regulation; or
 - (ii) has committed, or is committing, a disciplinary offence; and
 - (b) the member has reasonable grounds to believe that obtaining the particulars of the relevant person is necessary for—
 - (i) carrying out the member's duties under this Regulation;
 - (ii) the effective enforcement of this Regulation; or
 - (iii) ascertaining whether a code of practice has been, or is being, complied with.
- (2) A fire services member may require the relevant person to—
 - (a) provide the person's name and address; and
 - (b) produce the person's identity document.
- (3) When exercising the power under subsection (2), a fire services member must, if so requested by a person affected by the exercise, produce for inspection by the person the member's warrant card issued by the Director as proof of the member's appointment as a fire services member.
- (4) A relevant person who—

- (a) without reasonable excuse, fails to comply with a requirement made under subsection (2); or
 - (b) produces any particulars that the person knows to be false in a material particular in connection with a requirement made under subsection (2),
- commits an offence and is liable on conviction to a fine at level 4.
-

Part 6

Disciplinary Proceedings

Division 1—Disciplinary Offences and Complaints

37. Disciplinary offences

A registered fire engineer commits a disciplinary offence if the registered fire engineer—

- (a) commits misconduct or neglect as a registered fire engineer in any professional respect;
- (b) contravenes any condition of the engineer's registration imposed or amended under section 9(5) or 11(7);
- (c) has issued a fire safety certificate for compliance with the fire safety requirement of any scheduled premises deviating from the requirement;
- (d) has failed to discharge the duties, or abide by the requirements, imposed on a registered fire engineer under this Regulation;
- (e) has held himself or herself out to be a registered fire engineer for a class for which he or she is not registered;
- (f) has been convicted of an offence under this Regulation; or
- (g) has been convicted in Hong Kong or elsewhere of any other offence that may bring the profession of registered fire engineer into disrepute.

38. Exceptions to disciplinary offences

- (1) Despite section 37, a person who discloses the matters specified in subsection (2) to the Director when applying for registration

or renewal of registration as a registered fire engineer does not commit any disciplinary offence for those matters if the Director approves the application.

- (2) The following matters are specified for the purposes of subsection (1)—
 - (a) the person has committed misconduct or neglect as a registered fire engineer in a professional respect;
 - (b) the person has been convicted of an offence under this Regulation;
 - (c) the person has been convicted in Hong Kong or elsewhere of any other offence that may bring the profession of registered fire engineers into disrepute.

39. Complaints of disciplinary offence

- (1) A person may make to the Secretary a complaint of a disciplinary offence against a registered fire engineer.
- (2) The complaint is—
 - (a) if the complainant is the Director—to be made by the Director to the Secretary directly; or
 - (b) if the complainant is a person other than the Director—to be referred to the Secretary through the Director in accordance with subsections (3), (4) and (5).
- (3) Subject to subsection (5), the Director must refer the complaint to the Secretary within 30 days after the date on which the Director receives the complaint from the complainant.
- (4) The Director may refuse to refer the complaint to the Secretary but only on one or more of the grounds specified in section 40.
- (5) If the Director refuses to refer the complaint to the Secretary, the Director must, notify the complainant in writing of the fact and the reasons for the refusal.

- (6) A complaint under this section—
 - (a) must be made in the specified form; and
 - (b) must include—
 - (i) details of the complaint; and
 - (ii) the name, address and telephone number of the complainant.

40. Grounds for refusing to refer complaints to Secretary

The following grounds are specified for the purposes of section 39(4)—

- (a) the complaint is made anonymously;
- (b) the complainant cannot be identified or traced;
- (c) the complainant fails to provide any information or particulars the Director reasonably requires for processing in relation to the complaint;
- (d) the person being complained of has ceased to be a registered fire engineer at the time the complaint is made;
- (e) the Director has previously refused to refer the complaint to the Secretary under section 39 and there is no material change in circumstances;
- (f) the complaint, or a complaint of a substantially similar nature, has previously been disposed of by a disciplinary board;
- (g) having regard to all circumstances of the case, the Director is satisfied—
 - (i) that on its face no case has been shown for the complaint;
 - (ii) that the complaint is frivolous or vexatious or not made in good faith;

- (iii) that—
 - (A) the complaint was made 2 years or more after the alleged disciplinary offence came to the knowledge of the complainant; and
 - (B) there are no special circumstances that explain the delay in making the complaint; or
- (iv) that referring the complaint to the Secretary is unnecessary for any other reason.

41. Appointment of disciplinary board

If a complaint is made or referred to the Secretary under section 39, the Secretary must, within 21 days after receiving the complaint, appoint a board to hear and consider the complaint.

Division 2—Hearing of Disciplinary Board

42. Interpretation of Division 2 of Part 6

In this Division—

party (當事人), in relation to a complaint made under section 39(1), means—

- (a) the Director; or
- (b) the registered fire engineer who is the subject of the complaint.

43. Proceedings before disciplinary board

- (1) For hearing a complaint by a disciplinary board, the chairperson of the board is to—
 - (a) appoint the time and place of the hearing; and
 - (b) notify the parties in writing of that time and place.
- (2) A party to the hearing may—

- (a) make a representation in person at the hearing; or
 - (b) be represented at the hearing by a solicitor or counsel, or any other person authorized by the party in writing.
- (3) A party to the hearing and the party's representative (if any) may adduce evidence at any proceedings before the disciplinary board.

44. Giving of evidence and related offence

- (1) For hearing a complaint, the disciplinary board may—
- (a) receive evidence on oath; and
 - (b) by notice signed by the chairperson of the board, order any person—
 - (i) to attend before the board and to give evidence; or
 - (ii) to produce any document or information relevant to the complaint.
- (2) A person who, without reasonable excuse, contravenes an order made under subsection (1)(b) commits an offence and is liable on conviction to a fine at level 5.

45. Records of previous conviction of disciplinary offence

- (1) This section applies if a registered fire engineer—
- (a) is the subject of a complaint; and
 - (b) was previously found guilty of a disciplinary offence (*previous offence*).
- (2) Subject to subsection (3), the disciplinary board appointed for the complaint must not inquire into the question whether the registered fire engineer was properly convicted of the previous offence.
- (3) If, after hearing the complaint, the disciplinary board convicts the registered fire engineer of a disciplinary offence, the board

may, for considering what order to make under section 48, consider any record of the previous offence and any other evidence that may be available and is relevant as showing the nature and gravity of the previous offence.

46. Code of practice in hearing

- (1) If a registered fire engineer is alleged to have committed a disciplinary offence at a time when a code of practice was in force, subsection (2) has effect with respect to the code in relation to the alleged offence.
- (2) The disciplinary board may, in any proceedings under this Regulation to decide whether a registered fire engineer has committed a disciplinary offence, have regard to any provision of the code that appears to the board to be relevant to the act or omission constituting the offence.

47. Legal adviser to disciplinary board

The chairperson of a disciplinary board may appoint a solicitor or counsel as a legal adviser to advise on any legal matters relating to the proceedings of the board.

48. Orders by disciplinary board after hearing

- (1) After hearing a complaint, the disciplinary board may make an order under subsection (2) or (3).
- (2) If the disciplinary board decides that the registered fire engineer concerned has not committed the disciplinary offence alleged in the complaint, the board may order that the registered fire engineer be exonerated.
- (3) If the disciplinary board decides that the registered fire engineer concerned has committed the disciplinary offence alleged in the complaint, the board may make one or more of the following orders—

- (a) an order that the registered fire engineer be reprimanded;
- (b) an order that the name of the registered fire engineer be removed from the register—
 - (i) permanently; or
 - (ii) temporarily for a period the board considers appropriate.
- (4) If the disciplinary board makes an order under this section, the board must, within 14 days after the date of the order, notify the parties to the hearing and any representatives of the parties in writing of—
 - (a) the making of the order;
 - (b) the effective date of the order;
 - (c) the reasons for making the order; and
 - (d) if it is an order made under subsection (3)(b)—the period during which the ordered removal has effect.

49. Publication of disciplinary orders

- (1) Subject to subsection (2), a disciplinary board making a decision under section 48(3) (*first decision*) must, after the expiry of the specified period, order the first decision be published in the Gazette, or in any other way the board considers appropriate, if no notice of appeal is given during that period.
- (2) If the first decision is appealed against in an appeal board, the disciplinary board must—
 - (a) within 30 days after the appeal board has made its decision, order the decision of the appeal board be published in the Gazette, or in any other way the disciplinary board considers appropriate; or

- (b) where the appeal is withdrawn or abandoned, within 30 days after the withdrawal or abandonment, order the first decision be published in the Gazette, or in any other way the disciplinary board considers appropriate.
- (3) An order made under subsection (1) or (2) may include any particulars the disciplinary board considers appropriate for members of the public to know about the nature of the matter to which the first decision or the decision of the appeal board relates.
- (4) For the purposes of the law of defamation, a person does not incur any civil liability by reason only of publishing an order or other particulars permitted under this section.
- (5) In this section—
specified period (指明期間), in relation to a registered fire engineer to whom a first decision relates, means a 30-day period beginning on the date immediately following the date on which the registered fire engineer is notified of the decision.

50. Privileges and immunities of members of disciplinary board etc.

- (1) Members of a disciplinary board have, in performing their functions under this Part, the same privileges and immunities as a judge of the Court of First Instance in civil proceedings in that Court.
- (2) A person who appears before a disciplinary board (including a party to the complaint concerned, the party's representative and a witness) and the board's legal adviser are entitled to the same privileges and immunities as the person and the legal adviser respectively would have in civil proceedings in the Court of First Instance.

Part 7

Appeals

Division 1—Interpretation

51. Interpretation of Part 7

In this Part—

original decision (原有決定), in relation to an appeal made under section 52(1), means—

- (a) a decision of the Director to refuse an application for registration under section 9(1)(b);
- (b) a decision of the Director to refuse an application for renewal of registration under section 11(3)(b);
- (c) a decision of the Director to remove the name of a registered fire engineer from the register as described in section 15(4); or
- (d) a decision of the Director to refuse to refer a complaint to the Secretary under section 39(4);

original order (原有命令) means—

- (a) in relation to an appeal made under section 52(1)—an order made by a disciplinary board under section 48(3); or
- (b) in relation to an appeal made under section 52(3)—an order made by a disciplinary board under section 48(2) or (3);

party (當事人) means—

- (a) in relation to an appeal made under section 52(1)—
 - (i) the Director; or

- (ii) the person making the appeal; or
- (b) in relation to an appeal made under section 52(3)—
 - (i) the Director; or
 - (ii) the disciplinary board the order of which is appealed against.

Division 2—Appeal and Hearing

52. Appeal to appeal board

- (1) If a person (other than the Director) is aggrieved by an original decision or original order made in relation to the person, the person may appeal to an appeal board against the decision or order in accordance with this Part.
- (2) Unless the Director or disciplinary board concerned decides otherwise, an appeal made under subsection (1) does not suspend the original decision or original order (as appropriate) that is the subject of the appeal.
- (3) If the Director is aggrieved by an original order, the Director may appeal to an appeal board against the order in accordance with this Part.
- (4) Unless the disciplinary board concerned decides otherwise, an appeal made under subsection (3) does not suspend the order that is the subject of the appeal.
- (5) A decision of an appeal board is final.

53. Commencement of appeal by persons other than Director

- (1) If a person (other than the Director) intends to appeal under section 52(1), the person must commence the appeal by giving the Director a notice of appeal in the specified form.
- (2) The notice of appeal must be given to the Director within—

- (a) a 30-day period beginning on the date immediately following the date on which the person was notified of the original decision or original order (as appropriate) appealed against; or
 - (b) a longer period the Secretary allows.
- (3) The notice of appeal—
 - (a) must set out the grounds of the appeal and the facts relied on;
 - (b) must be accompanied by a copy of every document that the person intends to rely on; and
 - (c) must include particulars of every witness whom the person intends to call at the hearing.
- (4) On receiving a notice of appeal that complies with subsection (3), the Director must deliver the notice to the Secretary within a 14-day period beginning on the date immediately following the date of receipt.

54. Commencement of appeal by Director

- (1) If the Director intends to appeal under section 52(3), the Director must commence the appeal by delivering to the Secretary a notice of appeal in the specified form within—
 - (a) a 30-day period beginning on the date immediately following the date on which the Director was notified of the original order appealed against; or
 - (b) a longer period the Secretary allows.
- (2) The notice of appeal—
 - (a) must set out the grounds of the appeal and the facts relied on;
 - (b) must be accompanied by a copy of every document that the Director intends to rely on; and

- (c) must include particulars of every witness whom the Director intends to call at the hearing.

55. Appointment of appeal board

If a notice of appeal is delivered to the Secretary under section 53 or 54, the Secretary must, within 21 days after receiving the notice, appoint a board to hear and consider the appeal.

Division 3—Hearing of Appeal Board

56. Proceedings before appeal board

- (1) For hearing an appeal made under section 52 by an appeal board, the chairperson of the board is to—
 - (a) appoint the time and place of the hearing; and
 - (b) notify the parties in writing of that time and place.
- (2) A party to the hearing may—
 - (a) make a representation in person at the hearing; or
 - (b) be represented at the hearing by a solicitor or counsel, or any other person authorized by the party in writing.
- (3) A party to the hearing and the party's representative (if any) may adduce evidence at any proceedings before the appeal board.
- (4) The hearing is to be open to the public unless the appeal board determines that there is a good reason for it to be held in camera.

57. Giving of evidence and related offence

- (1) For hearing an appeal made under section 52, the appeal board may—
 - (a) receive evidence on oath; and

- (b) by notice signed by the chairperson of the board, order any person—
 - (i) to attend before the board and to give evidence; or
 - (ii) to produce any document or information relevant to the appeal.
- (2) A person who, without reasonable excuse, contravenes an order made under subsection (1)(b) commits an offence and is liable on conviction to a fine at level 5.

58. Code of practice in hearing

- (1) If a registered fire engineer is alleged to have committed a disciplinary offence at a time when a code of practice was in force, subsection (2) has effect with respect to the code in relation to the alleged offence.
- (2) The appeal board may, in any proceedings under this Regulation to decide whether a registered fire engineer has committed a disciplinary offence, have regard to any provision of the code that appears to the board to be relevant to the act or omission constituting the offence.

59. Legal adviser to appeal board

The chairperson of an appeal board may appoint a solicitor or counsel as a legal adviser to advise on any legal matters relating to the proceedings of the board.

60. Orders by appeal board after hearing

- (1) After hearing an appeal made under section 52, the appeal board may make an order to confirm, revoke or vary, or substitute the board's own decision for, the original order concerned.
- (2) If the appeal board decides to revoke or vary the original order, or to substitute the board's own decision for the original order,

- the board may order the disciplinary board whose decision is so revoked, varied or substituted (as the case requires) to take any appropriate action to give effect to the appeal board's decision.
- (3) If the appeal board makes a decision under subsection (1), the board must, within 14 days after the date of the decision, notify the parties to the hearing and any representatives of the parties in writing of—
 - (a) the making of the decision, including any order made under subsection (2);
 - (b) the reasons for making the decision; and
 - (c) in relation to an order made under subsection (2)—the details of the order.

61. Privileges and immunities of members of appeal board etc.

- (1) Members of an appeal board have, in performing their functions under this Division, the same privileges and immunities as a judge of the Court of First Instance in civil proceedings in that Court.
- (2) A person who appears before an appeal board (including a party to the appeal concerned, the party's representative and a witness) and the board's legal adviser are entitled to the same privileges and immunities as the person and the legal adviser respectively would have in civil proceedings in the Court of First Instance.

Part 8

Registration Committee, Board Panels and Boards

Division 1—Registration Committee

62. Establishment and composition

- (1) The Director must establish a fire engineers registration committee to perform the function under section 63.
- (2) The registration committee is to consist of the following members—
 - (a) a chairperson;
 - (b) a secretary;
 - (c) 10 other members.
- (3) Each member of the registration committee is to be appointed by the Director in accordance with the following categories—
 - (a) the chairperson and secretary must be fire services members;
 - (b) 1 of the other members of the committee must be a fire services member;
 - (c) 4 of the other members of the committee must be nominated by the Engineers Registration Board established under section 3 of the Engineers Registration Ordinance; and
 - (d) 5 of the other members of the committee must be nominated by other relevant professional or academic bodies as the Director considers appropriate.

63. Function of registration committee

The function of the registration committee is to advise the Director on the registration of fire engineers, the policy, and on assessment criteria in registering a person as a registered fire engineer for the purposes of this Regulation.

64. Term of members of registration committee

- (1) A member of the registration committee is to be appointed for a term of not more than 3 years and may be reappointed after the expiry of a term.
- (2) A member of the registration committee may resign at any time by giving written notice to the Director.
- (3) The Director may terminate the appointment of a member of the registration committee if satisfied that a specified event has happened in relation to the member.

65. Procedure of registration committee

Except as provided in this Regulation, the registration committee may regulate its procedure and make standing order for that purpose.

Division 2—Interview Board Panel

66. Establishment and composition

- (1) The Director must establish a panel from which the Director is to appoint members to an interview board.
- (2) An interview board panel is to consist of at least 3 members.
- (3) Each member of the interview board panel—
 - (a) must not be a public officer; and
 - (b) must be nominated by relevant professional or academic bodies as the Director considers appropriate, and appointed by the Director.

67. Term of members of interview board panel

- (1) A member of the interview board panel is to be appointed for a term of not more than 3 years and may be reappointed after the expiry of a term.
- (2) A member of the interview board panel may resign at any time by giving written notice to the Director.
- (3) The Director may terminate the appointment of a member of the interview board panel if—
 - (a) the member becomes a public officer; or
 - (b) the Director is satisfied that a specified event has happened in relation to the member.

68. Procedure of interview board panel

Except as provided in this Regulation, the interview board panel may regulate its procedure and may make standing order for that purpose.

Division 3—Interview Board

69. Composition of interview board

- (1) An interview board is to consist of—
 - (a) the following members—
 - (i) a chairperson;
 - (ii) 2 other members; and
 - (b) a secretary to the board.
- (2) Each member of the interview board is to be appointed by the Director in accordance with the following categories—
 - (a) the chairperson must be a fire services member;
 - (b) 1 of the members must be a fire services member; and

- (c) 1 of the other members must be appointed from the interview board panel.
- (3) If, in the course of performing the functions of an interview board, a member of the interview board concerned ceases to be a member of the interview board panel (other than for the reason under section 67(3)), the member may continue to take part in performing those functions.
- (4) The secretary to an interview board is to provide administrative services to the board.
- (5) The secretary to an interview board—
 - (a) is to be appointed by the Director; and
 - (b) must be a fire services member.
- (6) The Director may not appoint the same fire services member to be both a member of and a secretary to an interview board.
- (7) The Director may appoint one or more interview boards at any one time.

70. Functions of interview board

The functions of an interview board are as follows—

- (a) to examine the qualifications of an applicant for registration as a registered fire engineer;
- (b) to conduct a professional interview with such an applicant;
- (c) to inquire such an applicant to ascertain the applicant's relevant experience;
- (d) to advise the Director whether to approve or refuse an application.

71. Meetings

- (1) An interview board is to meet as often as the chairperson of the board directs.
- (2) An interview board may determine its own procedure.

72. Disclosure of interests of member of interview board

If a member of an interview board becomes aware that the member has a pecuniary interest, whether direct or indirect, in an applicant for registration as a registered fire engineer, the member—

- (a) must, before or as soon as practicable after the interview concerned begins, disclose to the board the fact and the nature of the interest;
- (b) must withdraw from the interview if so required by the board; and
- (c) must not participate in any deliberation regarding the interview.

Division 4—Disciplinary Board Panel

73. Establishment and composition

- (1) The Secretary must establish a panel from which the Secretary is to appoint members to a disciplinary board.
- (2) A disciplinary board panel is to consist of at least 3 members.
- (3) Each member of the disciplinary board panel—
 - (a) must not be a public officer; and
 - (b) must be nominated by relevant professional or academic bodies as the Secretary considers appropriate, and appointed by the Secretary.

74. Term of members of disciplinary board panel

- (1) A member of the disciplinary board panel is to be appointed for a term of not more than 3 years and may be reappointed after the expiry of a term.
- (2) A member of the disciplinary board panel may resign at any time by giving written notice to the Secretary.
- (3) The Secretary may terminate the appointment of a member of the disciplinary board panel if—
 - (a) the member becomes a public officer; or
 - (b) the Secretary is satisfied that a specified event has happened in relation to the member.

75. Procedure of disciplinary board panel

Except as provided in this Regulation, the disciplinary board panel may regulate its procedure and make standing order for that purpose.

Division 5—Disciplinary Board

76. Composition of disciplinary board

- (1) A disciplinary board is to consist of 5 members and a secretary to the board.
- (2) Each member of the disciplinary board is to be appointed by the Secretary in accordance with the following categories—
 - (a) 2 of the members must be fire services members; and
 - (b) 3 of the other members must be appointed from the disciplinary board panel.
- (3) If a fire services member is or was engaged, whether directly or indirectly, in the investigation of a complaint to be considered by the disciplinary board, the Secretary may not appoint that fire services member to be a member of the board.

- (4) If, in the course of considering a complaint, a member of the disciplinary board concerned ceases to be a member of the disciplinary board panel (other than for the reason under section 74(3)), the member may continue to consider the complaint until a decision is made by the board in respect of the complaint.
- (5) The secretary to a disciplinary board is to provide administrative services to the board.
- (6) The secretary to a disciplinary board—
 - (a) is to be appointed by the Secretary; and
 - (b) must be a fire services member.
- (7) The Secretary may not appoint the same fire services member to be both a member of and a secretary to a disciplinary board.
- (8) The Secretary may appoint one or more disciplinary boards at any one time.

77. Chairperson of disciplinary board

- (1) Members of a disciplinary board are to elect the chairperson of the board from among themselves.
- (2) The chairperson is to preside at any meeting of the disciplinary board.
- (3) All questions for decision are to be decided by a majority of votes of the board members present and voting.
- (4) If there is an equality of votes, the chairperson has a casting vote as well as a deliberative vote.

78. Quorum

- (1) The quorum of a meeting of a disciplinary board is 4 board members.

- (2) If a board member is disqualified from taking part in a decision or deliberation in respect of a matter under section 79, the member must be disregarded for constituting the quorum for deciding or deliberating on that matter.

79. Disclosure of interests of member of disciplinary board

If a member of a disciplinary board becomes aware that the member has a pecuniary interest, whether direct or indirect, in any matter under consideration at a meeting of the disciplinary board, the member—

- (a) must, before or as soon as practicable after the meeting begins, disclose to the board the fact and the nature of the interest;
- (b) must withdraw from the meeting while the board is considering the matter if so required by the board; and
- (c) must not participate in any deliberation or be involved in any decision regarding the matter.

80. Procedure of disciplinary board

Except as provided in this Regulation, a disciplinary board may determine its own procedure.

Division 6—Appeal Board Panel

81. Establishment and composition

- (1) The Secretary must establish a panel from which the Secretary is to appoint members to an appeal board.
- (2) An appeal board panel is to consist of at least 5 members.
- (3) Each member of the appeal board panel—
 - (a) must not be a public officer; and

- (b) must be nominated by relevant professional or academic bodies as the Secretary considers appropriate, and appointed by the Secretary.

82. Term of members of appeal board panel

- (1) A member of the appeal board panel is to be appointed for a term of not more than 3 years and may be reappointed after the expiry of a term.
- (2) A member of the appeal board panel may resign at any time by giving written notice to the Secretary.
- (3) The Secretary may terminate the appointment of a member of the appeal board panel if—
 - (a) the member becomes a public officer; or
 - (b) the Secretary is satisfied that a specified event has happened in relation to the member.

83. Procedure of appeal board panel

Except as provided in this Regulation, the appeal board panel may regulate its procedure and make standing order for that purpose.

Division 7—Appeal Board

84. Composition of appeal board

- (1) An appeal board is to consist of 7 members and a secretary to the board.
- (2) Each member of the appeal board is to be appointed by the Secretary in accordance with the following categories—
 - (a) 2 of the members must be fire services members; and
 - (b) 5 of the other members must be appointed from the appeal board panel.

- (3) If a fire services member or member of the appeal board panel was engaged, whether directly or indirectly, in the making of an original decision (as defined by section 51) that is the subject of an appeal to be considered by the appeal board, the Secretary may not appoint that fire services member or panel member to be a member of the appeal board.
- (4) If a fire services member or member of the appeal board panel was a member of a disciplinary board the order of which is the subject of an appeal to be considered by the appeal board, the Secretary may not appoint that fire services member or panel member to be a member of the appeal board.
- (5) If a fire services member is or was engaged, whether directly or indirectly, in the investigation of a complaint that is the subject of a decision or an order appealed against under section 52, the Secretary may not appoint that fire services member to be a member of the appeal board that considers the decision or order.
- (6) If, in the course of considering an appeal, a member of the appeal board concerned ceases to be a member of the appeal board panel (other than for the reason under section 82(3)), the member may continue to consider the appeal until a decision is made by the board in respect of the appeal.
- (7) The secretary to an appeal board is to provide administrative services to the board.
- (8) The secretary to an appeal board—
 - (a) is to be appointed by the Secretary; and
 - (b) must be a fire services member.
- (9) The Secretary may not appoint the same fire services member to be both a member of and a secretary to an appeal board.
- (10) The Secretary may appoint one or more appeal boards at any one time.

85. Chairperson of appeal board

- (1) Members of an appeal board are to elect the chairperson of the board from among themselves.
- (2) The chairperson is to preside at any meeting of the appeal board.
- (3) All questions for decision are to be decided by a majority of votes of the board members present and voting.
- (4) If there is an equality of votes, the chairperson has a casting vote as well as a deliberative vote.

86. Quorum

- (1) The quorum of a meeting of an appeal board is 5 board members.
- (2) If a board member is disqualified from taking part in a decision or deliberation in respect of a matter under section 87, the member must be disregarded for constituting the quorum for deciding or deliberating on that matter.

87. Disclosure of interests of member of appeal board

If a member of an appeal board becomes aware that the member has a pecuniary interest, whether direct or indirect, in any matter under consideration at a meeting of the appeal board, the member—

- (a) must, before or as soon as practicable after the meeting begins, disclose to the board the fact and the nature of the interest;
- (b) must withdraw from the meeting while the board is considering the matter if so required by the board; and
- (c) must not participate in any deliberation or be involved in any determination regarding the matter.

88. Procedure of appeal board

Except as provided in this Regulation, an appeal board may determine its own procedure.

Part 9

Miscellaneous Provisions

89. Director to issue code of practice

- (1) The Director may issue a code of practice that in the Director's opinion is suitable for—
 - (a) providing practical guidance on any matter concerning the professional conduct, administration and registration of registered fire engineers; and
 - (b) providing practical guidance on any matter concerning the fire safety of any scheduled premises, including—
 - (i) providing practical guidance to a registered fire engineer (risk assessment) on assessing fire risk of the scheduled premises and issuing the fire safety requirement; and
 - (ii) providing practical guidance to a registered fire engineer (fire service installation) or registered fire engineer (ventilating system) on the duties imposed by sections 28(1) or 29(1) (as the case may be).
- (2) If a code of practice is issued under subsection (1), the Director must by notice published in the Gazette—
 - (a) identify the code; and
 - (b) specify the date on which the code is to take effect.
- (3) The Director may from time to time revise or revoke a code of practice issued under subsection (1).
- (4) If a code of practice is revised or revoked under subsection (3), the Director must by notice published in the Gazette—
 - (a) identify the revision or revocation;

- (b) specify the date on which the revision or revocation is to take effect; and
 - (c) specify the purposes for which the code is revised or revoked.
- (5) A failure by a registered fire engineer to observe a code of practice does not of itself make the engineer liable to any civil or criminal proceedings.
- (6) Despite subsection (5), if in any legal proceedings the court is satisfied that a code of practice is relevant to determining a matter that is in issue in the proceedings—
 - (a) the code is admissible in evidence in the proceedings; and
 - (b) proof that the person contravened or did not contravene a relevant provision of the code may be relied on by a party to the proceedings as tending to establish or negate that matter.
- (7) A code of practice issued under this section is not subsidiary legislation.
- (8) In this section—

court (法院) means—

 - (a) a court as defined by section 3 of the Interpretation and General Clauses Ordinance (Cap. 1);
 - (b) a magistrate as defined by section 3 of the Interpretation and General Clauses Ordinance (Cap. 1);
 - (c) a disciplinary board; or
 - (d) an appeal board;

legal proceedings (法律程序) includes—

 - (a) the proceedings of a disciplinary board; and
 - (b) the proceedings of an appeal board.

90. Director to specify forms

- (1) The Director may specify the form of a document required for the purposes of this Regulation.
- (2) The Director may specify more than one form of the document, whether as alternatives or to provide for different circumstances.
- (3) A form specified under this section—
 - (a) must be completed in accordance with the directions and instructions that are specified in the form; and
 - (b) if the completed form is required to be provided to the Director or any other person, must be so provided in the way specified in the form.
- (4) A form specified under this section is not subsidiary legislation.

91. Director to establish and keep register

- (1) The Director must, for the purposes of this Regulation, establish and keep a register of registered fire engineers.
- (2) The register must contain the following information of each of the registered fire engineers—
 - (a) the name;
 - (b) the registration number;
 - (c) the class for which the engineer is registered; and
 - (d) the expiry date of the registration.
- (3) The register may be kept in a form, and may contain any other information, that the Director considers appropriate.
- (4) The register must be made available to any person who wishes to ascertain whether a person is a registered fire engineer.
- (5) The register—

- (a) is to be published in the Gazette at least once in every year; and
- (b) is to be published from time to time, and in a way, as the Director considers appropriate.

92. Appointment of authorized officers

- (1) The Director may, in writing, appoint a public officer to be an authorized officer.
- (2) The Director may perform any duty, or exercise any power, of an authorized officer under this Regulation.

93. Delegation of Director's duties or powers

- (1) The Director may, in writing, delegate to a public officer any of the Director's duties or powers under this Regulation.
- (2) However, the power to delegate conferred by subsection (1) may not be delegated.

94. Performance of duties and exercise of powers

When performing a duty or exercising a power under this Regulation, a public officer to whom such a duty or power is delegated under section 93(1) or an authorized officer—

- (a) may be assisted by any person whom the officer reasonably requires; and
- (b) must produce proof of the officer's identity for inspection by a person who is affected by the performance of the duty or the exercise of the power and requires to see it.

95. Service of notices or other documents

- (1) A notice or other document (however described) required to be given or sent under this Regulation is, in the absence of evidence to the contrary, served if—

- (a) for the Director—
 - (i) it is addressed to the Director and delivered to the Director's principal office;
 - (ii) it is sent to the Director by post addressed to the address specified by the Director;
 - (iii) it is sent to the Director by fax transmission addressed to the Director at the fax number specified by the Director; or
 - (iv) it is sent in the form of an electronic record to the Director—
 - (A) by an electronic mail transmission addressed to the Director at the electronic mail address specified by the Director; or
 - (B) through an information system specified by the Director;
- (b) for a natural person—
 - (i) it is addressed to and delivered personally to the person;
 - (ii) it is sent to the person by post addressed to the person at the person's last known address;
 - (iii) it is sent to the person by fax transmission addressed to the person at the person's last known fax number; or
 - (iv) it is sent in the form of an electronic record to the person—
 - (A) by an electronic mail transmission addressed to the person at the person's last known electronic mail address; or
 - (B) through an information system specified by the Director;

- (c) for a partnership—
 - (i) it is addressed to the partnership and delivered to a place in Hong Kong at which the partnership carries on business, and given to a person apparently concerned in the management of, or apparently employed by, the partnership;
 - (ii) it is sent to the partnership by post addressed to the partnership at the partnership's last known address;
 - (iii) it is sent to the partnership by fax transmission addressed to the partnership at the partnership's last known fax number; or
 - (iv) it is sent in the form of an electronic record to the partnership—
 - (A) by an electronic mail transmission addressed to the partnership at the partnership's last known electronic mail address; or
 - (B) through an information system specified by the Director;
- (d) for a company—
 - (i) it is addressed to the company and delivered to any officer of the company;
 - (ii) it is left at, or sent by post to, the company's registered office within the meaning of the Companies Ordinance (Cap. 622);
 - (iii) it is sent to the company by post addressed to the company at the company's last known address;
 - (iv) it is sent to the company by fax transmission addressed to the company at the company's last known fax number; or

- (v) it is sent in the form of an electronic record to the company—
 - (A) by an electronic mail transmission addressed to the company at the company's last known electronic mail address; or
 - (B) through an information system specified by the Director; or
- (e) for a body of persons—
 - (i) it is addressed to the body and delivered to a place in Hong Kong at which the body carries on business, and given to a person apparently concerned in the management of, or apparently employed by, the body;
 - (ii) it is sent to the body by post addressed to the body at the body's last known address;
 - (iii) it is sent to the body by fax transmission addressed to the body at the body's last known fax number; or
 - (iv) it is sent in the form of an electronic record to the body—
 - (A) by an electronic mail transmission addressed to the body at the body's last known electronic mail address; or
 - (B) through an information system specified by the Director.
- (2) A notice or document given or sent in accordance with subsection (1) is taken to have been served on the addressee—
 - (a) if delivered personally—on the day of delivery;
 - (b) if sent by post—at the time at which the notice or document would be delivered in the ordinary course of post;

- (c) if sent by fax transmission—on the day after the day on which it was sent; or
- (d) if sent in the form of an electronic record—on the day after the day on which it was sent.
- (3) An electronic record sent under this section must be signed by the sender.
- (4) The requirement for a signature on the electronic record under subsection (3) is met by—
 - (a) if the sender is a natural person—
 - (i) a digital signature of the person; or
 - (ii) a password of that person assigned or approved under subsection (5); and
 - (b) if the sender is not a natural person—
 - (i) a digital signature of a natural person who is authorized by the sender to send the electronic record for that sender; or
 - (ii) a password of the sender assigned or approved under subsection (5).
- (5) The Director may, for enabling a person to send an electronic record under this section, assign or approve any sequence or combination of letters, characters, numbers or symbols of any language as the person's password.
- (6) A person whose digital signature has been affixed on the electronic record under subsection (4)(b)(i) is, in the absence of evidence to the contrary, to be regarded as a person who is authorized by the sender to send the record for the sender.
- (7) In this section—

body of persons (團體) means—

 - (a) a body corporate other than a company; or

(b) an unincorporated body of persons other than a partnership;

company (公司) has the meaning given by section 2(1) of the Companies Ordinance (Cap. 622);

digital signature (數碼簽署) means a digital signature within the meaning of section 2(1) of the Electronic Transactions Ordinance that meets the requirements specified in section 96;

electronic mail address (電郵地址) includes—

- (a) a number; or
- (b) any sequence or combination of letters, characters, numbers or symbols of any language, used for sending or receiving a document in electronic form;

electronic record (電子紀錄) has the meaning given by section 2(1) of the Electronic Transactions Ordinance.

96. Requirements specified for digital signature under section 95(7)

(1) The requirements specified for the definition of **digital signature** in section 95(7) are that—

- (a) the digital signature is supported by a recognized certificate;
- (b) the digital signature is generated within the validity of the certificate; and
- (c) the digital signature is used in accordance with the terms of that certificate.

(2) In this section—

certification authority (核證機關) has the meaning given by section 2(1) of the Electronic Transactions Ordinance;

recognized certificate (認可證書) has the meaning given by section 2(1) of the Electronic Transactions Ordinance;

recognized certification authority (認可核證機關) has the meaning given by section 2(1) of the Electronic Transactions Ordinance;

within the validity of the certificate (在該證書的有效期內) means that at the time the digital signature is generated—

- (a) the certificate that supports the digital signature has not been revoked or suspended by the certification authority that issued the certificate;
- (b) the recognition of the certificate has not been revoked or suspended by the Commissioner for Digital Policy;
- (c) if it is a certificate designated as a recognized certificate issued by the recognized certification authority referred to in section 34 of the Electronic Transactions Ordinance—the designation has not been withdrawn by the certification authority;
- (d) if the Commissioner for Digital Policy has specified a period of validity for the recognition of the certificate—the certificate is within that period; and
- (e) if the recognized certification authority has specified a period of validity for the certificate—the certificate is within that period.

97. Electronic and hard copy forms of registration card

- (1) Subject to subsection (2), a registration card must be in an electronic form specified by the Director.
- (2) The Director may issue a registration card in a hard copy form specified by the Director to a registered fire engineer if the engineer has shown sufficient ground to the satisfaction of the Director that the card should be issued in such a form.

98. Fees paid not refundable

Any fee paid under this Regulation is not refundable.

99. Reasonable excuse

- (1) This section applies if a provision of this Regulation that creates an offence makes a reference to a reasonable excuse for a contravention or failure to which the provision relates.
- (2) The reference to a reasonable excuse is to be construed as providing for a defence to a charge in respect of the contravention or failure to which the provision relates.
- (3) A defendant is taken to have established that the defendant had a reasonable excuse for the contravention or failure if—
 - (a) there is sufficient evidence to raise an issue that the defendant had such a reasonable excuse; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

Schedule

[s. 2]

Scheduled Premises**Part 1****Scheduled Premises for which Licence is Required**

Column 1 Item	Column 2 Establishment	Column 3 Enactment	Column 4 Authority
1.	Premises for the sale and consumption of intoxicating liquor	Dutiable Commodities (Liquor) Regulations (Cap. 109 sub. leg. B)	Liquor Licensing Board
2.	A public dance hall or dancing school	Miscellaneous Licences Regulations (Cap. 114 sub. leg. A) (<i>Cap. 114A</i>)	A public officer under the First Schedule to Cap. 114A who is authorized to issue a licence
3.	A general restaurant, light refreshment restaurant, factory canteen,	Food Business Regulation (Cap. 132 sub. leg. X)	Director of Food and Environmental Hygiene

Column 1 Item	Column 2 Establishment	Column 3 Enactment	Column 4 Authority
	food factory (whether or not for preparation of bakery products only) or composite food shop		
4.	A funeral parlour	Funeral Parlours Regulation (Cap. 132 sub. leg. AD)	Director of Food and Environmental Hygiene
5.	A billiard establishment, public bowling-alley or public skating rink	Places of Amusement Regulation (Cap. 132 sub. leg. BA)	Director of Leisure and Cultural Services
6.	A theatre, cinema, or place of public entertainment (other than a theatre or cinema)	Places of Public Entertainment Regulations (Cap. 172 sub. leg. A)	Secretary for Home and Youth Affairs or a public officer authorized under section 3B of the Places of Public Entertainment Ordinance (Cap. 172) to issue a licence

Column 1 Item	Column 2 Establishment	Column 3 Enactment	Column 4 Authority
7.	A massage establishment	Massage Establishments Ordinance (Cap. 266)	Commissioner of Police
8.	A hotel or guesthouse	Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (<i>Cap. 349</i>)	The Hotel and Guesthouse Accommodation Authority under section 4 of Cap. 349
9.	An amusement game centre	Amusement Game Centres Ordinance (Cap. 435) (<i>Cap. 435</i>)	A public officer appointed by the Secretary for Home and Youth Affairs for the purposes of Cap. 435
10.	A bedspace apartment	Bedspace Apartments Ordinance (Cap. 447) (<i>Cap. 447</i>)	The Bedspace Apartments Authority under section 4 of Cap. 447
11.	A residential care home	Residential Care Homes (Elderly Persons)	Director of Social Welfare

Column 1 Item	Column 2 Establishment	Column 3 Enactment	Column 4 Authority
		Ordinance (Cap. 459)	
12.	A treatment centre	Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566)	Director of Social Welfare
13.	A karaoke establishment (other than that in a restaurant, hotel, guesthouse or club-house)	Karaoke Establishments Ordinance (Cap. 573)	Secretary for Home and Youth Affairs
14.	A residential care home for persons with disabilities	Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613)	Director of Social Welfare

Part 2

Scheduled Premises for which Certificate of Compliance is Required

Column 1 Item	Column 2 Establishment	Column 3 Enactment	Column 4 Authority
1.	A club-house	Clubs (Safety of Premises) Ordinance (Cap. 376)	Secretary for Home and Youth Affairs

Part 3

Scheduled Premises for which Registration is Required

Column 1 Item	Column 2 Establishment	Column 3 Enactment	Column 4 Authority
1.	A child care centre	Child Care Services Ordinance (Cap. 243)	Director of Social Welfare
2.	A school	Education Ordinance (Cap. 279)	Permanent Secretary for Education
3.	Premises in which	Non-local Higher and Professional	Registrar of Non-local Higher and

Column 1 Item	Column 2 Establishment	Column 3 Enactment	Column 4 Authority
	registered courses or exempted courses are conducted	Education (Regulation) Rules (Cap. 493 sub. leg. B)	Professional Education Courses

Part 4

Scheduled Premises for which Permit is Required

Column 1 Item	Column 2 Establishment	Column 3 Enactment	Column 4 Authority
1.	A karaoke establishment in a hotel, guesthouse or club-house	Karaoke Establishments Ordinance (Cap. 573)	Secretary for Home and Youth Affairs
2.	A karaoke establishment in a restaurant	Karaoke Establishments Ordinance (Cap. 573)	Director of Food and Environmental Hygiene


Clerk to the Executive Council

COUNCIL CHAMBER

27 May 2025

Explanatory Note

The objects of this Regulation are to regulate the registration of persons as registered fire engineers and regulate their professional activities.

2. The Regulation contains 9 Parts and a Schedule. The main provisions are as follows—
- (a) Part 1 contains the preliminary provisions on commencement and interpretation;
 - (b) Part 2 prohibits any person who is not a registered fire engineer from holding out to be one, and prohibits any unauthorized person from issuing any fire safety requirement or fire safety certificate;
 - (c) Part 3 provides for the registration of fire engineers so that a person who is a registered professional engineer in certain disciplines under the Engineers Registration Ordinance (Cap. 409) or who possesses a qualification relevant to fire engineering that the Director of Fire Services (*Director*) recognizes may apply for registration as a registered fire engineer;
 - (d) Part 4 sets out the scope of duties for different classes of registered fire engineers and the issue, and the restrictions on the issue, of any fire safety requirement or fire safety certificate by registered fire engineers;
 - (e) Part 5 provides for the power of fire services members to require any person to produce personal particulars and proof of identity for the investigation of offences under the Regulation or disciplinary offences, and the carrying out of duties and effective enforcement of the Regulation or a code of practice;

- (f) Part 6 deals with disciplinary proceedings in relation to registered fire engineers, including provisions on disciplinary offences, complaints of disciplinary offences, hearings of disciplinary boards, and the privileges and immunities of members of disciplinary boards;
- (g) Part 7 deals with appeals in relation to registered fire engineers, including provisions on appeals to appeal boards, hearings of appeal boards, and the privileges and immunities of members of appeal boards;
- (h) Part 8 provides for the establishment, composition, meetings, procedures and other matters of the registration committee, interview board panel, interview boards, disciplinary board panel, disciplinary boards, appeal board panel and appeal boards;
- (i) Part 9 deals with miscellaneous matters, such as the issue of a code of practice, specification of forms, establishment and keeping of a register by the Director, registration cards in electronic and hard copy forms, and service of notices;
- (j) the Schedule contains a list of premises prescribed for the purposes of the Regulation.