



# **Fire Services (Amendment) Ordinance 2003 & Fire Services (Fire Hazard Abatement) Regulation**

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Fire Services Department (FSD)**

Fire Services (Amendment) Ordinance 2003

2003年消防(修訂)條例



# Introduction

In 1999, Fire Services Department (FSD) embarked on an overall review of the Fire Services Ordinance (FSO).

# Amendments with Public Concerns

## FSO, Cap. 95

- Section 2 - Definition of FSI
- Sections 8A-8D - General Powers of Fire Investigation
- Sections 9, 9A-9D - Abatement and Prevention of Fire Hazards
- Section 21 - Damage Done by FSD at Incidents
- Section 27 - Resists/Obstructs FSD Members
- Amendment of Level of Fines



## Section 2

# Definition of Fire Service Installation (FSI)

Additional definition of FSI :-

- facilitating the evacuation from premises in case of fire (e.g. emergency lighting)
- providing a stand-by power supply to an installation or equipment .... In the event of the loss of normal power supply (e.g. emergency generator)



## Sections 8A – 8D

# General Powers of Fire Investigation

FSD members are empowered to carry out fire investigation within a reasonable period after a fire. For the purpose of fire investigation, FSD members are authorized to:

- enter the premises
- remove and take possession of evidence or to deal and retain articles for forensic analysis
- take photographs and make video recordings
- require persons to give a statement and assistance or produce any document



## Sections 9, 9A – 9D

# Abatement and Prevention of Fire Hazards

The existing Section 9, 9A -9D of FSO was repealed and re-enacted in a new regulation, viz.

“Fire Services (Fire Hazard Abatement) Regulation.”



# Section 21

## Damage Done by FSD at Incidents

### Existing section 21

“damage done by FSD on the occasion of fire”  
= “damaged by fire” within the meaning of fire insurance.

### New section 21

“any damage done by FSD on the occasion of fire **or an incident that may pose an immediate danger of fire**” will also be covered. e.g. gas leakage



# Section 27 resists/obstructs FSD members

## Existing Provision

Any person who ***resists or obstructs*** (抗拒或阻撓) any member acting in the execution of his duty shall be guilty of an offence and shall be liable to a fine of \$2,000 and to imprisonment for 6 months.

## Amended Provision

Any person who, ***without reasonable excuse*** (無合理辯解), resists, obstructs ***or delays*** (阻延) any member acting in the exercise of the member's power, or in the exercise of any duty conferred by this ordinance, shall be guilty of an offence and shall be liable to a fine at ***level 3*** and to imprisonment for 6 months.

# Amendment of Level of Fines

- Existing penalty provisions were enacted before 1986.
- Deterrent effect may not be sufficient.
- Level of fines were increased by 4 to 5 folds.
- Direct link with the generic levels of fines prescribed under Schedule 8 of Criminal Procedure Ordinance, Cap. 221.



# Schedule 8 of Criminal Procedure Ordinance (刑事訴訟程序條例), Cap. 221

|                |                   |
|----------------|-------------------|
| <b>Level 1</b> | <b>\$ 2,000</b>   |
| <b>Level 2</b> | <b>\$ 5,000</b>   |
| <b>Level 3</b> | <b>\$ 10,000</b>  |
| <b>Level 4</b> | <b>\$ 25,000</b>  |
| <b>Level 5</b> | <b>\$ 50,000</b>  |
| <b>Level 6</b> | <b>\$ 100,000</b> |

# Fire Services (Fire Hazard Abatement) Regulation

消防(消除火警危險)規例

**(FS(FHA)R)**



# FS(FHA)R

- Previously under sections 9, 9A to 9D of FSO.
- Cause confusions after several amendments and difficulties in daily operations
- Make it more easier reference and facilitate easier future amendment
- Re-enacted into a new regulation, namely *Fire Services (Fire Hazard Abatement) Regulation*



# Contents of FS(FHA)R

- **Part 1** - Fire Hazard Abatement
- **Part 2** - Fire Hazard Order and Prohibition Order
- **Part 3** - Fire Hazard Offences
- **Part 4** - Investigation Powers
- **Part 5** - Protection of Innocent Parties



# Part 1 - Fire Hazard Abatement

## Section 7 – Article or thing Removed

If an article or thing is removed (Physical Abatement)

- A notice showing details of the article/thing shall be affixed to a conspicuous part of the premises
- The article/thing can be claimed within 1 month
- If no claim is made, the article/thing may be sold by auction or disposed of without sale.



# Part 2 – FHO & Prohibition Order

## Fire Hazard Order (FHO)火警危險令

### Existing section 9(4)(b) under FSO

The fire hazard, whether or not abated since the service of the notice, ***recurs, or is in the opinion of the D of FS likely to recur***, .....

### New Section 10(2)(b) under FS(FHA)R

that the fire hazard, whether or not it has been abated since the service of the notice, ***has recurred, or is continuing***.



# Part 3 - Fire Hazard Offences

## Section 17 & 18 –

### Conveyance/Stowage of parts of motor vehicles

- After 3 explosion incidents involving freight containers carrying used motorcycles and parts in Hong Kong
- Using enclosed container to convey / stow parts of motor vehicle stained with fuel will be treated as 'Fire Hazard'.



# Section 17 & 18 – Conveyance/Stowage of parts of motor vehicles

## Section 17 & 18

A person **knowingly** using an **enclosed** container to stow or convey a part of a vehicle that **has fuel** in its fuel tank or is otherwise **stained with fuel** commits an offence.




## Section 17 & 18 – Conveyance/Stowage of parts of motor vehicles

### *Penalty*

- 1st conviction : fine at level 6 (\$100,000) & to imprisonment for 6 months.
- Subsequent conviction : fine of \$200,000 & to imprisonment for 1 year.

## Section 19 – Illegal Possession of Controlled Substance

- New form of fire hazard - illegal vehicle refuelling stations
  - Difficulties for prosecution
    - after the issue of a Fire Hazard Abatement Notice (FHAN), FSD must re-inspect the site and establish non-compliance
    - frequent change of operators
  - To tackle this problem, new provisions have been added in this section
- 

# Section 19 – Illegal Possession of Controlled Substance

A person commits an offence if

- he has possession or control of a controlled substance without a licence in or on any premises and
- for the purpose of **a business** of supplying the substance for **transferring to the fuel tank of a motor vehicle**



# Section 19 – Illegal Possession of Controlled Substance

## Definition

“**Controlled Substance 受管制物質**” means dangerous goods in category 5 under the Dangerous Goods (Application and Exemption) Regulations

## Penalty

- (a) on a first conviction, to a fine at level 6 (i.e. \$100,000) and to imprisonment for 6 months;
- (b) on subsequent conviction, to a fine of \$ 200,000 and to imprisonment for 1 year.



## Section 20 – Liability of owners, tenants etc.

- 1) A person who is the owner, tenant, occupier or person in charge of any premises commits an offence if the person **knowingly permits or suffers** an offence under section 19 to be committed in or on the premises.
- 2) A person commits an offence if the person **lets or agrees to let**, whether as principal or agent of another person, any premises with the knowledge that an offence under section 19 to be committed in or on the premises.

### Penalty

Fine at level 6 (i.e. \$100,000) and to imprisonment for 6 months.



# Part 4 – Investigation Powers

## Section 21-

### Power to Demand Instant Production of Personal Particulars

FSD Officers are empowered to demand :

- any person on whom a FHAN is served;
- any person suspected by whose willful act, default or sufferance a fire hazard arose or continues; or
- any person suspected to have committed, or about to commit or intends to commit an offence under this regulation,  
to give correct particulars of the **person's name and address** and produce the **person's proof of identity**.

Penalty: Fine for non-compliance and giving false information -  
Level 4 i.e. \$25,000



## Section 22 - Power to stop, board, search, of seizure etc.

FSD, C&ED and police officers are empowered to :

- stop, board, search, detain a motor vehicle / container
- seize articles if they have reasonable ground for suspecting such an offence has been, is about to be, or is intended to be committed.



***Penalty : Fine at level 3 (i.e. \$ 10,000) and to imprisonment for 6 months.***

## Part 5 – Protection of Innocent Parties

- The court may make a closure order for six months
- To effect complete closure of those premises repeatedly used for illegal refuelling activities within a period beginning 4 months and ending 16 months after an immediately preceding conviction



## Part 5 – Protection of Innocent Parties

- To protect the interests of bona fide owners, purchasers or mortgagees of such premises
- Appropriate provisions have been enacted for bringing to their notice the occurrence of such illegal activities
- Allowing them to lodge an appeal against issue of such closure order





**FP 98 / CANT**



**FP 99 / CANT**

# 宣傳短片

Review on  
Registration Scheme of  
Fire Service Installation Contractors  
(FSIC)



# Problems

- FSIC Classification cannot cope with the introduction of new FSI over the years
- Qualifications and experience of QP cannot keep pace with advancement of FSI technology
- Difficulties in taking legal action (limitation period)

# BACKGROUND

- Policy Address of CE in 2000 & 2001
- Working Group (WG) set up in Dec 2000
- Objectives of the WG:
  - (a) Deal with problems currently faced by the FSI industry;
  - (b) Enhance the professionalism of FSIC



# Members of WG

The Association of Registered FSIC of HK Ltd.

Fire and Security Engineering Employees Association

The Hong Kong Institution of Engineers (HKIE)

IFE (HK Branch)

The Hong Kong Institution of Surveyors (HKIS)

The Hong Kong Institution of Architects (HKIA)

The Association of Architectural Practices Ltd.

The HK Construction Association Ltd.

Arch SD; BD; EMSD; HD; FSD



# Sub-Working Group

Sub-Working Group (SWG) was formed on 4.1.2001 under the WG to conduct the review



# Members of SWG

Comprising all the members of WG (except HD) and the following interested parties:

HK & Kowloon Electrical Engineering & Appliances Trade Workers Union

HK Air-Conditioning & Refrigerating Trades Workers General Union

HK Electrical Contractors' Association Limited

HK Electrical & Mechanical Contractors Association

Air-conditioning & Refrigeration Association of HK

HK Registered Ventilation Contractors Association Limited



# The Review

## - FIRST STAGE

Review the classification and qualifications of FSIC

## - SECOND STAGE

Review *Fire Service (Installation Contractors) Regulation* [FS(IC)R] and *Fire Service (Installations & Equipment) Regulation* [FS(IE)R]




# The Review

- 11 WG & SWG meetings were held
- Review Report of Classification & Qualifications of FSIC (1<sup>st</sup> Stage) issued in October 2001
- Review Report of FSIC Registration Scheme (2<sup>nd</sup> Stage) issued in April 2003



# Recommendations – Responsibility of FSIC

| Existing   | Recommended   |
|--|---|
| <p data-bbox="61 385 229 426"><b>Class 1</b></p> <p data-bbox="61 454 869 728">-any FSI (other than portable equipment) which contains an electric circuit or other apparatus for the detection and warning, by alarm or otherwise, of smoke or fire.</p>  | <p data-bbox="906 385 1135 426"><b>Class 1(a)</b></p> <p data-bbox="906 454 1457 495">-Same as existing Class 1</p> <p data-bbox="906 591 1135 632"><b>Class 1(b)</b></p> <p data-bbox="906 659 1779 879">-any FSI (other than portable equipment) which contains any type of electrical apparatus other than those specified in Class 1(a), (2) and (4), such as</p> <ul data-bbox="906 906 1663 1153" style="list-style-type: none"><li>- emergency generator;</li><li>- emergency lighting;</li><li>- exit signs;</li><li>- audio/visual advisory system, etc.</li></ul> |

# Recommendations – Responsibility of FSIC

## Existing

### Class 2


- any FSI (other than portable equipment) which contains –
  - (a) pipes and fittings designed or adapted to carry water or some other fire extinguishing medium; or
  - (b) any type of electrical apparatus other than those specified in Class 1.

## Recommended

### Class 2

- any FSI (other than portable equipment) which contains pipes and fittings designed or adapted to carry water or some other fire extinguishing medium and the associated electrical work / installation of these systems.

# Recommendations – Responsibility of FSIC

| Existing  | Recommended   |
|---|---|
| <p data-bbox="169 436 342 480"><b>Class 3</b></p> <ul data-bbox="169 577 839 694" style="list-style-type: none"><li>- Maintain, repair and inspect portable equipment.</li></ul>  | <p data-bbox="924 436 1097 480"><b>Class 3</b></p> <ul data-bbox="924 577 1235 625" style="list-style-type: none"><li>- No change</li></ul> |



# Recommendations – Responsibility of FSIC

## Recommended New Class

### Class 4

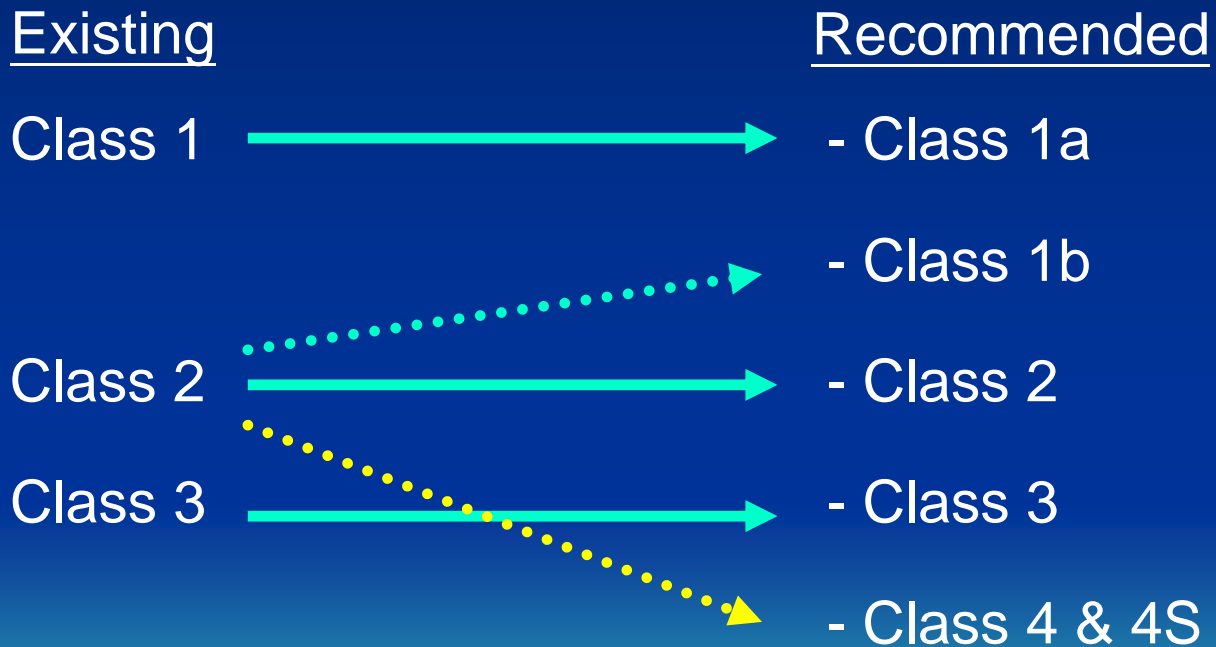
- any FSI (other than portable equipment) which contains smoke management and smoke control systems (i.e. pressurization of staircase /smoke extraction/VAC control system)

### Class 4S (one-off arrangement)

- Ventilation / Air-conditioning systems with Method B override controls.

# Recommendations

## Classification of FSIC



# Recommendations – Qualifications of FSIC

| Existing   | Recommended  |
|--|--|
| <p data-bbox="80 430 243 474"><b>Class 1</b></p> <ul data-bbox="80 550 808 847" style="list-style-type: none"><li data-bbox="80 550 808 659">- Degree in electrical engineering;<br/>and</li><li data-bbox="80 735 808 847">- Manufacturer, designer or<br/>authorized agent of AFA system</li></ul> | <p data-bbox="868 430 1244 474"><b>Class 1(a) &amp; 1(b)</b></p> <ul data-bbox="868 550 1790 1057" style="list-style-type: none"><li data-bbox="868 550 1790 875">- RPE in BS or EE discipline; <b>or</b><br/>Degree in BS or EE <b>plus</b> 5 years<br/>relevant working experience; <b>or</b><br/>Degree in Fire Engineering <b>plus</b> 5 years<br/>relevant working experience</li><li data-bbox="868 943 1790 1057">- Registered Electrical Worker<br/>(except Grade R)</li></ul> |



# Recommendations – Qualifications of FSIC

| Existing   | Recommended  |
|--|--|
| <p data-bbox="61 414 232 455"><b>Class 2</b></p> <ul data-bbox="61 554 837 809" style="list-style-type: none"><li data-bbox="61 554 753 600">- Grade I plumber's licence; and</li><li data-bbox="61 694 837 809">- Diploma from HK Polytechnic or TI or Higher Certificate in EE</li></ul> | <p data-bbox="931 414 1102 455"><b>Class 2</b></p> <ul data-bbox="931 554 1707 1160" style="list-style-type: none"><li data-bbox="931 554 1707 949">- RPE in BS or ME discipline; <b>or</b><br/>Degree in BS or ME <b>plus</b> 5 years relevant working experience; <b>or</b><br/>Degree in Fire Engineering <b>plus</b> 5 years relevant working experience.</li><li data-bbox="931 971 1532 1018">- Grade I plumber's licence</li><li data-bbox="931 1039 1597 1160">- Registered Electrical Worker (except Grade R)</li></ul> |



# Recommendations – Qualifications of FSIC

| Existing  | Recommended  |
|---|--|
| <p data-bbox="169 515 342 557"><b>Class 3</b></p> <p data-bbox="169 653 757 749">Written examination and an interview</p> | <p data-bbox="933 515 1106 557"><b>Class 3</b></p> <p data-bbox="933 653 1179 694">No Change</p> |



# Recommendations – Qualifications of FSIC

## Recommended Qualification for New Class 4 & 4S

### Class 4

- Registered Specialist Contractor (Ventilation Works Category);
- Registered Professional Engineers in BS or ME; **or**  
Degree in BS or ME **plus** 5 years relevant working experience; **or**  
Degree in Fire Engineering **plus** 5 years relevant working experience.
- Registered Electrical Worker (except Grade R)

### Class 4S (one-off arrangement)

- Registered Specialist Contractor (Ventilation Works Category);
- Registered Electrical Worker (except Grade R)



# Recommendations

Grace Period - **3 years**

Existing FSIC – Works permitted in accordance with existing classification

New registered FSIC – Works permitted in accordance with the new classification



# Recommendations

## Conversion of existing FSIC's registration to New Classification

| Existing | Convert to New Class | Conditions  |
|----------|----------------------|---|
| 1        | 1(a)                 | Existing QP holding engineering qualification has been working for the FSIC for not less than 5 years |
| 2        | 2 or 1(b)            | Existing QP holding engineering qualification has been working for the FSIC for not less than 5 years |
| 3        | 3                    | Direct conversion upon application  |
| -        | 4 or 4S              | New registration scheme applies   |

# Recommendations

FSD shall have the authority to **accept** or **reject** an application having regard to:

- Qualifications;
- Competence;
- Experience; and
- Past performance

of the applicant including its director, partner, qualified persons



# Recommendations

Renewal of registration -  
Every 3 years



# Recommendations

## Disciplinary Board –

- (a) Legal adviser ceases to be member
- (b) Add a new member nominated by HKIE or IFE(HK Branch)
- (c) Disciplinary proceedings to be extended to cover all QP and authorized signatories of FSIC

# Recommendations

## Authorized Signatory of FSIC

Submitted by: *[Signature]* Date: *DEC 20, 1997*  
Approved by: *[Signature]* Date: *DEC 20, 1997*  
Approved by: *[Signature]* Date: *DEC 20, 1997*  
Consent: *[Signature]* Date: *1-2-74*  
Effective Date: *Nov 2, 1997*

### Class 1, 2 & 4

- QP holding the engineering qualification.

### Class 3

- No change, i.e. the registered contractor

# Recommendations

Prior endorsement on **FS 251** by FSD  
before issuing to owner of FSI



# Recommendations

Keeping of Records (e.g. FS 251, plans, employment record of QP, etc.)

At least 4 years by FSIC



# Recommendations

## Limitation Period - Prosecution

Commence within **6 months** after the offence becomes known to FSD



# Recommendations

Approval of Sale & Supply of portable equipment

(a) 5-year validity period;

(b) Power to revoke or cancel an approval



# Recommendations

To display maintenance certificate (FS 251) on a conspicuous location at the entrance of the building or on the FSI



# Recommendations

Legislative Amendment according to the endorsement of the Working Group

**FS(IC)R** & **FS(IE)R** will be amended to strengthen the control and monitoring of FSIC.



# Recommendations – Legislative Amendment

Enlarge the power to make regulations under the principal ordinance to cover :

- Renewal of registration
- Appeal mechanism against the rejection of an application for registration as FSIC
- Power to make regulations to register, control or discipline QP
- Limitation period



# Other Legislative Amendment

## Background

### (a) Departmental Business Study

In 2003, the Efficiency Unit recommended enhancement of the business-friendliness of FSD.

Three directives were recommended:-



# Other Legislative Amendment

- Third party fire safety certification scheme on the work of FSI carried out by FSIC
- Demerit point system for FSIC; and
- Transfer the product certification work for fire safety related materials and products to accredited bodies.



# Other Legislative Amendment

## Background

### (b) Disposal of FSI Plans

This Department is **not authorized** to **dispose** of FSI plans. Additional legislative power is required:

- Dispose of, or release of copies of FSI plans
- Charge fees in relation to the release of copies of FSI plans



**THANK YOU**

