

Consultation Paper

**Revised Scheme for
the Implementation of
Third Party Fire Safety Certification
by Introducing a
Registered Fire Engineer Scheme
in Hong Kong**

Hong Kong Fire Services Department

October 2011

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EXECUTIVE SUMMARY

In 2004, the Business and Services Promotion Unit of the then Commerce, Industry and Technology Bureau commissioned the Efficiency Unit (EU) of the Government of the Hong Kong Special Administrative Region to conduct a Departmental Business Study for Fire Services Department (FSD) with a view to enhancing FSD's business-friendliness. EU recommended FSD to reduce its involvement in day-to-day inspection and certification by devolving the responsibility of fire safety certification to the industry.

To take forward EU's recommendation, FSD published a consultation paper in 2007 and launched a trade consultation in which the majority of respondents were in principle supportive of the proposal for implementation of third party fire safety certification by introducing a Registered Fire Engineer (RFE) scheme and to apply it on licensed premises as a start.

Based on the comments received, FSD revisited the initial proposal and incorporated suggestions which would make the scheme more viable and lessen any possible adverse impact on the trade.

In gist, revisions made to the proposed scheme include simplifying the qualification requirement for registering as RFE by requiring an applicant to be qualified as Registered Professional Engineer (RPE) instead of as both Corporate Member of the Hong Kong Institution of Engineers (MHKIE) as well as RPE, adding an option of categorizing RFE into three distinct classes, viz. RFE (Risk Assessment), RFE (Fire Service Installation) and RFE (Ventilating System) according to their expertise

and the scope of works in addition to the original proposal, and incorporating fire risk assessment and formulation of fire safety requirements for licensed premises into the scope of works for RFE.

In further developing details of the scheme, FSD has also taken into account other areas of concern raised by stakeholders, such as putting in place measures to prevent malpractices or conflict of interests and protecting the interests of existing practitioners.

Third party fire safety certification should provide licence applicants with greater flexibility to either follow the existing process of using FSD's services or hire RFE for risk assessment and formulation of fire safety requirements and/or for compliance certification. By hiring RFE(s) to handle the fire safety related duties, the licence applicants should be able to enjoy a more efficient service.

FSD is now conducting a new round of consultation to seek stakeholders' views on the revised scheme. To this end, stakeholders are requested to provide views on the proposals set out in the paper for consideration by FSD before the end of the consultation period.

In formulating the policy on the registration of fire engineers and the implementation of a Third Party Fire Safety Certification Scheme, FSD will, as far as practicable, take into account the views received.

LIST OF ABBREVIATION

BD	Buildings Department
DBS	Departmental Business Study
D of FS	Director of Fire Services
DP	Disciplinary Panel
ERB	Engineers Registration Board
EU	Efficiency Unit
FHAN	Fire Hazard Abatement Notice
FRE	Fire Discipline
FSD	Fire Services Department
FSI	Fire Service Installations & Equipment
FSIC	Fire Service Installation Contractor
FSO	Fire Services Ordinance
HKFI	Hong Kong Federation of Insurers
HKIE	Hong Kong Institution of Engineers
ICAC	Independent Commission Against Corruption
MHKIE	Corporate Member of Hong Kong Institution of Engineers
RA	Risk Assessment
RC	Registration Committee
RFE	Registered Fire Engineer
RFE (Fire)	Registered Fire Engineer (Fire)
RFE (RA)	Registered Fire Engineer (Risk Assessment)
RFE (FSI)	Registered Fire Engineer (Fire Service Installation)
RFE (VentS)	Registered Fire Engineer (Ventilating System)
RPE	Registered Professional Engineer
RSC(V)	Registered Specialist Contractor (Ventilation Category)
VC	Ventilation Contractor
VentS	Ventilating System

CHAPTER 1

PREAMBLE

1.1 In 2004, the Business and Services Promotion Unit of the then Commerce, Industry and Technology Bureau commissioned the Efficiency Unit (EU) of the Government of the Hong Kong Special Administrative Region to conduct a Departmental Business Study (DBS) for Fire Services Department (FSD) with a view to enhancing FSD's business-friendliness.

1.2 The DBS concluded that Hong Kong property owners and licensees of licensed premises have been relying heavily on FSD to undertake the inspection and certification of fire protection system.

1.3 The international benchmarking exercise identified a trend in overseas jurisdictions to move to a regime in which the industry plays a larger role in the certification of fire service installations and ventilating systems. Considering that third party certification should be a more efficient alternative, EU recommended FSD to reduce its involvement in day-to-day inspection and certification by devolving the responsibility of fire safety certification to the industry.

1.4 FSD subsequently completed a comprehensive study and published a consultation paper in September 2007. The consultation paper is available on the FSD website through the link http://www.hkfsd.gov.hk/home/eng/news/consultation_paper_eng.pdf. In order to gauge views of stakeholders on this new initiative, FSD launched a three-month trade consultation and sent the consultation paper to ten government bureaux/departments, and 24 academic/professional institutions and trade/industry associations.

1.5 During the consultation period, FSD officers attended several seminars and discussion sessions held with various trades, associations and focus groups to amplify on points not fully explained in the consultation paper, so as to ensure that the subject was put in the correct perspective by stakeholders when formulating their views.

1.6 To allow ample time for organizations concerned to collate views from their individual members who might not have grasped a full understanding of the subject within the three-month period, FSD extended the consultation period to the end of October 2008.

1.7 By the end of the extended consultation period, FSD received 30 written submissions. A list of the submissions and their copies are available on the FSD website.

1.8 Based on the comments received, FSD revisited the initial proposal and incorporated suggestions which would make the scheme more viable and lessen any possible adverse impact on the trade. This paper outlines the outcomes of the trade consultation and the framework on the revised scheme, as well as mapping out the way forward. After a period of twenty four months of implementation of the scheme, FSD would conduct a review and consider modifications to and expansion of the scheme as appropriate.

1.9 For the purpose of this paper, “fire safety” generally refers to “Fire Service Installation (FSI) and Ventilating System (VentS)” unless it is specifically elaborated.

CHAPTER 2

FINDINGS OF THE INITIAL TRADE CONSULTATION

INTRODUCTION

2.1 With the extended consultation period of over a year and with forums held to gauge views from individual trade members, FSD hoped that the consultation had reached most stakeholders who may be affected by the proposed scheme. Of the 34 organizations to which the consultation paper addressed, 25 organizations returned with responses. In addition, five individual members of the trade/industry came forward with written submissions. Major findings are summarized in the following paragraphs.

MAJOR FINDINGS

2.2 The results of the trade consultation show that the majority of the stakeholders are in principle supportive of the proposal for the introduction of a Registered Fire Engineer (RFE) Scheme for the implementation of “Third Party Fire Safety Certification” in Hong Kong. Of the 25 organizational responses, only one was against the proposal. Among the responses received, the majority view was that RFE should be registered under the Fire Services Ordinance; third party certification should be started with “licensed premises” which is optional to the applicant seeking to be licensed.

2.3 The majority also preferred FSD to carry out random audit check on certificates issued by RFE before the issuance of Fire Services Certificate/Letter of Compliance to the owners/licence applicants/licensing authorities. Under this arrangement, FSD would conduct audit check on a percentage of the certificates issued by RFE so that FSD would be issuing Fire Services Certificate/Letter of Compliance without any check on the remaining percentage which is not subject to the audit check. Given that FSD should not be in a position to issue Fire Services Certificate/Letter of Compliance solely based on information from other parties without having a member of FSD inspecting the

premises, FSD is inclined to adopt the proposal for RFE to issue Fire Safety Certificate which will have the same validity as the Fire Services Certificates/Letters of Compliance issued by the Director of Fire Services in order to streamline the whole fire safety certification process.

OTHER COMMENTS

2.4 Comments and concerns raised by stakeholders on other aspects are summarized below:

- (a) Suitability of engineers of other disciplines or other professionals without engineering background for inclusion into the scheme to carry out fire safety certification;
- (b) Need for categorizing the work of RFE into different streams according to the nature of work;
- (c) Unnecessary hurdles to the RFE registration mechanism created by excessive tiers of control;
- (d) Re-registration and re-assessment of RFE should be made after a period of say 3 years;
- (e) Adequate numbers of RFE to meet the market demand;
- (f) Level of charge to be levied by RFE;
- (g) Applicants' professional experience requirements for registration as RFE;
- (h) Need for registering another class of professionals at technician level to assist RFE in the work of inspection and certification;
- (i) Maintaining high fire safety standards as well as ensuring the consistency of certification standard both among FSD/RFE, and across RFE;
- (j) Provision of professional indemnity insurance to RFE;
- (k) Measures to avoid possible conflict of interest or malpractice;
- (l) Liability of the licensee in the event that the work certified by

the RFE is subsequently found to be not up to the standard required by FSD during audit inspection; and

- (m) Interests of existing practitioners should be protected, and to this end implementation of the Scheme in respect of certification of VentS in licensed premises should be withheld pending the transfer of control of Registered Specialist Contractor (Ventilation Category) (RSC(V)) from Buildings Department (BD) to FSD which is under study.

2.5 Full details of comments and our response are available for reference on the FSD website through the link below:

<http://www.hkfsd.gov.hk/home/eng/safety.html>

CHAPTER 3

THE REVISED SCHEME

INTRODUCTION

3.1 The initial trade consultation has reaffirmed that FSD is on the right track towards the introduction of the RFE Scheme as a practicable solution for making more efficient use of professionals available in the society, whose academic qualifications and relevant experiences have already been assessed by a statutory body, the Engineers Registration Board (ERB)¹.

3.2 FSD has studied all the comments received and thoroughly deliberated on the concerns raised by stakeholders. Among the comments received, there were conflicting views ranging from opening up the registration prerequisite to other classes of professionals on one end of the spectrum to exercising tight control on maintaining fire safety standards and preventing malpractices on the other. After balancing the interests of the various stakeholders as well as taking into account the public interests without compromising fire safety standards, FSD has refined the proposed RFE Scheme, and proposes to roll out the RFE Scheme to be applied on licensed premises² as a start before reviewing the scheme after implementation of twenty four months. Details of the revised Scheme that FSD proposes to take forward are elaborated in the ensuing paragraphs.

¹ To register as a Registered Professional Engineer with the Engineers Registration Board, a person must be an ordinary resident in Hong Kong and a member of the Hong Kong Institution of Engineers within a discipline; or an engineering body accepted by the Board or he has passed such examination in engineering and other subjects and has received such training experience as the ERB may accept. In addition, he should have one year's relevant professional experience in Hong Kong before the date of his application for registration.

² Licensed premises refer to any premises where a licence is required to operate with the business conducted thereon. They include General Restaurant, Light Refreshment Restaurant, Factory Canteen, Funeral Parlour, Dance Hall, Cinema, Theatre, Karaoke Establishment, Bakery, Food Factory, Billiard Establishment, Public Bowling Alley, Public Skating Rink, Places of Public Entertainment, Hotel, Guesthouse, Club, Child Care Center, Residential Care Home, Amusement Game Center, Designed School, Non-designed School, School for Non-local Higher Education and Professional Courses, and Massage Establishment.

PROPOSED REGISTRATION REQUIREMENTS AND CATEGORIZATION OF RFE

3.3 In the original proposal, Corporate Membership in the Fire Discipline of Hong Kong Institution of Engineers (HKIE), i.e. MHKIE, and Registered Professional Engineer (RPE) under the Engineers Registration Ordinance, Cap 409 Laws of Hong Kong are the prerequisites for registration as RFE. In order not to create unnecessary hurdle to the RFE registration mechanism and to admit more professional engineers to the RFE Scheme, FSD agrees that the requirement for the applicant to be an MHKIE could be abolished. In the revised scheme, a person will have to be an RPE to register as RFE. In addition, the applicant shall within the 3 years preceding the date of application for RFE have had a continuous period of one year of relevant professional experience gained locally in Hong Kong.

3.4 In the original proposal, the role of RFE in the licensing process is to certify compliance with fire safety requirements. To speed up the third party certification process, the scope of works for RFE is proposed to be expanded to include fire risk assessment and formulating fire safety requirements on fire safety measures including provision of FSI and fire safety features of VentS for licensed premises.

3.5 In order to address the concern over the adequacy of RFE to meet the market demand as well as to accommodate views on categorizing RFE according to their area of expertise, FSD proposes an additional option of categorizing RFE into three distinct classes of expertise according to the scope of works. The following two options are proposed for registration as RFE : -

Option A – Single Class

3.6 RPE registered within the Fire discipline [RPE(FRE)] with one year of relevant experience gained locally in Hong Kong within the preceding three years before application may apply for registration as

RFE(Fire)³. RFE(Fire) will be allowed to perform **all** the fire safety certification works for licensed premises including conducting risk assessment, formulating fire safety requirements and certification of compliance for both FSI and VentS. When satisfied that fire safety requirements have been complied with, RFE(Fire) will issue Fire Safety Certificates having same validity as Fire Services Certificate/Letter of Compliance issued by the Director of Fire Services.

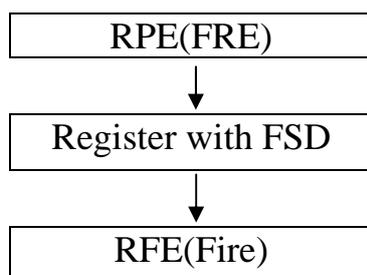


Chart 3-1a Proposal for Registration as RFE under Option A

3.7 Licence applicants should find this approach more user friendly as RFE(Fire) can provide one-stop-shop fire safety certification service for licence applications. Licence applicants will not have to engage the services of separate RFE registered in different classes or to ensure that the RFE hired has been registered in all classes, which would be required if RFE are categorized into classes. However, with only RPE(FRE) eligible for registration, there may be concern on the adequacy of RFE(Fire) to cope with the market demand.

Option B – Separate Classes

3.8 The other option is to categorize RFE into three distinct classes of expertise according to the scope of works as depicted below:

Class	Scope of Works
Registered Fire Engineer (Risk Assessment) [RFE(RA)]	To conduct fire risk assessment and formulate fire safety requirements for licensed premises

³ The domains of FRE fully cover the requirements for competent discharge of the relevant scope of works of RFE(Fire) in conducting risk assessment, formulating fire safety requirements and certification of compliance for both FSI and VentS.

Registered Fire Engineer (Fire Service Installation) [RFE(FSI)]	To conduct compliance inspection for fire safety requirements in licensed premises except those relating to VentS and issue Fire Safety Certificate upon confirmation of compliance.
Registered Fire Engineer (Ventilating System) [RFE(VentS)]	To conduct compliance inspection for fire safety aspects of VentS in licensed premises and issue Fire Safety Certificate upon confirmation of compliance.

3.9 In determining the professionals suitable to take up the duties of the respective classes of RFE under Option B, FSD has consulted HKIE, the statutory body responsible for setting standards for the training and admission of engineers. With the benefit of HKIE's advice, FSD has identified the qualifications of the candidates suitable for registration as RFE in the respective classes as follows:

Class	Suitable candidates	Remarks
RFE(RA)	RPE(FRE)	The domains of FRE fully cover the requirements for competent discharge of the relevant scope of works under the RA Class.
RFE(FSI)	RPE(FRE)	The domains of FRE fully cover the requirements for competent discharge of the relevant scope of works under the FSI Class
	RPE of other disciplines like Building Services with proof of experience in FSI works	The scope of works is adequately covered by expertise of traditional building professionals like Building Services Engineers.
RFE(VentS)	RPE(FRE)	The domains of FRE fully cover the requirements for competent

		discharge of the relevant scope of works under the Ventilating System Class
	RPE of other disciplines like Building Services, with proof of experience in fire safety aspects of VentS	The scope of works is adequately covered by expertise of traditional building professionals like Building Services Engineers.

Remarks : Same as Option A, under Option B, an applicant for registration with FSD as an RFE shall within the 3 years preceding the date of application have had a continuous period of 1 year of professional experience relevant to the respective class gained locally in Hong Kong.

3.10 Under Option B, the pool of potential candidates for registration as RFE would be wider as professionals with relevant qualification such as building services may apply to be registered as RFE(FSI) and RFE(VentS). However, because each class of RFE would have its different scope of works, license applicant may need to engage more than one RFE for different services.

Question 1

- (a) Do you prefer Option A or Option B? (Please also answer Question 1 (b) and (c) if you prefer Option B.)*
- (b) Do you agree to the proposed categorization into RFE(RA), RFE(FSI) and RFE(VentS) of Option B?*
- (c) Do you agree to the proposed scope of works for the respective classes of RFE of Option B?*

Question 2

Do you agree to the proposed qualifications of candidates for registration as RFE(Fire) under Option A, and for registration as RFE(RA), RFE(FSI) and RFE(VentS) under Option B?

3.11 Under Option B, an RPE with suitable qualification and relevant experience may apply to register in any one class or all of the three

classes of RFE. In other words, an RPE(FRE) may register in all 3 classes of RFE while an RPE in other disciplines may register as RFE(FSI) and/or RFE(VentS) depending on his experience in the respective class(es) gained locally.

3.12 Accordingly, the proposed registration mechanism under Option B is shown below:

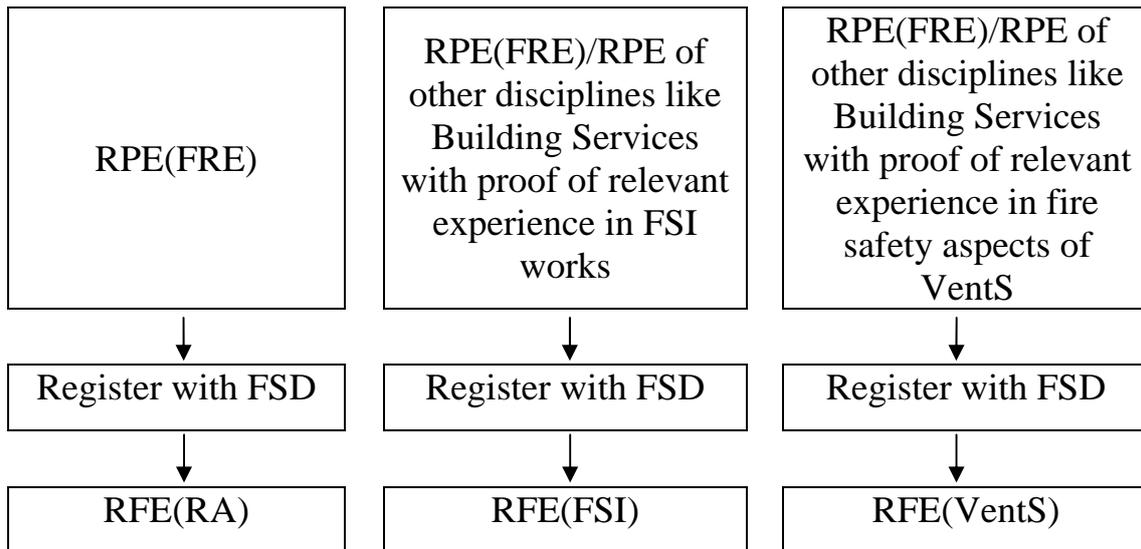


Chart 3-1b Proposal for Registration as RFE under Option B

Question 3
Do you agree to the revised proposal in respect of the registration mechanism for RFE?

NEW WORKFLOW AND RFE SERVICE ASSESSMENT

3.13 With the expanded scope of works for the RFE, there will be greater flexibility in the third party fire safety certification process for the licensed premises. It should also be noted that to lessen any possible adverse impact on the trade, FSD would continue to provide service on risk assessment and formulation of fire safety requirements as well as service on compliance check upon completion of installation works by FSI contractor / ventilation contractor. To sum up, a licence applicant may choose to:

(I) Under Option A

- (a) hire the services of RFE(Fire) for risk assessment and formulation of fire safety requirements as well as compliance check upon completion of the installation works of FSI and/or VentS;
- (b) hire the services of RFE(Fire) for risk assessment and formulation of fire safety requirements, and then use FSD's service to conduct compliance check upon completion of installation works of FSI and/or VentS;
- (c) use FSD's service in conducting risk assessment and formulation of fire safety requirements, and then engage RFE(Fire) for compliance check upon completion of the works; or
- (d) continue using the services provided by FSD under the existing mechanism.

(II) Under Option B

- (a) hire the services of RFE(RA) for risk assessment and formulation of fire safety requirements and then engage RFE(FSI)/RFE(VentS) as appropriate, for compliance check upon completion of the installation works of FSI and/or VentS;
- (b) hire the services of RFE(RA) for risk assessment and formulation of fire safety requirements, and then use FSD's service to conduct compliance check upon completion of installation works of FSI and/or VentS;
- (c) use FSD's service in conducting risk assessment and formulation of fire safety requirements, and then engage RFE(FSI)/RFE(VentS) for compliance check upon completion of the works; or
- (d) continue using the services provided by FSD under the existing mechanism.

3.14 In order to ensure that a consistent fire safety standard will be maintained, fire safety requirements formulated by RFE in either option are subject to endorsement by FSD. In addition, for installation works certified by RFE, FSD may conduct random audit inspections within 7 working days after the issuance of the Fire Safety Certificate to licence applicants. The objective of the random audit inspection is to assess the quality of certification work of the concerned RFEs.

3.15 The workflows depicting different scenarios under the two options from which the license applicant may choose are as follows:

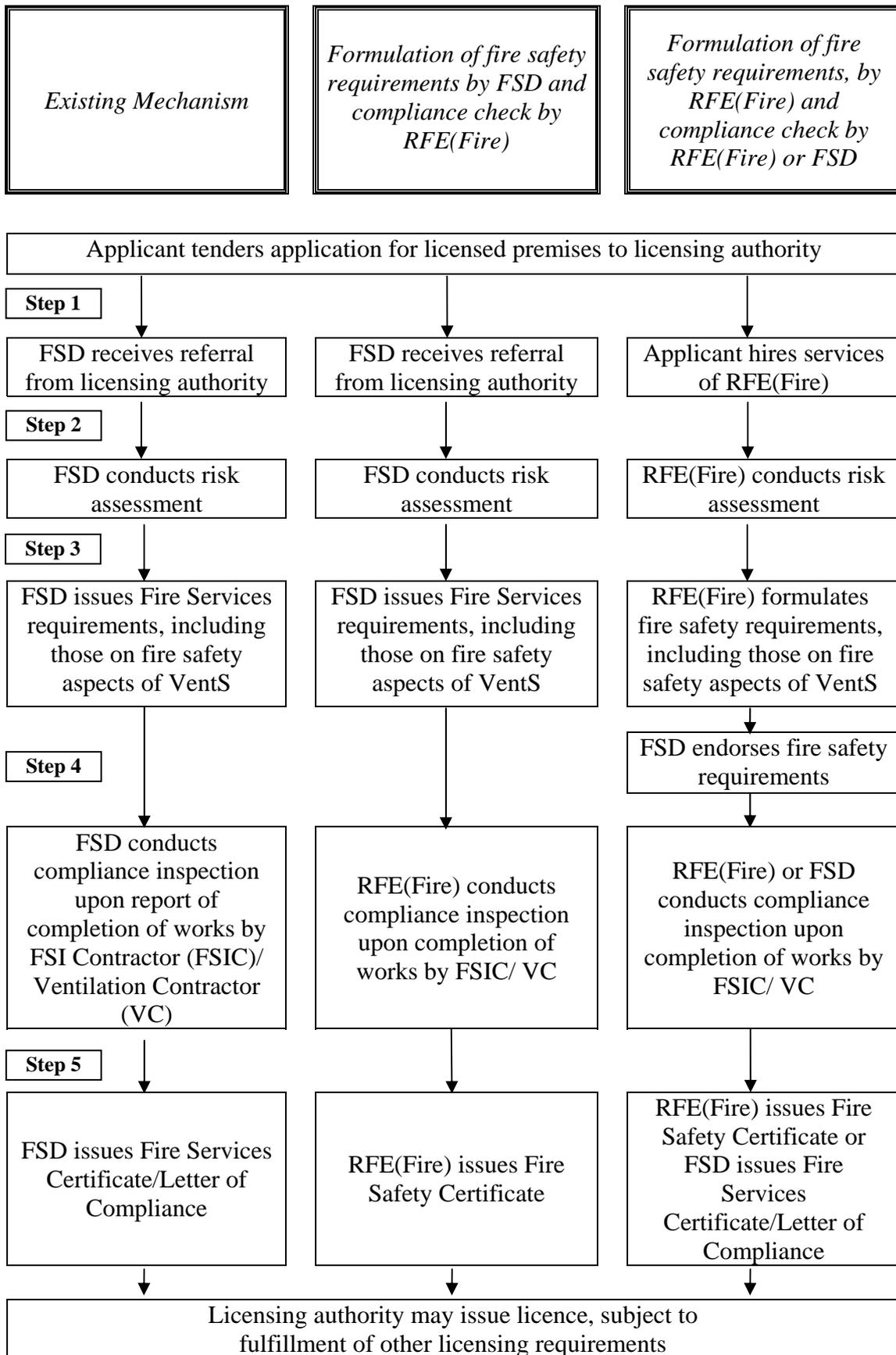


Chart 3-2a Revised Workflow for Certification of Fire Safety Requirements of Licensing Premises under Option A

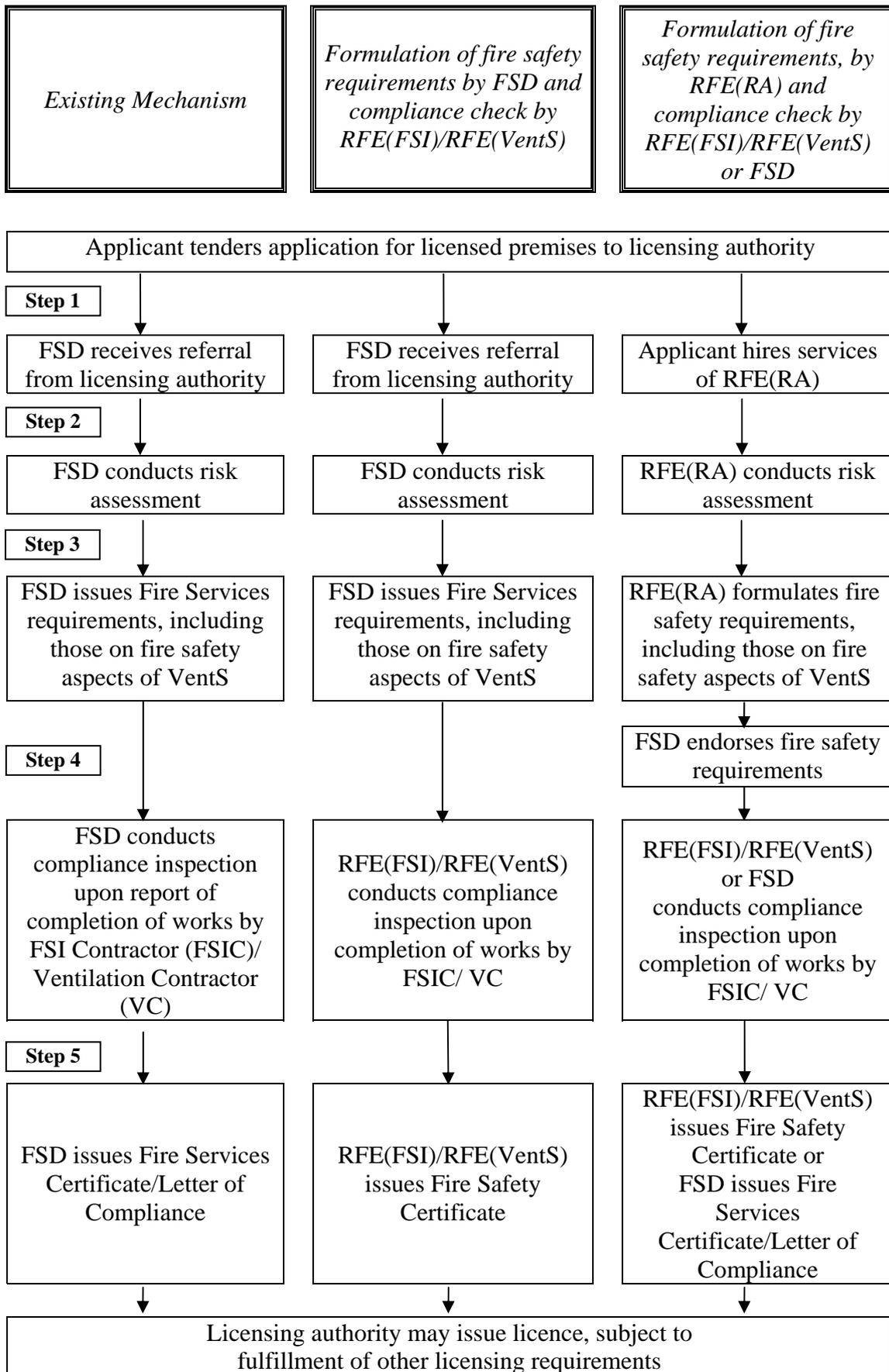


Chart 3-2b Revised Workflow for Certification of Fire Safety Requirements of Licensing Premises under Option B

3.16 In case of any discrepancy(ies) found in complying with the fire safety requirements during the FSD's random audit inspection on certification work of the RFE (i.e. after the issuance of Fire Safety Certificate), the licensee will be required to make good the discrepancies found to ensure the safe operation of the business. The following arrangements will be made in respect of the concerned licensed premises:

- (a) In case minor discrepancies (e.g. non-illumination of exit/directional signs, lack of documentary proof on the fire resistance of the ventilation duct insulating material) not rendering the licensed premises unduly unsafe for the intended business are spotted in FSD's audit inspections, FSD will take fire hazard abatement action against the fire hazard arisen from the discrepancies by issuing Fire Hazard Abatement Notice (FHAN).

The licensee would be given a reasonable period to rectify those discrepancies while the premises may continue to operate. The licensing authority and the RFE will be notified of the discrepancies spotted and the action taken by FSD. If the licensee fails to abate the fire hazard within the prescribed period, legal action will be instituted against the licensee. The licensing authority will also consider taking licence enforcement action deemed appropriate. If it is confirmed that the discrepancies have been rectified within the prescribed period, FSD will inform the licensing authority, licensee and RFE accordingly and record the result of the inspection.

- (b) In case major discrepancies⁴ which may render the licensed premises unsafe for the intended business are noted, FSD will take fire hazard abatement action against the fire hazard arisen from the discrepancies by issuing FHAN.

⁴ Major discrepancies normally include but not limited to (i) Major FSI systems, including sprinkler system, fire hydrant/hose reel system, fire alarm system and smoke extraction system, found inoperative; (ii) Non-compliance with the requirements for use of fuel; (iii) Non-compliance with the requirements for flammability standards for PU foam furniture; (iv) Non-compliance with requirements at protected areas and fire damper installation in mechanical ventilating system; and (v) Non-compliance with requirement on using non-combustible materials inside false ceiling or elevated floor.

The licensee will be required to rectify the discrepancies within a reasonable period of time and the licensing authority and RFE will also be notified. The licensee may also be required to put in place temporary mitigation measure(s) such as placing additional fire extinguishers and/or fire detection devices to monitor the fire safety at the premises soonest possible. On the other hand, the licensing authority, upon notified by FSD on the discrepancies, will issue a warning letter to the licensee stating that licence enforcement action, including suspension or revocation of the licence, would be taken if the discrepancies were not rectified within the prescribed period. If it is confirmed that the discrepancies have been rectified, FSD will inform the licensing authority, licensee and RFE accordingly and record the result of the inspection. If the licensee fails to comply with the requirements of FHAN and/or to comply with FSD requirements of temporary mitigation measure(s) within the prescribed period, legal action will be instituted against the licensee on the former and separate fire hazard abatement action will be taken for the non-compliance of the latter. At the same time, the licensing authority will be informed to take parallel licence enforcement action such as revocation/suspension of the licence.

3.17 The arrangements to be followed in respect of licensed premises under the various results of random audit inspection are further represented below:

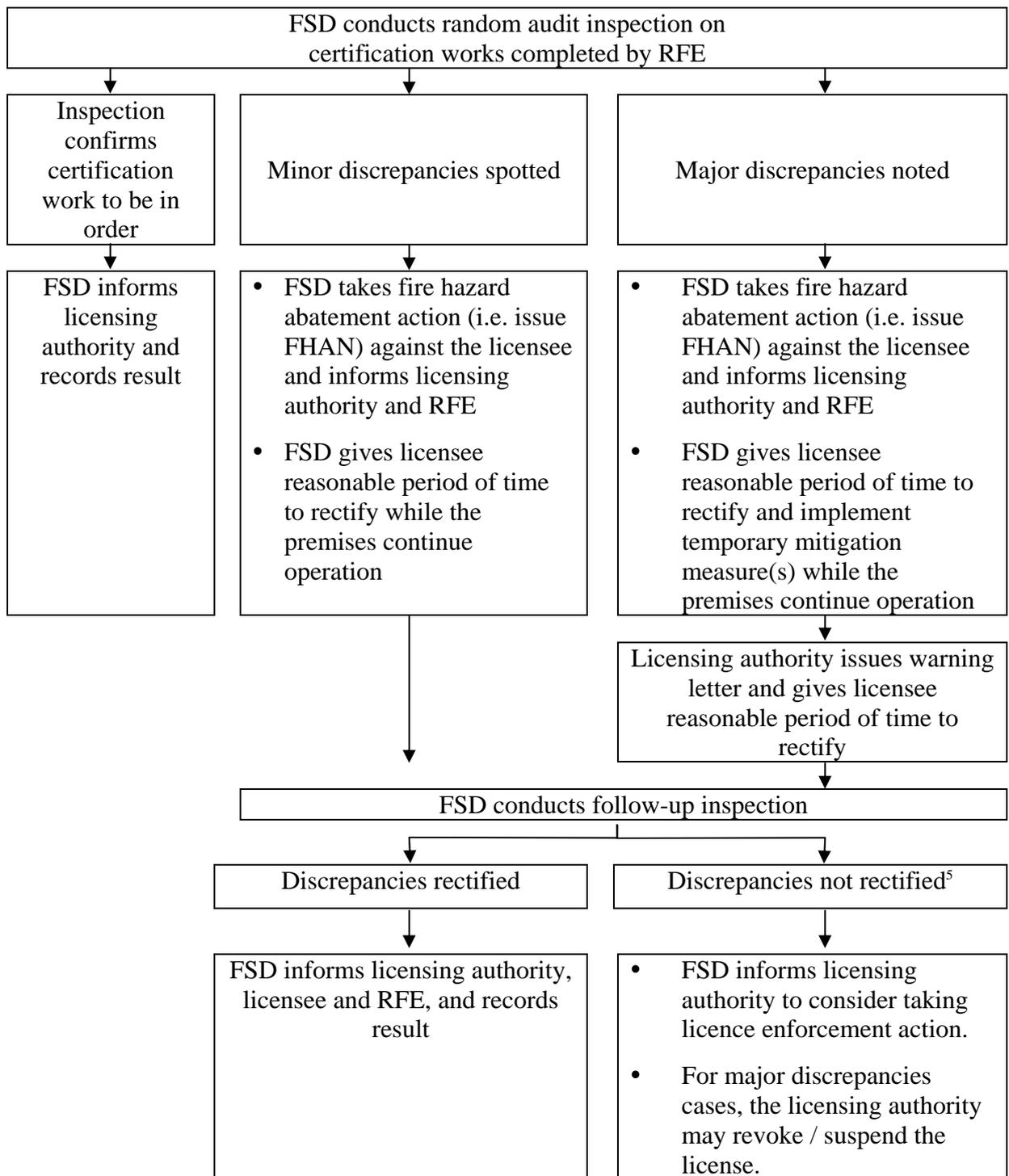


Chart 3-3 Arrangements under various random audit inspection results

3.18 As it is the responsibility of the licensee to comply with fire safety requirements, it should be the liability of the licensee to make good any discrepancies found during audit inspections of FSD. The contract

⁵ FSD will institute legal action for non-compliance of FHAN and take separate fire hazard abatement action for non-provision of temporary mitigation measures against the licensee.

between the licensee and the RFE should cover any financial loss so suffered.

3.19 In the event that discrepancy is noted during the audit inspection, the RFE may be subject to disciplinary action against failing to exercise reasonable care in the discharge of his/her duties, by a proposed RFE Disciplinary Panel (DP) (as referred to in paragraph 3.25 below). If FSD's audit inspection reveals any intentional making of false or misleading entry in the Fire Safety Certificate, such as major FSI that should have been installed are not provided, the case may also be reported to the Police for investigation and the RFE concerned may be liable to prosecution for the criminal offence of false representation and/or conspiracy to defraud.

3.20 After implementation of the proposed scheme for a period of twenty four months, FSD will conduct a review to assess the effectiveness of the scheme and to consider if modifications should be made for improvement purposes.

Question 4

(a) Do you agree to the revised workflow for certifying the compliance of fire safety requirements for licensed premises as depicted at Chart 3-2?

(b) Do you agree to the arrangements to be followed in respect of licensed premises under various audit inspection results on certification work of RFE as depicted at Chart 3-3?

CONTROL MECHANISM

3.21 Registration Committee(s) (RC), as appropriate, will be established under FSD to assess the suitability and competency of candidates for registration as RFE.

3.22 RC(s) will be chaired by a FSD representative with a total of not more than nine members depending on the degree of complexity and spectrum associated with the respective scope of works. Membership of RC(s) will comprise members from ERB, as well as

professionals/academics as considered appropriate by FSD. Members should preferably possess academic qualification/ professional experience in risk assessment, design, consulting, contracting, operation and maintenance of FSI and fire safety features of VentS. In determining the terms of office for members of the RC(s), reference will be made to the general government practice.

3.23 A registry of RFE will be established and maintained. The names of RFE in the RFE Registers will be published in the gazette annually and promulgated on FSD's website. All RFEs are required to renew their registration at a 5-year interval but will not be required to be re-assessed upon re-registration after making reference to registering mechanisms for similar professionals like Authorized Person (AP), Registered Structural Engineer (RSE) and Registered Geotechnical Engineer (RGE). The fees for registration and renewal will be published in a schedule to the relevant legislation with reference to the rates for registering similar professionals.

Question 5

(a) Do you agree to the proposed membership for the RC(s)?

(b) Do you agree to the proposed 5-year re-registration period?

3.24 FSD will implement measures such as issuing practice notes, codes of practice and standard requirements for reference of RFE, and holding regular meetings with RFE to ensure their conduct and standard of certification works.

3.25 A Disciplinary Panel (DP) will be formed for inquiring into and dealing with cases of failing to exercise reasonable care in the discharge of his/her duties, alleged misconduct and substandard performance of the RFE. The DP will be chaired by a FSD representative with a total membership of not more than five. Membership will comprise representatives nominated from relevant trade federations and professionals/academics appointed by the Director of Fire Services as appropriate. In addition, an independent counsel will be engaged to offer legal advice to the DP. An appeal mechanism will be established to handle appeals from any RFE who being the subject of inquiry by the Panel feels aggrieved by the decision of the DP.

3.26 In addition, to prevent malpractices and conflict of interest, FSD has sought the expert advice from Independent Commission Against Corruption for suitable control measures. Measures to be implemented will include prohibition of an RFE from certifying works carried out by a FSIC / VC if the RFE is the proprietor or an employee of that FSIC / VC, or has vested interest in the FSIC / VC as a shareholder, director or partner; and positive declaration of no conflict of interest on each occasion of certifying FSI or ventilation works. FSD will issue internal instructions prohibiting FSD staff to practise as RFE in their private capacity.

Question 6

(a) Do you agree to the proposed formation and membership of the DP?

(b) Do you agree to the proposed measures for prevention of malpractice and conflict of interest?

COMMUNICATION CHANNEL BETWEEN FSD & RFE

3.27 To ensure the consistent interpretation of codes and to align standards, FSD intends to establish a formal communication channel between FSD and RFE in the form of regular liaison meeting with RFE in similar format as FSIC / ventilation installations liaison group meetings.

PHASED IMPLEMENTATION AND MODE OF OPERATION

3.28 FSD's proposed gradual implementation starting with third party fire safety certification of licensed premises is agreeable to the majority of respondents in the first round of trade consultation. After a period of twenty four months of implementation of the proposed scheme, FSD would conduct a review to assess the effectiveness of the scheme and to consider if modifications to the scheme are needed and if the scheme should be expanded to cover :

- (a) certification of building FSI alteration and addition works;
- (b) new building FSI compliance check; and
- (c) certification of fire safety upgrading works.

CHAPTER 4

WAY FORWARD

4.1 Upon the implementation of third party fire safety certification in Hong Kong, licence applicants will be given greater flexibility to either follow the existing process of using FSD's services or hire RFE at an early stage for risk assessment and formulation of fire safety requirements and/or at a later stage for compliance certification. By hiring RFE(s) to handle the fire safety related duties, the licence applicants should be able to enjoy a more efficient service.

4.2 When a third party fire safety certification mechanism has been built up in Hong Kong, FSD would explore the feasibility to further expand the scope of the third party certification.

VIEWS SOUGHT

4.3 Please provide your comments and views on the proposals set out in this paper and your response to the questions before 16 January 2012 through the following means:

By mail: Assistant Director of Fire Services (Fire Safety)
(Attention : Divisional Officer (Support))
Fire Safety Command Headquarters
7/F, North Wing
Fire Services Headquarters Building
No. 1 Hong Chong Road
Tsim Sha Tsui East, Kowloon

By fax: 2312 0376

By email: fschq@hkfsd.gov.hk

Based on our proposals and the views received, FSD will formulate our policy on the registration of fire engineers and the implementation of a Third Party Fire Safety Certification Scheme.

4.4 It is voluntary for members of the public to supply his/her personal data upon providing views on the consultation document. Any personal data provided in a submission will only be used for the purpose of this consultation exercise.

4.5 The names and views of individuals and organizations which put forth submissions in response to this round of consultation (“senders”) may be published for public viewing after conclusion of the consultation. FSD may, either in discussion with others or in any subsequent report, whether privately or publicly, attribute comments submitted in response to the consultation. We will respect the wish of senders to remain anonymous and/or keep the views in relation to all or part of a submission confidential. However, if no such wish is indicated, it will be assumed that the sender can be named.

4.6 Any sender providing personal data in the submission will have rights of access and correction with respect to such personal data. Any requests for data access and correction of personal data should be made in writing to:

Access to Information Officer
Management Group,
9/F, Fire Services Headquarters Building
1 Hong Chong Road
Tsim Sha Tsui East
Kowloon

Email Address: aio_fsd@hkfsd.gov.hk

- END -