

Consultation Paper

Proposed Amendments to the Fire Services Ordinance (Cap. 95) and its related Subsidiary Legislation

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Security Bureau



Fire Services Department

Content

CHAPTER 1: Background	3
CHAPTER 2: Pillar 1 of the Proposed Amendments – Strengthening the Regulatory Regime for FSIs	5
CHAPTER 3: Pillar 2 of the Proposed Amendments – Introducing the FSI Responsible Persons Regime	8
CHAPTER 4: Pillar 3 of the Proposed Amendments – Reforming the RFSIC Registration and Disciplinary Regime	11
CHAPTER 5: Pillar 4 of the Proposed Amendments – Enhancing Penalties and Criminal Accountability	18
CHAPTER 6: Pillar 5 of the Proposed Amendments – Introducing a Fixed Penalty Regime and Streamlined Abatement of Fire Hazards Workflow	22
CHAPTER 7: Pillar 6 of the Proposed Amendments – Expanding the FSD’s Enforcement Powers and Combating Illicit Fuelling	24
CHAPTER 8: Way Forward	30
CHAPTER 9: Offer Your Views.....	31

CHAPTER 1: Background

The Government is formulating legislative proposals encompassing six pillars in relation to the proposed amendments to the Fire Services Ordinance (“FSO”) (Cap. 95) and its related subsidiary legislation. The public is invited to offer views on the legislative proposals.

2. The Government attaches great importance to fire safety standards and the lives and property of the public. In the wake of the No. 5 alarm fire at Wang Fuk Court in Tai Po, the Government established the Task Force on Strengthening Fire Safety Governance chaired by the Secretary for Security, and immediately launched targeted measures and put in place medium-to-long-term initiatives to comprehensively enhance the fire safety governance efficacy. One of the important measures is to conduct a comprehensive review of the FSO and its subsidiary legislation, including reviewing the fire safety-related statutory regulatory regimes and the responsibilities of various stakeholders, and to propose amendments.

3. The FSO provides primarily the legal foundation for the Fire Services Department (“FSD”) to carry out fire prevention, firefighting, rescue operations and the related regulatory work. Three pieces of subsidiary legislation under the FSO are relevant to the current legislative amendment, namely the Fire Service (Installation Contractors) Regulations (Cap. 95A), the Fire Service (Installations and Equipment) Regulations (Cap. 95B), and the Fire Services (Fire Hazard Abatement) Regulation (Cap. 95F), which respectively govern the registration regime of Registered Fire Service Installation Contractors (“RFSICs”); the maintenance and inspection of fire service installations and equipment (“FSIs”)¹ in buildings; and matters related to the abatement of fire hazards.

4. With rapid social development, the existing legal framework must keep pace with the times to meet public expectations for enhanced fire safety. In fact, in the aftermath of the Wang Fuk Court fire, there is wide

¹ In this paper, “fire service installations and equipment” are collectively referred to as “FSIs”.

community support for further strengthening of Hong Kong's fire safety governance. In drawing up the proposed amendments, the Security Bureau ("SB") and the FSD actively communicated with various stakeholders. Two briefings were held on 10 and 13 April 2026 for stakeholders, including the Property Management Sector, RFSICs, the hotel sector and the District Fire Safety Committees to outline the main direction of the proposed amendments. The response was generally positive and the industry has put forward constructive feedback on individual areas.

5. Our legislative proposals encompass six pillars and seek to achieve enhanced public safety, regulatory coherence, enforcement effectiveness and accountability. The major proposed amendments, with stakeholders' views duly taken on board, are outlined in the ensuing paragraphs.

CHAPTER 2: Pillar 1 of the Proposed Amendments – Strengthening the Regulatory Regime for FSIs

Pre-approval Mechanism for Major FSI Shutdowns

6. The existing legislation does not require RFSICs to notify the FSD before shutting down FSIs. According to the administrative circular letter² issued by the FSD to RFSICs, if RFSICs have to shut down nine types of major FSIs³ for 24 hours continuously or overnight for reasons such as repair, they must notify the FSD within 24 hours after the shutdown and take additional fire safety measures within a specified timeframe. This arrangement is not satisfactory. To enhance overall fire safety protection and avoid “protective gaps”, we believe it is necessary to amend the legislation to **upgrade the regulatory regime of major FSI shutdowns, bringing it up from administrative “post-event notification” to statutory “pre-approval” checks.**

7. Specifically, if RFSICs need to shut down any major FSIs at night which results in the installations **being out of operation for a continuous period of over four hours between 11 pm and 7 am**, they must apply for prior approval from the FSD after obtaining authorisation from the Responsible Person (as defined in paragraph 13 below). In other words, even if the shutdown begins during the daytime, as long as it continues into late-night meeting the above threshold, the RFSICs must still apply for prior approval. Applications must specify the reasons, expected duration, major FSIs affected, and additional fire safety measures already put in place during the shutdown, and **must be submitted at least three working days in advance.** Upon receiving the application, the FSD will conduct an on-site inspection to determine whether the application should be approved.

² FSD Circular Letter No. 1/2021 – Shutdown of Fire Service Installations for Maintenance, Inspection, Modification or Repair.

³ The nine types of major FSIs are: (1) Fire Hydrant/ Hose Reel System; (2) Sprinkler System; (3) Fire Alarm System; (4) Street Fire Hydrant System; (5) Water Spray System; (6) Smoke Extraction System; (7) Staircase Pressurization System; (8) Dry Riser System; and (9) Fire Detection Systems of premises with sleeping risk.

8. **Emergency shutdowns of any major FSIs due to imminent danger or urgent circumstances will be exempted from the requirement of obtaining the FSD’s prior approval even if they reach the late-night threshold above.** Nevertheless, RFSICs or FSI Responsible Persons (as defined in paragraph 13 below) must notify the FSD of such shutdowns as soon as practicable. Failure to obtain prior approval for a major FSI shutdown over a sustained period at late night, or to report an emergency shutdown in a timely manner, will constitute an offence.

Prohibiting Interference with FSIs

9. The existing legislation provides that only RFSICs may install, maintain, inspect, or repair FSIs, but falls short of prohibiting non-RFSICs from interfering with FSIs. In fact, acts such as improperly disabling the electricity supply to fire alarm systems or shutting down sprinkler systems may paralyse a building’s fire protection, the consequences of which may be very serious. Therefore, we propose a **new offence on any person who wilfully or recklessly misuses or interferes with an FSI.**

Introducing Immediate Notification Mechanism for Major FSIs Defects

10. Under section 9(1) of the existing Fire Service (Installations and Equipment) Regulations, an RFSIC who has completed installation, maintenance, repair or inspection of an FSI in any premises shall forward a copy of the Certificate of Fire Service Installations and Equipment (i.e. FS251 certificate) to the FSD within 14 days. This uniform reporting timeline applies regardless of whether the FSI is still in efficient working order.

11. To ensure that defects of major FSIs can be promptly addressed and to avoid “protection gap” at critical moments which may arise due to delays in reporting, we propose introducing a new statutory duty requiring **RFSICs to notify the FSD promptly, i.e. in no more than 24 hours, upon discovering that a major FSI is defective and no longer in efficient**

working order. The FSD will deploy its staff to conduct on-site inspections of the major defects within 24 hours and request, as appropriate, additional fire safety measures be taken by the Responsible Person (as defined in paragraph 13 below) as soon as possible. This accelerated notification obligation would be an additional requirement on top of the existing FS251 certification requirement, with a view to reducing all aspects of risks through timely reporting.

Empowering the FSD to Order Re-inspections of FSI

12. The FSD currently has no statutory power to compel a re-inspection even if there are doubts about the contents of an FS251 certificate or the working condition of the FSI after receiving such a certificate. To safeguard public safety, we propose that the FSD be granted statutory powers such that, where there are reasonable grounds to believe that a re-inspection is warranted for safety reasons and is in the public interest, it **may require the Responsible Person (as defined in paragraph 13 below) to appoint another RFSIC to conduct a re-inspection on the FSI** so as to verify whether it is in efficient working order. Failure to comply with the requirement will constitute an offence.

CHAPTER 3: Pillar 2 of the Proposed Amendments – Introducing the FSI Responsible Persons Regime

Introducing the Concept of “Responsible Persons”

13. At present, fire safety-related legislation applies primarily to the occupiers or owners of premises and RFSICs, without imposing any statutory duties on property management companies (“PMCs”). However, as daily building management involves numerous matters, many buildings engage PMCs to take charge of the daily management, most of which involve the management of FSIs in the common areas of the properties. In this connection, the Property Management Services Authority (“PMSA”) has formulated the “Code of Conduct for Handling Fire Safety Work” (“the Code”), providing a practical guide for PMCs and licensed property management practitioners. To rationalise the key responsibility chain and institutionalise the role of PMCs as a statutory fire safety controller to share joint responsibilities with the owners, we propose introducing the regime of FSI “Responsible Persons”, specifically including two categories: **first, the owner or occupier of the premises; second, any person who has management or control of the FSI (i.e. including PMCs engaged to manage FSIs).**

14. In addition, the Fire Services (Fire Hazard Abatement) Regulation currently stipulates that the owner, tenant, occupier or person in charge of the premises may be served with a fire hazard abatement notice (“FHAN”) under specified circumstances, and may be prosecuted for permitting or suffering an obstruction or locking of a means of escape. We propose amending the relevant provisions to include PMCs in the list of parties that may be served with a FHAN, and prosecuted for permitting or suffering an obstruction or locking of a means of escape. In addition, we propose expanding the modes of serving FHANs, including posting notices in prominent locations of the relevant premises and serving them by email, so as to expedite the handling of fire hazards.

New Statutory Duties of FSI Responsible Persons

15. The existing legislation requires the occupier or owner of premises to keep FSIs in efficient working order at all times, and to have such FSIs inspected by an RFSIC at least once in every 12 months. In addition to re-assigning the abovementioned statutory duties to “Responsible Persons”, we also propose imposing new statutory duties on “Responsible Persons”. These include: **(a) arranging inspection of the fire alarm system by an RFSIC at least once every six months; (b) providing additional fire safety measures (additional firefighting equipment, stepped-up patrols, posting of notices, etc.) in accordance with FSD guidelines during any sustained period when major FSIs are shut down or defective during late-night hours; and (c) displaying valid Annual Inspection Certificates in a prominent location within the building at all times.** To dovetail with the digitalisation of FS251 certificates, the FSD will introduce QR codes. Responsible Persons will only be required to display an Annual Inspection Certificate bearing a QR code in a prominent location, enabling both residents and FSD personnel to verify compliance readily. Failure to comply with the above statutory duties will constitute an offence. Any person who, without reasonable excuse, defaces, interferes with or removes a displayed Annual Inspection Certificates also commits an offence.

Additional Statutory Duties of PMCs

16. According to the “Best Practice Guide for Handling Fire Safety Work” (“the Guide”) of the PMSA, PMCs should conduct regular fire drills and, during regular patrols, pay particular attention to whether means of escape are kept clear and unobstructed.

17. We propose, through legislative amendments, to elevate the above two measures into statutory requirements by **mandating PMCs engaged to handle the daily management of buildings to conduct annual fire drills, and to carry out regular patrol of means of escape and inspection of**

other fire hazards and maintain records thereof⁴. Failure to perform these two duties will not immediately constitute a criminal offence, but will be regarded as a “fire hazard”. The FSD may first issue a FHAN requiring rectification, and failure to comply with the FHAN will constitute an offence.

18. It should be emphasised that the statutory duties of PMCs as “Responsible Persons”, together with the additional statutory duties of PMCs stated in paragraphs 16 to 17 above, essentially serve to elevate the fire safety duties already required of PMCs under the PMSA’s existing “Code” and “Guide”, as well as the scopes of services normally covered in property management contracts to the level of statutory requirements, rather than imposing brand new and additional obligations. Accordingly, the proposal is not expected to impose significant additional cost on PMCs or pressure on management fee levels, and any penalties incurred by PMCs for breaches of their statutory duties should not be passed on to property owners.

⁴ The FSD will collaborate with the PMSA to revise the “Guide”, to provide good practice recommendations on how to specifically discharge these two duties.

CHAPTER 4: Pillar 3 of the Proposed Amendments – Reforming the RFSIC Registration and Disciplinary Regime

Introducing a Registration Renewal Regime for RFSICs

19. As the only persons authorised to install, maintain, repair and inspect FSIs, RFSICs hold significant public trust. Currently, RFSIC registration is permanent and not subject to any “fit and proper” assessment. We propose **replacing permanent registration with mandatory renewal every five years**, modelling on the approach adopted under the contractor registration system in the Lifts and Escalators Ordinance (Cap. 618). Initial registration and renewal would be subject to a “fit and proper” assessment, covering records of criminal convictions, imprisonment, and professional misconduct of the contractor entity as well as its directors, partners, qualified persons (“QPs”)⁵ and authorised signatories (“AS”)⁶.

Strengthening the Qualification Requirements for QPs

20. We propose strengthening and broadening the qualification requirements for QPs. For QPs for Class 2 RFSICs⁷, we propose **upgrading** the academic qualification requirement from the current diploma or higher certificate level **to bachelor’s degree level**, aligning it with that for Class 1 RFSICs. We will also expand the list of acceptable disciplines for the academic qualification requirements of QPs for Class 1

⁵ The Fire Service (Installation Contractors) Regulations stipulates that, to become an RFSIC, at least one of its directors, employees or partners must hold the qualifications specified in the legislation. A QP refers to a director, employee or partner of an RFSIC who possesses the qualifications required by statute.

⁶ An AS refers to a designated person under an RFSIC who is authorised to sign FS251 certificates.

⁷ RFSICs are classified into three classes to undertake the installation, maintenance, repair, and inspection of different classes of FSIs, details are as follows:

Class 1	Any FSI (other than portable equipment) which contains an electrical circuit or other apparatus for the detection and warning, by alarm or otherwise, of smoke or fire.
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; or - any type of electrical apparatus other than those specified in Class 1.
Class 3	Portable equipment.

and Class 2 RFSICS to **include fire engineering, building services engineering and mechanical engineering**, thereby enabling more QPs to become RFSICS. A requirement of five years of working experience, together with written assessment and an interview will also be introduced. Furthermore, we propose that a person registered as a Registered Fire Engineer (Risk Assessment) or a Registered Fire Engineer (Fire Service Installation) under the Fire Services (Registered Fire Engineers) Regulation (Cap. 95H) be deemed to have satisfied the academic qualification requirements for QPs. Nevertheless, such person will still be required to meet the requirements relating to relevant working experience, written assessment and interview in order to complete the registration procedures. We also propose that all QPs currently practising under RFSICS be required to complete 30 hours of continuing professional development every five years to ensure that their professional competence remains up to date. In addition, since we propose extending the disciplinary regime to directly cover individual QPs (see paragraphs 28 to 29 below for details), to align with this change, we also propose the establishment of a separate register for QPs. This would replace the current practice of merely listing QPs under the registers of their RFSICS. By making the registration status of QPs independent from that of RFSICS, the public will be able to access the information more easily, thereby enhancing regulatory transparency.

Introducing a Registration Regime for Fire Service Installation Technicians (“FSITs”)

21. The existing legislation only regulates RFSICS and QPs, but does not impose any statutory qualification requirements on technicians who actually carry out the work⁸. In fact, during consultations on the proposed amendments, the industry expressed the expectation of establishing a

⁸ The FSD implemented the Voluntary Recognition Scheme (“VRS”) for FSITs in August 2021. The VRS adopts a modular-based training programme, covering fundamental technical knowledge of FSIs, values and integrity, relevant laws and guidelines, an introduction to common FSIs, as well as enhancement training courses tailored to different types of FSIs. At present, registered skilled workers under the trade of Fire Service Mechanic in the Construction Workers Registration Ordinance, or practitioners with at least five years of experience in the repair and maintenance of FSIs who are deemed eligible with written employer recommendation, may, upon completion of the FSD’s VRS, become an FSD recognised FSIT.

statutory professional recognition regime for FSITs to further enhance their professional status. In response to the industry's request, and at the same time to raise the professional standards of technicians engaged in works related to FSIs, we propose introducing a statutory registration regime for FSITs. Under this regime, **individuals with five years of relevant experience who have passed the “fit and proper” assessment and also completed a certification course organised by the FSD or a recognised training institution may apply to become Registered FSITs (“RFSITs”)**. We also propose that RFSITs be required to complete 30 hours of relevant continuing professional development every five years in order to renew their registration. The new regime is intended to ensure that each specified FSI procedure must be carried out under the supervision of either a QP or an RFSIT (see paragraph 25 below for details), rather than requiring all FSI practitioners to be registered. Unregistered FSI workers may still perform specified procedures under the supervision of a QP or a RFSIT, meaning the new regime will not result in existing workers losing their jobs simply because they do not meet the registration requirements.

Transitional Arrangements

22. To facilitate a smooth transition to the new regime by the industry, it is preliminarily proposed that, upon commencement of the new legislation, the approximately 1 000 existing RFSICs and all registered QPs, upon confirmation of their intention, will automatically be deemed to have been registered under the new regime (valid for a period of five years). As for technicians, those FSITs who have been recognised under the FSD's VRS, as well as FSITs confirmed by an RFSIC to have three years' relevant experience, will be deemed provisional RFSITs (valid for a period of three years) upon confirmation of their intention. All of the above persons will be required to submit a renewal application in accordance with the requirements of the new legislation within a specified period before the expiry of their automatic or provisional registration.

23. Regarding the proposal to upgrade the academic qualification requirements for QPs for Class 2 RFSICs to the level of bachelor's degree, we fully understand that the industry may be concerned about the potential impact on currently practising QPs. We therefore propose adopting grandfathering provisions, i.e. incumbent QPs for Class 2 RFSICs who are still practising at the time the new legislation comes into effect but do not hold a bachelor's degree may be exempted from the upgraded academic qualification requirement, and can continue to register and apply for renewal under the new regime provided that they meet the following conditions: **(a) they possess not less than two years of relevant working experience over the past five years; and (b) upon their first renewal, they successfully pass an interview conducted by the FSD Interview Board, which will confirm that their competency level is not below the standards under the new regime.** This grandfathering arrangement ensures that the practising qualifications of incumbent QPs will not be retroactively affected, while at the same time safeguarding professional standards.

Appeal Mechanism for the Registration Regime

24. To further enhance the registration regime and safeguard the rights and interests of prospective registrants, we propose the establishment of an appeal mechanism. Any person who is aggrieved by the FSD's decision to refuse their application for registration or renewal, or the decision to impose or amend registration conditions, may lodge an appeal to the Appeal Board. Members of the Appeal Board will comprise FSD personnel and non-public officers nominated by the Secretary for Security from relevant professional or academic bodies within the industry, thereby ensuring the independence and professionalism of the Committee.

Codified Statutory Duties for QPs and RFSITs

25. We propose imposing clear codified statutory duties on QPs and RFSITs to ensure that FSI works are completed in accordance with

professional standards. Specifically, **each specified FSI procedure must be carried out under the supervision of a QP or an RFSIT**, and the supervising personnel must ensure that each procedure is performed properly and safely. Moreover, RFSITs are specifically required to: (a) report to the QPs in charge of the works upon completion; (b) carry, at all times, the registration card issued by the Director of Fire Services and produce it to authorised officers upon request; (c) comply with the Code of Conduct formulated by the FSD; and (d) immediately notify the QPs in charge of the works if any damage to or emergency involving FSI is discovered during the course of the works.

26. Upon completion of the entire works project, a QP must certify that the condition of the FSI complies with the FSD requirements. Thereafter, an AS will issue the FS251 certificate.

New Offence: Holding Oneself Out as an RFSIC

27. We propose introducing a new offence, stipulating that: (a) an unregistered person shall not wilfully or falsely hold out as an RFSIC; and (b) an RFSIC of one class shall not wilfully or falsely hold out as being registered for another class.

Expanding Powers of the Disciplinary Board

28. With regard to the disciplinary regime, the powers of the Disciplinary Board established under the current Fire Service (Installation Contractors) Regulations are relatively limited compared to those of other professional disciplinary regimes, as the Disciplinary Board can only reprimand RFSICs or remove their names from the register. In addition, the existing disciplinary regime applies only to RFSICs but not individual QPs or RFSITs; thus, they are not subject to disciplinary punishment personally even if they have committed any professional misconduct.

29. In this connection, we propose:

- (a) **extending** the disciplinary regime **to cover individual QPs and RFSITs of RFSICs**;
- (b) empowering the Disciplinary Board to (i) impose **a fine of up to \$250,000** on Class 1 and Class 2 RFSICs, and (ii) **a fine of up to \$10,000** for individual QPs, RFSITs and Class 3 RFSICs⁹;
- (c) enhancing the existing administrative demerit point system¹⁰ managed by the FSD and empowering the Disciplinary Board to **temporarily suspend or cancel the registration of RFSICs** on the basis of their accumulated demerit point records under the system; and
- (d) empowering the Disciplinary Board, where there are reasonable grounds, to **conduct proceedings in the respondent's absence; require the respondent to produce documents, and dispose straightforward cases on paper.**

The above initiatives will not only enhance the personal accountability of QPs and RFSITs, but also enable the Disciplinary Board to impose tiered punishment which commensurate more with the severity of breaches committed by RFSICs, QPs and RFSITs, thereby avoiding removal of names of RFSICs from the register so readily. This will facilitate the industry's ongoing operation and improvement. Moreover, the proposal to enhance disciplinary procedures can reduce the possibility of cases being delayed, enabling the Disciplinary Board to complete investigations and reach decisions as early as possible.

30. To facilitate disciplinary investigations, we propose empowering investigators to require, by written notice, any person to provide information and documents, as well as to answer questions. Failure to

⁹ Class 3 RFSICs are registered in the capacity of individuals.

¹⁰ Currently, the FSD uses a demerit point system to determine the frequency for conducting field checks on the works of an FSI contractor. The FSD conducts more field checks on FSI contractors with more demerit points accumulated due to poor performance. In future, apart from maintaining the existing demerit point system, the FSD will also introduce a disciplinary demerit point system specifically targeting minor breaches. Once a certain number of demerit points have accumulated, the case will be referred to the Disciplinary Board for follow-up.

comply with such requirements, or the provision of false or misleading information, will constitute an offence. In addition, the Disciplinary Board will be empowered to publish its disciplinary decisions in the Gazette or in any other publication it considers appropriate.

Electronic Submission of FS251 Certificates and Record Keeping

31. The existing legislation requires RFSICs to forward a copy of FS251 certificates to the FSD within 14 days after the completion of FSI work, without specifying the means of submission, leading to occasional disputes over loss of mail. The FSD is also unable to remain informed of the conditions of FSIs in the buildings in a timely manner. To ensure timely recordkeeping and to improve the processing efficiency, we propose **requiring all FS251 certificates to be submitted via an electronic system designated by the FSD.** We will also **explore the possibility of proportionately shortening the submission timeframe.** In fact, the FSD has in recent years launched an online submission system for FS251 certificates, allowing RFSICs to submit FS251 certificates by electronic means. We will continue to enhance the interface design and functions of the online submission system, and provide support to the industry to assist their full transition to electronic submission.

32. Furthermore, RFSICs shall maintain records of activities and information relating to FSI work for a period of seven years, and submit such records upon request by the FSD.

CHAPTER 5: Pillar 4 of the Proposed Amendments – Enhancing Penalties and Criminal Accountability

Enhancing Penalties

33. The penalties for offences under the existing FSO and the three pieces of subsidiary legislation mentioned above have not been modified for many years and clearly do not commensurate with the fire safety hazards posed by such offences, and lack adequate deterrent effect. For example, section 9(3)(b) of the Fire Service (Installations and Equipment) Regulations stipulates that it is an offence for an RFSIC to issue an FS251 certificate which is false or misleading. However, the maximum penalty is merely a fine of \$50,000 (a Level 5 fine), which obviously does not reflect the severity of the offence. It is therefore recommended that **a comprehensive review be conducted on the penalties for offences under the FSO and the three pieces of subsidiary legislation, with penalties differentiated according to the severity of the offence. This includes a suitable increase in the maximum fine, as well as the introduction or extension of the maximum term of imprisonment**, in order to achieve a more effective deterrent effect. The proposed penalties for some of the major offences are tabulated below:

	Offence	Existing maximum penalty	Proposed maximum penalty
1	Failure of a Responsible Person to keep an FSI in efficient working order at all times	A fine at Level 5 (i.e. \$50,000)	A fine of \$500,000

	Offence	Existing maximum penalty	Proposed maximum penalty
2	Failure of a Responsible Person to arrange an inspection by an RFSIC every six months (for fire alarm system) or every 12 months (for other FSIs)	A fine at Level 5 (i.e. \$50,000)	A fine of \$500,000, (\$20,000 for each day when offence continues)
3	Failure of a Responsible Person to display an FS251 Annual Inspection Certificate	Offences 3 to 7 are newly proposed offences	First conviction: A fine of \$200,000, (\$20,000 for each day when offence continues) On each subsequent conviction: A fine of \$400,000 and imprisonment for one year (\$40,000 for each day when offence continues)
4	Failure of a Responsible Person to implement temporary fire safety measures in accordance with the statutory requirements		
5	Shutdown of an FSI by an RFSIC without prior approval		
6	Failure of an RFSIC/ Responsible Person to report an emergency FSI shutdown to the FSD in a timely manner		
7	Failure of an RFSIC to report defects of an FSI to the FSD within 24 hours		

	Offence	Existing maximum penalty	Proposed maximum penalty
8	A non-RFSIC installs, maintains, inspects or repairs an FSI	A fine at Level 5 (i.e. \$50,000)	<u>On Summary Conviction</u> A fine of \$1,000,000 and imprisonment for 1 year
9	A person wilfully or recklessly misuses or interferes with an FSI	Newly proposed offence	
10	An RFSIC issues an FS251 Certificate which is false or misleading	A fine at Level 5 (i.e. \$50,000)	<u>On Conviction on Indictment</u> A fine of \$3,000,000 and imprisonment for 3 years
11	An unregistered person wilfully or falsely holds out as an RFSIC / QP / RFSIT	Newly proposed offence	<u>RFSIC</u> A fine at Level 6 (i.e. \$100,000) and imprisonment for 1 year <u>QP / RFSIT</u> A fine at Level 5 (i.e. \$50,000) and imprisonment for 6 months
12	An RFSIC of one class wilfully or falsely holds out as being registered for another class	Newly proposed offence	A fine at Level 5 (i.e. \$50,000) and imprisonment for 6 months

Introducing Management Criminal Liability Provisions

34. Section 101E of the Criminal Procedure Ordinance (Cap. 221) provides that if a company commits an offence under any Ordinance,

including those related to fire safety, and it is proved that the offence was committed with the consent or connivance of a director or other officer concerned in the management of the company, the director or other officer shall be guilty of the like offence.

35. On the basis of the Criminal Procedure Ordinance, we propose introducing dedicated provisions on “management criminal liability” into the FSO to provide that “neglect/omission” may constitute a basis for liability, and extend criminal liability to QPs and ASs of RFSICs. In other words, **where a company commits an offence under any fire services-related ordinance and it is proved that the offence is committed with the consent, connivance, neglect or omission of a director or other officer concerned in the management of the company, QPs or ASs, that person shall be guilty of the like offence.** This ensures that those who hold genuine decision-making or supervisory authority bear their deserved criminal liability for their acts or negligence. In fact, similar provisions already exist in section 22A of the Fire Safety (Buildings) Ordinance (Cap. 572), which provides that if an offence under the Ordinance was committed by a body corporate with the consent or connivance of a director or another person concerned in the management of the body corporate, or was attributable to any neglect or omission on the part of the person, the person also commits an offence.

CHAPTER 6: Pillar 5 of the Proposed Amendments – Introducing a Fixed Penalty Regime and Streamlined Abatement of Fire Hazards Workflow

Fixed Penalty Regime

36. At present, all fire safety-related non-compliance cases must be prosecuted through court proceedings. However, this approach does not achieve immediate results. In view of that, we propose introducing a fixed penalty regime under which frontline fire personnel will be empowered to issue fixed penalty notices on the spot for offences that are straightforward to verify and involve clear-cut liability. Such an arrangement would greatly streamline enforcement procedures and provide immediate deterrent effects against non-compliance. With reference to the nature and penalties of other offences punishable by a fixed penalty under prevailing laws, the following fire safety-related offences and corresponding fixed penalties in the proposed fixed penalty regime are tabulated below¹¹:

	Offence proposed for the fixed penalty regime	Proposed fixed penalty
1	Failure of a Responsible Person to arrange an inspection by an RFSIC every six months (for fire alarm system) or every 12 months (for other FSIs)	\$6,000
2	Failure of a Responsible Person to display an FS251 Annual Inspection Certificate	\$6,000
3	Failure of a Responsible Person to implement temporary fire safety measures in accordance with the statutory requirements	\$6,000
4	A person locks the means of escape	\$6,000
5	A person obstructs the means of escape	\$1,500

¹¹ We have considered incorporating certain offences relating to RFSICs into the fixed penalty regime. However, given that such offences often require considerable time for evidence gathering and investigation, and are therefore more appropriately enforced through prosecution proceedings, they have not been included in the fixed penalty regime.

	Offence proposed for the fixed penalty regime	Proposed fixed penalty
6	Failure of any person to comply with a FHAN	\$3,000

The fixed penalty regime will not replace the existing court prosecution regime. For serious or repeated violations, the Government may still resort to the option of pursuing prosecution through court proceedings.

Streamlining the Fire Hazards Abatement Workflow

37. At present, once the FSD initiated prosecutions in respect of fire hazards, it does not have the authority to concurrently arrange for the immediate physical abatement of such fire hazards. This approach is not satisfactory¹². To expedite the process of fire hazard abatement, we propose enhancing the FSD's authority in this respect. Specifically, where the FSD reasonably suspects that a fire hazard-related offence has been committed, **it may arrange for removal of the hazard if it is satisfied that the hazard poses an imminent or significant risk, regardless of whether prosecution has been initiated or a fixed penalty notice has been issued.** The cost of removal may be recovered as a civil debt from the owner or the relevant persons. With reference to the Public Health and Municipal Services Ordinance (Cap. 132), if an article is not claimed within seven days (or 48 hours for perishable item), it may be forfeited and become the property of the Government. Furthermore, the Government shall not be liable for any claim arising from any loss or damage caused by the carrying out of the aforesaid removal actions in good faith.

¹² Currently, the FSD can only abate fire hazards once the prosecution procedures have been completed and a magistrate has issued a removal order. Furthermore, this is only possible if the removal order has not been complied with.

CHAPTER 7: Pillar 6 of the Proposed Amendments – Expanding FSD’s Enforcement Powers and Combating Illicit Fuelling

Enhancing the FSD’s Enforcement Powers

38. Under existing legislation, officers of the FSD may enter non-domestic premises at all reasonable hours, or enter domestic premises upon 24 hours’ written notice, for the purposes of conducting inspections, ascertaining contraventions or fire hazards, obtaining information necessary for firefighting purposes, and exercising the statutory powers or duties of the FSD. However, the law does not confer upon FSD officers the authority to undertake investigative or enforcement actions beyond inspection once they have entered the premises. This creates a significant impediment to the investigation of more complex cases (such as the issuance of false FS251 certificates). The absence of the powers to search and seize evidence often makes it difficult for the FSD to establish prima facie evidence and pursue prosecutions.

39. In view of this, and with reference to provisions in other legislation (such as the Smoking (Public Health) Ordinance (Cap. 371)) concerning enforcement officers’ powers to enter premises, we propose strengthening the FSD’s powers in the following aspects, so as to improve enforcement effectiveness whilst ensuring that such powers are exercised lawfully and proportionately:

- (a) **Enhancing the powers to enter non-domestic premises:** when FSD officers enter non-domestic premises without a magistrate’s warrant, they should, in addition to conducting inspections, be empowered to carry out the following limited enforcement actions: **(i) stop and question persons within the premises; (ii) take photographs and make video recordings; and (iii) require persons within the premises to produce related documents for the purpose of FSO or its subsidiary legislation for examination and copies.** With regard to domestic premises,

the arrangements remain unchanged (namely, as mentioned in paragraph 38 above, entry into domestic premises may be made for specified fire safety purposes upon 24 hours' written notice for the purpose of conducting inspections). Furthermore, for the avoidance of doubt, reference will be made to the Building Management Ordinance (Cap. 344) to clearly define the common parts of domestic premises as non-domestic premises.

- (b) **Strengthening the warrant mechanism for offences punishable by imprisonment to cover search and seizure powers:** where FSD officers have reasonable suspicion that a fire safety offence punishable by imprisonment has been committed, and that relevant evidence is present on the premises, they may apply to a magistrate for a warrant to enter any premises (including domestic premises) and exercise the following powers: **(i) to use reasonable force to break into the premises; (ii) to search the premises; (iii) to stop, question and detain persons within the premises (duration of detention limited to the time reasonably required for the search); (iv) to take photographs and make video recordings; (v) to seize and detain any evidence relating to the offence; and (vi) to require the production of documents.**
- (c) **Exceptional circumstances in which warrants are not required (limited to non-domestic premises and emergency situations):** to address emergency situations in which evidence may be swiftly destroyed or transferred, we propose that FSD officers be permitted, in such exceptional circumstances, to exercise the powers set out in paragraph (b) above without a warrant. This exception applies only to non-domestic premises and must satisfy the following two conditions: **(i) FSD officers have reasonable suspicion that a fire safety offence punishable by imprisonment has been committed, and that relevant evidence is present on the premises; and (ii) it is not reasonably practicable to obtain a warrant in advance.**

Empowering the FSD to Make Arrest

40. In addition to investigation powers, we propose granting authorised FSD officers arrest powers under specified circumstances. Specifically, FSD officers may, without warrant, **arrest any person who, without reasonable excuse, refuses to provide personal particulars when served with a fixed penalty notice; and arrest any person reasonably suspected of committing an offence related to illicit fuelling activities.** Where such persons resist or attempt to evade arrest, FSD officers may use all reasonable and necessary means to effect the arrest; after which, the arrested person must immediately be taken to the nearest police station or placed into the custody of a police officer. This proposal is consistent with the arrest powers conferred on enforcement officers under the Dutiable Commodities Ordinance (Cap. 109) and the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570).

Extending the Time Limit for Prosecution

41. As stipulated under section 26 of the Magistrates Ordinance (Cap. 227), the time limit for prosecuting offences (including fire safety-related offences) is six months from the time of commission, unless otherwise provided by any other enactment or in the case of indictable offences. However, certain offences (such as issuing false or misleading certificates) under the Fire Service (Installations and Equipment) Regulations require the FSD, upon discovery, to conduct a detailed and comprehensive investigation before sufficient evidence can be established for prosecution. As a result, the statutory six-month time limit often expires before proceedings can be initiated, allowing offenders to evade legal sanctions. We therefore propose **extending the prosecution time limit for fire safety-related offences from six months from the time of commission to twelve months from the date on which the offence is discovered by the FSD.** This proposal aligns with current practices under the Fire Safety (Buildings) Ordinance (Cap. 572).

Combating Illicit Fuelling Activities

42. Illicit fuelling activities pose serious threats to public safety. Recently, there are signs that the situation is deteriorating. In the first quarter of 2026, the FSD and the Customs and Excise Department received a total of 656 complaints against illicit fuelling activities, representing a significant increase of 200% compared to the same period in 2025; the number of cases increased from 26 to 96, accounting for a rise of 269%; and the quantity of illicit fuel seized increased by 225% from around 120 000 litres to 390 000 litres.

43. In view of the increasingly serious risks that illicit fuelling activities pose to public safety, we propose amending the relevant fire safety legislation with a view to comprehensively strengthening the regulatory regime. Details are as follows:

(a) **Increasing penalties for offences relating to illicit fuelling activities**

Section 19 of the existing Fire Services (Fire Hazard Abatement) Regulation stipulates that it is an offence for any person to have possession or control of a controlled substance for the purpose of a business of supplying the substance for transferring to the fuel tank of a motor vehicle. The person shall be liable, on the first conviction, to a fine of up to \$100,000 and imprisonment for six months; and on each subsequent conviction, to a fine of up to \$200,000 and imprisonment for one year¹³. Given the severity of illicit fuelling activities, the related fire hazards and the potential serious impacts that might be caused to public safety, and having referred to the penalties for offences relating to illicit motor spirit

¹³ In addition to the Fire Services (Fire Hazard Abatement) Regulation, the Dangerous Goods Ordinance (Cap. 295) also provides that a person who manufactures, stores, conveys or uses any dangerous goods commits an offence unless he/she is licensed or exempted for the purpose. The person shall be liable, on the first conviction, to a maximum fine of \$100,000 and to imprisonment for six months; and on each subsequent conviction, to a maximum fine of \$200,000 and to imprisonment for one year.

under the Dutiable Commodities Ordinance (Cap. 109)¹⁴, we propose **increasing the penalty to a fine of up to \$3,000,000 and imprisonment for up to three years**, aligning it with that for other serious fire safety offences, so as to achieve adequate deterrent effect;

(b) **Increasing the liability of the buyer of illicit fuel**

The abovementioned section 19 of the Fire Services (Fire Hazard Abatement) Regulation currently applies only to the seller, without imposing any sanction on the buyer, leading to a situation that the demand side is not legally bound. We propose **extending the criminal liability to cover the buyer**, making it an offence for any person to purchase or accept a controlled substance who knows or has reasonable grounds to believe that the supply of the substance is in breach of section 19. The preliminary proposed **maximum penalty for the offence is a fine of up to \$1,000,000 and imprisonment for one year**; and

(c) **Increasing the FSD's relevant enforcement powers**

Under the existing legislation, the FSD may stop, board and search any vehicle at the scene for relevant offences involving dangerous goods, but it has no power to seize vehicles. In an effort to more effectively combat illicit fuelling activities, we propose granting a series of specific powers to the FSD, including enabling it to **(i) make arrest if there is a reasonably suspected case of illicit fuelling activities; (ii) stop, board and search any vehicles; and (iii) seize, remove and detain the vehicle, fuel, containers, machinery, utensils and related articles**. The power to detain vehicles would cover both the illicit fuel-selling vehicle and the purchasing vehicle. Upon conviction, the Government may even apply to the magistrate to order the confiscation of the vehicles, fuel, containers, machinery, utensils and related articles to the

¹⁴ Under the Dutiable Commodities Ordinance, any person who imports, deals with, has possession of, sells or buys illicit motor spirit commits an offence. The maximum penalty upon conviction is a fine of \$1,000,000 and imprisonment for two years.

Government.

CHAPTER 8: Way Forward

44. The Government understands the public's pressing aspiration for enhancement of fire safety. The SB and the FSD organised two briefings on 10 and 13 April 2026 for stakeholders, including the Property Management Sector, RFSICs, the hotel sector and the District Fire Safety Committees to outline the above proposed amendments. On 5 May 2026, the SB and the FSD also sought the Panel on Security's views on the proposed amendments. The stakeholders and panel members responded positively. The public is now invited to offer views on the proposal, so as to assist the Government in fine-tuning the proposals as appropriate during the drafting of the Bill.

45. We will finalise the legislative proposal upon completion of the public consultation and strive to introduce the Bill for the Legislative Council's consideration within 2026. The Bill, if passed, may specify that different provisions shall commence on different dates to ensure the orderly implementation of the new regime.

CHAPTER 9: Offer Your Views

46. Members of the public are invited to offer their views on the proposals as set out in this document. Please submit your views in writing by email or by post on or before 25 June 2026. The email and postal addresses are as follows:

Email: fsab_consultation@hkfsd.gov.hk

Postal address: Legislation Amendment Working Group
5/F, South Wing
Fire Services Headquarters Building
1 Hong Chong Road
Tsim Sha Tsui East, Kowloon

47. It is optional for members of the public to supply their personal data when providing views on this consultation paper. The submissions and personal data collected may be transferred to the relevant Government bureaux and departments for purposes directly related to this consultation exercise. The Government bureaux and departments receiving the data may only use the data for such purposes.

48. The names and views of individuals and organisations who/which put forth submissions in response to this consultation paper (“senders”) may be published for public viewing. We may, either in public or private discussions, or in any subsequent report, cite comments submitted in response to this consultation paper.

49. To safeguard senders’ personal data privacy, we will remove senders’ relevant data, such as contact details, identification numbers, and signatures when publishing their submissions.

50. We will respect the wish of senders to remain anonymous and/or keep the views confidential in part or in whole. For senders who request anonymity in the submissions, their names will be removed when

publishing their views. For senders who request confidentiality, their submissions will not be published.

51. For senders who do not request anonymity or confidentiality in the submissions, it will be assumed that they can be named and the views can be published in their entirety.

52. Any sender providing personal data to the Government in the submission will have rights of access and correction with respect to such personal data. Requests for data access and correction of personal data should be made in writing to the same correspondence address as set out in paragraph 46 above.