

Appendix V

FIRE SERVICE (INSTALLATIONS AND EQUIPMENT) REGULATIONS

消防 (裝置及設備) 規例

CHAPTER 95 SUBSIDIARY LEGISLATION

第 95 章 附屬法例

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(這單行本根據《1990 年法例 (活頁版) 條例》第 2(3) 條印行，並切合 1997 年 7 月 10 日的法律情況。)

消防(裝置及設備)規例

(第 95 章, 附屬法例 B)

FIRE SERVICE (INSTALLATIONS AND EQUIPMENT) REGULATIONS (CAP. 95 sub. leg. B)

制定史

本為 1971 年第 120 號法律公告 1978 年第 269 號法律公告, 1978 年編正版, 1981 年第 191 號法律公告, 1997 年第(C)16 號法律公告(中文真確本)

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FIRE SERVICE (INSTALLATIONS AND EQUIPMENT) REGULATIONS

[Subsidiary]

(Cap. 95, section 25)

[1 June 1972] L.N. 56 of 1972

1. Citation

These regulations may be cited as the Fire Service (Installations and Equipment) Regulations.

2. Interpretation

In these regulations, unless the context otherwise requires—

“equipment list” (設備清單) means the list kept under regulation 4;
 “portable equipment” (手提設備) means any fire service equipment which is manufactured, used or designed to be used as an independent unit for the purpose of extinguishing, attacking, preventing or limiting a fire;
 “registered contractor” (註冊承辦商) means a fire service installation contractor registered under the Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg.). (L.N. 269 of 1978)

3. Approval of portable equipment

- (1) The Director may from time to time approve for sale or supply any type of portable equipment.
- (2) Any person aggrieved by any decision of the Director under paragraph (1) may, within 14 days after the date when such decision has come to that person's notice, appeal by way of petition to the Governor who may confirm, vary or reverse the decision.
- (3) The decision of the Governor on the appeal shall be final.

4. List to be kept of approved portable equipment

- (1) The Director shall cause a list to be kept of portable equipment approved by him under regulation 3

[附屬法例]

消防 (裝置及設備) 規例

(第 95 章第 25 條)

[1972 年 6 月 1 日] 1972 年第 56 號法律公告

1. 引稱

本規例可引稱為《消防 (裝置及設備) 規例》。

2. 釋義

在本規例中，除文意另有所指外——

“手提設備” (portable equipment) 指任何製造、用作或設計以供作滅火、救火、防火或阻止火勢蔓延的用途而以獨立部件形式使用的消防設備；
 “設備清單” (equipment list) 指根據第 4 條備存的清單；
 “註冊承辦商” (registered contractor) 指根據《消防 (裝置承辦商) 規例》(第 95 章，附屬法例) 註冊的消防裝置承辦商。 (1978 年第 269 號法律公告)

3. 手提設備的認可

- (1) 處長可不時認可任何類型的手提設備，准其作售賣或供應用途。
- (2) 任何人如因處長根據第 (1) 款作出的任何決定而感到受屈，則在獲悉該項決定的日期起計 14 天內，可以呈請方式向總督提出上訴，而總督可確認、更改或推翻該項決定。
- (3) 總督就該上訴所作的決定為最終決定。

4. 備存認可手提設備的清單

- (1) 處長須就經他根據第 3 條認可的手提設備安排備存一份清單。

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- (b) be made available for inspection by **any person** at all reasonable times free of charge at the **offices** of the Fire Services Department and at each fire station **in Hong Kong**.

Prohibition on sale of certain portable equipment

No person shall sell or supply any portable equipment which is not included in the equipment list.

Installation of fire service installations of equipment

- (1) Subject to paragraph (2), no fire service installation or equipment shall be installed in any premises by any person other than a registered contractor.

(2) Paragraph (1) shall not apply to any portable equipment which is not required by law to be installed in any premises.

Maintenance or repair of fire service installations or equipment

- (1) Subject to paragraph (2), no person other than a registered contractor shall maintain, inspect or repair any fire service installation or equipment which is installed in any premises. (*L.N. 269 of 1978*)

(2) Paragraph (1) shall not apply to any portable equipment which is not required by law to be installed in any premises.

Duty of owners of fire service installations or equipment

The owner of any fire service installation or equipment which is installed in any premises shall—

- (a) keep such fire service installation or equipment in efficient working order at all times; and
(b) have such fire service installation or equipment inspected by a registered contractor at least once in every 12 months.

Issue of certificates by registered contractors

- (1) Whenever a registered contractor installs, maintains, repairs or replaces any fire service installation or equipment in any premises, he shall within 14 days after completion of the work issue to the person on whose instructions the work was undertaken a certificate and forward a copy thereof to the Director.

[附屬法例]

- (b) 備於消防處的辦事處及香港每一所消防局，供任何人在所有合理時間免費查閱。

5. 禁止售賣某些手提設備

任何人不得售賣或供應不列入清單的任何手提設備。

6. 消防裝置或設備的裝置

- (1) 除第(2)款另有規定外，任何非註冊承辦商的人，均不得將消防裝置或設備裝置在任何處所內。

(2) 對於並非法律規定裝置在任何處所內的任何手提設備，第(1)款並不適用。

7. 消防裝置或設備的保養或修理

- (1) 除第(2)款另有規定外，任何非註冊承辦商的人，均不得保養、檢查或修理裝置在任何處所內的任何消防裝置或設備。 (*1978年第269號法律公告*)

(2) 對於並非法律規定裝置在任何處所內的任何手提設備，第(1)款並不適用。

8. 消防裝置或設備的擁有人的責任

擁有裝置在任何處所內的任何消防裝置或設備的人，須——

- (a) 保持該等消防裝置或設備時刻在有效操作狀態；及
(b) 每12個月由一名註冊承辦商檢查該等消防裝置或設備至少一次。

9. 註冊承辦商發出證明書

- (1) 每當註冊承辦商在任何處所內裝置、保養、修理或檢查任何消防裝置或設備，他須於完成有關工程後14天內，向作出指示(據該指示他承辦進行該工程)的人發出一份證明書，並將副本送交處長。

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- (2) A certificate issued under paragraph (1) shall state—
 (a) the address of the premises in which the work was carried out;
 (b) a description of the fire service installation or equipment concerned;

- (ba) the date of the completion of the work; (L.N. 269 of 1978)
 (c) the nature of the work carried out; and
 (d) whether or not the fire service installation or equipment is in efficient working order.

(2A) A certificate issued under paragraph (1) shall be signed by a person authorized to do so under regulation 3A of the Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg.) and any person who signs a certificate which is false or misleading in any material particular commits an offence and is liable on conviction to a fine of \$5,000. (L.N. 269 of 1978; L.N. 191 of 1981)

(3) Any registered contractor who—
 (a) contravenes paragraph (1); or
 (b) issues or forwards a certificate thereunder, or a copy thereof, which is false or misleading in a material particular,
 commits an offence and is liable on conviction to a fine of \$5,000.
 Provided that where the certificate was signed by a person other than the registered contractor, the registered contractor shall not be convicted of an offence under sub-paragraph (b) if he proves that he exercised all due diligence to prevent the commission of the offence. (L.N. 269 of 1978; L.N. 191 of 1981)

10. Standard of inspection

(1) The Director may, by notice in the Gazette, prescribe a Code of Practice which shall govern the inspection and testing of fire service equipment.

(2) Any fire service installation or equipment shall be deemed to be in efficient working order if it complies with the requirements specified by the Director in the Code of Practice prescribed under paragraph (1).

(3) The Code of Practice prescribed under paragraph (1) shall—

- (a) be published in the Gazette at least once in every year; and
 (b) be made available for inspection by any person at all reasonable times free of charge at the offices of the Fire Services Department and at each fire station in Hong Kong.

11. Delegation of powers

The Director may authorize the Deputy Director or a Chief Fire Officer to exercise any of the powers or duties conferred or imposed on him by these regulations.

[附]

- (2) 根據第(1)款發出的證明書，須述明——
 (a) 進行工程所在處所的地址；

(b) 對有關的消防裝置或設備的描述；

(ba) 完成工程日期；(1978年第269號法律公告)

(c) 工程性質；及

(d) 該消防裝置或設備是否有效操作狀態。

(2A) 根據第(1)款發出的證明書，須由根據《消防(裝置承辦商)規例》(附屬法例)第3A條獲授權簽署的人簽署，而任何人簽署一份在要項上屬具誤導性的證明書，即屬犯罪，一經定罪，可處罰款\$5,000。(1978年第269號公告；1981年第191號法律公告)

(3) 任何註冊承辦商——

(a) 違反第(1)款；或

(b) 發出或送交一份在要項上屬虛假或具誤導性的證明書或副本，即屬犯罪，一經定罪，可處罰款\$5,000；

但證明書如是由並非註冊承辦商的人簽署的，而註冊承辦商證明他已盡一切的努力防止該罪行發生，則他不得被裁定犯(b)段所訂罪行。(1978年第269號公告；1981年第191號法律公告)

10. 檢查標準

- (1) 處長可藉憲報公告，訂明守則，對消防設備的檢查和測試予以規管。
 (2) 任何消防裝置或設備如符合處長根據第(1)款訂明的守則所指明之規定，當作在有效操作狀態。

(3) 根據第(1)款訂明的守則，須——

- (a) 每年至少在憲報刊登一次；及
 (b) 備於消防處的辦事處及香港每一所消防局，供任何人在所有合理時間費查閱。

11. 權力的轉授

處長可授權副處長或消防總長行使本規例授予他的權力或職能。

2. Penalty

Any person who contravenes any of the provisions of regulation 5, 6, 7 or shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000.

(L.N. 191 of 1981)

12. 罰則

任何人違反第 5、6、7 或 8 條的條文，即屬犯罪，一經定罪，可處罰款 \$5,000。

(1981 年第 191 號法律公告)

SECOND SCHEDULE

[Subsidiary]

[regs. 3, 4A, 4B, 4C & 7]

FEES

Item	Class of registered contractor	Details	Fee \$	Fee due and payable
1	Class 1, Class 2 or Classes 1 & 2	Registration (including production of evidence and initial workshop inspection)	1,370	On submission of application for registration (regulation 3(1) & (2))
2	Class 3	Written examination	770	(a) On submission of application for registration for the first time or following failure to satisfy Director at 2 interviews (regulations 3(1A), (2) & 4B(2)) (b) On notification of failure to satisfy Director as to absence from Hong Kong or illness (regulation 4A(3))
3	Class 3	Interview	835	(a) On notification to attend an interview or a second interview (regulations 3(1A), (2) & 4B(1)) (b) On notification of failure to satisfy Director as to absence from Hong Kong or illness (regulation 4A(3))
4	Class 3	Workshop inspection	690	On notification of workshop inspection (regulation 3(1A) & (2))
5	Class 1, Class 2, Classes 1 & 2 or Class 3	Workshop re-inspection	690	On notification of workshop re-inspection (regulation 3(4A))
6	Class 1, Class 2, Classes 1 & 2 or Class 3	New workshop inspection	690	On notification by registered contractor of a change of registered address of a workshop (regulation 4C(1) & (2))
7	Class 1, Class 2, Classes 1 & 2 or Class 3	New workshop re-inspection	690	On notification of new workshop re-inspection (regulation 4C(4))
8	Class 1, Class 2, Classes 1 & 2 or Class 3	Change of registered name or registered address	350	On notification by registered contractor of a change of registered name or registered address (regulation 7(4) & (5))
9	Class 1, Class 2, Classes 1 and 2	Change of qualified person	435	On notification by registered contractor of a change of qualified person (regulation 7(2) & (5))

(L.N. 263 of 1986; L.N. 47 of 1990; L.N. 372 of 1992; L.N. 85 of 1994; L.N. 13 of 1995; L.N. 140 of 1996)

[附屬法例]

附表 2

[第 3、4A、4B、4C 及 7 條]

費用

項	註冊承辦商級別	細節	費用 \$	到期須付費用
1	第 1 級、第 2 級或第 1 及 2 級	註冊 (包括提出證據及初次視察工場)	1,370	遞交註冊申請書時 (第 3(1) 及 (2) 條)
2	第 3 級	筆試	770	(a) 首次遞交或於兩次面試仍未有令處長信納之後遞交註冊申請書時 (第 3(1A)、(2) 及 4B(2) 條) (b) 沒有令處長信納不在香港或患病的通知作出時 (第 4A(3) 條)
3	第 3 級	面試	835	(a) 出席面試或第二次面試的通知作出時 (第 3(1A)、(2) 及 4B(1) 條) (b) 沒有令處長信納不在香港或患病的通知作出時 (第 4A(3) 條)
4	第 3 級	視察工場	690	視察工場通知作出時 (第 3(1A) 及 (2) 條)
5	第 1 級、第 2 級、第 1 及 2 級或第 3 級	再度視察工場	690	再度視察工場的通知作出時 (第 3(4A) 條)
6	第 1 級、第 2 級、第 1 及 2 級或第 3 級	視察新工場	690	註冊承辦商作出更改工場註冊地址的通知時 (第 4C(1) 及 (2) 條)
7	第 1 級、第 2 級、第 1 及 2 級或第 3 級	再度視察新工場	690	再度視察新工場的通知作出時 (第 4C(4) 條)
8	第 1 級、第 2 級、第 1 及 2 級或第 3 級	更改註冊姓名或名稱或註冊地址	350	註冊承辦商作出更改註冊姓名或名稱或註冊地址的通知時 (第 7(4) 及 (5) 條)
9	第 1 級、第 2 級、第 1 及 2 級	更換合資格的人	435	註冊承辦商作出更換合資格的人的通知時 (第 7(2) 及 (5) 條)

(1986 年第 263 號法律公告; 1990 年第 47 號法律公告; 1992 年第 372 號法律公告; 1994 年第 85 號法律公告; 1995 年第 13 號法律公告; 1996 年第 140 號法律公告)