

# 《火警調查條例》 (第 12 章) Fire Investigation Ordinance (Cap. 12)

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(《法例發布條例》(第 614 章)第 5 條)  
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### 尚未實施的條文 / 修訂 —

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<https://www.elegislation.gov.hk>) 閱覽。

### Provisions / Amendments not yet in operation —

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### 制定史

本為 1895 年第 29 號 (第 12 章, 1950 年版) —— 1911 年第 30 號, 1911 年第 50 號, 1911 年第 51 號, 1912 年第 1 號, 1912 年第 2 號, 1912 年第 21 號, 1924 年第 5 號, 1937 年第 27 號, 1940 年第 12 號, 1950 年第 9 號, 1950 年第 22 號, 1961 年第 48 號, 1965 年第 17 號, 1980 年第 21 號, 1980 年編正版, 1986 年第 65 號法律公告, 1995 年第 13 號, 1995 年第 (C)103 號法律公告 (中文真確本), 2019 年第 2 號編輯修訂紀錄

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## 《火警調查條例》

## (第 12 章)

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## Fire Investigation Ordinance

## (Cap. 12)

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本條例旨在授權對火警起因進行司法調查。

(由 1911 年第 50 號修訂；由 1912 年第 1 號附表修訂)

To authorize judicial investigations into the causes of fire.

(Amended 50 of 1911; 1 of 1912 Schedule)

[1895 年 12 月 18 日]

(格式變更——2019 年第 2 號編輯修訂紀錄)

[18 December 1895]

(Format changes—E.R. 2 of 2019)

### 1. 簡稱

本條例可引稱為《火警調查條例》。

(由 1924 年第 5 號第 6 條修訂)

### 1. Short title

This Ordinance may be cited as the Fire Investigation Ordinance.

(Amended 5 of 1924 s. 6)

### 2. 發生火警時警務處處長可接管處所並提交報告

凡任何處所已發生火警，或有理由推測有人已企圖或即將企圖對任何處所或其任何部分縱火，則警務處處長可在他認為適當的情況下，接管該處所及任何被推測為火警起源的其他處所，如他認為有需要，亦可禁止業主及所有其他人進內；而處長須對該處所作出全面而詳細的視察，或着令有關警區的主管警務人員或有關分區的主管警司所指派的警務人員作出該項視察，並須隨即向裁判官提交一份有關該處所的狀況及其內各物（如有的話）狀況的詳盡書面報告，以及提供他所能獲得的關於火警起源以及有關情況的一切資料。

(由 1937 年第 27 號附表代替。由 1940 年第 12 號第 2 條修訂；  
由 1961 年第 48 號第 2 條修訂)

### 2. In case of fire Commissioner of Police may take possession of premises and report

Whenever a fire has taken place on any premises, or there is reason to suppose that an attempt has been or is about to be made to set fire to any premises or part thereof, the Commissioner of Police may, if he thinks fit, take possession of such premises and of any other premises where the fire is supposed to have originated, to the exclusion, if he deems it necessary, of the owners and all others; and he shall make or cause to be made, by the police officer in charge of the district or by such police officer as shall be deputed by the superintendent in charge of the division, a full and minute inspection of such premises, and shall forthwith make a written report in detail to a magistrate of the state of the said premises and of contents, if any, thereof, furnishing also all such information touching the origin and circumstances of the fire as he may be able to obtain.

(Replaced 27 of 1937 Schedule. Amended 12 of 1940 s. 2; 48 of 1961 s. 2)

### 3. 裁判官對火警起因的研訊

### 3. Inquiry by magistrate into causes of fire

裁判官收到上述報告後，除非在考慮報告內所述各項事實後認為無需就火警起因進行研訊，否則須對火警的起因展開調查，並須在切實可行範圍內在盡量少延誤的情況下，向所有相當可能知道有關事實及情況的人，以及向裁判官認為能夠提供有關資料的所有其他人，錄取經宣誓而作的口供。

#### 4. 訊問證人

在上述調查中，任何職級不低於督察的警務人員或有關警區的主管警務人員或有關分區的主管警司所指派的警務人員以及任何有利害關係的人在得到裁判官批准後，可親自或經由其大律師或律師訊問證人，以及安排能夠提供關於上述火警或企圖縱火事件的資料的人接受訊問。

(由 1937 年第 27 號附表代替。由 1940 年第 12 號第 3 條修訂)

#### 5. 結束研訊

如裁判官認為調查所得並無披露任何罪行，或雖披露罪行但沒有顯示有任何合理理由懷疑任何人犯該罪行，則裁判官須結束該研訊。

(由 1980 年第 21 號第 2 條代替)

#### 6. 交付疑犯以待答辯

裁判官如認為火警是因刑事罪行而造成，並有合理理由懷疑而他又確實懷疑有人曾經犯罪，則有權將該人交付監獄，以待該人就任何被控告的罪名答辯，或規定該人提供令裁判官感到滿意的保證，以保證該人會出庭和自動回來就上述罪名答辯，而在該項控罪方面，裁判官可如在其他案件中一樣錄取證據。

On the receipt of such report, the magistrate, unless, on consideration of the facts stated therein, he is of opinion that such inquiry is unnecessary, shall proceed to investigate the causes of the fire, and shall, with as little delay as practicable, take the depositions upon oath of all persons likely to know the facts and circumstances and of all other persons who, in his opinion, may be able to furnish information in respect thereof.

#### 4. Examination of witnesses

At such investigation any police officer not below the rank of inspector or the police officer in charge of the district or such police officer as shall be deputed by the superintendent in charge of the division and any interested person may by leave of the magistrate and either personally or by his counsel or solicitor examine the witnesses and cause to be examined such persons as may be able to give information touching the fire or the attempt as aforesaid.

(Replaced 27 of 1937 Schedule. Amended 12 of 1940 s. 3)

#### 5. Close of inquiry

If, in the opinion of the magistrate, the investigation does not disclose any offence or, although it discloses an offence, does not show any reasonable cause for suspecting any person of having committed such offence, the magistrate shall close the inquiry.

(Replaced 21 of 1980 s. 2)

#### 6. Committal of suspected person to answer charge

If, in the opinion of the magistrate, the fire is the result of crime, and there is reasonable cause to suspect and he does suspect any person of having committed an offence against the law, he shall have power to commit such person to prison to answer any charge that may be brought against him or to require him to give security, to his satisfaction, to appear and surrender to answer any such

(由 1911 年第 50 號第 4 條修訂；由 1912 年第 1 號附表修訂)

#### 6A. 發還遭接管的處所

裁判官可隨時命令將警務處處長根據第 2 條接管的任何處所發還。

(由 1980 年第 21 號第 3 條增補)

#### 6B. 結束研訊或發還遭接管的處所並不影響法律程序

根據本條例結束研訊或發還遭接管的處所，並不影響就任何人的罪行而對其進行的任何法律程序。

(由 1980 年第 21 號第 3 條增補)

#### 7. 傳召證人的權力等

為施行本條例，並在根據本條例進行的所有調查方面，以及為傳召證人並處理與上述調查有關的一切法律程序，裁判官具有處理可公訴罪行的裁判官所具有的一切權力，而警務處處長須向該裁判官提供一切適當及需要的協助。

#### 8. 將財產移離被焚的處所等

除非根據裁判官的命令行事，(而裁判官在有人提出好的因由後可發出此項命令，)否則任何人將任何財產移離警方根據本條例接管的處所或企圖將財產如此移離，一經循簡易程序定罪，可處第 1 級罰款或監禁 6 個月。

(由 1911 年第 30 號第 10 條修訂；由 1911 年第 50 號修訂；由 1911 年第 51 號修訂；由 1912 年第 1 號附表修訂；由 1912 年

charge, and, on such charge, the magistrate may take the evidence as in other cases.

(Amended 50 of 1911 s. 4; 1 of 1912 Schedule)

#### 6A. Release of premises

The magistrate may, at any time, if any premises have been taken into the possession of the Commissioner of Police under section 2, order the release of the premises.

(Added 21 of 1980 s. 3)

#### 6B. Closure of inquiry or release of premises without prejudice to proceedings

The closure of an inquiry or the release of premises under this Ordinance shall be without prejudice to any proceedings against any person for an offence against the law.

(Added 21 of 1980 s. 3)

#### 7. Power to summon witnesses, etc.

For the purposes of this Ordinance, and in relation to all investigations held thereunder, and for the summoning of witnesses, and for all proceedings in connexion with such investigations, the magistrate shall have all the powers possessed by a magistrate in relation to cases of indictable offences, and the Commissioner of Police shall render him all proper and necessary assistance.

#### 8. Removing property from premises burned, etc.

Except on an order from the magistrate, who may, on good cause shown, give such order, any person who removes or attempts to remove any property from premises in possession of the police under this Ordinance shall be liable on summary conviction to a fine at level 1, or to imprisonment for 6 months.

第 2 號附表修訂；由 1912 年第 21 號修訂；由 1924 年第 5 號  
附表修訂；由 1950 年第 22 號附表修訂；編輯修訂——2019  
年第 2 號編輯修訂紀錄)

**9. 對船隻的適用**

本條例的條文適用於船、艇或用於航行的任何其他類型船隻  
(超逾 300 噸的船隻除外)，一如該等條文適用於處所一樣。

(由 1950 年第 9 號附表增補。由 1965 年第 17 號附表修訂；由  
1995 年第 13 號第 33 條修訂)

*(Amended 30 of 1911 s. 10; 50 of 1911; 51 of 1911; 1 of 1912  
Schedule; 2 of 1912 Schedule; 21 of 1912; 5 of 1924 Schedule; 22  
of 1950 Schedule; E.R. 2 of 2019)*

**9. Application to vessels**

The provisions of this Ordinance shall apply to a ship or boat or  
any other description of vessel used in navigation, not being a  
vessel exceeding 300 tons, in the same manner as such provisions  
apply to premises.

*(Added 9 of 1950 Schedule. Amended 17 of 1965 Schedule; 13 of  
1995 s. 33)*