

An Introduction to the Fire Safety (Buildings) Ordinance Cap.572

1. Purpose of the Ordinance

The purpose of this Ordinance is to provide better protection from the risk of fire for occupants and users of, and visitors to, certain kinds of composite buildings and domestic buildings.

2. Enforcement Authority

For the purpose of this Ordinance:

- (a) The Director of Buildings is the enforcement authority in relation to the planning, design and construction of a composite building or domestic building.
- (b) The Director of Fire Services is the enforcement authority in relation to any fire service installation or equipment.

3. Scope of the Ordinance

This Ordinance applies to a composite building or domestic building if:








- (a) **the building was constructed, or intended to be used,**
- partly for domestic purposes and partly for non-domestic purposes; or
 - for domestic purposes with more than 3 storeys; and
- (b) **the building**
- either with its plans of the building works of which were first submitted to the Building Authority for his approval on or before 1 March 1987; or
 - which was constructed on or before 1 March 1987 where no plans of the building works of the building were submitted on or before that date to the Building Authority for approval.

[This Ordinance does not apply to such a building if it was constructed in accordance with the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).]

4. Fire Safety Requirements

(a) Provision of fire service installations and equipment




An owner and / or occupier of the composite building or domestic building may be required to comply with all or any of the following fire safety measures:

Fire Service Installations and Equipment	Premises/Building	Non-domestic portion of composite building		Domestic portion of composite building and domestic building	
	Responsible Person	Owner	Occupier	Owner	
	Automatic sprinkler system	✓*			
	Fire hydrant and hose reel system	✓		✓	
	Manual fire alarm system	✓		✓	
	Emergency lighting (common areas)	✓			✓*
	Emergency lighting (non-common areas)		✓		
	Mechanical ventilation system (common areas)	✓			
	Mechanical ventilation system (non-common areas)		✓		

Note: * applicable to a composite building in which the total floor area of the non-domestic portion exceeds 230 m²
* applicable to a building where the uppermost storey exceeds 30 m above ground floor level
* denotes automatic cut-off device for mechanical ventilation system

(b) Provision of fire safety construction

An owner of the composite building or domestic building may be required to comply with all or any of the following fire safety construction:

Fire Safety Construction in relation to	Premises/Building	Non-domestic portion of composite building		Domestic portion of composite building and domestic building	
	Responsible Person	Owner	Occupier	Owner	
	Means of escape		✓	✓	
	Fire resisting construction		✓	✓	
	Means of access for firefighting and rescue		✓	✓	

5. Implementation

The Ordinance has come into operation since 1.7.2007. Implementation is mainly in 2 phases :

PHASE 1: For target composite buildings within the scope of the Ordinance, inspection commences after that for composite buildings.

PHASE 2: For target domestic buildings within the scope of the Ordinance, inspection commences after that for composite buildings. However, for any target buildings under the Ordinance found possessing a high fire risk, or for the purpose of coordinating with other major operations by the enforcement authorities so as to facilitate the carrying out of the required works in one go, the building may be accorded with priority for action.

6. How to Comply with the Fire Safety Requirements

(a) Fire Safety Directions:

The relevant enforcement authorities will issue Fire Safety Directions stating the required fire safety improvements to the owner/occupier.

(b) Provision of or improvement on fire service installations and equipment :

Owners/occupiers should appoint a registered Fire Service Installation Contractor to carry out the works on the provision of or the improvement on fire service installations and equipment. A list of all registered Fire Service Installation Contractors is available at the Fire Safety Command Headquarters and offices, the Licensing and Certification Command Headquarters and offices, fire stations and the website (<http://www.hkfsd.gov.hk/home/eng/cert.html>) of the Fire Services Department.

(c) Requirements on Fire Safety Construction :

Normally owners should appoint a Registered General Building Contractor to carry out the required building works. Owners may appoint an Authorized Person (an architect, engineer or surveyor registered under the Buildings Ordinance) to propose alternative solutions for improvement of the fire safety measures. The lists of Registered General Building Contractors and Authorized Persons are available at the Buildings Department (12/E, Pioneer Centre, 750 Nathan Road, Kowloon) and its website (http://www.bd.gov.hk/english/inform/index_ap.html).

7. Enforcement Measures

If an owner/occupier fails to comply with a Fire Safety Direction:

- (a) the enforcement authority may apply to a Magistrate for a Fire Safety Compliance Order.
- (b) The enforcement authority may apply to the District Court for a Prohibition Order to prohibit occupation of the relevant building or part thereof.

8. Penalties

- (a) An owner or occupier who, without reasonable excuse, fails to comply with a Fire Safety Direction is guilty of an offence and is liable on conviction to a fine at level 4* and to a further fine of \$2,500 for each day of non-compliance.
- (b) An owner or occupier who fails to comply with a Fire Safety Compliance Order is guilty of an offence and is liable on conviction to a fine at level 5* and to a further fine of \$5,000 for each day of non-compliance.
- (c) A person who, without reasonable excuse, contravenes the Prohibition Order by occupying the relevant building or part thereof is guilty of an offence and is liable on conviction to a fine of \$250,000 and to imprisonment for 3 years and to a further fine of \$25,000 for each day of non-compliance.
- (d) A person who, without reasonable excuse, contravenes the Prohibition Order by allowing entry of unauthorized persons to the relevant building or part thereof is guilty of an offence and is liable on conviction to a fine at level 4* and to imprisonment for 6 months.
- * The maximum fine at levels 4 and 5 are \$25,000 and \$50,000 respectively.

9. Enquiries

The information given in this pamphlet is for guidance only. For further information, please contact the **Fire Services Department** at telephone No. **2272 9112** or the **Buildings Department** at telephone No. **2626 1616**.