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防火總區

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FIRE SERVICES DEPARTMENT
FIRE PROTECTION COMMAND

FIRE SERVICES HEADQUARTERS BUILDING,
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Hong Kong

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2 June 1998

FSD Circular Letter No. 1/98

**Certification of Fire Service Installations and Equipment required under the
Fire Safety (Commercial Premises) (Amendment) Ordinance 1998**

The Fire Safety (Commercial Premises) (Amendment) Ordinance 1998 (hereafter referred to as the Ordinance) has come into operation on 1.6.1998.

The purpose of the Ordinance is to extend the scope of the Fire Safety (Commercial Premises) Ordinance to provide better protection from the risk of fire for certain specified commercial buildings. A leaflet outlining the gist of the Ordinance is enclosed for your information.

The certification of alteration and addition to fire service installations and equipment required under the Ordinance by Fire Service Installation Contractors will follow the existing procedure as promulgated in paragraph 4 of Part VI - Inspection of Fire Service Installations contained in "FSD Circular Letters 1996".

The existing form FSI/314B, introduced via FSD Circular Letter No. 6/97 dated 10.6.1997, has been revised to take into account of the above changes and suitably amended to render it applicable to specified commercial buildings as well. The newly revised form FSI/314B shall be used for all submissions on prescribed commercial premises and specified commercial buildings to the Legislation and Control Division of the Fire Protection Command with effect from 1.6.1998.

This Circular Letter cancels and supersedes FSD Circular Letter No. 6/97 dated 10.6.1997.

Yours faithfully,

Signed

(HSU King-ping)

for Director of Fire Services

Ref. Number and date should be quoted in reference to this letter

凡提及本信時請引述編號及日期

To : Director of Fire Services
(Attn: Legislation and Control Division)

Fire Service Installation Plans for
*Prescribed Commercial Premises/Specified Commercial Building at

This is to certify that the details and specifications of all installations shown on the attached fire service installation plans are as prescribed by the Fire Services Department under the Fire Safety (Commercial Premises) Ordinance and in accordance with the relevant Rules and Codes of Practices, as may be applicable, e.g. :-

- * Rules of Loss Prevention Council for Automatic Sprinkler Installation
- * Fire Offices' Committee for Automatic Sprinkler Installation (29th Edition)
- * Code of Practice for Minimum Fire Service Installations and Equipment, Fire Services Department

Signed _____

(Full Name of FSI Contractor/Consultant)

Date _____

* To be deleted as appropriate

消防安全 (商業處所) 條例簡介

An introduction to The Fire Safety (Commercial Premises) Ordinance



An introduction to the Fire Safety (Commercial Premises) Ordinance

1. Purpose of the Ordinance

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

2. Enforcement Authority

For the purpose of this Ordinance:-

- (a) The Director of Fire Services is the enforcement authority for the provision of or the improvement on fire service installations and equipment;
- (b) The Director of Buildings is the enforcement authority for the provision of fire safety measures in the planning, design and construction of the commercial premises or commercial buildings.

3. Prescribed commercial premises under the scope of the Ordinance

A building or part of a building is prescribed commercial premises under the scope of the Ordinance if:-

- (a) the building or part is used, or is proposed to be used, for carrying on any of the following commercial activities:-
 - (i) banking (other than merchant banking);
 - (ii) conduct of off-course betting;
 - (iii) conduct of a jewelry or goldsmith business on premises that have a security area;
 - (iv) use as a supermarket, hypermarket or department store;
 - (v) use as a shopping arcade; and
- (b) the total floor area of the building or part exceeds 230m².

4. Specified commercial buildings under the scope of the Ordinance

A building is a specified commercial building under the scope of the Ordinance if:-

- (a) the building was constructed to be used or being used for the purposes of office, business, trade or any entertainment; and
- (b) the building was constructed on or before 23.3.1973, or the plans of the building works of which were first submitted to the Building Authority for his approval on or before 23.3.1973.

5. Fire Safety Measures

An owner/occupier of the prescribed commercial premises or specified commercial building may be required to comply with all or any of the following fire safety measures:-

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

- (i) automatic sprinkler system;
- (ii) automatic cut-off devices for mechanical ventilating systems;
- (iii) emergency lighting;
- (iv) fire hydrant and hose reel system;
- (v) manual fire alarms; and
- (vi) portable fire extinguishers

(b) Construction requirements

- (i) provision of adequate means of escape from the premises or building in the event of fire;
- (ii) provision of adequate means of access to the premises or building to facilitate access for fire fighting and rescue; and
- (iii) provision of measures to inhibit the spread of fire and to ensure the integrity of the structure of the building.

6. Implementation

(a) The implementation date of the Ordinance on prescribed commercial premises is 2 May 1997.

The implementation is in 4 phases:-

- (i) First 3 years - around 500 prescribed commercial premises already identified as without provision of sprinkler systems (mostly built before 1973);
- (ii) Subsequent 4 years - prescribed commercial premises in buildings with occupation permits issued before 1980;
- (iii) Subsequent 4 years - prescribed commercial premises in buildings with occupation permits issued between 1980 - 1990;
- (iv) Final phase - prescribed commercial premises in buildings with occupation permits issued after 1990.

However, if a particular premises is found to be with high hazard in case of fire, enforcement action would be taken immediately without reference to the date of occupation permit of the building.

(b) The implementation date of the Ordinance on specified commercial buildings is 1 June 1998.

7. How to comply with the fire safety measures

(a) 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 for inspection in

Fire Protection Command Headquarters, fire stations and fire protection regional offices.

(b) Construction requirements involving building works

Owners should appoint an authorized person (namely an architect, engineer or surveyor registered under the Buildings Ordinance) to advise and supervise the carrying out of the works to comply with the construction requirements.

A list of authorized persons is available for inspection in the Buildings Department and District Offices.

8. Enforcement Measures

The owner/occupier of prescribed commercial premises or specified commercial buildings may be directed to comply with the fire safety measures by means of a Fire Safety Direction or a Fire Safety Improvement Direction from the relevant enforcement authority. In default, application may be made to a magistrate for a Fire Safety Compliance Order or a Fire Safety Improvement Compliance Order directing the owner/occupier to comply with the requirements specified in the Direction. Application may also be made to the District Court for a Use Restriction Order to prohibit the premises from being used for carrying on the specified commercial activity, or a Prohibition Order to prohibit occupation of any unit or part of the building.

9. Penalties

- (a) An owner/occupier of prescribed commercial premises or specified commercial building, who, without reasonable excuse, fails to comply with a Fire Safety Direction or a Fire Safety Improvement Direction is guilty of an offence and is liable on conviction to a fine of \$25,000 and to a further fine of \$2,500 for each day;
- (b) An owner/occupier of prescribed commercial premises or specified commercial building, who, without reasonable excuse, fails to comply with a Fire Safety Compliance Order or a Fire Safety Improvement Compliance Order is guilty of an offence and is liable on conviction to a fine of \$50,000 and to a further fine of \$5,000 for each day;
- (c) A person who, without reasonable excuse, contravenes a Use Restriction Order or Prohibition Order 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.

10. Enquiries

The information given in this pamphlet is for guidance only and is not a detailed analysis of the requirement. For enquiry, please contact the Fire Services Department at telephone no. 2170 9622 and the Buildings Department at telephone no. 2626 1947.

消防安全 (商業處所) 條例簡介

1. 條例的目的

本條例的目的是向某些種類的商業處所及商業建築物的佔用人、使用人及訪客提供更佳的防火保障。

2. 執行當局

為施行本條例:-

- (a) 就提供或改善消防裝置及設備而言，消防處處長為執行當局；
- (b) 就在商業處所或商業建築物的規劃、設計和建造方面提供消防安全措施而言，屋宇署署長為執行當局。

3. 條例的監管範圍 - 訂明商業處所

如

(a) 任何建築物或建築物的任何部分是用作或擬用作進行下列商業活動:-

- (i) 銀行業務 (商人銀行業務除外)；
- (ii) 場外投注；
- (iii) 在設有保安區的處所經營的珠寶或金飾業務；
- (iv) 作超級市場、特大超級市場或百貨公司用途；
- (v) 作商場用途；

及

(b) 該建築物或該建築物的部分的總樓面面積超逾 230平方米，

則該建築物或該建築物的部分屬於受這條例監管的[訂明商業處所]。

4. 條例的監管範圍 - 指明商業建築物

如

- (a) 任何建築物是為作辦公室、業務、貿易或任何娛樂用途而建造，或正用作上述用途；及
- (b) 該建築物是在1973年3月23日或之前已建成的，或該建築物的建築工程圖則是在1973年3月23日或之前首次呈交建築事務監督批核的，則該建築物屬於受這條例監管的[指明商業建築物]。

5. 消防安全措施

[訂明商業處所]或[指明商業建築物]的擁有人/佔用人(即業主/租客)可被要求遵從下列所有或部分消防安全措施:-

(a) 提供或改善消防裝置及設備

- (i) 自動噴洒系統；
- (ii) 機械通風系統的自動停止設施；
- (iii) 緊急照明；
- (iv) 消防栓及喉轆系統；
- (v) 手控火警警鐘；及
- (vi) 手提滅火筒

(b) 建造規定

- (i) 提供足夠的走火通道，以便發生火警時逃離有關處所或建築物；
- (ii) 提供足夠的通道，以利便進入有關處所或建築物進行滅火和拯救；及
- (iii) 提供措施以阻止火勢擴大和確保該處所或建築物的結構完整。

6. 條例的實施

- (a) 本條例有關於[訂明商業處所]的部分在1997年5月2日生效。
這部分的實施分4期進行:-
- (i) 首3年 - 約500間已知沒有自動噴洒系統的[訂明商業處所] (大部分在1973年前建成);
 - (ii) 隨後4年 - 在1980年前已獲發入伙紙樓宇內的[訂明商業處所];
 - (iii) 隨後4年 - 在1980至1990年間獲發入伙紙樓宇內的[訂明商業處所];
 - (iv) 最後階段 - 在1990年後獲發入伙紙樓宇內的[訂明商業處所]。
- 如某處所被發現火災危險程度相當高，當局便會立即採取執法行動，而不會考慮該處所所在樓宇的入伙紙年期。
- (b) 本條例有關於[指明商業建築物]的部分在1998年6月1日生效。

7. 如何遵從消防安全措施

- (a) 提供或改善消防裝置及設備
擁有人/佔用人須聘任一名註冊消防裝置承辦商進行提供或改善消防裝置及設備的工程。防火總區總部，各消防局及防火總區分區辦事處均備有註冊消防裝置承辦商名冊可供查閱。
- (b) 牽涉建築工程的建造規定
擁有人須聘任一名認可人士 (即已根據建築物條例註冊的建築師、工程師或測量師) 提供意見及監督工程以符合建造規定。屋宇署及各區民政事務處均備有認可人士名冊可供查閱。

8. 執行措施

執行當局可藉發出[消防安全指示]或[改善消防安全指示]，命令[訂明商業處所]或[指明商業建築物]的擁有人/佔用人須遵從消防安全措施。若不遵從，有關執行當局可向裁判官申請[符合消防安全令]或[改善消防安全令]，指示擁有人/佔用人須遵從[消防安全指示]或[改善消防安全指示]所指明的規定。同時亦可向區域法院申請[限制使用令]，禁止在該處所進行指明的商業活動; 或申請[禁止令]，禁止佔用該建築物的任何單元或部分。

9. 刑罰

- (a) [訂明商業處所]或[指明商業建築物]的擁有人/佔用人無合理辯解而沒有遵從任何[消防安全指示]或[改善消防安全指示]，即屬違法，一經定罪，可處罰款 \$25,000及每天另處罰款 \$2,500。
- (b) [訂明商業處所]或[指明商業建築物]的擁有人/佔用人無合理辯解而沒有遵從任何[符合消防安全令]或[改善消防安全令]，即屬違法，一經定罪，可處罰款 \$50,000及每天另處罰款 \$5,000。
- (c) 任何人無合理辯解而違反[限制使用令]或[禁止令]，即屬違法，一經定罪，可處罰款 \$250,000及監禁3年，及每天另處罰款 \$25,000。

10. 查詢

本小冊子所載資料只屬指引性質，並非有關詳盡規定的分析。如有查詢，歡迎致電消防處 (電話2170 9622) 及屋宇署 (電話 26261947)。

