

An introduction to The Fire Safety (Commercial Premises) Ordinance Cap. 502



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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) in relation to the planning, design and construction of prescribed commercial premises or a specified commercial building, means the Director of Buildings; and
- (b) in relation to any fire service installation or equipment, means the Director of Fire Services.

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 is being used for the purposes of office, business, trade or any entertainment; and
- (b) the building either was constructed on or before 1 March 1987 or the plans of the building works of which were first submitted to the Building Authority for his approval on or before 1 March 1987.

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 four phases: -

- (i) First 3 years – more than 600 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 at the Fire Safety Command Headquarters and offices, the Licensing and Certification Command Headquarters and offices, fire stations and homepage of the Fire Services Department :



https://www.hkfsd.gov.hk/eng/source/FSIC_list_eng.pdf

Building owners/ occupiers may view the List of Registered Fire Service Installation Contractors Interested in Undertaking Fire Safety Improvement Works as Required by Law on the following website:



https://www.hkfsd.gov.hk/eng/source/safety/Fire_Safety_Improvement_Services_eng.pdf

(b) Construction requirements involving building works

Normally owners should appoint a Registered General Building Contractor / Registered Minor Works Contractor to carry out the required building works. Owners may appoint an Authorized Person (an architect, engineer or surveyor registered as an Authorized Person under the Buildings Ordinance) to propose alternative solutions for improvement of the fire safety measures. The lists of Registered General Building Contractors, Registered Minor Works Contractors and Authorized Persons interested in providing services in the fire safety improvement works are available at the Buildings Department (Buildings Department Headquarters, North Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon) and its website:



<https://www.bd.gov.hk/en/resources/online-tools/registers-search/registrationsearch.html>

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 any prescribed commercial activity, or a Prohibition Order to prohibit occupation of any unit or part of the specified commercial 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 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. For further information, please contact the Fire Services Department at telephone no. 2807 9126 (Building Improvement Division 1 Office) or 2272 9112 (Building Improvement Division 2 Office) and the Buildings Department's hotline at telephone No. 2626 1616 [handled by Integrated Call Centre (ICC) 1823].