

**CODE OF PRACTICE**  
**FOR**  
**REGISTERED FIRE ENGINEERS**

**2023 Edition**

**(Draft)**

## FOREWORD

In Hong Kong, any individual or entity (hereinafter referred to as “the Applicant”) who intends to operate an establishment at scheduled premises (that is, premises to be used as an establishment set out in column 2 of Par 1, 2, 3 and 4 of the Schedule to the proposed Fire Service (Registered Fire Engineers) Regulation (“FS(RFE)R”)) must obtain a licence or a similar instrument from relevant licensing authorities. The Applicant is required to comply with fire safety requirements in relation to specific types of scheduled premises for obtaining Fire Services Certificate / Letter of Compliance/approval from the Fire Services Department (“FSD”) as one of the pre-requisites for the issue of the licence from relevant Licensing Authorities. Before implementation of Registered Fire Engineer Scheme (“RFES”), the Applicant had to engage the services solely provided by the FSD in carrying out fire risk assessment; formulating fire safety requirements; conducting compliance inspections and issuing Fire Services Certificate / Letter of Compliance/approval after confirming compliance of relevant fire safety requirements.

The proposed FS(RFE)R was introduced to establish a regulatory framework for the implementation of the RFES with a view to leveraging professional engineers and qualified persons in the market to provide fire risk assessment and certification services. It gives greater flexibility to Applicants by offering an additional option to meet the fire safety requirements for operating an establishment under the specific licences or a similar instrument.

Under the RFES, a qualified person may apply to be a Registered Fire Engineer and be registered under the proposed FS(RFE)R. There are three classes of RFEs, namely Registered Fire Engineer (Risk Assessment) (“RFE(RA)”), Registered Fire Engineer (Fire Service Installation) (“RFE(FSI)”) and Registered Fire Engineer (Ventilating System) (“RFE(VS)”). An Applicant may appoint Registered Fire Engineers from the appropriate classes at different stages of licensing process to perform fire risk assessment, formulate fire safety requirements, conduct compliance inspection and issue Fire Safety Certificates (“FSCs”).

This Code of Practice (“the Code”) is issued by the Director of Fire Services under section 83 of the proposed FS(RFE)R. The Code specifies the standards and procedural requirements for the Registered Fire Engineers to carry out fire risk assessments, formulate fire safety requirements, conduct compliance inspections and issue FSCs in respect of scheduled premises. The Code will be regularly reviewed and updated as needed.

## Abbreviations

The abbreviations used in the Code shall have the following meanings:

AGC	Amusement Game Centre
AP	Authorized Person
AVP	Application Vetting Panel
BA	Building Authority
BAK	Bakery
BD	Buildings Department
BO	Buildings Ordinance, Cap. 123
CCC	Child Care Centre
CCSO	Child Care Services Ordinance, Cap. 243
CFS	Composite Food Shop
CO	Carbon monoxide
D of FS	Director of Fire Services
DGO	Dangerous Goods Ordinance, Cap. 295
DTC	Drug Dependent Treatment Centres
DTL	Direct Telephone Link
EDB	Education Bureau
EMSD	Electrical and Mechanical Services Department
EO	Education Ordinance, Cap. 279
EVA	Emergency Vehicular Access
FBR	Food Business Regulation, Cap. 132X
FC	Factory Canteen
FEHD	Food and Environmental Hygiene Department
FF	Food Factory
FHAN	Fire Hazard Abatement Notice
FH/HR	Fire Hydrant and Hose Reel System
FSAR	Fire Safety Assessment Report
FSC	Fire Safety Certificate
FSD	Fire Services Department
FSO	Fire Services Ordinance, Cap. 95
FS(IE)R	Fire Service (Installations and Equipment) Regulations, Cap. 95B
FS(FHA)R	Fire Services (Fire Hazard Abatement) Regulation, Cap. 95F
FS(B)O	Fire Safety (Buildings) Ordinance, Cap. 572
FS(CP)O	Fire Safety (Commercial Premises) Ordinance, Cap. 502
FS(IB)O	Fire Safety (Industrial Buildings) Ordinance, Cap. 636
FS(RFE)R	Fire Service (Registered Fire Engineers) Regulation, Cap. 95G
FSI	Fire Service Installations & Equipment
FSR	Fire Safety Requirements [pls note there is abbreviation of FSRs on page 30 and 31.]
GFA	Gross Floor Area
GH	Guesthouse

GR	General Restaurant
HAD	Home Affairs Department
HAGAO	Hotel and Guesthouse Accommodation Ordinance, Cap. 349
HD	Housing Department
HKPF	Hong Kong Police Force
ICU	Independent Checking Unit under the Office of the Permanent Secretary for Housing
KE	Karaoke Establishment
LoC	Letter of Compliance
LCSD	Leisure and Cultural Services Department
LPG	Liquefied Petroleum Gas
LL	Liquor Licence
LRR	Light Refreshment Restaurant
ME	Massage Establishment
MFA	Manual Fire Alarm System
MoE	Means of Escape
NDS	Non-designed school
NHPEO	Non-local Higher and Professional Education (Regulation) Ordinance, Cap. 493
NLE	Non-local Higher and Professional Education Courses
OSA	Outside Seating Accommodation
OLA	Office of the Licensing Authority
PA	Places of Amusement
PHMSO	Public Health and Municipal Services Ordinance, Cap. 132
PPE	Places of Public Entertainment
PU foam	Polyurethane foam
RCHE	Residential Care Homes for Elderly
RCHD	Residential Care Homes for Persons with Disabilities
RFE	Registered Fire Engineer
RFE(RA)	Registered Fire Engineer (Risk Assessment)
RFE(FSI)	Registered Fire Engineer (Fire Service Installation)
RFE(VS)	Registered Fire Engineer (Ventilating System)
RFES	Registered Fire Engineer Scheme
RFSIC	Registered Fire Service Installation Contractor
RSC(V)	Registered Specialist Contractor (Ventilation Works Category)
SCH	School
SWD	Social Welfare Department
TPPE	Temporary Places of Public Entertainment
UBW	Unauthorized Building Works
VAC	Ventilation/Air-conditioning Control System
VS	Ventilating System
WR1	Work Completion Certificate
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## **PART 1 INTRODUCTION**

- 1.1 The Code of Practice for Registered Fire Engineers (hereinafter referred to as “The Code”) is issued by the D of FS under section 83 of the proposed Fire Service (Registered Fire Engineers) Regulation, for setting out principles, procedures, guidelines and standards for conducting fire risk assessment, formulating fire safety requirements, carrying out compliance inspection and issuing FSCs in respect of scheduled premises (see para. 2.1.4.7 below) for the purpose of specified applications (see para. 2.1.4.10 below). For reference to the relevant statutory provisions, please visit the “Hong Kong e-Legislation” (<https://www.elegislation.gov.hk>).
- 1.2 The Code provides practical guidance to RFEs for complying with the statutory requirements of the proposed FS(RFE)R and procedural requirements in the discharge of their RFE duties. Pursuant to section 36 of the proposed FS(RFE)R, it is a disciplinary offence if an RFE commits misconduct or neglect in any professional respect. Any RFE who discharge their duties under the proposed FS(RFE)R in contravention of the requirements of the Code may commit an act of misconduct or neglect in a professional aspect and may be subject to disciplinary action.
- 1.3 The Code is formed of 7 parts and Appendices.  
Part 1 - Introduction  
Part 2 - Definitions, Statutory Provisions and Normative References  
Part 3 - Duties of Registered Fire Engineers  
Part 4 - Application  
Part 5 - Fire Risk Assessment and Fire Safety Requirements  
Part 6 - Compliance Inspection, Testing and Certification  
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- 1.4 The scheduled premises under RFES refer to premises intended to be used as an establishment set out in column 2 of Parts 1, 2, 3 and 4 of the Schedule to the proposed FS(RFE)R. The establishments are listed hereunder with general descriptions:-
- General Restaurant  
According to “A Guide to Application for Restaurant Licences” published by FEHD, General Restaurant licence *permits a licensee to prepare and sell any kind of food for consumption on the premises.*

### Light Refreshment Restaurant

According to “A Guide to Application for Restaurant Licences” published by FEHD, Light Refreshment Restaurant allows a licensee *to prepare food by using simple cooking methods like boiling, stewing, steaming, braising, simple frying (excluding deep frying and stir frying) which do not generate large amount of greasy fumes during the food preparation process for consumption on the premises.*

### Factory Canteen

Under section 31(2) of Food Business Regulation, Cap. 132X, Factory Canteen *means any food business in a factory building which involves the sale or supply of meals or unbottled non-alcoholic drinks other than Chinese herb tea for consumption on the premises by persons employed in any factory in that factory building, but does not include a restaurant or any business carried on by a hawker who is the holder of a licence under the Hawker Regulation (Cap. 132 sub. leg. AI)*

### Bakery

According to “A Guide to Application for Bakery Licences” published by FEHD, Bakery refers to food business which involves baking of *bread and other bakery products for sale at any premises in the territory.*

### Food Factory

Under section 31(2) of Food Business Regulation, Cap. 132X, Food Factory *means any food business which involves the preparation of food for sale for human consumption off the premises, but does not include a frozen confection factory, a milk factory or any business carried on by a hawker who is the holder of a licence under the Hawker Regulation (Cap. 132AI).*

### Funeral Parlour

Under section 3 of Funeral Parlours Regulation, Cap. 132AD, Funeral Parlour means a mortuary unless being exempted.

### Place of Public Entertainment

Under section 2 of Places of Public Entertainment Ordinance, Cap. 172, Places of Public Entertainment *means-*

- (a) so much of any place, building, erection or structure, whether temporary or permanent, capable of accommodating the public; and*
  - (b) any vessel,*
- in or on which a public entertainment is presented or carried on whether on one occasion or more.*

### Karaoke Establishment

Under section 2 of Karaoke Establishments Ordinance, Cap. 573, Karaoke Establishment means, unless being exempted, *any place opened, kept, or used for the purpose of karaoke by way of trade or business, whether or not the trade or business is carried on exclusively or in association or connection with any other trade or business activity and whether or not the place is a place to which the public have or are permitted to have access.*

The licensing authority is either Food and Environmental Hygiene Department or Home Affairs Department depending on where the karaoke establishment is situated.

### Billiard Centre/Bowling Centre/Public Skating Rink

Any person who operates a billiard establishment with 4 or more billiard tables, a public bowling-alley or a public skating rink is required to apply for a licence issued by the Leisure and Cultural Services Department under the Places of Amusement Regulation, Cap. 132BA.

### Hotel/Guesthouse

Under section 2A of Hotel and Guesthouse Accommodation Ordinance, Cap. 349, Hotel or Guesthouse means any premises whose occupier, proprietor or tenant holds out that, to the extent of his available accommodation, he will provide sleeping accommodation for any person presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided and is in a fit state to be received.

### Amusement Game Centre

Any person who wishes to operate an amusement game centre is required to apply for an Amusement Game Centre Licence from Home Affairs Department under the Amusement Game Centres Ordinance, Cap. 435.

There are two types of amusement game centres: adult centres for persons aged 16 or above and children's centres for persons under the age of 16.

### Public Dance Hall/Dancing School

Under section 2 of Miscellaneous Licences Ordinance, Cap. 114, Public dance-hall *means any place opened, kept or used for the purpose of dancing to which the general public are admitted with or without payment for admission unless being exempted.* Dancing School *means any place opened, kept or used for the purpose of giving instruction in dancing unless being exempted.*

Residential Care Home for the Elderly

Under section 2 of Residential Care Homes (Elderly Persons) Ordinance, Cap. 459, Residential Care Home for the Elderly *means any premises at which more than 5 persons who have attained the age of 60 years are habitually received for the purposes of care while resident therein.*

Massage Establishment

Under section 2 of Massage Establishments Ordinance, Cap. 266, Massage Establishment *means any place used or intended to be used or represented as being used for the reception or treatment of persons requiring massage or other similar service or treatment.*

Residential Care Home for Persons with Disabilities

Under section 2 of Residential Care Homes (Persons with Disabilities) Ordinance, Cap. 613, Residential Care Home for Persons with Disabilities *means any premises at which more than 5 persons with disabilities, who have attained the age of 6 years, are habitually received for the purpose of residential accommodation with the provision of care.*

Drug Dependence Treatment Centre

Under section 2 of Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance, Cap. 566, Drug Dependence Treatment Centre *means any place used or intended to be used-*

- (a) for the treatment for drug dependence or for the rehabilitation of 4 or more drug dependent persons undergoing such treatment or rehabilitation on a voluntary basis; and*
- (b) for providing residential accommodation for such persons undergoing treatment for drug dependence, or undergoing rehabilitation, at that place.*

Premises for the Sale and Consumption of Intoxicating Liquor

Under Dutiable Commodities (Liquor) Regulations, Cap. 109B, a liquor licence must be obtained from the Liquor Licensing Board for a business which involves sale of liquor for consumption on the premises which are issued with a restaurant licence by Director of Food and Environmental Hygiene.

### Bedspace Apartment

Under Section 2 of Bedspace Apartments Ordinance, Cap. 447, *Bedspace Apartment means any flat; or where the partitioning wall or walls between two or more adjoining flats which has or have been demolished, in which there are 12 or more bedspaces occupied or intended to be occupied under rental agreements, and for the purpose of determining whether any flat constitutes a bedspace apartment, the existence of partitions in the flats shall be disregarded.*

### Club-house

Under Section 2 of Clubs (Safety of Premises) Ordinance, Cap. 376, *Club-house means any premises or part thereof exclusively set aside for use permanently or temporarily by a club and its members.*

### School

Under Section 3 of Education Ordinance, Cap. 279, *School means an institution, organization or establishment which provides for 20 or more persons during any one day or eight or more persons at any one time, any nursery, kindergarten, primary, secondary or post-secondary education or any other educational course by any means, including correspondence delivered by hand or through the postal services.*

Schools can be situated either in premises not designed and constructed as a school (premises at commercial or mixed commercial and residential building) or in premises designed and constructed as a school (purpose-built premises).

### Establishment for Conducting Registered Courses or Exempted Courses

Under Non-local Higher and Professional Education (Regulation) Ordinance, Cap. 493, all courses conducted in Hong Kong leading to the award of non-local higher academic qualifications (i.e. sub-degree, degree, postgraduate or other post-secondary qualifications) or professional qualifications must be properly registered or be exempted from registration. For a course which will lead to multiple non-local higher academic qualifications or non-local professional qualifications, such as intermediate awards (which include exit awards), those parts of the course leading to different non-local higher academic qualifications or non-local professional qualifications are also regulated courses that have to be individually registered or exempted from registration under the Ordinance.

### Child Care Centre

Under Section 2 of Child Care Services Ordinance, Cap. 243, *Child Care Centre means any premises which habitually receive at any one time more than five children under the age of three or six (depending on the type of child care centre) for the purpose of care and supervision.*

## **PART 2      DEFINITIONS, STATUTORY PROVISIONS AND NORMATIVE REFERENCES**

### **2.1            Definitions**

2.1.1      Under section 2 of Fire Services Ordinance (“FSO”), Cap. 95, “fire hazard” means –

- (a) any removal from any building of any fire service installation or equipment which was provided in such building in accordance with plans certified by the D of FS for the purposes of section 16 of the Buildings Ordinance (Cap. 123);
- (b) the presence in any building of any fire service installation or equipment which from lack of proper maintenance or for any other reason is not in efficient working order;
- (c) inadequate means of egress from any premises in a building to street level outside the building or using such means of egress for a purpose which gives rise to any circumstance described in paragraph (d); and
- (d) any other matter or circumstance which materially increases the likelihood of fire or other calamity or the danger to life or property that would result from the outbreak of fire or the occurrence of any other calamity, or which would materially hamper the FSD in the discharge of its duties in the event of fire or other calamity.

2.1.2      Under section 2 of FSO, “fire service installation or equipment” means any installation or equipment manufactured, used or designed to be used for the purposes of –

- (a) extinguishing, attacking, preventing or limiting a fire;
- (b) giving warning of a fire;
- (c) providing access to any premises or place for the purpose of extinguishing, attacking, preventing or limiting a fire;
- (d) facilitating the evacuation from any premises in case of fire;

- (e) providing a stand-by power supply to an installation or equipment the purposes of which are mentioned in paragraphs (a) to (d) in the event of the loss of normal power supply;

2.1.3 Under section 5 of the proposed FS(RFE)R, a person may apply to the D of FS for registration as an RFE in respect of one or more of the following classes –

- (a) risk assessment [performed by RFE(RA)];
- (b) fire service installation [performed by RFE(FSI)]; or
- (c) ventilating system [performed by RFE(VS)].

2.1.4 In this Code, unless the context otherwise specifies -

2.1.4.1 “fire risk” means probability of fire, as influenced by the quantity of combustibles available on the premises and the degree of care with which sources of ignition are handled.

2.1.4.2 “life risk” means risk to occupants’ life and limb in the event of fire.

2.1.4.3 “smoke risk” means smoke logging as result of fire and where the construction features of the premises or change of such features render its dispersion more difficult thus increasing life risk.

2.1.4.4 “gross floor area” (GFA), under Regulation 23(3)(a) of the Building (Planning) Regulations, is the area contained within the outer surface of external walls of a building measured at each floor level. Any portions of this area not floored over should also be included in the GFA calculations.

2.1.4.5 “fire safety certificate” (FSC) is the certificate issued by RFE(FSI) or RFE(VS) upon compliance of the relevant FSR.

- 2.1.4.6 “fire safety requirements” are prescribed licensing requirements regarding the fire safety in scheduled premises formulated and issued by FSD, licensing authority or RFE(RA). The FSR issued by RFE(RA) requires endorsement from FSD before issuing to the Applicant.
- 2.1.4.7 “Scheduled premises” means any premises intended to be used as an establishment listed in column 2 of Part 1, 2, 3 or 4 of the Schedule to the proposed FS(RFE)R.
- 2.1.4.8 “Registered Fire Engineer” means a person registered under section 9(5) of the proposed FS(RFE)R.
- 2.1.4.9 “Ventilating system” is a mechanical system usually comprises of air blower and air duct. The system will maintain air movement in an indoor environment.
- 2.1.4.10 “Specified application” means an application for a licence or similar instrument in relation to scheduled premises made under the legislation specified in the Schedule to the proposed FS(RFE)R.
- 2.1.4.11 “Window” is any framed glazing in an opening of an external wall to allow natural light and/or ventilation through the building.
- 2.1.4.12 “Material change” includes any change that may affect the fire safety of the scheduled premises concerned or the implementation of FSR. Examples of changes include but not limited to the change in occupancy, fuel use, GFA of licensed area, mode of business, layout plan, VS plan, FSR, etc.
- 2.1.4.13 “School” means non-designed school situated in premises not designed and constructed as a school.

## 2.2 Statutory Provisions

RFE should pay particular attention towards to the following ordinances and regulations in the discharge of RFE's duties specified in the proposed FS(RFE)R:

- 2.2.1 Dutiable Commodities (Liquor) Regulations (Cap. 109B);
- 2.2.2 Miscellaneous Licences Regulations (Cap. 114A);
- 2.2.3 Food Business Regulation (Cap. 132X);
- 2.2.4 Funeral Parlour Regulation (Cap. 132AD);
- 2.2.5 Places of Amusement Regulation (Cap. 132BA);
- 2.2.6 Places of Public Entertainment Regulations (Cap. 172A);
- 2.2.7 Massage Establishments Ordinance (Cap. 266) and other subsidiary legislation made under the Ordinance;
- 2.2.8 Hotel and Guesthouse Accommodation Ordinance (Cap. 349) and other subsidiary legislation made under the Ordinance;
- 2.2.9 Amusement Game Centres Ordinance (Cap. 435) and other subsidiary legislation made under the Ordinance;
- 2.2.10 Bedspace Apartments Ordinance (Cap. 447) and other subsidiary legislation made under the Ordinance;
- 2.2.11 Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and other subsidiary legislation made under the Ordinance;
- 2.2.12 Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566);
- 2.2.13 Karaoke Establishments Ordinance (Cap. 573) and other subsidiary legislation made under the Ordinance;
- 2.2.14 Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) and other subsidiary legislation made under the Ordinance;
- 2.2.15 Clubs (Safety of Premises) Ordinance (Cap. 376) and other subsidiary legislation made under the Ordinance;
- 2.2.16 Education Ordinance (Cap. 279) and other subsidiary legislation made under the Ordinance;
- 2.2.17 Child Care Services Ordinance (Cap. 243) and other subsidiary legislation made under the Ordinance;
- 2.2.18 Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) and other subsidiary legislation made under the Ordinance;
- 2.2.19 Building (Ventilating Systems) Regulations (Cap. 123J);
- 2.2.20 Building (Minor Works) Regulation (Cap. 123N);
- 2.2.21 Ventilation of Scheduled Premises Regulation (Cap. 132CE);
- 2.2.22 Public Health and Municipal Services Ordinance (Cap 132); and
- 2.2.23 Other Ordinances and Regulations which are relevant to the specified application.

## 2.3 Normative References

The Code shall be read in conjunction with publications (set out below) issued by the FSD and the relevant licensing/registration authorities. In case of conflict between the provisions of the Code and the provisions in publications issued by other licensing/registration authorities, the provisions of the Code shall prevail.

- 2.3.1 Codes of Practice for Minimum Fire Service Installations and Equipment and Inspection, Testing and Maintenance of Installations and Equipment issued by the FSD;
- 2.3.2 A Guide to Application of Letter of Compliance for Mechanical Ventilating Systems issued by the FSD;
- 2.3.3 A Practical Guide for Design, Installation, Acceptance and Maintenance of Fire Service Installations and Equipment issued by the FSD;
- 2.3.4 Circular Letters issued by the FSD;
- 2.3.5 Code of Practice for Fire Safety in Buildings issued by the BD;
- 2.3.6 A Guide to Application for Restaurant Licences issued by the FEHD;
- 2.3.7 A Guide to Application for Food Factory Licence issued by the FEHD;
- 2.3.8 A Guide to Application for Factory Canteen Licence issued by the FEHD;
- 2.3.9 A Guide to Application for Composite Food Shop Licence issued by the FEHD;
- 2.3.10 A Guide to Application for Karaoke Establishment Permits in Restaurants issued by the FEHD;
- 2.3.11 A Guide to Application for Places of Public Entertainment Licences for Places Other Than Cinemas and Theatres issued by the FEHD;
- 2.3.12 A Guide to Application for Places of Public Entertainment Licences (Cinemas/Theatres) issued by the FEHD;
- 2.3.13 A Guide to Application for Liquor Licences and Club Liquor Licences issued by the FEHD;
- 2.3.14 Application for Funeral Parlour Licence and Respective Health Requirements and Conditions issued by the FEHD;
- 2.3.15 Code of Practice for Residential Care Homes (Elderly Persons) issued by the SWD;
- 2.3.16 Code of Practice for Residential Care Homes (Persons with Disabilities) issued by the SWD;
- 2.3.17 Code of Practice for Drug Dependent Persons Treatment and Rehabilitation Centres issued by the SWD;
- 2.3.18 Code of Practice for Mutual Help Child Care Centres issued by the SWD;

- 2.3.19 Procedural Guide for Application for Registration of a Child Care Centre issued by the SWD;
- 2.3.20 Operation Manual for Pre-primary Institutions issued by the EDB and the SWD;
- 2.3.21 Guidelines for Registration of a New School (For Premises Not Designed and Constructed as a School) issued by the EDB;
- 2.3.22 General Guidelines in Suitability of Non-exempted Premises for the Conduct of Registered or Exempted Courses issued by the EDB;
- 2.3.23 Code of Practice for Bedspace Apartment issued by the HAD;
- 2.3.24 A Layman's Guide to Licence Applications under the Hotel and Guesthouse Accommodation Ordinance (Chapter 349) issued by the HAD;
- 2.3.25 A Layman's Guide to Application of Certificate of Compliance under the Clubs (Safety of Premises) Ordinance, Chapter 376 issued by the HAD;
- 2.3.26 Guidance Notes on Application for the Grant of Amusement Game Centre Licence issued by the HAD;
- 2.3.27 Guide for Applicants for Public Dance Hall Licence issued by HAD;
- 2.3.28 A Guide to Application for Places of Amusement Licences (Billiard Establishments/Public Bowling Alleys/Public Skating Rinks) issued by the LCSD;
- 2.3.29 A Guide to Application for a Massage Establishments Licence by the HKPF; and
- 2.3.30 The Code of Practice for Control of Dangerous Goods on Land issued by the FSD.

## **PART 3 DUTIES OF REGISTERED FIRE ENGINEERS**

### **3.1 General**

Any Applicant who makes a specified application in relation to any scheduled premises may appoint an RFE under section 28 of the proposed FS(RFE)R to carry out the duties specified in Part 4 of the proposed FS(RFE)R

RFEs must not carry out a duty that is not within the scope of duties of the class for which he/she is registered, section 29(1) of the proposed FS(RFE)R refers.

### **3.2 Registered Fire Engineer (Risk Assessment) [RFE(RA)]**

#### Duties:

- (a) to conduct inspection personally or by another person who is under the direct and proper supervision of the RFE(RA) at the scheduled premises to which the specified application relates;
- (b) to carry out a fire risk assessment personally or by another person who is under the direct and proper supervision of the RFE(RA) at the scheduled premises to which the specified application relates;
- (c) to recommend, from a fire safety point of view, to the Applicant the suitability of the scheduled premises to be used for the Applicant's intended purpose;
- (d) to submit the duly completed Fire Risk Assessment Report to D of FS for endorsement before issuing FSR;
- (e) subject to subsection (d), to issue FSR for the scheduled premises to the Applicant;
- (f) to keep a copy of every FSR, fire risk assessment report and relevant records, such as site photos of the fire safety features for 3 years and produce the records for FSD officer's inspection on request within 3 working days after the date of the receipt of the request;
- (g) to notify the D of FS or a person authorized by him in writing of any change in:
  - (i) the name, phone number, correspondence address, electronic mail address or identity document of the RFE(RA); or
  - (ii) any other details of the RFE(RA) that the D of FS may require;

within 14 working days after the date on which the change takes place;  
and

- (h) to carry with them the relevant registration card or relevant certificate of registration that is in force while carrying out duties as RFE(RA).

Procedural Requirements:

- (a) Notification to the D of FS of his/her appointment as RFE(RA) in the specified form (Annex A of Appendix II) within 5 working days after the date of appointment;
- (b) Notification to the D of FS of his/her change or cessation of appointment as RFE(RA) in the specific form (Annex B of Appendix II) within 5 working days after the date of change or cessation of appointment; and
- (c) Submission of a duly completed Fire Risk Assessment Report (Annex I of Appendix II), Fire Safety Requirements (Appendix IV) and a copy of relevant supporting documents to the D of FS not more than 1 month after completion of the fire risk assessment of the scheduled premises.

### 3.3 **Registered Fire Engineer (Fire Service Installation) [RFE(FSI)]**

Duties:

- (a) to conduct personally or by another person who is under the direct and proper supervision of the RFE(FSI) at the scheduled premises to which the specified application relates—
  - (i) an inspection of the scheduled premises to verify if the premises have complied with the FSR (other than those in relation to the VS) issued by the D of FS, or by an RFE(RA); and
  - (ii) a testing of any FSI (other than those in relation to the VS) installed in the scheduled premises;
- (b) to issue a Fire Safety (Fire Service Installation) Certificate for the scheduled premises if the relevant FSR(s) is/are complied with;
- (c) to keep a copy of every certificate, compliance inspection report and relevant records, such as site photos of the fire safety features for 3 years and produce the records for FSD officer's inspection on request within 3 working days after the date of the receipt of the request;

- (d) to notify the D of FS or a person authorized by him in writing of the details of any non-compliance with FSR relating to FSI at the scheduled premises in 3 working days;
- (e) to report details of any material change in circumstances of scheduled premises that may affect the fire safety of the scheduled premises or the implementation of the FSR to the D of FS in 5 working days;
- (f) to notify the D of FS or a person authorized by him in writing of any change in:
  - (i) the name, phone number, correspondence address, electronic mail address or identity document of the RFE(FSI); or
  - (ii) any other details of the RFE(FSI) the D of FS may require;

within 14 working days after the date on which the change takes place; and
- (g) to carry with them the relevant registration card or relevant certificate of registration that is in force while carrying out the duties as RFE(FSI).

Procedural Requirements:

- (a) Notification to the D of FS of his/her appointment as RFE(FSI) in the specified form (Annex A of Appendix II) within 5 working days after the date of appointment;
- (b) Notification to the D of FS of his/her change or cessation of appointment as RFE(FSI) in the specific form (Annex B of Appendix II) within 5 working days after the date of change or cessation of appointment;
- (c) Notification to the D of FS of the material change in circumstances of scheduled premises that may affect the fire safety of the scheduled premises or the implementation of FSR in the specific form (Annex C of Appendix II) within 5 working days; and
- (d) Submission of a duly completed Compliance Inspection Report (FSI) (Annex J of Appendix II), a copy of Fire Safety (Fire Service Installation) Certificate (Annex E of Appendix II), Declaration Form for Conflict of Interest (Annex D of Appendix II) to the D of FS within 5 working days after completion of the inspection and/or testing of FSI at the scheduled premises.

### 3.4

#### **Registered Fire Engineer (Ventilating System) [RFE(VS)]**

##### Duties:

- (a) to conduct personally or by another person who is under the direct and proper supervision of the RFE(VS) at the scheduled premises to which the specified application relates—
  - (i) an inspection of the scheduled premises to verify if the premises have complied with the FSR in relation to the ventilating system issued by the D of FS, or by an RFE(RA); and
  - (ii) a testing of the fire safety features with respect to the ventilating system;
- (b) to issue a Fire Safety (VS) Certificate for the scheduled premises if the FSR for the ventilating system are complied with;
- (c) to keep a copy of every certificate, compliance inspection report (VS) and relevant records, such as site photos of the fire safety features for 3 years and produce the records for FSD officer's inspection on request within 3 working days after the date of the receipt of the request;
- (d) to notify the D of FS or a person authorized by him in writing of the details of any non-compliance with the FSR relating to ventilating system at the scheduled premises in 3 working days;
- (e) to report details of any material change in circumstances of scheduled premises that may affect the fire safety of the scheduled premises concerned or the implementation of FSR to the D of FS in 5 working days;
- (f) to notify the D of FS or a person authorized by him in writing of any change in:
  - (i) the name, phone number, correspondence address, electronic mail address or identity document of the RFE(VS); or
  - (ii) any other details of the RFE(VS) the D of FS may require;within 14 working days after the date on which the change takes place; and
- (g) to carry with them the relevant registration card or relevant certificate of registration that is in force while carrying out the duties as RFE(VS).

##### Procedural Requirements:

- (a) Notification to the D of FS of his/her appointment as RFE(VS) in the specified form (Annex A of Appendix II) within 5 working days after the date of appointment;

- (b) Notification to the D of FS of his/her change or cessation of appointment as RFE(VS) in the specified form (Annex B of Appendix II);
- (c) Notification to the D of FS of the material change in circumstances of scheduled premises that may affect the fire safety of the scheduled premises concerned or the implementation of the FSR in the specific form (Annex C of Appendix II) within 3 working days; and
- (d) Submission of the duly completed Compliance Inspection Report (VS) (Annex K of Appendix II), a copy of Fire Safety Certificate (VS) (Annex F of Appendix II), as-fitted VS plans and Declaration Form for Conflict of Interest (Annex D of Appendix II) to the D of FS within 5 working days after completion of the inspection and/or testing of FSI at the scheduled premises.

### 3.5 **Supplementary Information**

Where an Applicant chooses to replace a RFE with a new one, the newly appointed RFE shall report his/her appointment to the D of FS using the specified form (Annex B of Appendix II) within 5 working days after the date of appointment.

On cessation of the appointment of the RFE, FSD/licensing authority will carry out fire safety risk assessment and compliance check, as the case may be, until any further appointment of RFE by the Applicant. To avoid any delay in the processing of the specified application, the outgoing RFE shall remind the Applicant to proactively contact the responsible Licensing Offices of FSD/licensing authority to ensure that the specified application will timely be handled by FSD/licensing authority.

The appointment of the RFE can be made at different stages of the specified applications. If the appointment of the RFE is made after the issue of FSR by FSD, the compliance inspection of FSI and/or VS will be conducted by the RFE.

RFE(RA) shall formulate the FSR personally or by another person who is under the direct and proper supervision of the RFE(RA) who conducted the fire risk assessment for the scheduled premises. In this regard, he/she may follow and make reference with the FSR listed in Appendix IV which are available in the RFE Portal (remark: an online database under development) and the sample of FSR as enclosed in Appendix IX.

## **PART 4 APPLICATION**

### **4.1 Scope**

Under the mutual agreement with relevant licensing/registration authorities for the scheduled premises, the RFES applies only to the new specified applications and the associated revised layout plans/ VS plans before the issue of a full licence or a similar instrument. FSD will review the implementation of the RFES, evaluate the effectiveness of the RFES based on the feedbacks from stakeholders and the market before deciding whether to extend the RFES to the licensing matters other than new specified applications.

### **4.2 Exclusion from RFES**

This Code applies to all specified applications except under the following circumstances:

#### **4.2.1 Provisional Licensing System**

With a view to facilitating the preparation of the scheduled premises, some licensing/registration authorities operate the Provisional Licensing System in which provisional licences would be issued under certain conditions. Under the RFES, the FSCs issued by RFE(FSI) or RFE(VS) will not be taken to serve as the certifications on the compliance of FSR.

In referring to the regime on the Provisional Licence as administered by FEHD, the FSCs issued by RFE(FSI) and RFE(VS) under RFES are not applicable as the certifications or supporting documents for the Certificate of Compliance C (Fire Safety Requirements) and Certificate of Compliance D (Ventilation Requirements) respectively.

#### **4.2.2 Referral Mechanism for Food Factory/Bakery Licence**

In certain types of food business licence application including food factory and bakery licence, the premises under application with the following conditions are not required for imposing FSR:

- (a) The gross floor area of the licensed premises not exceeding 100m<sup>2</sup>;
- (b) Only use electricity as fuel;
- (c) No naked flames; and
- (d) No deep frying activities.

In this connection, RFE should be aware of the above circumstances while conducting the fire risk assessment as well as formulating the FSR. For those applications with premises falling within the above conditions, such application is excluded from the RFES.

#### 4.2.3 OSA Arrangement for Food Premises

OSA refers to any open area used for alfresco dining business. When an Applicant of food business licence wishes to use an OSA outside the restaurant premises for alfresco dining, he/she is required to obtain separate approval from FEHD prior to commencement. Such application for OSA is not applicable under the RFES.

#### 4.2.4 Certificate of Exemption

For the scheduled premises such as RCHE, RCHD, DTC, etc., the Certificate of Exemption would be granted by relevant licensing/registration authorities under certain conditions. The RFE should consult relevant licensing/registration authorities regarding the Certificate of Exemption of these scheduled premises if necessary.

Under the RFES, the FSCs issued by RFE(FSI) and RFE(VS) will not be applicable as the certifications or supporting documents for the issue of the Certificate of Exemption.

#### 4.2.5 Transfer/Renewal of Licences or Similar Instruments

The RFES does not cover any matters in connection with the transfer/renewal of licences or similar instruments for the scheduled premises.

#### 4.2.6 Alteration of Existing Scheduled Premises

The RFES does not cover any matters in connection with the alteration of the scheduled premises after the licence or similar instrument was granted.

### **4.3 Submission of Alternative Proposals/FSAR**

Should the Applicants of the scheduled premises have insurmountable difficulties in complying with the prescribed FSR, the Applicants can submit alternative proposals or adopt the fire engineering approach with the submission of FSAR for FSD's consideration.

Problems due to deviation from the prescribed FSR shall be analyzed and the corresponding alternative proposals or FSAR shall be technically justified and validated on a case-by-case basis according to the types and characteristics of the relevant scheduled premises.

Under the RFES, alternative proposals or FSAR might be compiled and subsequently vetted by the appointed RFE(RA). Such alternative proposals or FSAR shall be submitted by RFE(RA) together with the recommended FSR for the scheduled premises under application to the FSD for endorsement. The D of FS may endorse, on a case-by-case basis, the recommended FSR provided that it shall not provide a level of safety inferior to that provided by the prescribed FSR.

## **PART 5 FIRE RISK ASSESSMENT AND FIRE SAFETY REQUIREMENTS**

### **5.1 Conducting Fire Risk Assessment and Formulating of Fire Safety Requirements for Scheduled Premises**

#### **5.1.1 Scope**

According to section 30 of the proposed FS(RFE)R, RFE(RA) may conduct fire risk assessment and formulate FSR for scheduled premises to which the specified application relates. The RFE(RA) is required to make use of the Fire Risk Assessment Report at Appendix II to complete the fire risk assessment and the FSR for the scheduled premises at Appendix IV for the issuing of FSR.

In assessing the suitability of a premises for the intended use, factors which shall be taken into consideration including but not limited to the following:

- 5.1.1.1 compatibility of the proposed scheduled premises with adjacent occupancies;
- 5.1.1.2 potential hazards posed by the proposed scheduled premises to adjacent occupancies and vice versa;
- 5.1.1.3 accessibility of the proposed scheduled premises for FSD members to conduct rescue and firefighting operations, in particular aerial operations;
- 5.1.1.4 availability of firefighting water supply; and
- 5.1.1.5 adequacy of existing provision of fire service installations and equipment.

## 5.1.2 Particulars of Building

Scheduled premises generally occupy a portion of a building or within a purpose-built building. For the purpose of fire suppression, smoke control, evacuation, etc., it is important to have a grasp on various features and characteristics of the building proposed for the scheduled premises in order to critically evaluate the associated hazards and risks thereat.

With a view to gathering the particulars of a building and to confirming the permitted use of the building for the purpose of conducting fire risk assessment, RFE(RA) should make reference to the following :

- 5.1.2.1 Approved building plans administered by relevant Building Authority;
- 5.1.2.2 Occupation Permits of the relevant buildings;
- 5.1.2.3 Information obtained by on-site inspections;
- 5.1.2.4 Information in FS251 in respect of the building;
- 5.1.2.5 Information from the building owners/building management/existing tenants, etc.

## 5.1.3 Co-existence and Compatibility of Occupancy

### 5.1.3.1 Co-existence of Restaurants/Clubs with Schools/Child Care Centres (“CCC”)/Residential Care Homes for the Elderly (“RCHE”)/Residential Care Homes for persons with disabilities(“RCHD”)

Whilst the co-existence of certain premises (i.e. godown, theatre and cinema with school/CCC/RCHE/RCHD”) has been restricted by section 49, 49A and 49B of Building (Planning) Regulations, Cap. 123F, section 6 of Education Regulations, Cap.279A, section 19 of Residential Care Homes (Elderly Persons) Regulation, Cap. 459A, section 20 of Residential Care Homes (Persons with Disabilities) Regulation, Cap. 613A, other establishments such as restaurant/club are subject to individual consideration from fire safety point of view.

During the formulation of FSR, RFE(RA) should critically examine the co-existence of school/CCC/RCHE/RCHD and restaurant/club to ascertain the

corresponding requirements. All contributing factors that must be fully considered are listed below:

- (a) Proper licensing/registration of the school/CCC/ RCHE/RCHD.
- (b) Compliance with all FSR for the school/CCC/ RCHE/RCHD.
- (c) Consideration and approval by the BD for the means of escape.
- (d) Identification and abatement of any fire hazard in the vicinity of either establishment before processing is completed.
- (e) Compliance with the Dangerous Goods Ordinance, Cap.295.
- (f) Full sprinkler system installation in the premises.
- (g) Assessment of the number of available staircases.
- (h) Maintenance of proper separation between the school/CCC/RCHE/RCHD and the restaurant/ club.
- (i) Evaluation of any other potential risk associated with nearby premises, apart from the restaurant/club and school/CCC/RCHE/RCHD/ DTC.
- (j) Assessment of the use of liquid fuel inside the restaurant or club. If LPG or town gas is being used as cooking fuel, any objection from the EMSD should be addressed.
- (k) Evaluation of the operation mode of the club. A club using a pantry for food warming will pose lesser degree of fire risk compared to a club operating on the same scale as a restaurant.

#### 5.1.3.2 Compatibility of Occupancy

Industrial activities generate much higher risks of fire/chemical related incidents and danger to life. From public and fire safety point of view, non-industrial activities e.g. school or cinema should not be permitted to be located inside industrial buildings while industrial activities should not be permitted to be carried out inside domestic/composite/institutional building because of the grave fire safety concerns on co-existence of

non-industrial activities and industrial activities inside the same building.

RFE(RA) should pay particular attention and make reference to section 49 of Building (Planning) Regulations, Cap. 123F in which no building used or designed for domestic purposes or intended for habitation shall also be used-

- (a) for the manufacture of any dangerous goods within the meaning of the Dangerous Goods Ordinance (Cap. 295); or
- (b) for the storage of any such dangerous goods to which section 6 of that Ordinance applies; or
- (c) as a motor repair shop; or
- (d) as a vulcanizing shop; or
- (e) for automobile or carriage painting; or
- (f) as a paint shop where paint or varnish is manufactured or mixed; or
- (g) for dry-cleaning,

unless exempted by the Building Authority in which case the Building Authority may determine such structural and other requirements as in its opinion are necessary.

In addition, REF(RA) should be conversant with section 49A to section 49E of Building (Planning) Regulations, Cap. 123F in conducting fire risk assessment for places of public entertainment.

RFE(RA) shall observe the relevant considerations and restrictions regarding the co-existence and compatibility of occupancy in formulating FSR.

#### 5.1.4 Height Restrictions

There are statutory height restrictions for specific type of scheduled premises.

- (a) Height restrictions for school are stipulated under section 7 of Education Regulations, Cap. 279A.

*“Maximum height of schools*

*No part of any school premises, except the parapet wall round a roof playground, shall be situated at a height of more than 24 m above ground level:*

*Provided that the Permanent Secretary, with the advice of the Director of Fire Services, may by notice in writing authorize that any part of such premises be situated at such height greater than 24 m as may be specified in the notice.”*

- (b) Height restrictions for CCC are stipulated under section 19 of Child Care Services Regulations, Cap. 243A.

*“Maximum height of centres*

*No part of any centre premises, except the parapet wall around a roof playground, shall be situated at a height—*

*(a) in the case of a centre used for children under 2 years of age, of more than 12 m; or*

*(b) in any other case, of more than 24 m, above ground level:*

*Provided that the Director, with the advice of the Director of Fire Services, may by notice in writing authorize that any part of such premises be situated at such greater height as may be specified in the notice.”*

- (c) Height restrictions for RCHE are stipulated under section 20 of Residential Care Homes (Elderly Persons) Regulation, Cap. 459A.

*“Height*

*(1) Subject to subsection (2), no part of a residential care home shall be situated at a height more than 24 m above the ground floor, measuring vertically from the ground of the building to the floor of the premises in which the residential care home is to be situated.*

*(2) The Director may by notice in writing served on an operator authorize that any part of such residential care home may be situated at a height more than 24 m above the ground floor as may be indicated in the notice.”*

- (d) Height restrictions for RCHD are stipulated under section 21 of Residential Care Homes (Persons with Disabilities) Regulation, Cap. 613A.

*“Height*

*(1) Subject to subsection (2), a residential care home for PWDs, including any part of it, must not be situated at a height more than 24 m above the street level, measuring vertically from the street level to the floor of the premises in which the residential care home is or is to be situated.*

*(2) The Director may, by a notice in writing given to an operator of a residential care home for PWDs, authorize that any part of the residential care home may be situated at a height more than 24 m above the street level as may be indicated in the notice.”*

RFE(RA) should also make reference to the prevailing codes and/or operating guidelines as appropriate to ascertain the detailed height requirements.

5.1.5 Location Restrictions

Scheduled premises may be occupied by a large number of persons who are unfamiliar with the general layout and landscape of the premises. There may also be considerable special design features specific to the mode of business operated at the scheduled premises. Therefore considerable life risk, fire risk and smoke risk exist throughout scheduled premises.

In order to minimize the risks associated with scheduled premises, various location restrictions in respect of scheduled premises are identified. In general, location restrictions involve the following factors:

- (a) Any buildings/structures which are of sub-standard construction;
- (b) Level of basement where the scheduled premises situated;
- (c) On any floor below ground floor, if LPG is to be used as cooking fuel;
- (d) In area designed for emergency use, such as buffer floor, refuge floor, etc.;
- (e) In area designed for other use, such as car parks;
- (f) Vertically below or immediately above the premises leading to the issue of co-existence and compatibility of occupancy; and

- (g) In buildings designed for other use not suitable for the type of the scheduled premises to be situated.

RFE(RA) shall observe the relevant location restrictions for specific type of scheduled premises when they formulate FSR.

#### 5.1.6 Level of Risks

The level of risk of scheduled premises is dependent upon the extent of the associated fire/life/smoke risks.

For scheduled premises used as food premises under the Food Business Regulations, Cap. 132X, as a general guideline, food premises operating in a premises over 126 square metres in area are considered posing a higher level of risk. Such food premises are required to comply with FSR with High Fire Risk if:

- (a) the average quantity of combustible materials in the seating accommodation exceeds 60 kilograms wood or equivalent per square metre; or
- (b) the openable/fixed windows in the seating accommodation are obstructed by decorations or sealed up for more than 50% of the window area totally; or
- (c) more than 30% of the seating accommodation are partitioned by combustible materials to form cubicles.

Food premises which do not meet any of criteria mentioned in paragraph (a) to (c) above, are considered posing lower level of risk, irrespective of the area it occupies.

RFE(RA) should, having regard to the prevailing situation and available information of the food premises, exercise their professional judgement to determine whether the food premises pose higher level of risk or not in conducting the fire risk assessment and the formulation of FSR.

#### 5.1.7 Accessibility

To assess the fire/life/smoke risks of scheduled premises, RFE(RA) should take into account the nature and mode of business to be operated at the scheduled premises and the accessibility of the scheduled premises.

In general, the site of scheduled premises should conform to the prevailing requirements of means of access as imposed by the

Building Authority and stipulated in the Code of Practice for Fire Safety in Buildings issued by BD. For certain types of scheduled premises, there exists statutory requirements regarding the accessibility of the site of the scheduled premises; relevant details are set out as follows:

- (a) Accessibility for RCHE had been stipulated under section 23 of Residential Care Homes (Elderly Persons) Regulation, Cap. 459A and is under the jurisdiction of Director of Social Welfare.

*“Accessibility*

*Every residential care home shall, to the satisfaction of the Director, be accessible by emergency services.”*

- (b) Accessibility for RCHD had been stipulated under section 24 of Residential Care Homes (Persons with Disabilities) Regulation, Cap. 613A and is under the jurisdiction of Director of Social Welfare.

*“Accessibility*

*A residential care home for PWDs must, to the satisfaction of the Director, be accessible by emergency services.”*

In the course of fire risk assessment, RFE(RA) should also pay particular attention to the details on accessibility as denoted in the Codes of Practices for RCHE, RCHD and DTC.

If vehicular accesses to the scheduled premises are not available, enhanced FSR may be required depending on the results of the fire risk assessment.

#### 5.1.8 Availability of Firefighting Water Supply

In order to cater for the need of water supply for firefighting purpose in the event of fire and/or other emergency, RFE(RA) should identify the availability of firefighting water supply nearest to the site of the scheduled premises during fire risk assessment. One of the sources of firefighting water supply is street fire hydrants; reference should be made to the requirements stipulated in the Code of Practice for Minimum Fire Service Installations and Equipment and Inspection, Testing and Maintenance of Installations and Equipment issued by the FSD. If water supply for firefighting is not available at the scheduled premises, enhanced FSR may be required based on the results of the fire risk assessment.

5.1.9 Provision of Fire Service Installations and Equipment

The provision of the fire service installations and equipment at the scheduled premises and the buildings where the scheduled premises are located should conform to the requirements stipulated in the Code of Practice for Minimum Fire Service Installations and Equipment and Inspection, Testing and Maintenance of Installations and Equipment issued by the FSD. When doing a fire risk assessment, RFE(RA) should locate the fire service installations and equipment provided at the scheduled premises and the building where the scheduled premises are located so as to confirm the overall fire safety level of the scheduled premises and to determine whether additional fire service installations and equipment are required.

5.1.10 Existence of Fire Hazards

The existence of fire hazards in the vicinity of the site of the scheduled premises will pose additional fire/life/smoke risks and undermine the overall fire safety level of the scheduled premises. When doing the fire risk assessment, RFE(RA) should attempt to identify fire hazards and report them to appropriate authorities via FSD soonest possible for subsequent law enforcement actions. Such findings and referral should be recorded in the fire risk assessment report.

5.1.11 Unauthorized Building Works

In general, UBWs are classified by BD as:

- (a) any additions or alterations inside the buildings, and building works outside the building without prior approval of the Building Authority
- (b) Small-scale building works that are designated as minor works, but did not follow the simplified requirements of the Minor Works Control System under the Buildings Ordinance (Cap. 123)
- (c) any addition and alteration works that were carried out inside a building NOT involving the structure of the building, but do not comply with the building standards laid down in the Buildings Ordinance and its subsidiary regulations

The existence of UBWs at the scheduled premises and the buildings where the scheduled premises are located constitutes structural or

fire risks and may lead to certain fire hazards affecting the scheduled premises. During the fire risk assessment, RFE(RA) should attempt to identify the UBWs and report it to appropriate authorities via FSD soonest possible for law enforcement actions. Such findings and referral should be recorded in the fire risk assessment report.

#### 5.1.12 Dangerous Goods

No storage or use of dangerous goods in excess of the exempt quantity within the meaning of the Dangerous Goods (Application and Exemption) Regulations 2012, Cap. 295E is permitted without a licence or approval granted by the D of FS. It reduces undue risk to the scheduled premises and their vicinities. The type of licence or approval required depends on the dangerous goods/fuels to be used. The licence/approval may restrict the location of the food premises, the allowed quantity of dangerous goods/fuels and the layout of the scheduled premises.

Pursuant to section 106(1) of Dangerous Goods (Control) Regulation, Cap. 295G, subject to some exceptions, no FSC would be issued for any food business which permits fire, forge, furnace or other source of substantial heat to be sited in an area which is within 6 metres of any dangerous goods store or petrol filling station licensed under Cap. 295G. Cooking equipment is considered as “other source of substantial heat”.

The application of section 106(1) of Cap. 295G [i.e. “hazardous area of a licensed store or Class 3A premises” or “6 metres of the store or premises”] does not extend beyond a fire resisting wall, ceiling and/or floor of an adjacent premises provided that those walls, ceilings and/or floors were constructed in compliance with the prescribed standards under the Buildings Ordinance and its subsidiary legislation.

When conducting fire risk assessment, the RFE(RA) should be aware of the statutory requirements in relation to dangerous goods and take it into consideration in assessing the site suitability for the scheduled premises.

If RFE(RA) requires advice on the application of section 106 of Cap. 295G for the purposes of application for food business licence or TPPE/PPE, the RFE(RA) should consult Licensing Division of FSD.

#### 5.1.13 Layout Plans and Ventilating System Plans

For the specified applications under various licensing regime, an Applicant is required to provide copies of the proposed layout plans and VS plans for examination. The detailed requirements for the proposed layout plans and VS plans are set out in the relevant application guidelines issued by relevant licensing authorities. In general, those plans include information such as the demarcation of licensing areas, the layout of air ducting, the description of relevant fire service installations and equipment, location of cashier counter, arrangement of kitchen, etc.

The RFE(RA) shall obtain copies of the proposed layout plans and VS plans before conducting the on-site inspection and fire risk assessment. During the fire risk assessment, particular attention should be paid to various design features at the scheduled premises such as the use of lavish decoration, the addition of partitions to form separate compartments and the formation of cubicles that may pose additional fire/life/smoke risks.

The RFE(RA) should also note the comments given by other government departments on the layout plans and VS plans.

#### 5.1.14 Evaluation of Fire Hazards or Risks of Fire Hazards

RFE(RA) shall gather information from on-site inspection and fire risk assessment for the identification of various fire hazards and risks of fire hazards at the scheduled premises.

The RFE(RA) shall evaluate every piece of information relating to the specified application and exercise professional judgement and analysis to determine the level of fire risk(s) of the scheduled premises. Under the scope of RFES, the level of fire risk(s) is categorized as 'Normal' and 'High' in which 'Normal' means the level of risk at the scheduled premises is found acceptable, subject to compliance with FSR and 'High' means the level of risk at the scheduled premises is found acceptable, subject to compliance with tailor-made FSR specific to the specified application.

#### 5.1.15 Fire Safety Requirements

The formulation of FSR depends on the type of the scheduled premises and the results of the fire risk assessment conducted by the RFE(RA). The RFE(RA) should make use of the FSR at Appendix IV and recommend suitable FSR to properly address the fire hazards

as identified in the fire risk assessment and to reduce the risk level of the scheduled premises.

When formulating the FSR for a General Restaurant, special consideration shall be given to open kitchen, the type of fuel used in the kitchen, and the type of business operated at the scheduled premises.

The FSR have been formulated to reduce the risk of fire, to mitigate the effect of fire and to limit the spread of fire.

Apart from the FSR, the RFE(RA) should exercise judgement in determining the provision, sufficiency and siting of approved portable hand-operated appliances to enhance the fire safety for the scheduled premises.

As a general guideline,

- (a) one 9 liter or larger size water type fire extinguisher is required for every 100 square metre of GFA of the scheduled premises;
- (b) one 4.5 kilogram or larger size carbon dioxide fire extinguisher is required for every 3 sets of cooking appliance such as electric/towngas stoves/warmers;
- (c) one 1.44 square metre or larger size fire blanket is required for every 3 frying pans/woks using oils/fat for deep frying; and
- (d) the provision of approved portable hand-operated appliances shall be having regard to the actual layout of the scheduled premises, accessibility and travel distance to reach the nearest fire extinguishers and the nature of the specific risks identified, etc.

The RFE(RA) shall formulate the FSR of VS in respect of the scheduled premises with reference to their risk assessment on the VS and relevant information of the scheduled premises, e.g. fire compartment, protected area, location of air in-take, etc. The RFE(RA) should make use of the FSR for Mechanical Ventilating Systems at Appendix IV including FSD Circular Letter No. 2/2023 (FSR for Mechanical Ventilating Systems), FSR of Ventilating Systems for Scheduled Premises under Cap. 132, (as specified in the first column of the Second Schedule of Cap. 132, PHMSO) and FSR of Ventilating Systems for Premises (other than Scheduled Premises under Cap. 132) to recommend suitable FSR.

### 5.1.16 Additional Fire Safety Requirements

To carry out the fire risk assessment, the RFE(RA) should assess the mode of operation of the premises with reference to the licence/registration application, e.g. cooking activity outside kitchen. Based on the result of the fire risk assessment, the RFE(RA) may formulate, apart from the FSR, additional FSR to address fire/life/smoke risks arising from such mode of operation of business or any other situations to ensure that all fire/life/smoke risks are addressed.

## 5.2 **Revised Layout Plans/Ventilating System Plans Before Issue of a Licence or a Similar Instrument**

### 5.2.1 Scope

If an Applicant wishes to apply for change in layout plans/ VS plans of scheduled premises in respect of a specified application, submission of revised layout plans/ VS plans is required. The RFE(RA) shall remind the Applicant to submit the revised layout plans/ VS plans to the relevant licensing/registration authorities and forward a copy to RFE(RA). The RFE(RA) shall inspect the premises and conduct fire risk assessment on the scheduled premises with reference to the revised layout plans/VS plans. The RFE(RA) may, based on the fire risk assessment, issue new FSR for endorsement by FSD and if necessary, new FSC.

RFE(RA) shall observe the ensuing paragraphs about the minor and major change in the layout plan when considering whether fresh FSR shall be issued.

### 5.2.2 Minor and Major Change in Layout Plan

Minor change refers to a change to kitchen/soda fountain/front food room internal layout or partitioning less than 30% of seating accommodation by combustible materials to form cubicles, etc. In this case, it does not require the issue of a fresh FSR or FSC.

Major change includes addition/deletion of licensed area; a complete change in the layout or overhaul decoration, change in quantity of fire damper in VS, etc. If the proposed major change poses additional fire/life/smoke risks to the scheduled premises and is considered acceptable from fire safety point of view after Fire Risk Assessment, a fresh FSR as well as a fresh FSC are required.

### 5.3 Endorsement by FSD

Upon submission of application for licence/registration to relevant licensing/registration authority, the Applicant will notify the authority of the appointment of RFE(RA). The RFE(RA) shall, upon the Applicant's appointment, conduct the fire risk assessment and formulate corresponding FSR for the scheduled premises to which the application relates.

Before FSR are issued to the Applicant, the proposed FSR must be submitted to the D of FS within 5 working days upon the completion of fire risk assessment for endorsement by FSD via the following email address/other means:

[rfes@hkfsd.gov.hk](mailto:rfes@hkfsd.gov.hk) (To be confirmed)

FSD will take into account a basket of factors including the layout of the premises, fuel use, provision of FSI, the type of occupancies, current practice in fire safety and operational experience, etc. when it comes to processing the recommended FSR submitted by RFE(RA).

Under section 20(5)(c) of the proposed FS(RFE)R, FSD may endorse or refuse to endorse the proposed FSR. The reasons for refusing to endorse the proposed FSR will be provided in a Fire Risk Assessment Report. Once the endorsement was made by FSD, the endorsed FSR will be returned to RFE(RA).

Upon receiving the endorsed FSR and the Fire Risk Assessment Report, the RFE(RA) has the responsibility to explain the content of the Fire Risk Assessment Report to the Applicant. Under section 34(1) of the proposed FS(RFE)R, the endorsed FSR and Fire Risk Assessment Report duly signed by the RFE(RA) shall be issued to the Applicant. A copy of the same should be submitted to FSD and the licensing/registration authorities for record purpose within 5 working days.

The sample of the Fire Risk Assessment Report is provided in Appendix V for reference.

## **PART 6 COMPLIANCE INSPECTION, TESTING AND CERTIFICATION**

### **6.1 Compliance Inspection and Testing**

#### **6.1.1 Scope**

Under section 31 and 32 of the proposed FS(RFE)R, the duties of RFE(FSI)/RFE(VS) are to conduct compliance inspection and to test the items listed in the FSR in respect of the scheduled premises.

#### **6.1.2 Checklist of FSR during Compliance Inspection**

RFE(FSI)/RFE(VS) may make reference with the checklist of FSR items when conducting compliance inspection. The checklist for FSI is enclosed at Annex J of Appendix II. The checklist for VS of FSR can be referred to Annex 1 of the FSD Circular Letter No. 2/2023 at Appendix IV, i.e. Inspection Checklist for Mechanical Ventilating System of FSR for Mechanical Ventilating Systems. If RFE(FSI)/RFE(VS) notes any non-compliance during the compliance inspection, RFE(FSI)/RFE(VS) shall inform the Applicant and require the Applicant to rectify those outstanding items set out in the compliance inspection report. A sample of the compliance inspection report (VS) is provided in Appendix VI for reference. Upon completion of the rectification, the RFE(FSI)/RFE(VS) shall conduct follow-up inspection to check and test the outstanding items.

#### **6.1.3 Testing of FSI and Fire Safety Features with Respect to VS**

According to section 31(1)(a)(ii) and 32(1)(a)(ii) of the proposed FS(RFE)R, RFE(FSI) shall conduct a test of any FSI installed in the scheduled premises whilst /RFE(VS) shall conduct a test of the fire safety features with respect to VS. The RFE(FSI)/RFE(VS) should follow the standards for inspection and testing on relevant fire service installations and equipment as prescribed in the Code of Practice for Minimum Fire Service Installations and Equipment and Inspection, Testing and Maintenance of Installations and Equipment issued by the FSD or relevant manufacturer's testing instructions and record the test results.

### **6.2 Issue of Fire Safety Certificate**

If the relevant FSR have been complied with, section 31(1)(b) and 32(1)(b) of the proposed FS(RFE)R respectively require RFE(FSI) and RFE(VS) to issue FSC in respect of the scheduled premises. The RFE(FSI)/RFE(VS) shall submit

the following documents to the D of FS within 5 working days after completion of the inspection and/or testing of FSI or fire safety features with respect to ventilating system of the scheduled premises -

- (a) a copy of the completed compliance inspection report (specified form in Appendix II) and relevant records;
- (b) a copy of duly signed FSC (specified forms in Annex E and Annex F of Appendix II) shall be submitted to D of FS and relevant licensing/registration authorities by the RFE(FSI)/RFE(VS) (the as-fitted VS plans shall be submitted with the FSC(VS) by the RFE(VS)); and
- (c) a copy of duly completed declaration form (Annex D of Appendix II) .

A sample of compliance inspection report and FSC are attached in Appendix VI and Appendix VII.

### **6.3 Audit Check**

With a view to monitoring the performance of RFE(FSI)/RFE(VS) and ascertaining the compliance of endorsed FSR, the D of FS may arrange an audit check of the FSC issued by RFE(FSI)/RFE(VS) at the scheduled premises .

Should D of FS require an audit check, the subject RFE(FSI)/RFE(VS) shall make necessary arrangements, including but not limited to making appointment with the Applicant, contractor and operator of the scheduled premises and arranging adequate manpower to assist the audit check. The RFE(VS) shall also arrange adequate equipment and tools, etc. for the audit check of VS which is installed at high level/in the false ceiling void and for the resumption of VS after the audit check.

RFE(FSI)/REF(VS) should provide clarification and/or rectification when irregularities are identified during audit check. Disciplinary actions may be taken if there is false or misleading certification and/or misconduct or neglect in a professional respect. Relevant details for audit check are illustrated in the flowchart at Appendix VIII.

## **PART 7 SAFETY AND RECORD**

### **7.1 Scope**

Due care should be taken in conducting the inspections whereas the safety measures shall be provided during the course of inspections and audit check to safeguard the RFE, occupants and the public as well as the adjacent facilities. The RFE shall ensure that safety measures have been provided and are suitable for the inspection works and audit check.

### **7.2 Safety Measures**

RFEs shall take safety measures when they conduct checking and testing of FSI or fire safety features with respect to VS at height or access the inspection panel on false ceiling finishes/fire rated enclosure.

### **7.3 Record**

RFE shall keep inspection log book and record details including the time and date of inspections, locations and items of FSR being inspected and/or tested, and relevant site photos. These records shall be kept for 3 years.

### **7.4 Production of Record**

If a FSD officer requests an RFE to produce any records for the officer's inspection, the RFE must comply with the request within 3 working days after the date of receipt of such request.

### **7.5 Direct and Proper Supervision**

Pursuant to section 30(1A), 31(2) and 32(2) of the proposed FS(RFE)R, the inspection, assessment or testing shall be personally conducted by the RFE or another person who is under the direct and proper supervision of the RFE at the place at which the inspection, assessment or testing takes place.

RFE should ensure that the inspection, assessment or testing are carried out in compliance with the requirements of the Ordinance and to ensure that the inspection, assessment or testing is carried out without causing injury to any person or damage to any property. The RFE is required to be conversant with the inspection, assessment or testing and familiar with the best practices in occupational safety and health.

If the RFE decides to assign a person to conduct the inspection, assessment or testing under his/her direct and proper supervision, the RFE should oversee the inspection, assessment or testing at the place at which the inspection, assessment or testing takes place and should communicate clearly with that person.

The RFE is required to ensure that the person assigned to conduct the inspection, assessment or testing under the RFE's direct and proper supervision possesses technical knowledge and workmanship in the field of fire risk assessment, FSI and VS and that such person is on certain role and responsibility with the specified applications.

The RFE should properly evaluate the scope of works and the potential risks associated with the inspection, assessment or testing which is to be undertaken by another person under RFE's direct and proper supervision and consider the work safety of that person during the inspection, assessment or testing.

The person who is to work under the RFE's direct and proper supervision should be able to seek advice and support from the RFE readily and directly. Effective communication between the RFE and that person should be properly maintained throughout the inspection, assessment or testing.

The RFE should maintain proper works records in respect of the person who is to work under the RFE's direct and proper supervision when conducting inspection, assessment or testing in respect of the specified application.