

**Fire Safety (Commercial Premises) Ordinance****Introduction**

The Fire Safety (Commercial Premises) Ordinance ("the Ordinance") has come into operation since **2 May 1997**. 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 prescribed commercial premises which have a relatively high customer density and a frequent turnover of customers.

**Prescribed Commercial Premises**

2. 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's 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 230m<sup>2</sup>.

3. For the purpose of calculating the floor area of the prescribed commercial premises in paragraph 2(b), reference should be made to Sections 3(3) to 3(6) of the Ordinance. Appendix A illustrates some examples on demarcation of total floor area of shopping arcades. If difficulty is encountered in ascertaining whether certain commercial premises falls within the purview of the Ordinance, AP/RSE may approach the Buildings Department for clarification.

**Fire Safety Measures**

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

/ (a) Provision.....

- (a) Provision of additional fire safety installations and equipment
  - (i) automatic sprinkler system;
  - (ii) automatic cut-off devices for mechanical ventilating systems;
  - (iii) emergency lighting;
  - (iv) manual fire alarms;
  - (v) portable fire extinguishers; and
  - (vi) the requirements specified in the Code of Practice for Minimum Fire Service Installations and Equipment 1994.
  
- (b) Construction requirements
  - (i) provision of adequate means of escape from the premises in the event of fire;
  - (ii) provision of adequate means of access to the premises to facilitate access for firefighting and rescue; and
  - (iii) provision of measures to inhibit the spread of fire and to ensure the integrity of the structure of the building where the premises are located.

### **Enforcement Authority**

5. For the purpose of this Ordinance :-
- (a) The Director of Fire Services is the enforcement authority for the provision of fire service installations or 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 premises.

### **Fire Safety Section**

6. A new Fire Safety Section has been set up in the Buildings Department. This section is headed by Chief Building Surveyor/Fire Safety.

### **Fire Safety Requirements**

7. Under section 5(1) of the Ordinance, the Director of Buildings may serve on the owner of prescribed commercial premises a **fire safety direction** directing him to comply with all or any of the requirements specified in the following codes of practices:-

- the Code of Practice for the Provision of Means of Escape in Case of Fire 1996;
- the Code of Practice for Fire Resisting Construction 1996; and
- the Code of Practice for Means of Access for Firefighting and Rescue 1995.

/ Under.....

8. Under section 6(1) of the Ordinance, the Director of Buildings may also apply to a magistrate to make a **fire safety compliance order** directing the owner to comply with all or any of the requirements specified in the fire safety direction.

#### **Difficulties in complying with fire safety requirements**

9. Whilst it is important to provide better fire safety standards to prescribed commercial premises, the Director of Buildings recognizes that in some situations there may be practical and/or administrative difficulties in upgrading the fire safety measures to meet the current standards. In cases of genuine difficulties, the Director of Buildings is prepared to consider alternative remedial proposals based on fire safety engineering principles, which will equally achieve the primary objectives of the Ordinance. Discussions on proposed remedial options will be welcomed.

#### **Submission of plans for approval**

10. Where building works are proposed either to voluntarily comply with the Ordinance or to satisfy the requirements of a fire safety direction, an application for approval under the Buildings Ordinance should be made in the normal manner. For such applications, **three** sets of plans showing fire service installations and equipment are required by Fire Services Department for processing.

11. Where remedial proposals for improvement works are submitted pursuant to the requirements of a fire safety direction, no fee will be charged under Building (Administration) Regulation 42 if the proposals are entirely for improving the existing premises other than for remedying deviations from the original approved plan.



(CHOI Yu-leuk)  
Building Authority

Ref.: BD C&E/OA/183 (FS)

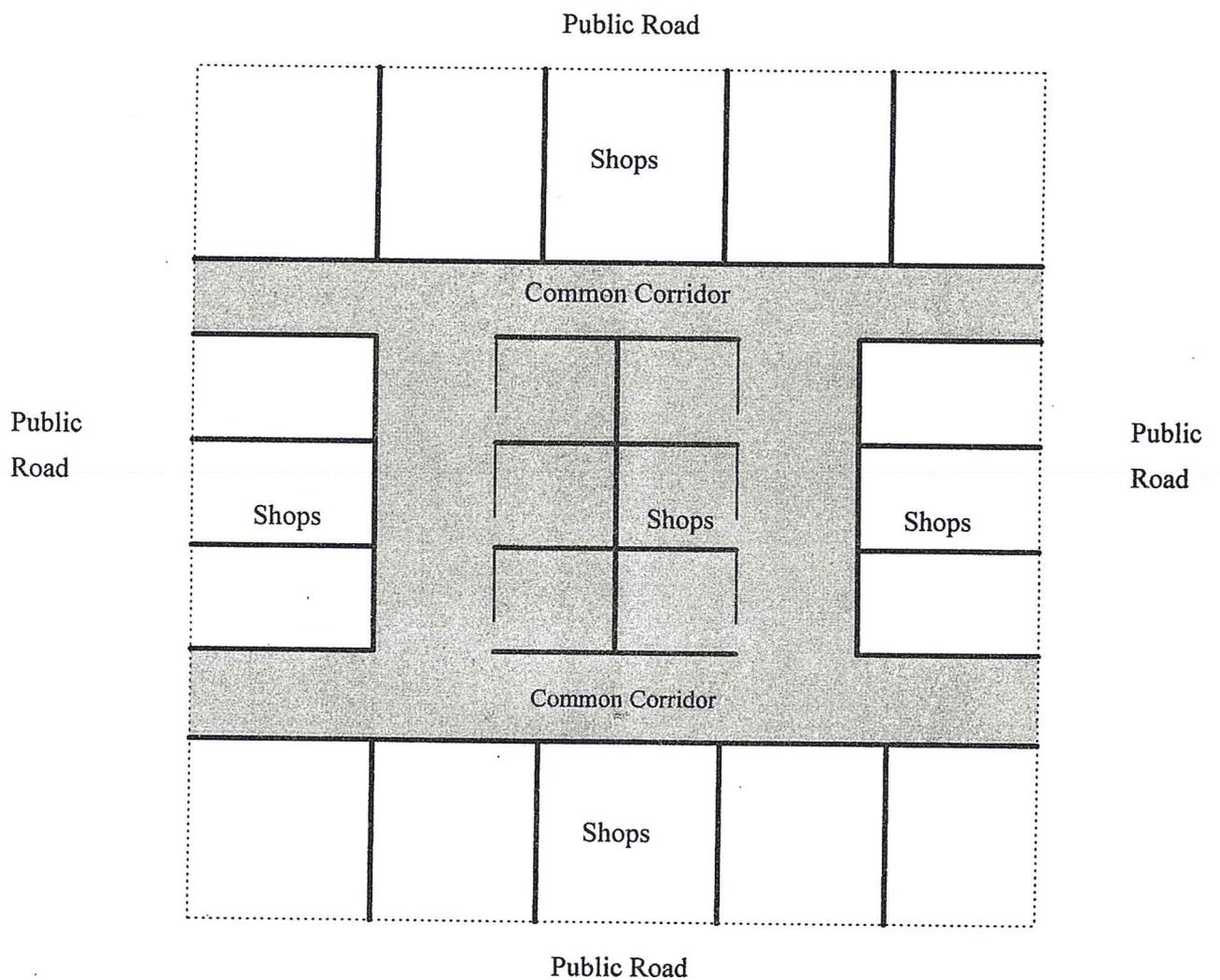
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Index under: Fire Safety (Commercial Premises) Ordinance  
Prescribed Commercial Premises  
Prescribed Commercial Activities  
Fire Safety Direction

Demarcation of Total Floor Area for Shopping Arcade

Case 1

Ground Floor Plan



Remarks : ..... Building boundary line

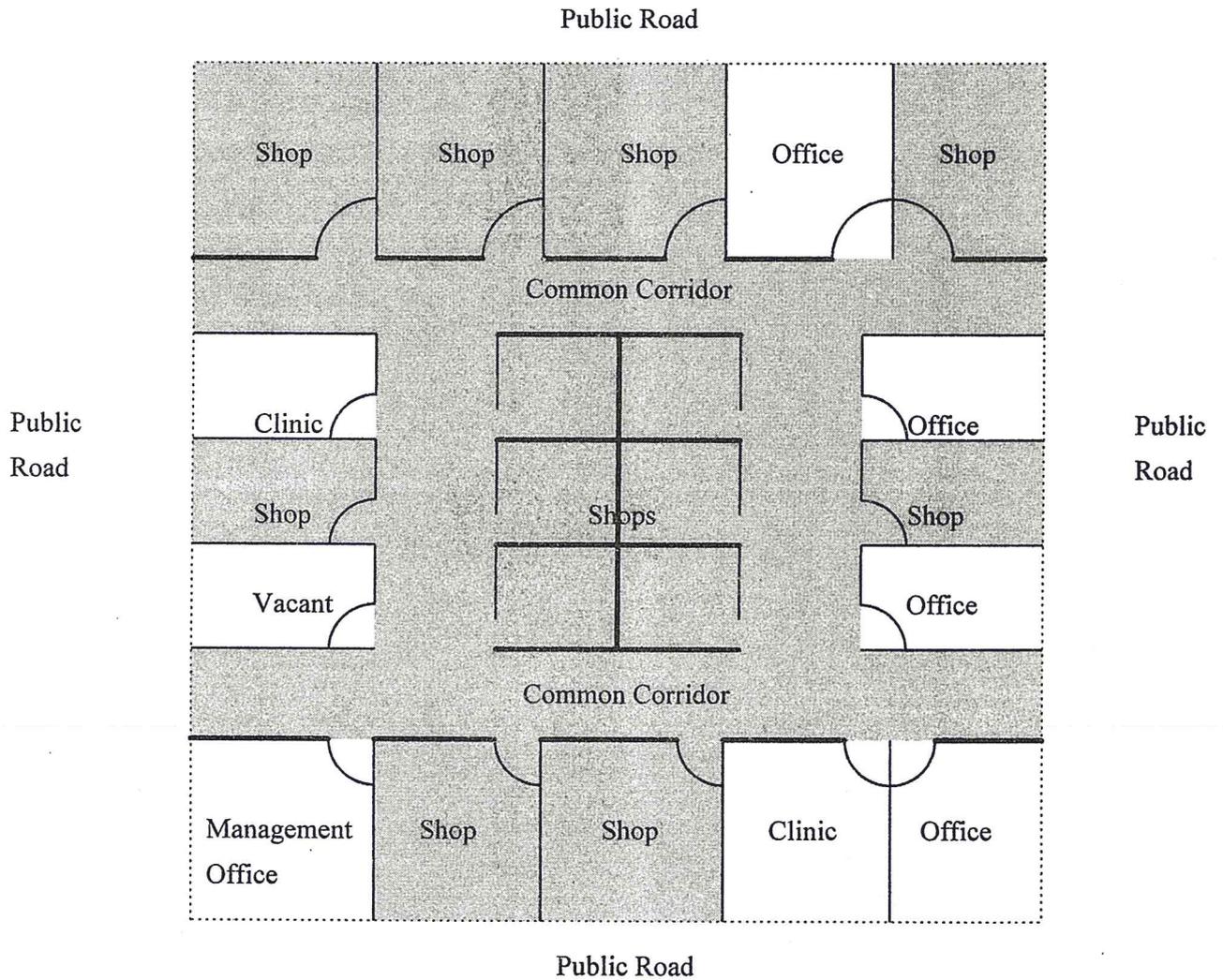
———— Fire resisting wall

———— Glass partition

Enforcement action will be taken if the shaded floor area exceeds 230m<sup>2</sup>. In this case, only the shaded area is considered as prescribed commercial premises (i.e. shopping arcade).

Case 2

Ground Floor Plan



Remarks : ..... Building boundary line

———— Fire resisting wall

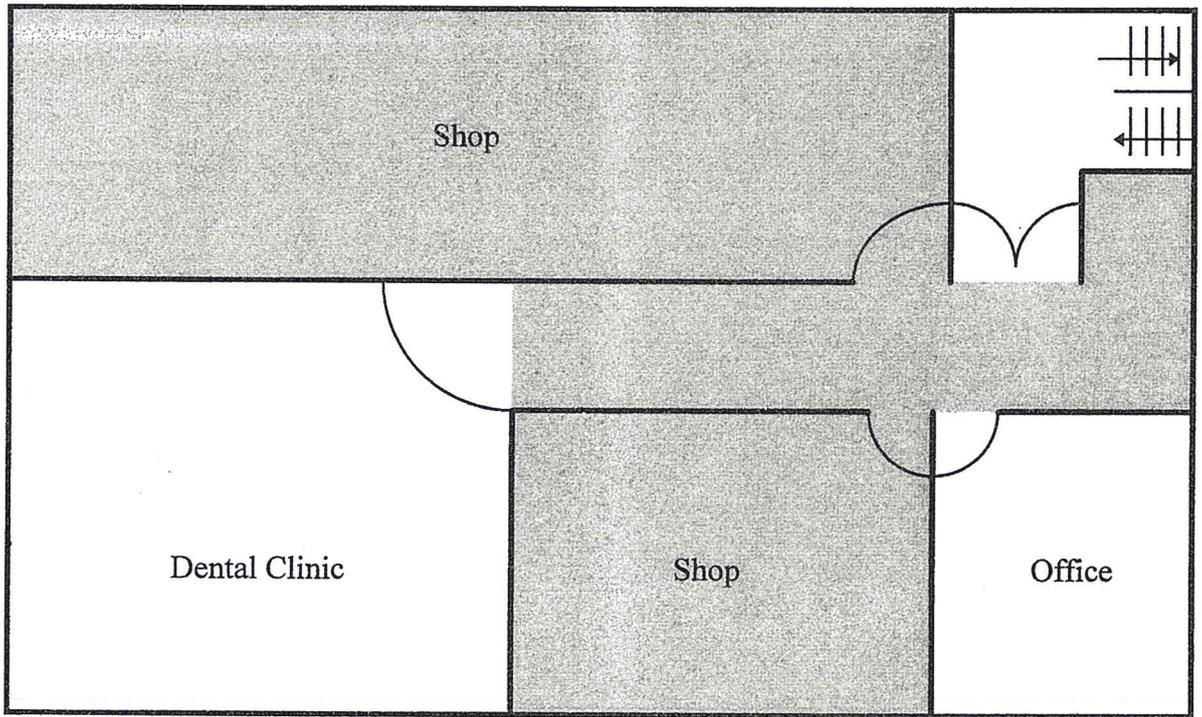
----- Non-fire resisting wall

⌒ Non-fire rated door

Enforcement action will be taken if the shaded floor area exceeds 230m<sup>2</sup>. In this case, the whole floor, including the office, clinic and management office, will then be considered as prescribed commercial premises (i.e. shopping arcade).

Case 3

Upper Floor Plan



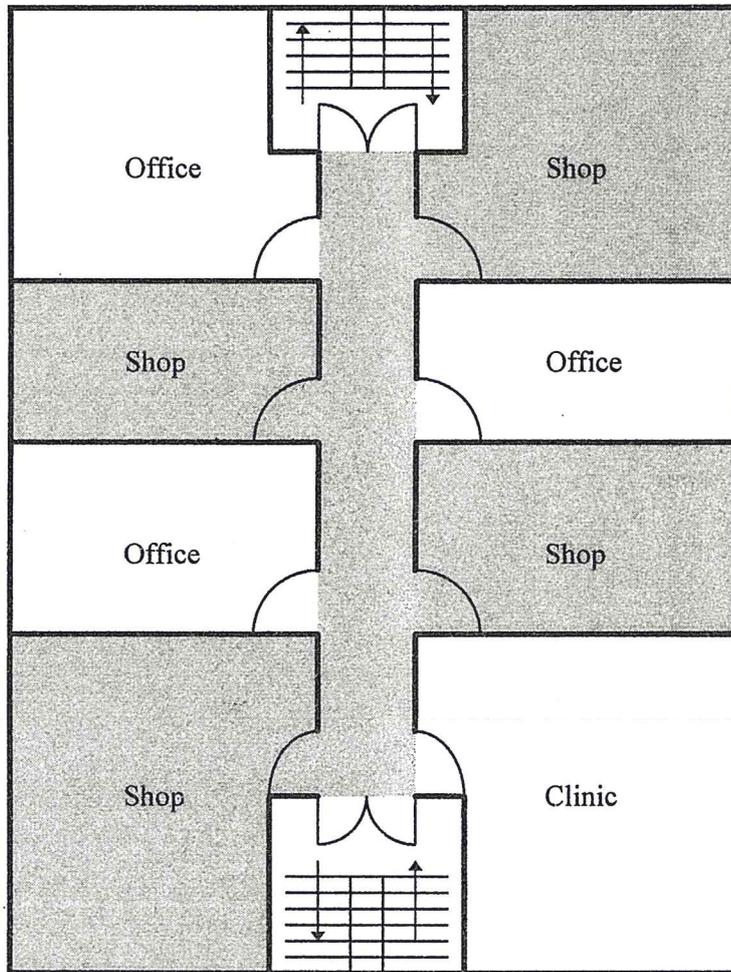
Remarks : ——— Fire resisting wall

┌ Fire rated door

Enforcement action will be taken if the shaded floor-area exceeds 230m<sup>2</sup>. In this case, the whole floor, including the office and dental clinic, will then be considered as prescribed commercial premises (i.e. shopping arcade).

Case 4

Upper Floor Plan



Remarks : ——— Fire resisting wall

┌ Fire rated door

Enforcement action will be taken if the shaded floor area exceeds 230m<sup>2</sup>. In this case, the whole floor, including the office and clinic, will then be considered as prescribed commercial premises (i.e. shopping arcade).