

Fire Safety (Commercial Premises) Ordinance, Cap. 502**Introduction**

The Fire Safety (Commercial Premises) Ordinance (the "FS(CP)O") and its amendment Ordinance came into operation on 2 May 1997 and 1 June 1998 respectively. The purpose of the FS(CP)O is to provide better protection from the risk of fire for occupants and users of, and visitors to, prescribed commercial premises and specified commercial buildings, by upgrading the premises or buildings to current fire safety standards. Owners/occupiers of such premises or buildings are required to improve the fire safety measures including the fire service installations and equipment as well as the fire safety construction of the premises/buildings.

Application

Prescribed Commercial Premises (PCP)

2. A building or part of a building is PCP under the scope of the FS(CP)O 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 230m².

3. For the purpose of calculating the floor area of the PCP in paragraph 2(b) above, reference should be made to Sections 3(3) to 3(6) of the FS(CP)O. 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 FS(CP)O, AP/RSE may approach the Fire Safety Section of the Buildings Department for clarification.

/Specified

Specified Commercial Buildings (SCB)

4. A building is a SCB under the scope of the FS(CP)O 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) with plans of its building works first submitted to the Building Authority for his approval on or before 1 March 1987; or
 - (c) constructed on or before 1 March 1987 where no plans of its building works were submitted on or before that date to the Building Authority for approval.

Fire Safety Measures

5. All or any of the following fire safety measures for a SCB or PCP may need to be complied with to the required standards mentioned in para. 6 below:
- (a) Construction requirements for the provision of:
 - (i) adequate means of escape from the premises or building in the event of fire;
 - (ii) adequate means of access to the premises or building to facilitate access for firefighting and rescue;
 - (iii) measures to inhibit the spread of fire and to ensure the integrity of the structure of the building or part of the building where the premises are located.
 - (b) Fire service installations and equipment requirements for the provision of:
 - (i) automatic sprinkler system;
 - (ii) automatic cut-off devices for a mechanical ventilation system;
 - (iii) emergency lighting;
 - (iv) manual fire alarms;
 - (v) portable fire extinguishers;
 - (vi) fire hydrant and hose reel system;
 - (vii) the requirements specified in the Code of Practice for Minimum Fire Service Installations and Equipment 1994.

Construction Requirements

6. In relation to the construction requirements mentioned in paragraph 5(a) above, the scope of requirements is listed in Schedule 2 and Schedule 5 of the FS(CP)O for PCP and SCB respectively. The corresponding detailed requirements are set out in the following codes of practice:

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

Enforcement Authority

7. For the purpose of the FS(CP)O:

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

Fire Safety Section

8. The Fire Safety Section headed by the Chief Building Surveyor/Fire Safety is set up in the Buildings Department to administer the FS(CP)O in respect of the construction requirements.

Directions and Orders

9. Under sections 5(1) or 5(1)(A) of the FS(CP)O, the Director of Buildings may serve on the owner of PCP a **fire safety direction** (FSDn) or the owner of a SCB a **fire safety improvement direction** (FSIDn) directing the owner to comply with all or any of the requirements specified in Schedule 2 or 5 of the Ordinance.

10. Upon conviction of the offence of failure to comply with a FSDn or FSIDn, the Director of Buildings may, under section 6(1) of the FS(CP)O, apply to a magistrate to make a **fire safety compliance order** or a **fire safety improvement compliance order** for PCP or a SCB respectively directing the owner to comply with all or any of the requirements specified in the FSDn or FSIDn to which the offence is related.

/Difficulties

Difficulties in Complying with Construction Requirements

11. Whilst it is important to provide better fire safety standards to PCP or a SCB, the Director of Buildings recognizes that in some situations there may be practical difficulties in providing the construction items as specified in paragraph 6 above. In cases of genuine difficulties, the Director of Buildings is prepared to consider owners' alternative improvement measures based on fire safety engineering principles, which will equally achieve the primary objectives of the FS(CP)O.

Advisory Committee for the Fire Safety (Buildings) Ordinance and the Fire Safety (Commercial Premises) Ordinance

12. The Advisory Committee for the Fire Safety (Buildings) Ordinance (FS(B)O) and the FS(CP)O (the "ACFSO") was established on 1 June 2010 to provide a forum for the deliberation of, among others, the alternative improvement measures as mentioned in paragraph 11 above when necessary. The Director of Buildings will take into account the advice given by ACFSO when considering such measures for the purpose of the FS(B)O and FS(CP)O. Please refer to Appendix A to PNAP APP-145 for the terms of reference and the membership of the ACFSO.

Submission of Plans for Approval

13. Where non-exempted building works are proposed either to voluntarily comply with the FS(CP)O or to satisfy the requirements of a FSDn or a FSIDn, an application for approval under the Buildings Ordinance should be made in the usual manner. However, for such applications, **three** instead of two sets of plans showing fire service installations and equipment are required by the Fire Services Department for processing.

14. No fee will be charged under Building (Administration) Regulation 42 if the proposals are entirely for improving the fire safety measures of the existing premises or building pursuant to the requirements of the FSDn or FSIDn.

(AU Choi-kai)
Building Authority

Ref.: BD/FS/OA/165

This PNAP is previously known as PNAP 212

First issue August 1997

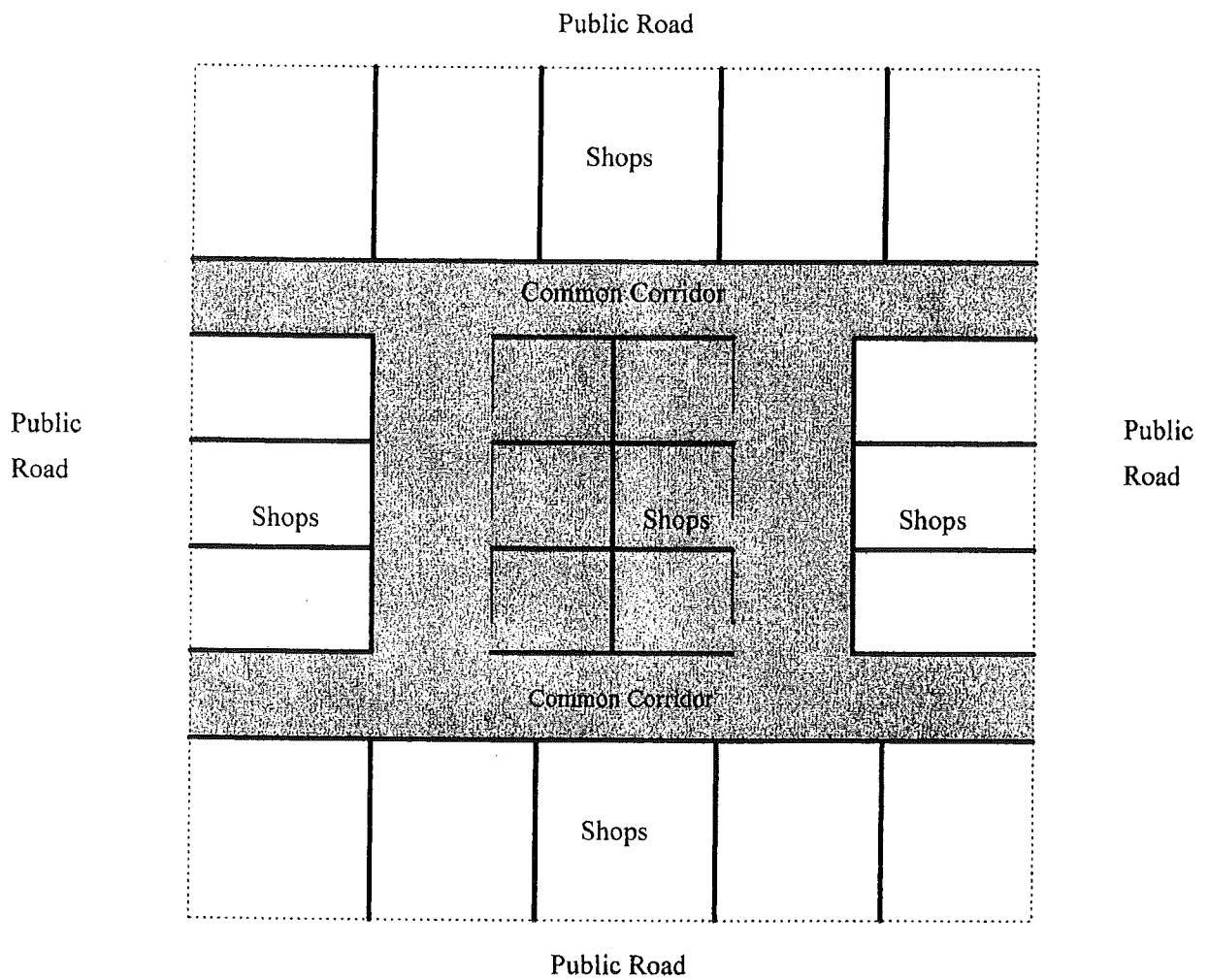
Last revision October 2007

This revision October 2010 (AD/EB2) – para. 5 amended and para. 12 added

Demarcation of Total Floor Area for Shopping Arcade

Case 1

Ground Floor Plan



Remarks : Building boundary line

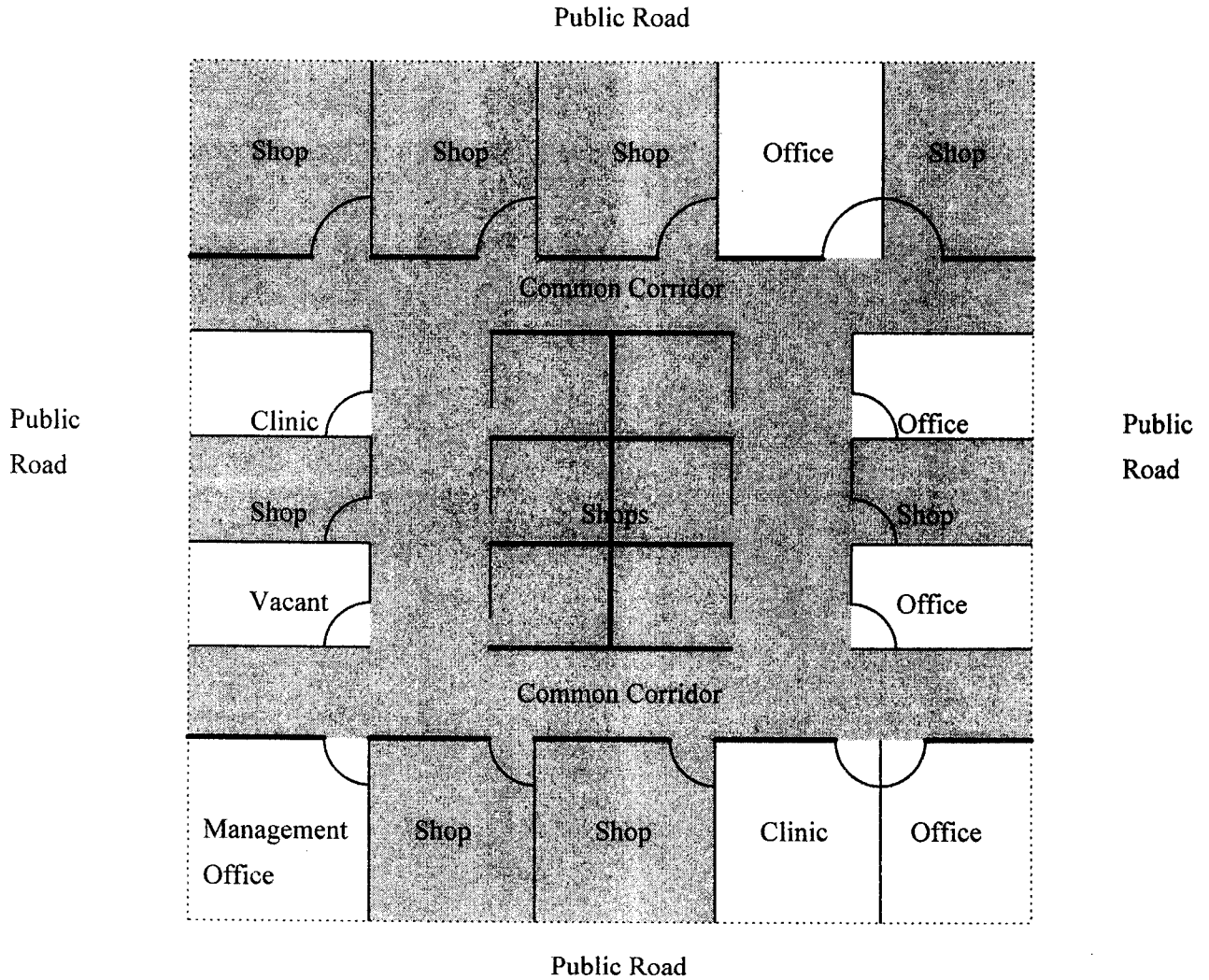
———— Fire resisting wall

----- Glass partition

Enforcement action will be taken if the shaded floor area exceeds 230m². 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

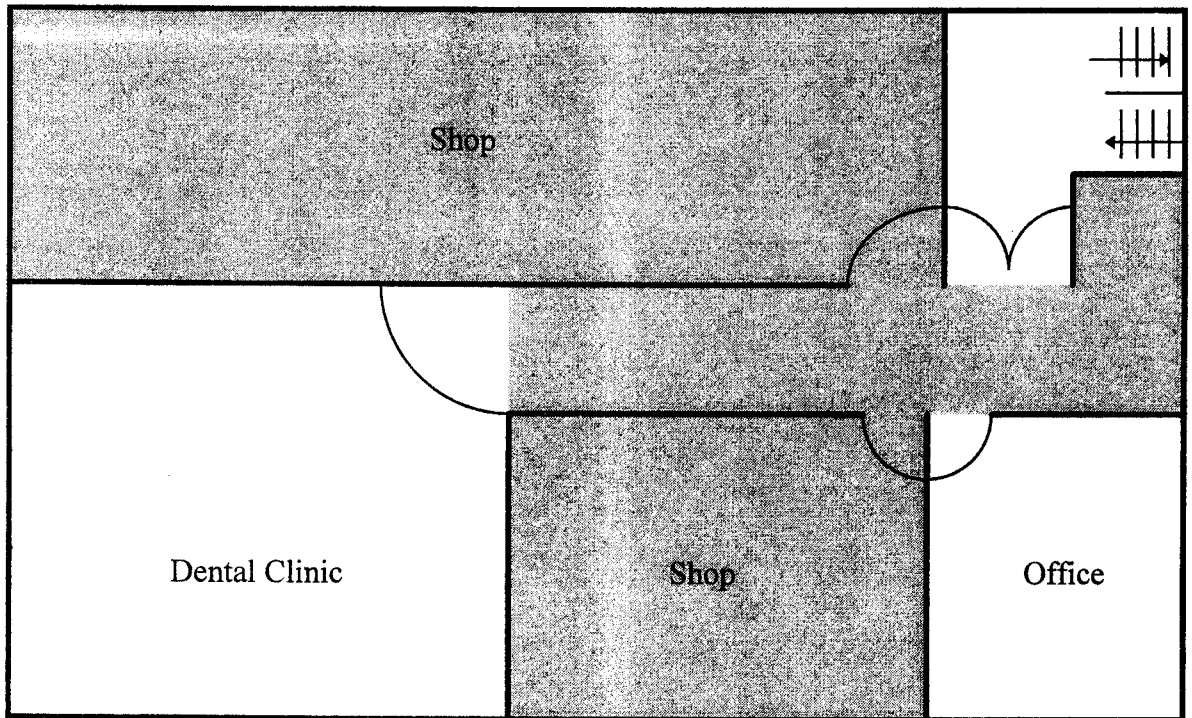
———— Non-fire resisting wall

⌒ Non-fire rated door

Enforcement action will be taken if the shaded floor area exceeds 230m². 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



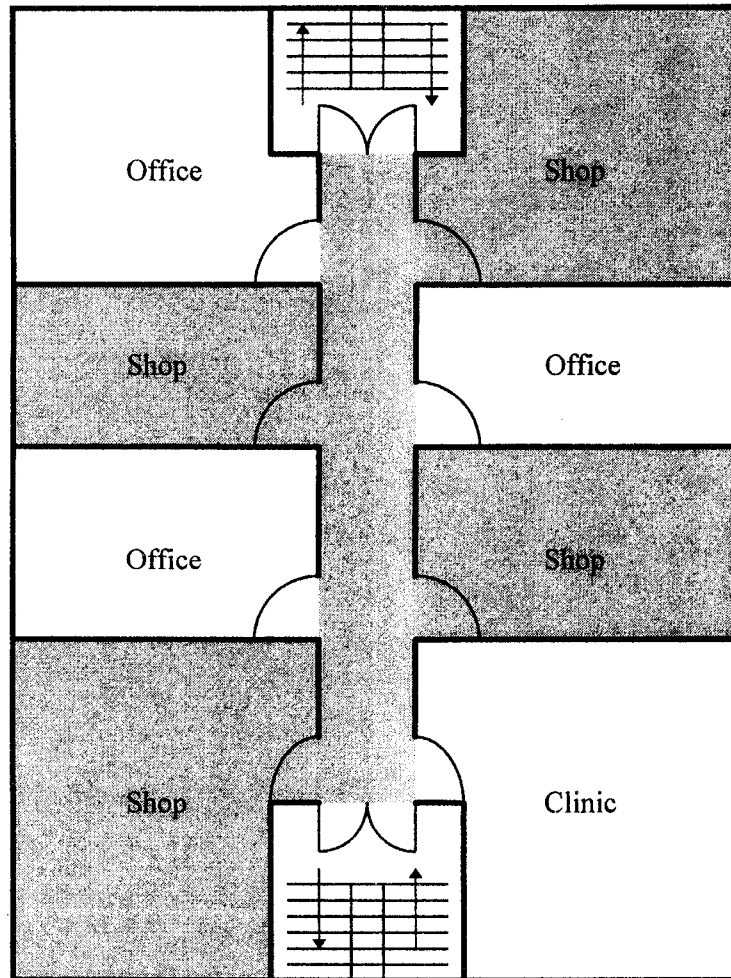
Remarks : ——— Fire resisting wall

⌒ Fire rated door

Enforcement action will be taken if the shaded floor area exceeds 230m². 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 230m². In this case, the whole floor, including the office and clinic, will then be considered as prescribed commercial premises (i.e. shopping arcade).