

Fire Safety (Buildings) Ordinance, Cap. 572

Introduction

The Fire Safety (Buildings) Ordinance (the “FS(B)O”) came into operation on **1 July 2007**. The purpose of the FS(B)O is to provide better protection from the risk of fire for occupants and users of, and visitors to, certain kinds of composite buildings and domestic buildings (target buildings) by upgrading the buildings to current fire safety standards. Owners/occupiers of such buildings are required to improve the fire safety measures which include fire service installations and equipment as well as fire safety construction of the building.

Application

2. The FS(B)O applies to a composite building or domestic building if:

- (a) it was constructed, or intended to be used
 - (i) partly for domestic purposes and partly for non-domestic purposes; or
 - (ii) for domestic purposes with more than 3 storeys;

AND

- (b) the plans of its building works was 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.

3. A “Domestic building” includes ancillary club house, carpark and recreation facilities that are provided for the exclusive use of residents of the building and persons invited to use them by such residents.

4. “Domestic purposes” in respect of a composite building or domestic building means use for human habitation, but does not include a building or part of a building that is used for a hotel, guesthouse, home for the elderly, child care centre or nursery.

5. “Composite building” means a building that is constructed, or intended to be used, partly for domestic purposes and partly for non-domestic purposes but excludes a building where the part intended for non-domestic purposes consists wholly of a factory or industrial undertaking, godown, warehouse or place of bulk storage.

6. The Ordinance does not apply to buildings constructed in accordance with the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

Fire Safety Measures

7. Depending on the use of a target building or part of the building, owners/occupiers may need to provide all or any of the following fire safety measures to the required standards mentioned in para. 8 below:

- (a) Fire safety construction requirements for the provision of:
 - (i) adequate means of escape for the building in the event of fire;
 - (ii) adequate means of access to the 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.
- (b) Fire service installations and equipment requirements for the provision of:
 - (i) automatic sprinkler system;
 - (ii) automatic cut-off devices for a mechanical ventilating system;
 - (iii) emergency lighting;
 - (iv) manual fire alarms;
 - (v) fire hydrant and hose reel system;
 - (vi) the requirements specified in the Code of Practice for Minimum Fire Service Installations and Equipment 1994.

Fire Safety Construction

8. In relation to the fire safety construction requirements mentioned in paragraph 7(a) above, the scope of requirements is listed in Schedule 1 of the FS(B)O for the non-domestic parts of a target composite building and Schedule 2 therein for a target domestic building or the domestic parts of a target composite building. The corresponding detailed requirements are set out in the following codes of practice:

- 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.

Enforcement Authority

9. For the purpose of the FS(B)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 building; and
 - (b) the Director of Fire Services is the enforcement authority for the provision of fire service installations or equipment in the building.

Fire Safety Section

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

Directions and Orders

11. Under section 5(1) or 5(2) of the FS(B)O, the Director of Buildings may serve on the owner of a target building or part of a target building a **fire safety direction** (FSDn) directing him to comply with all or any of the requirements in respect of fire safety construction specified in Schedule 1 or 2 of the FS(B)O.

12. Upon conviction of the offence of failure to comply with a FSDn, the Director of Buildings may, under section 6(1) of the FS(B)O, 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 FSDn to which the offence is related.

Difficulties in Complying with Fire Safety Construction Requirements

13. Under section 5(1) and 5(2) of the FS(B)O, if the relevant enforcement authority considers that it would not be reasonable for the owner to comply with a particular fire safety requirement as specified under paragraph 8 above, having regard to the structural integrity of building and the technology available to comply with such requirement, he may direct the compliance of other alternative requirements as appropriate. 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(B)O.

Advisory Committee for the Fire Safety (Buildings) Ordinance (FS(B)O) and the Fire Safety (Commercial Premises) Ordinance (FS(CP)O)

14. Pursuant to Section 5(10) of the FS(B)O, the Director of Buildings has established the Advisory Committee for the FS(B)O and the FS(CP)O (the "ACFSO") to assist him in considering, among others, those alternative requirements and improvement measures as mentioned in paragraph 13 above when necessary. The terms of reference and the membership of the ACFSO are attached at Appendix A.

/Submission

Submission of Plans for Approval

15. Where non-exempted building works are proposed either to voluntarily comply with the FS(B)O or to satisfy the requirements of a FSDn, 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.

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

(AU Choi-kai)
Building Authority

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

Terms of Reference

- To assist the Director of Buildings or his delegated officers in considering the appropriateness of fire safety measures in domestic or composite buildings on case basis, having regard to the structural integrity of the building and the technology available to comply with the requirements stipulated under the Fire Safety (Buildings) Ordinance; and
- To advise the Director of Buildings or his delegated officers on matters relating to the administration of the Fire Safety (Commercial Premises) Ordinance insofar as the provision of fire safety improvement measures in commercial premises or commercial buildings is concerned.

Membership

The membership of ACFSO is as follows:

- Chairman : Assistant Director/Existing Buildings 2, Buildings Department
- Members : Chief Building Surveyor/Fire Safety, Buildings Department
 Chief Structural Engineer/Existing Buildings, Buildings Department
 1 Representative from the Fire Services Department
 3 Authorized Persons (on rotational basis)
 3 Fire Safety Practitioners (on rotational basis)
 3 Fire Safety Experts from academia (on rotational basis)
 3 Members of Public (on rotational basis)
- Secretary: Building Surveyor/Fire Safety, Buildings Department