

An Introduction to the Fire Safety (Buildings) Ordinance Cap.572



1. Purpose of the Ordinance

The purpose of this Ordinance 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.

2. Enforcement Authority

For the purpose of this Ordinance :

- (a) The Director of Buildings is the enforcement authority in relation to the planning, design and construction of a composite building or domestic building.
- (b) The Director of Fire Services is the enforcement authority in relation to any fire service installation or equipment.

3. Scope of the Ordinance

This Ordinance applies to a composite building or domestic building if :

- (a) **the building was constructed, or intended to be used**
 - partly for domestic purposes and partly for non-domestic purposes; or
 - for domestic purposes with more than 3 storeys; and
- (b) **the building**
 - either with its plans of the building works of which were first submitted to the Building Authority for his approval on or before 1 March 1987; or
 - which was constructed on or before 1 March 1987 where no plans of the building works of the building were submitted on or before that date to the Building Authority for approval.

[This Ordinance does not apply to such a building if it was constructed in accordance with the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).]

4. Fire Safety Measures to be Complied with

(a) fire service installations and equipment

An owner and / or occupier of the composite building or domestic building may be required to comply with all or any of the following requirements:

Fire Service Installations and Equipment	Premises/Building Responsible Person	Non-domestic portion of composite building		Domestic portion of composite building and domestic building
		Owner	Occupier	Owner
Automatic sprinkler system		✓*		
Fire hydrant and hose reel system		✓		✓
Manual fire alarm system		✓		✓
Emergency lighting (common areas) Emergency lighting (non-common areas)		✓		✓#
Automatic cut-off device for the mechanical ventilating system (common areas) Automatic cut-off device for the mechanical ventilating system (non-common areas)		✓	✓	

Note: * applicable to a composite building in which the total floor areas of the non-domestic portion exceeds 230 m²

applicable to a building where the uppermost storey exceeds 30 m above ground floor level

(b) fire safety construction

An owner of the composite building or domestic building may be required to comply with all or any of the following requirements:

Fire Safety Construction in relation to	Premises/Building Responsible Person	Non-domestic portion of composite building	Domestic portion of composite building and domestic building
		Owner	Owner
Means of escape		✓	✓
Fire resisting construction		✓	✓
Means of access for firefighting and rescue		✓	✓

5. Implementation

The Ordinance has come into operation since 1.7.2007.

Implementation is mainly in 2 phases :

PHASE 1: Inspection for target composite buildings within the scope of the Ordinance.

PHASE 2: Inspection for target domestic buildings within the scope of the Ordinance.

6. How to Comply with the Fire Safety Measures

(a) Fire Safety Directions :

The relevant enforcement authorities will issue Fire Safety Directions specifying the requirements of fire safety measures to the owners/occupiers.

(b) Requirements on Fire Service Installations and Equipment :

Pursuant to regulation 6 of the Fire Service (Installations and Equipment) Regulations, Cap. 95B, Laws of Hong Kong, no fire service installation or equipment shall be installed in any premises by any person other than a registered fire service installation contractor (RFSIC). Therefore, building owners/occupiers shall appoint an RFSIC to carry out the works on the provision of or improvement on fire service installations and equipment. A list of all RFSICs is available at the Fire Safety Command Headquarters and offices, the Licensing and Certification Command Headquarters and offices, all fire stations and the following website of the Fire Services Department (FSD):

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

Building owners/occupiers may view the List of RFSICs Interested in Undertaking Fire Safety Improvement Works as Required by Law on the following FSD webpage:

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

For complying with the Fire Safety Directions, building owners may refer to the "Guidebook for the Compliance of Fire Safety Directions of the Fire Services Department" at its website:

http://www.hkfsd.gov.hk/eng/news/Guidebook_for_the_compliance_of_Fire_Safety_eng.pdf

(c) Requirements on Fire Safety Construction :

Normally owners should appoint a Registered General Building Contractor/Registered Minor Works Contractor to carry out the required building works. Owners may appoint an Authorized Person (an architect, engineer or surveyor registered as an Authorized Person under the Buildings Ordinance) to propose alternative

solutions for improvement of the fire safety measures. The lists of Registered General Building Contractors, Registered Minor Works Contractors and Authorized Persons interested in providing services in the fire safety improvement works are available at the Buildings Department (Buildings Department Headquarters, North Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon) and its website:

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

7. Assistance for Owners

(a) Technical Assistance :

The Fire Services Department and Buildings Department will, without compromising basic fire safety, adopt a flexible and pragmatic approach in handling individual cases. Staff of both departments will offer technical advice to the owners and their appointed representatives (e.g. contractor) when necessary.

(b) Financial Assistance for Owners :

Owners may apply for relevant subsidies under the "Integrated Building Rehabilitation Assistance Scheme" administered by the Urban Renewal Authority. For details, please call the "Integrated Building Maintenance Assistance Schemes Hotline" at telephone No. **3188 1188** or visit "Building Rehabilitation Platform" website:

<https://brplatform.org.hk/en/subsidy-and-assistance/integrated-building-rehabilitation-assistance-scheme>

Owners may also apply for loans under the "Building Safety Loan Scheme" administered by the Buildings Department. For details, please call the hotline at telephone No. **2626 1579** or visit the website at

https://www.bd.gov.hk/en/safety-inspection/financial-assistance/index_bsi_loanscheme.html

(c) Financial Assistance for Needy Owners including Elderly Owner-occupiers :

Needy owners including elderly owner-occupiers may apply for grant under the "Building Maintenance Grant Scheme for Needy Owners" administered by the Urban Renewal Authority. For details, please call the hotline at telephone No. **3188 1188** or visit the website at

<https://brplatform.org.hk/en/subsidy-and-assistance/integrated-building-rehabilitation-assistance-scheme/schemes-for-individual-owners/building-maintenance-grant-scheme>

8. Enforcement Measures

If an owner/occupier fails to comply with a Fire Safety Direction :

- (a) The enforcement authority may apply to a Magistrate for a Fire Safety Compliance Order.
- (b) The enforcement authority may apply to the District Court for a Prohibition Order to prohibit occupation of the relevant building or part thereof.

9. Penalties

- (a) An owner or occupier who, without reasonable excuse, fails to comply with a Fire Safety Direction is guilty of an offence and is liable on conviction to a fine at level 4[@] and to a further fine of \$2,500 for each day of non-compliance.
- (b) An owner or occupier who fails to comply with a Fire Safety Compliance Order is guilty of an offence and is liable on conviction to a fine at level 5[@] and to a further fine of \$5,000 for each day of non-compliance.
- (c) A person who, without reasonable excuse, contravenes the Prohibition Order by occupying the relevant building or part thereof is guilty of an offence and is liable on conviction to a fine of \$250,000 and to imprisonment for 3 years and to a further fine of \$25,000 for each day of non-compliance.
- (d) A person who, without reasonable excuse, contravenes the Prohibition Order by allowing entry of unauthorized persons to the relevant building or part thereof is guilty of an offence and is liable on conviction to a fine at level 4[@] and to imprisonment for 6 months.

[@] The maximum fine at levels 4 and 5 are \$25,000 and \$50,000

10. Enquiries

The information given in this pamphlet is for general guidance only.

For further information relating to fire service installations and equipment, please contact the **Fire Services Department** at telephone Nos. **2807 9126** or **2272 9112**.

For further information relating to fire safety construction, please contact the **Buildings Department's** hotline at telephone No. **2626 1616** [handled by Integrated Call Centre (ICC) 1823].