

# An Introduction to the Fire Safety (Industrial Buildings) Ordinance, Cap. 636



## 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 industrial 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 an industrial building;
- (b) The Director of Fire Services is the enforcement authority in relation to any fire service installation or equipment of an industrial building.

## 3. Scope of the Ordinance

**This Ordinance applies to an industrial building if:**






- (a) all or part of the building was constructed for use as a factory, industrial undertaking, godown, warehouse, place of bulk storage, or similar industrial premises; and
- (b) the building either
  - ◆ with its building plans 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 building plans had been submitted to the Building Authority for approval on or before that date.



[This Ordinance does not apply to a building if the Fire Safety (Commercial Premises) Ordinance (Cap. 502) or the Fire Safety (Buildings) Ordinance (Cap. 572) applies to the whole of the building.]

## 4. Fire Safety Requirements to be Complied with

### (a) Fire service installations or equipment

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




Fire Service Installations or Equipment	Owner	Occupier
 Automatic Sprinkler System	✓	
 Fire Hydrant and Hose Reel System	✓	
 Manual Fire Alarm System	✓	
 Emergency Lighting	✓	✓
 Exit Signs (including Directional Signs)	✓	

Fire Service Installations or Equipment	Owner	Occupier
 Secondary Source of Electrical Power Supply	✓	
 Automatic cut-off device for Mechanical Ventilating System	✓	✓

[The detailed specifications and requirements of the fire service installations or equipment are set out in the Code of Practice for Minimum Fire Service Installations and Equipment 2012 published by the Director of Fire Services.]

### (b) Fire safety construction

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

Fire Safety Construction	Owner
 Means of Escape	✓
 Means of Access for Firefighting and Rescue	✓
 Fire Resisting Construction	✓

[The detailed specifications and requirements of the fire safety construction are set out in the Code of Practice for Fire Safety in Buildings 2011 (October 2015 version) published by the Buildings Department.]

## 5. Implementation

**The Ordinance has come into operation since 19.6.2020. Implementation is mainly in 2 phases:**

- PHASE 1: Inspection for target industrial buildings which were constructed or had their building plans submitted in or before March 1973.
- PHASE 2: Inspection for target industrial buildings which were constructed or had their building plans submitted on or before 1 March 1987.

## 6. How to Comply with the Fire Safety Requirements

### (a) Fire Safety Directions:

The enforcement authorities will issue Fire Safety Directions specifying the fire safety requirements to the owners and/or occupiers to upgrade the fire service installations or equipment and fire safety construction. Before issuing the Fire Safety Directions, officers of Fire Services Department (FSD) and Buildings Department (BD) will conduct joint inspections on the target buildings. Having regard to the actual situation of the buildings, the Fire Safety Directions will be issued to owners and/or occupiers requiring them to upgrade the fire service installations or equipment, and fire safety construction as appropriate, so as to enhance the fire safety standards of their buildings.

### (b) What should you do as an owner when you received a Fire Safety Direction from FSD:

The fire safety requirements will be clearly set out in the Fire Safety Directions issued by FSD. Before the commencement of the improvement works, the owners should appoint qualified persons and contractors (including Authorized Persons, Registered Structural Engineers and/or Registered Fire Service Installation Contractors) to carry out inspection and assessment and to formulate works plans for their buildings. In case the owners are concerned that they may not have adequate expertise to assess such works plans, FSD and BD are ready to, on a case-by-case basis, meet with the owners and their appointed qualified persons or Registered Fire Service Installation Contractors to explain the requirements of fire safety improvement works specified in the Fire Safety Directions, to discuss the works implementation details and to assist them in solving problems that may be encountered in carrying out the improvement works. A list of all Registered Fire Service Installation Contractors is available at the Fire Safety Command Headquarters and offices, the Licensing and Certification Command Headquarters and offices, fire stations and FSD's website: (<http://www.hkfsd.gov.hk/home/eng/cert.html>)



For the list of Registered Fire Service Installation Contractors interested in undertaking fire safety improvement works, you may visit the following website: ([https://www.hkfsd.gov.hk/eng/source/safety/Fire\\_Safety\\_Improvement\\_Services\\_eng.pdf](https://www.hkfsd.gov.hk/eng/source/safety/Fire_Safety_Improvement_Services_eng.pdf))



### (c) What should you do as an owner when you received a Fire Safety Direction from BD:

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 fire safety. 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 BD (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>)



### (d) Will the enforcement authorities carry out fire safety improvement works or make decision on behalf of the owner:

The Ordinance has not empowered the enforcement authorities to carry out any works related to the enhancement of fire safety measures for target buildings. Since owners of the target buildings should liaise and reach a consensus about different feasible options and arrangements for the fire safety improvement works (such as locations of the installations or alternatives for fire safety improvement measures) before carrying out relevant works, it is not appropriate for the enforcement authorities to make such decisions or to carry out the works for the owners.

## 7. Common Questions Encountered by Owners

### (a) Target Buildings without Establishment of Owners' Corporation (OC):

We understand that owners of target buildings without establishment of OC may encounter difficulties in coordinating the fire safety improvement works. The owners may liaise with the respective District Offices of Home Affairs Department (HAD) so that HAD may timely assist the owners in establishing OC when necessary and offer free professional advice to them. If owners of the target buildings need more time to set up an OC or arrange and implement the improvement works, the enforcement authorities may consider extending their compliance period of the Fire Safety Directions having regard to the grounds that they provide and/or the scale of the improvement works.

### (b) Spatial or Structural Constraints in Buildings:

We are aware that some owners may not be able to fully comply with the requirements set out in the Fire Safety Directions due to structural or spatial constraints. As such, the enforcement authorities will, without compromising basic fire safety, adopt a flexible and pragmatic approach in handling individual cases. For example, if there are spatial constraints in the installation of a water tank, owners may appoint an Authorized Person (architects, engineers or surveyors registered as an Authorized Person under the Buildings Ordinance) or a Registered Structural Engineer to conduct a structural assessment for the building and propose alternative solutions for improvement of fire safety. The enforcement authorities will, taking into account the circumstances of individual cases in a reasonable and flexible manner, consider accepting the alternatives put forward by the owners.

## 8. Assistance for Owners

### (a) Technical Assistance:

The FSD and BD 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 loans under the "Building Safety Loan Scheme" administered by the BD. For details, please call the hotline at telephone No. 2626 1579 or visit the website: ([https://www.bd.gov.hk/en/safety-inspection/financial-assistance/index\\_bsi\\_loanscheme.html](https://www.bd.gov.hk/en/safety-inspection/financial-assistance/index_bsi_loanscheme.html))



## 9. Enforcement Measures

- (a) If an owner/occupier complied with a Fire Safety Direction, the enforcement authority will issue a certificate of compliance to the owner/occupier concerned.
- (b) If an owner/occupier fails to comply with a Fire Safety Direction:
  - (i) The enforcement authority may apply to a Magistrate for a Fire Safety Compliance Order.
  - (ii) The enforcement authority may apply to the District Court for a Prohibition Order to prohibit occupation of the relevant building or part thereof.

## 10. 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<sup>@</sup> 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<sup>@</sup> 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 unauthorised persons to the relevant building or part thereof is guilty of an offence and is liable on conviction to a fine at level 4<sup>@</sup> and to imprisonment for 6 months.

*@ The maximum fine at levels 4 and 5 are \$25,000 and \$50,000 respectively.*

## 11. Enquiries

The information given in this pamphlet is for general guidance only. For further information relating to any fire service installations or equipment, please contact the **FSD** at telephone No. **2272 9112**. For further information relating to fire safety construction, please contact the **BD's** hotline at telephone No. **2626 1616** [handled by Integrated Call Centre (ICC) 1823].