

Fire Safety (Buildings) Bill

Administration's Response (2nd part) to issues raised by Members at the Bills Committee meeting on 14.3.2001

How flexibility would be exercised in the requirements of fire safety standards of commercial premises which have been used for domestic purposes

In the enforcement of the Fire Safety (Commercial Premises) Ordinance, FSD/BD has encountered a number of cases in which the whole or part of a pre-1987 commercial building is currently used for habitation purposes, albeit without permission. As the Fire Safety (Commercial Premises) Ordinance is applicable to the commercial building in question, FSD/BD will issue a fire safety improvement direction to the owner/occupier in the normal manner under section 5 of the Ordinance. FSD/BD officers will follow up with the owner/occupier concerned to render necessary assistance to him to comply with the direction and discuss with him any practical difficulties.

2. As always, FSD/BD will undertake a flexible and pragmatic approach in the enforcement. For example, an extension of time to comply with the direction may be given to allow the owner/occupier to rectify the change of use in the first place. In some particular cases, FSD/BD may determine that not all of the requirements in Schedules 5 and 6 must be implemented or that some other appropriate measures in place of any of those requirements specified in Schedule 5 should be implemented. In exercising such discretion under section 5 of the Fire Safety (Commercial Premises) Ordinance, FSD/BD will have to take into account all relevant considerations, including the building conditions and designs, fire service installations and fire safety construction currently in place, the specific occupancies, the

fire load and the flow of people, and assess the fire risk involved. Each case will be considered on its own merits. In case of doubt, legal advice will be sought. FSD/BD must bear in mind that the ultimate purpose is to protect the public from the risk of fire.