

# Fire Safety (Buildings) Ordinance

## (Cap. 572)

### Contents

Section	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1. Short title	1-2
2. Purpose of Ordinance	1-2
3. Interpretation	1-2
4. Application of Ordinance	1-10
<b>Part 2</b>	
<b>Compliance with Fire Safety Measures</b>	
<b>Division 1—Fire Safety Directions</b>	
5. Owner or occupier may be directed to comply with fire safety measures	2-2
<b>Division 2—Fire Safety Compliance Orders</b>	
6. Magistrate may make fire safety compliance orders	2-8
<b>Division 3—Prohibition Orders</b>	
7. District Court may make orders prohibiting occupation of a building or part of a building	2-10
8. Effect of prohibition order	2-14

<b>Section</b>	<b>Page</b>
9. Offence in relation to the contravention of prohibition order	2-16
10. Copy of prohibition order to be posted at entrances to affected building or part of a building	2-16
11. Power to remove persons from building, etc.	2-18
12. Owner or occupier of building may request certificate of compliance	2-18
13. Right to apply to District Court for revocation of prohibition order	2-20
<b>Division 4—Registration of Certain Instruments in Land Registry</b>	
13A. Registration of fire safety direction	2-22
14. Registration of fire safety compliance order and prohibition order	2-24
14A. Registration in relation to owners' corporation	2-26
<b>Division 5—Duty to Notify Transfer of Interests</b>	
14B. Duty of new owners to notify enforcement authorities of transfer of interests	2-28
<b>Division 6—Publishing Information</b>	
14C. Publishing information	2-30
<b>Division 7—Advisory Committee</b>	
14D. Establishment and membership	2-30
14E. Functions	2-30

Section		Page
14F.	Saving provisions	2-32
	<b>Part 3</b>	
	<b>Enforcement</b>	
	<b>Division 1—General</b>	
15.	Authorized officers	3-2
16.	Power to enter and inspect building	3-2
17.	Authorized officer may request information about ownership or occupation of building	3-6
18.	Offence to obstruct certain persons exercising or performing functions under this Ordinance	3-6
18A.	Offence for obstructing owners' corporations in complying with fire safety directions or fire safety compliance order etc.	3-8
19.	<i>(Repealed)</i>	3-10
	<b>Division 2—Powers relating to Carrying Out of Fire Safety Improvement Works by Enforcement Authorities etc.</b>	
	<b>Subdivision 1—Preliminary</b>	
19A.	Interpretation of Division 2 of Part 3	3-10
19B.	Division 1 of Part 3 not limited	3-10
19C.	Authorization of auxiliary persons	3-10
	<b>Subdivision 2—Power to Enter Premises etc.</b>	

---

<b>Section</b>		<b>Page</b>
19D.	Authorized officers' power to enter premises or land for carrying out fire safety improvement works	3-10
19E.	Auxiliary persons' power to enter premises or land for carrying out fire safety improvement works as directed by authorized officers	3-12
19F.	Specified persons may exercise powers with assistance	3-14
19G.	Magistrate may issue warrant	3-14
19H.	Duty to produce warrant for inspection	3-16
19I.	When warrant ceases to be in force	3-16
19J.	Security to be maintained after entering unoccupied premises or land	3-18
19K.	Disposal of unused materials or wastes	3-18
19L.	Offence for obstructing specified persons etc.	3-18
<b>Subdivision 3—Closure Orders</b>		
19M.	Application for closure orders	3-18
19N.	Making of closure orders	3-20
19O.	Power to remove persons	3-20
19P.	Power to seal entrances or exits of buildings	3-22
19Q.	Permission of entry etc. despite closure orders	3-22
19R.	Offence relating to closure orders	3-22
19S.	When closure orders cease to be in force	3-24

Section		Page
	<b>Subdivision 4—Recovery of Costs etc. for Carrying Out of Fire Safety Improvement Works by Enforcement Authorities etc.</b>	
19T.	Recovery of costs and surcharges	3-26
19U.	Certificates for recovery of costs or surcharges	3-30
19V.	Registration of certificates	3-32
19W.	Service of writ of summons	3-36
	<b>Part 4</b>	
	<b>Miscellaneous</b>	
	<b>Division 1—Government's Liability</b>	
20.	Government not liable for certain matters	4-2
21.	Authorized officers not personally liable for certain acts and omissions	4-2
	<b>Division 2—Unlawful Disclosure of Information</b>	
22.	Offence to disclose information obtained officially	4-2
	<b>Division 3—Other Matters relating to Offences</b>	
22A.	Offences by body corporate and partnership	4-4
22B.	Prosecution deadline	4-6
	<b>Division 4—Service of Documents</b>	
23.	Service on non-body corporate	4-8

<b>Section</b>	<b>Page</b>
23A. Service on body corporate	4-10
23B. Date of giving or service of documents	4-14
<b>Division 5—Evidence</b>	
23C. Certificate of giving or service admissible as evidence	4-14
23D. Power to certify documents	4-16
23E. Certified true copy admissible as evidence	4-16
<b>Division 6—Regulations and Codes of Practice</b>	
24. Chief Executive in Council may make regulations	4-18
25. Effect of substituted or amended codes of practice	4-18
Schedule 1 Fire Safety Measures to be Complied with by Owners of Composite Buildings in Respect of Parts Intended for Non-Domestic Purposes	S1-2
Schedule 2 Fire Safety Measures to be Complied with by Owners of Composite Buildings in Respect of Parts Intended for Domestic Purposes and by Owners of Domestic Buildings	S2-2
Schedule 3 Fire Safety Measures to be Complied with by Occupiers of Composite Buildings in Respect of Parts Intended for Non-Domestic Purposes	S3-2

An Ordinance to provide for fire safety improvements to be made to certain composite buildings and domestic buildings and to provide for related matters.

[1 July 2007] *L.N. 63 of 2007*

*(Enacting provision omitted—E.R. 1 of 2012)*

*(Format changes—E.R. 1 of 2012)*

## Part 1

### Preliminary

#### 1. Short title

- (1) This Ordinance may be cited as the Fire Safety (Buildings) Ordinance.
- (2) *(Omitted as spent—E.R. 1 of 2012)*

#### 2. Purpose of 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.

#### 3. Interpretation

- (1) In this Ordinance, unless the context otherwise requires—  
***authorized officer*** (獲授權人員) means a public officer authorized under section 15 or a person taken to be an authorized officer because of that section;

***certificate of compliance*** (符合安全證明書) means an instrument issued under section 12(2) or (3); (*Added 32 of 2024 s. 3*)

***closure order*** (封閉令), in relation to an enforcement authority, means an order made under section 19N on an application made by the authority; (*Added 32 of 2024 s. 3*)

***common parts*** (公用部分) has the meaning given by section 2 of the Building Management Ordinance (Cap. 344); (*Added 32 of 2024 s. 3*)

***composite building*** (綜合用途建築物) means a building that is constructed, or intended to be used, partly for domestic purposes and partly for non-domestic purposes—

- (a) the plans of the building works of which were first submitted to the Building Authority for his approval under regulation 29 of the Building (Administration) Regulations (Cap. 123 sub. leg. A) on or before 1 March 1987; or
- (b) which was constructed on or before 1 March 1987 where no plans of the building works of the building were submitted to the Building Authority for his approval under regulation 29 of the Building (Administration) Regulations (Cap. 123 sub. leg. A) on or before that date,

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;

***domestic building*** (住用建築物) means a building that is constructed, or intended to be used, for domestic purposes, with more than 3 storeys used principally for such purposes—

- (a) the plans of the building works of which were first submitted to the Building Authority for his approval under regulation 29 of the Building (Administration)



Regulations (Cap. 123 sub. leg. A) on or before 1 March 1987; or

- (b) which was constructed on or before 1 March 1987 where no plans of the building works of the building were submitted to the Building Authority for his approval under regulation 29 of the Building (Administration) Regulations (Cap. 123 sub. leg. A) on or before that date,

and 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;

***domestic purposes*** (住用用途), 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 elderly persons, home for persons with disabilities, child care centre or nursery; (*Amended 12 of 2011 s. 47*)

***enforcement authority*** (執行當局)—

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

***fire safety compliance order*** (符合消防安全令) means a fire safety compliance order made under section 6(1) (including such an order varied under section 6(4)); (*Amended 32 of 2024 s. 3*)

***fire safety direction*** (消防安全指示) means a fire safety direction given under section 5(1), (2) or (3) (including such a direction amended under section 5(5)); (*Amended 32 of 2024 s. 3*)

***fire safety improvement works*** (消防安全改善工程), in relation to a building (or part of a building)—

- (a) means any works carried out for ensuring that a fire safety direction or fire safety compliance order is complied with in respect of the building (or part of the building); and
- (b) includes any inspection, investigation or other works, or the provision of any service, that is required for the carrying out of any works mentioned in paragraph (a);  
(Added 32 of 2024 s. 3)

***fire service installation or equipment*** (消防裝置或設備) means any installation or equipment manufactured, used or designed to be used for the purpose of—

- (a) extinguishing, attacking, preventing or limiting a fire;
- (b) giving warning of a fire; (Amended 7 of 2003 s. 24)
- (c) providing access to any premises or place for the purpose of extinguishing, attacking, preventing or limiting a fire;
- (d) facilitating the evacuation from any premises or place in case of fire; or (Added 7 of 2003 s. 24)
- (e) providing a stand-by power supply to an installation or equipment the purposes of which are mentioned in paragraphs (a) to (d) in the event of the loss of normal power supply; (Added 7 of 2003 s. 24)

***function*** (職能) includes a power and a duty;

***home for elderly persons*** (安老院) means a residential care home as defined by section 2(1) of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459); (Added 12 of 2011 s. 47. Amended 12 of 2023 s. 116)

***home for persons with disabilities*** (殘疾人士院舍) means a residential care home for PWDs as defined by section 2(1)

of the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613); (*Added 12 of 2011 s. 47. Amended 12 of 2023 s. 116*)

***mechanical ventilating system*** (機械通風系統) includes an air conditioning system;

***non-domestic purposes*** (非住用用途), in respect of a composite building, means use for a purpose other than domestic purposes;

***occupier*** (佔用人) means the person who is occupying a building or part of a building (whether as owner or under any form of lease or licence);

***owner*** (擁有人) has the same meaning as in the Buildings Ordinance (Cap. 123);

***owners' corporation*** (業主立案法團) means a corporation registered under section 8 of the Building Management Ordinance (Cap. 344); (*Added 32 of 2024 s. 3*)

***prohibition order*** (禁止令) means an order made under section 7.

- (2) For the purposes of this Ordinance, where a building or part of a building is unoccupied, the owner shall be deemed to be the occupier and the enforcement authority may exercise any of his powers in relation to an occupier by exercising them with respect to the owner, and the owner shall continue to be liable in respect of any exercise of such powers under this subsection notwithstanding that the building or part of a building in respect of which the powers were exercised are subsequently occupied.
- (3) For the avoidance of doubt, ***non-domestic purposes*** (非住用用途) includes use as a hotel, guesthouse, home for elderly persons, home for persons with disabilities, child care centre or nursery. (*Amended 12 of 2011 s. 47*)

#### 4. Application of Ordinance

## Fire Safety (Buildings) Ordinance

Part 1

1-12

Section 4

Cap. 572

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This Ordinance applies to composite buildings and domestic buildings but 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).

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## **Part 2**

### **Compliance with Fire Safety Measures**

#### **Division 1—Fire Safety Directions**

*(Added 32 of 2024 s. 4)*

**5. Owner or occupier may be directed to comply with fire safety measures**

- (1) Where one person owns all of it, the relevant enforcement authority may serve on the owner of a composite building or domestic building a fire safety direction directing him to comply with—
  - (a) in the case of a composite building—
    - (i) with respect to the part that is intended for non-domestic purposes, all or any of the requirements in Schedule 1;
    - (ii) with respect to the part that is intended for domestic purposes, all or any of the requirements in Schedule 2;
  - (b) in the case of a domestic building, all or any of the requirements in Schedule 2,or such other measures in place of any of the requirements in Schedule 1 or 2, as the case may be, as the relevant enforcement authority considers appropriate, if he is of the opinion that it would not be reasonable for the owner to comply with such requirements, having regard to the structural integrity of the building and the technology available to comply with such requirements.

- (2) Where more than one person owns it and each owner has an exclusive right to occupy a specified part of it, the relevant enforcement authority may serve on the owner of a composite building or domestic building, in respect of the relevant part he exclusively occupies or in respect of the part he does not exclusively occupy, a fire safety direction directing him to comply with—
- (a) in the case of part of a composite building—
- (i) with respect to a part that is intended for non-domestic purposes, all or any of the requirements in Schedule 1;
- (ii) with respect to a part that is intended for domestic purposes, all or any of the requirements in Schedule 2;
- (b) in the case of part of a domestic building, all or any of the requirements in Schedule 2,
- or such other measures in place of any of the requirements in Schedule 1 or 2, as the case may be, as the relevant enforcement authority considers appropriate, if he is of the opinion that it would not be reasonable for the owner to comply with such requirements, having regard to the structural integrity of the building and the technology available to comply with such requirements. For the purpose of integration of fire service installation or equipment between the parts of the building exclusively occupied by different owners, a fire safety direction in respect of such installation or equipment may include directions to the owner to provide the relevant connections or other forms of integration. (*Amended 32 of 2024 s. 5*)
- (3) The relevant enforcement authority may serve on the occupier of a composite building, in respect of a part intended for non-

domestic purposes, a fire safety direction directing him to comply with all or any of the requirements in Schedule 3.

- (4) A fire safety direction must be in writing and must specify the period within which it is to be complied with. That period must be a reasonable one that allows an owner or occupier of the building sufficient time to comply with the requirements of the direction.
- (5) The relevant enforcement authority may, by similar notice, from time to time amend or withdraw a direction.
- (6) A fire safety direction remains in force until—
  - (a) it is complied with to the satisfaction of the relevant enforcement authority;
  - (b) it is withdrawn by that authority; or
  - (c) it is replaced by a fire safety compliance order.
- (6A) If a fire safety direction served under subsection (1) or (2) is complied with as mentioned in subsection (6)(a), the relevant enforcement authority must issue to the owner an instrument certifying the compliance. (*Added 32 of 2024 s. 5*)
- (6B) If a fire safety direction served under subsection (1) or (2) is withdrawn as mentioned in subsection (6)(b), the relevant enforcement authority must issue to the owner an instrument notifying the withdrawal. (*Added 32 of 2024 s. 5*)
- (7) A fire safety direction may be given by both enforcement authorities acting jointly. Such a direction may be amended or withdrawn only by both enforcement authorities acting jointly.
- (8) 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 6 and to a further fine of \$10,000 for each day or part of a day during which the



failure continues after the expiry of the period specified in the direction. (*Amended 32 of 2024 s. 5*)

- (9) The reference in subsection (8) to reasonable excuse includes, but is not limited to, the excuse that, at the time when the fire safety direction was not complied with, it was not reasonable to expect the owner or occupier to comply with the direction—
- (a) because of the risk of prejudicially affecting the structural integrity of the building or part of a building where it is located; or
  - (b) because the technology required to comply with the direction is not reasonably available.

(10)-(13) (*Repealed 32 of 2024 s. 5*)

## **Division 2—Fire Safety Compliance Orders**

(*Amended 32 of 2024 s. 6*)

### **6. Magistrate may make fire safety compliance orders**

- (1) A magistrate who finds an owner or occupier of a composite building or an owner of a domestic building guilty of an offence against section 5(8) may, on the application of the relevant enforcement authority, make a fire safety compliance order directing the owner or occupier to comply with all or any of the requirements specified in the fire safety direction to which the offence related.
- (2) A fire safety compliance order must specify the period within which it is to be complied with. That period must be a reasonable one that allows the owner or occupier concerned sufficient time to comply with the requirements of the order.
- (3) A fire safety compliance order replaces the relevant fire safety direction.



- (4) A magistrate may, on the application of the relevant enforcement authority or the applicable owner or occupier, revoke or vary a fire safety compliance order made in respect of that owner or occupier.
- (5) The applicable owner or occupier is entitled to be heard on the hearing of an application made by an enforcement authority under this section.
- (6) A fire safety compliance order ceases to have effect when revoked under subsection (4) or when the relevant enforcement authority has, by written notice, informed the magistrate's clerk that the order has been complied with. That authority is required to serve a copy of the notice on the applicable owner or occupier.
- (7) An application under this section may be made by both enforcement authorities acting jointly.
- (8) 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 of \$200,000 and to a further fine of \$20,000 for each day or part of a day during which the failure continues after the expiry of the period specified in the order.  
*(Amended 32 of 2024 s. 7)*

### **Division 3—Prohibition Orders**

*(Amended 32 of 2024 s. 8)*

#### **7. District Court may make orders prohibiting occupation of a building or part of a building**

- (1) An enforcement authority may apply to the District Court for an order under this section on the ground that a requirement of a fire safety direction or a fire safety compliance order is not being, or has not been, complied with.

- (2) An application under this section may be made at any time after the period for complying with the relevant fire safety direction or the relevant fire safety compliance order has expired and not before.
- (3) An application under this section may be made by both enforcement authorities acting jointly.
- (4) An enforcement authority must give at least 7 days' notice to the applicable owner or occupier before making an application under this section.
- (5) As soon as practicable after a notice is given under subsection (4), the relevant enforcement authority must post a copy of such notice in a conspicuous place—
  - (a) inside the relevant building or part of a building; or
  - (b) at or in the immediate vicinity of each entrance to the relevant building or part of a building.
- (6) The procedure for hearing and determining an application under this section is to be in accordance with rules of court made under the District Court Ordinance (Cap. 336).
- (7) On the hearing of an application under this section, the District Court may make an order prohibiting the occupation of the relevant building or part of a building, but only if it is satisfied that—
  - (a) the owner or occupier has failed to comply with a requirement specified in a fire safety direction or a fire safety compliance order;
  - (b) it is reasonable to expect the owner or occupier to comply with the requirement;
  - (c) the time allowed for complying with the requirement is reasonable;
  - (d) it is reasonable and necessary in the circumstances to make the order; and

- (e) there could be substantial fire risks if the relevant building or part of a building is occupied.

## **8. Effect of prohibition order**

### **(1) While a prohibition order is in force—**

- (a)
  - (i) save with the permission in writing of the relevant enforcement authority, no person, other than an authorized officer in the course of his duty, shall occupy the relevant building or part of a building;
  - (ii) where he thinks fit, the relevant enforcement authority may, subject to such conditions as he thinks fit, by notice in writing permit any person to occupy the relevant building or part of a building for the purpose of implementing measures necessary for the discharge or revocation of the prohibition order; or
  - (iii) any permission granted under subparagraph (ii) may be cancelled by the relevant enforcement authority at any time and for any reason; and
- (b) the applicable owner and, if the owner is not the occupier, the occupier must take all practicable steps to ensure that the relevant building or part of a building is effectively secured against entry by any person other than an authorized officer or a person having a permission under paragraph (a)(ii).

### **(2) A prohibition order takes effect—**

- (a) 28 days after the date on which it is served on the owner or occupier; or
- (b) if that owner or occupier appeals against the order, when the appeal is finally rejected or is withdrawn.

- (3) Despite subsection (2), the District Court may, if of the opinion that in the particular circumstances it is appropriate to do so, direct a prohibition order to come into force from the date on which the order is served on the owner or occupier or from a later date that is before the end of the 28-day period referred to in subsection (2)(a).
- (4) A prohibition order remains in force until it is discharged under section 12(5), is revoked under section 13 or the building or part of a building ceases to exist, whichever first occurs.
- (5) In subsection (2)(b), a reference to an appeal includes a reference to an appeal from a decision determining the appeal.

**9. Offence in relation to the contravention of prohibition order**

- (1) A person who, without reasonable excuse, contravenes section 8(1)(a)(i) 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 or part of a day during which the contravention continues.
- (2) A person who, without reasonable excuse, contravenes section 8(1)(b) is guilty of an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.

**10. Copy of prohibition order to be posted at entrances to affected building or part of a building**

- (1) As soon as practicable after a prohibition order is made, the relevant enforcement authority must, in addition to serving a copy of the order on the owner or occupier, post a copy of it in a conspicuous place—
  - (a) inside the building or part of a building; or
  - (b) at or in the immediate vicinity of each entrance to the building or part of a building,

to which the order relates.

- (2) Failure to comply with subsection (1) does not invalidate the effect of such an order.
- (3) While a prohibition order is in force, any person who, without lawful authority, removes, defaces or otherwise interferes with a copy of the order posted in accordance with subsection (1) is guilty of an offence and is liable on conviction to a fine at level 2.
- (4) As soon as practicable after a prohibition order has ceased to have effect, the relevant enforcement authority must, as far as practicable, remove from the premises all copies of the order posted in accordance with subsection (1).

**11. Power to remove persons from building, etc.**

A police officer of or above the rank of inspector—

- (a) may remove from the building or part of a building in respect of which a prohibition order is in force any person who is apparently contravening or about to contravene section 8(1); and
- (b) may prevent any such person from re-entering the building or part of a building while the order remains in force.

**12. Owner or occupier of building may request certificate of compliance**

- (1) At any time while a prohibition order is in force in respect of a building or part of a building, the owner or occupier concerned may, by notice in writing served on the relevant enforcement authority, request that authority to issue a certificate that the requirements of the fire safety direction or fire safety compliance order, as the case may be, that gave rise to the making of the order have been complied with.

- (2) As soon as practicable after receiving a request under subsection (1), the relevant enforcement authority must, if it is satisfied that the requirements of the fire safety direction or fire safety compliance order, as the case may be, have been complied with, issue to the owner or occupier an instrument certifying the compliance. If that authority is not so satisfied, it must reject the request. (*Amended 32 of 2024 s. 9*)
- (3) The relevant enforcement authority may also issue an instrument certifying the compliance to an owner or occupier in respect of a building or part of a building for which a prohibition order is in force without a request under subsection (1) if at any time it is satisfied that the requirements of the fire safety direction or fire safety compliance order, as the case may be, that gave rise to the making of the order have been complied with. (*Amended 32 of 2024 s. 9*)
- (4) As soon as practicable after issuing a certificate of compliance, the relevant enforcement authority must make an application to the District Court for the discharge of the relevant order. The application must be accompanied by a copy of the certificate of compliance.
- (5) On considering an application made under subsection (4), the District Court must discharge the relevant order unless it is of the opinion that there are special grounds for not doing so.
- (6) As soon as practicable after rejecting a request made under subsection (1), the relevant enforcement authority must, by written notice, inform the owner or occupier concerned of the rejection and the reasons for it.

### **13. Right to apply to District Court for revocation of prohibition order**

- (1) If the relevant enforcement authority—

- (a) rejects the request of the relevant owner or occupier for the issue of a certificate of compliance under section 12; or
- (b) fails to issue such a certificate within 28 days after the request was made,

that owner or occupier may apply to the District Court for the revocation of the prohibition order relating to the building or part of a building.

- (2) An applicant must give notice in writing of the application to the relevant enforcement authority within 7 days after making the application.
- (3) On the hearing of an application for the revocation of a prohibition order, the District Court may make any order as it thinks fit.

## **Division 4—Registration of Certain Instruments in Land Registry**

*(Added 32 of 2024 s. 10)*

### **13A. Registration of fire safety direction**

- (1) The relevant enforcement authority may cause to be registered by memorial a fire safety direction that has been served on an owner of a building (or part of a building) against the land register of the building (or part of the building) in the Land Registry.
- (2) If a fire safety direction is registered under subsection (1) against the land register of a building (or part of a building), and subsequently the direction ceases to be in force by virtue of section 5(6), the relevant enforcement authority must—
  - (a) if the direction ceases to be in force by virtue of section 5(6)(a)—cause to be registered by memorial the relevant



instrument issued under section 5(6A) against that land register in the Land Registry as soon as practicable, and in any event not later than 2 months after the date of the instrument;

- (b) if the direction ceases to be in force by virtue of section 5(6)(b)—cause to be registered by memorial the relevant instrument issued under section 5(6B) against that land register in the Land Registry as soon as practicable, and in any event not later than 2 months after the date of the instrument; or
- (c) if the direction ceases to be in force by virtue of section 5(6)(c)—cause to be registered by memorial the fire safety compliance order concerned against that land register in the Land Registry as soon as practicable, and in any event not later than 2 months after the date of the order.

*(Added 32 of 2024 s. 10)*

**14. Registration of fire safety compliance order and prohibition order**

*(Amended 32 of 2024 s. 11)*

- (1) The relevant enforcement authority may cause to be registered by memorial a fire safety compliance order, or a prohibition order, that has been made in respect of a building (or part of a building) against the land register of the building (or part of the building) in the Land Registry.
- (2) Where—
  - (a) a fire safety compliance order is registered under subsection (1) and subsequently— *(Amended 32 of 2024 s. 11)*
    - (i) the order is revoked under section 6(4); or



- (ii) the relevant enforcement authority has, by a written notice referred to in section 6(6), informed the magistrate's clerk that the order has been complied with; or
- (b) a prohibition order is registered under subsection (1) and subsequently—
  - (i) a certificate of compliance has been issued; or
  - (ii) the order is—
    - (A) discharged under section 12(5); or
    - (B) revoked under section 13(3),

the relevant enforcement authority must cause to be registered by memorial the revocation, notice, certificate of compliance or discharge, as the case may be, against the land register of the relevant building (or part of the building) in the Land Registry as soon as practicable and in any event not later than one month after the date of the revocation, notice, certificate of compliance or discharge.

(3) *(Repealed 32 of 2024 s. 11)*

*(Amended 32 of 2024 s. 11)*

#### **14A. Registration in relation to owners' corporation**

- (1) This section applies for the purposes of registration under sections 13A and 14 only.
- (2) If a fire safety direction is served in respect of a building (or part of a building) on its owners' corporation, the direction is to be treated as having been served on each owner of the building (or part of the building) individually.
- (3) If a fire safety compliance order is made in respect of a building (or part of a building) against its owners' corporation, the order is to be treated as having been made against each owner of the building (or part of the building) individually.

- (4) If an instrument mentioned in section 5(6A) or (6B) is issued to an owners' corporation of a building (or part of a building), the instrument is to be treated as having been issued to each owner of the building (or part of the building) individually.
- (5) If a certificate of compliance is issued to an owners' corporation of a building (or part of a building), the certificate is to be treated as having been issued to each owner of the building (or part of the building) individually.

*(Added 32 of 2024 s. 12)*

### **Division 5—Duty to Notify Transfer of Interests**

*(Division 5 added 32 of 2024 s. 13)*

#### **14B. Duty of new owners to notify enforcement authorities of transfer of interests**

- (1) If—
  - (a) a fire safety direction or fire safety compliance order is in force in respect of a building (or part of a building); and
  - (b) there is a transfer of interests in the building (or part of the building) from a person to another person (*new owner*),the new owner must notify in writing the relevant enforcement authority of the transfer within 3 months after the date on which the transfer is completed.
- (2) A person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine at level 3.

### **Division 6—Publishing Information**

*(Division 6 added 32 of 2024 s. 13)*

**14C. Publishing information**

In order to provide appropriate information to the public, an enforcement authority may upload onto its departmental website, or in another way publish, information about a fire safety direction, fire safety compliance order, prohibition order or closure order in respect of a building (or part of a building), including—

- (a) the serial number of the direction or order;
- (b) the address of the building (or part of the building);
- (c) the date of the direction or order; and
- (d) the compliance status of the direction or order.

**Division 7—Advisory Committee**

*(Division 7 added 32 of 2024 s. 13)*

**14D. Establishment and membership**

- (1) An enforcement authority must establish a committee for performing the functions under section 14E.
- (2) The committee is to consist of members with relevant expertise whom the authority considers appropriate.

**14E. Functions**

- (1) An advisory committee of an enforcement authority is to advise the authority on matters relating to fire safety improvements, including—
  - (a) for assisting the authority in forming an opinion under section 5(1) or (2)—
    - (i) whether, in a particular case, it is appropriate for an owner to take any other measures as mentioned in that section; and

- (ii) if so—what the measures are;
  - (b) factors for the authority to consider in determining how buildings are to be prioritized in respect of the exercise of a power under Division 2 of Part 3 by the authority; and
  - (c) technical matters concerning a proposal for carrying out fire safety improvement works for a building (or part of a building).
- (2) However, the committee may only advise the authority on a matter that the authority refers to the committee.
- (3) An advisory committee may, before advising on any matter under subsection (1)(a) or (c), by written notice invite representations from an owner of a building (or part of a building) to whom the matter relates.
- (4) If advice on a matter has been given to an enforcement authority by its advisory committee under subsection (1), the authority must consider the advice before performing any function concerning the matter.
- (5) In this section—

***advisory committee*** (諮詢委員會), in relation to an enforcement authority, means a committee established by the authority under section 14D(1).

#### **14F. Saving provisions**

- (1) A committee established by an enforcement authority under the former section 5(10) is for all purposes to be treated as a committee established by the authority under section 14D(1).
- (2) A person who was, immediately before the commencement date, a member of a committee established by an enforcement authority under the former section 5(10) is for all purposes to be treated as a member of a committee established by

the authority under section 14D(1) on the same terms and conditions as applied to the person immediately before the commencement date.

(3) In this section—

*\*commencement date* (生效日期) means the date on which the Fire Safety (Buildings) (Amendment) Ordinance 2024 (32 of 2024) comes into operation;

*former section 5(10)* (原有第5(10)條) means section 5(10) as in force immediately before the commencement date.

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Editorial Note:

\* Commencement date: 13 December 2024.

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## **Part 3**

### **Enforcement**

#### **Division 1—General**

*(Added 32 of 2024 s. 14)*

##### **15. Authorized officers**

- (1) An enforcement authority may, in writing, authorize a public officer to exercise or perform such of the functions conferred or imposed on authorized officers by this Ordinance as are specified in the authorization.
- (2) The Director of Fire Services and the Director of Buildings and all police officers are taken to be authorized officers for the purposes of this Ordinance.
- (3) When exercising or performing a function conferred or imposed by this Ordinance, an authorized officer—
  - (a) may be assisted by such persons as the officer reasonably requires in order to exercise or perform the function; and
  - (b) must, if required to do so, produce for inspection the officer's identity card and, except in the case of the persons referred to in subsection (2), the authorization issued to the officer under subsection (1).

##### **16. Power to enter and inspect building**

*(Amended 32 of 2024 s. 15)*

- (1) An authorized officer may enter and inspect a building or part of a building without warrant if the officer reasonably believes that—

- (a) it is or may be a composite building or domestic building or a part thereof; or
  - (b) an offence against this Ordinance is being or has been committed therein.
- (2) An authorized officer may also enter and inspect a building or part of a building without warrant in order to ascertain whether or not a fire safety direction or fire safety compliance order, as the case may be, made in respect of it has been complied with.
- (3) An authorized officer must not enter under subsection (1) or (2) any part of a building—
  - (a) intended for domestic purposes; and
  - (b) in respect of which the occupier of that part of the building has an exclusive right of use and enjoyment, unless no less than 24 hours' notice in writing of an intended entry by such officer has been given to that occupier.
- (4) If, on the application of an enforcement authority, a magistrate is satisfied by information on oath— (*Amended 32 of 2024 s. 15*)
  - (a) that admission to a building or part of a building has been refused, or that refusal of admission is reasonably expected, or that it is unoccupied or that the case is one of urgency; and
  - (b) that there is a good reason for an authorized officer to enter it,the magistrate may issue a warrant authorizing an authorized officer to enter the building or part of a building with such force as may be necessary.
- (5) On leaving an unoccupied building or part of a building entered in accordance with this section, an authorized officer

must ensure that it is as effectively secured against trespassers as the officer found it at the time of entry.

- (6) A warrant issued under this section continues in force for 1 month from the date of its issue or until the purpose for which entry is required has been fulfilled, whichever first occurs.

**17. Authorized officer may request information about ownership or occupation of building**

- (1) An authorized officer may ask a person to provide information that may identify an owner or occupier of a composite building or a domestic building, but only if—
- (a) the officer reasonably believes that the person has the information; and
  - (b) the information is not readily available by an inspection of a public record.
- (2) A person who, without reasonable excuse—
- (a) refuses to answer a question put to the person under subsection (1); or
  - (b) provides an answer that the person knows or ought reasonably to know is false or misleading,
- is guilty of an offence and is liable on conviction to a fine at level 4.

**18. Offence to obstruct certain persons exercising or performing functions under this Ordinance**

Any person who, without reasonable excuse, resists, obstructs or delays a person who is exercising or performing, or attempting to exercise or perform, a function conferred or imposed by this Ordinance is guilty of an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.



**18A. Offence for obstructing owners' corporations in complying with fire safety directions or fire safety compliance order etc.**

- (1) A person who has been notified by an owners' corporation of a building (or part of a building) that a fire safety direction has been served on, or a fire safety compliance order has been made against, the corporation under this Ordinance in respect of any common parts of the building must not—
  - (a) obstruct a person employed or engaged by the corporation in carrying out any fire safety improvement works for ensuring that the direction or order is complied with; or
  - (b) refuse to allow a person employed or engaged by the corporation access to, or to use, any part of the building that is reasonably necessary for carrying out any fire safety improvement works for ensuring that the direction or order is complied with.
- (2) A person who has been notified by an owners' corporation of a building (or part of a building) that a fire safety direction has been served on, or a fire safety compliance order has been made against, the corporation under this Ordinance in respect of any common parts of the building must not refuse to contribute to the costs of the fire safety improvement works carried out for ensuring that the direction or order is complied with.
- (3) A person who, without reasonable excuse, contravenes subsection (1) or (2) commits an offence and is liable on conviction—
  - (a) for a contravention of subsection (1)—to a fine at level 3 and to imprisonment for 6 months; or
  - (b) for a contravention of subsection (2)—to a fine at level 4.

*(Added 32 of 2024 s. 16)*

19. *(Repealed 32 of 2024 s. 17)*

**Division 2—Powers relating to Carrying Out of Fire Safety Improvement Works by Enforcement Authorities etc.**

*(Division 2 added 32 of 2024 s. 18)*

**Subdivision 1—Preliminary**

**19A. Interpretation of Division 2 of Part 3**

In this Division—

***auxiliary person*** (輔助人士) means a person authorized under section 19C;

***specified person*** (指明人士) means—

- (a) an authorized officer; or
- (b) an auxiliary person.

**19B. Division 1 of Part 3 not limited**

This Division does not limit Division 1.

**19C. Authorization of auxiliary persons**

An enforcement authority may in writing authorize any person who is not an authorized officer to perform a function under this Division if the authority knows or reasonably believes that a fire safety direction, or fire safety compliance order, that is in force in respect of a building (or part of a building) is not complied with.

**Subdivision 2—Power to Enter Premises etc.**

**19D. Authorized officers' power to enter premises or land for carrying out fire safety improvement works**

- (1) An authorized officer may exercise a power specified in subsection (3) in respect of any premises or land if—
  - (a) the officer knows or reasonably believes that a fire safety direction, or fire safety compliance order, that is in force in respect of a building (or part of a building) is not complied with; and
  - (b) the owner or occupier of, or a person who appears to have control or management of, the premises or land permits the officer to so exercise the power.
- (2) However, the condition specified in subsection (1)(b) need not be met for the officer to exercise the power if—
  - (a) a warrant is obtained under section 19G(1) for exercising the power; or
  - (b) the officer reasonably considers that the urgency of the circumstances would render it impracticable to obtain the warrant before exercising the power.
- (3) For the purposes of subsection (1), an authorized officer may, at any reasonable time—
  - (a) enter any premises or land; or
  - (b) if necessary, break into any premises or land in the presence of a police officer,to carry out for the building (or part of the building) concerned any fire safety improvement works that the officer considers necessary.

**19E. Auxiliary persons' power to enter premises or land for carrying out fire safety improvement works as directed by authorized officers**

- (1) Without limiting section 19D, an authorized officer may direct an auxiliary person to exercise a power specified in subsection (4) in respect of any premises or land.

- (2) An auxiliary person may exercise a power in respect of any premises or land as directed under subsection (1) if the owner or occupier of, or a person who appears to have control or management of, the premises or land permits the auxiliary person to so exercise the power.
- (3) However, the condition specified in subsection (2) need not be met for the auxiliary person to exercise the power if a warrant is obtained under section 19G(1) for exercising the power.
- (4) For the purposes of subsection (1), an auxiliary person may, at any reasonable time, enter any premises or land to carry out for the building (or part of the building) concerned any fire safety improvement works that the authorized officer considers necessary.

**19F. Specified persons may exercise powers with assistance**

A specified person may exercise a power specified in section 19D(3) or 19E(4) (whichever is applicable) with the assistance of any other person whose assistance the specified person considers necessary for exercising the power.

**19G. Magistrate may issue warrant**

- (1) On application by an enforcement authority, a magistrate may issue a warrant for the purposes of section 19D(2)(a) or 19E(3) if the magistrate is satisfied by information on oath that—
  - (a) there are reasonable grounds for suspecting that a fire safety direction, or fire safety compliance order, that is in force in respect of a building (or part of a building) is not complied with;
  - (b) either or both of the following conditions are met—

- (i) entry onto the premises or land by a specified person—
    - (A) was refused; or
    - (B) could not be gained despite visits made to the premises or land on at least 2 different days;
  - (ii) the carrying out of any fire safety improvement works for the building (or part of the building) by a specified person was refused or was otherwise not successful; and
- (c) a notice of intention to apply for a warrant has been served on each owner or occupier of the premises or land.
- (2) The warrant must specify—
  - (a) the premises or land to be entered;
  - (b) the purpose of the entry;
  - (c) the name and capacity of the person authorized to enter the premises or land; and
  - (d) the date of issue of the warrant.

**19H. Duty to produce warrant for inspection**

If a specified person exercises a power specified in section 19D(3) or 19E(4) (whichever is applicable) in reliance on a warrant issued under section 19G(1), the person must produce the warrant for inspection to the owner or occupier of, or a person who appears to have control or management of, the premises or land.

**19I. When warrant ceases to be in force**

A warrant issued under section 19G(1) remains in force until the purpose specified in the warrant under section 19G(2)(b) is fulfilled.

**19J. Security to be maintained after entering unoccupied premises or land**

On leaving any unoccupied premises or land in respect of which a specified person has exercised a power specified in section 19D(3) or 19E(4) (whichever is applicable), the person must leave the premises or land as effectively secured against trespassers as the premises or land was found at the time of the exercise of the power.

**19K. Disposal of unused materials or wastes**

If any fire safety improvement works have been carried out in reliance on section 19D or 19E, a specified person—

- (a) may dispose of any materials left unused in carrying out the works; and
- (b) may dispose of any wastes generated from the works.

**19L. Offence for obstructing specified persons etc.**

- (1) A person who, without reasonable excuse, resists, obstructs or delays—
  - (a) a specified person who is performing, or is attempting to perform, a function under this Subdivision; or
  - (b) any person who is assisting a specified person under section 19F,commits an offence.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 4 and to imprisonment for 6 months.

**Subdivision 3—Closure Orders****19M. Application for closure orders**

- (1) If an enforcement authority is of the opinion that a building (or part of a building) should be closed in order to enable a specified person to perform a function under Subdivision 2 without danger to the occupiers of the building (or part of the building) or to the public, the authority may apply to the District Court for a closure order in respect of the building (or part of the building).
- (2) If the enforcement authority intends to make the application, the authority must notify all persons who may be affected by the application by posting a notice of intention to make the application at a conspicuous place—
  - (a) inside the building (or part of the building); or
  - (b) at, or in the immediate vicinity of, each entrance to the building (or part of the building),at least 7 days before the date of the application.
- (3) The notice must, in relation to the closure order intended to be applied for, state the effect of section 19S(1) and (2)—
  - (a) in clear and legible form; and
  - (b) in both English and Chinese.

#### **19N. Making of closure orders**

On an application under section 19M(1), the District Court may order that the building (or part of the building) specified in the application be, under the direction of a police officer, closed for the purposes of this Subdivision if it is satisfied that a notice of intention to make the application has been given in accordance with section 19M.

#### **19O. Power to remove persons**

- (1) If a closure order is in force in respect of a building (or part of a building), a police officer of or above the rank

of inspector may remove from the building (or part of the building) any person who is present in the building (or part of the building).

- (2) The police officer may require any person to provide the officer with any assistance that is reasonably necessary for the officer to exercise the power.

**19P. Power to seal entrances or exits of buildings**

If a closure order made for an enforcement authority is in force in respect of a building (or part of a building), the authority may seal any or all of the entrances to, or exits from, the building (or part of the building).

**19Q. Permission of entry etc. despite closure orders**

- (1) Despite the fact that a closure order made for an enforcement authority is in force in respect of a building (or part of a building), the authority may in writing permit any person to enter or be present in the building (or part of the building).
- (2) A permission under subsection (1)—
  - (a) may be given subject to any conditions that the relevant enforcement authority considers appropriate; and
  - (b) may be cancelled by the authority as the authority considers appropriate.

**19R. Offence relating to closure orders**

- (1) A person commits an offence if the person, without reasonable excuse—
  - (a) enters or is present in a building (or part of a building) in respect of which a closure order is in force; or



- (b) interferes with any lock, bar or other thing used for performing a function under section 19P or otherwise used for enforcing a closure order.
- (2) Subsection (1)(a) does not apply in relation to a person's entering or being present in a building (or part of a building)—
  - (a) for performing a function under Subdivision 2 as a specified person;
  - (b) for assisting a specified person under section 19F; or
  - (c) as permitted under section 19Q(1).
- (3) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

**19S. When closure orders cease to be in force**

- (1) Subject to subsection (2), a closure order remains in force in respect of a building (or part of a building) until the expiry date specified under subsection (3) for the order.
- (2) A closure order ceases to be in force in respect of a building (or part of a building) if the building (or part of the building) is completely demolished, or otherwise ceases to exist.
- (3) For the purposes of subsection (1), the relevant enforcement authority may issue a written notice specifying an expiry date for a closure order.
- (4) The relevant enforcement authority must, on or before the expiry date—
  - (a) post the notice at a conspicuous place—
    - (i) inside the building (or part of the building); or
    - (ii) at, or in the immediate vicinity of, each entrance to the building (or part of the building);

- (b) serve a copy of the notice on each owner of the building (or part of the building); and
- (c) publish information about the notice on the authority's departmental website or in the Gazette (or both on the website and in the Gazette).

#### **Subdivision 4—Recovery of Costs etc. for Carrying Out of Fire Safety Improvement Works by Enforcement Authorities etc.**

##### **19T. Recovery of costs and surcharges**

- (1) If a specified person has incurred costs in carrying out (including taking any preliminary steps to carry out) any fire safety improvement works in respect of a building (or part of a building) in reliance on section 19D or 19E (whichever is applicable), any or all of the costs specified in subsection (2) are recoverable as a civil debt due to the Government from—
  - (a) if the relevant fire safety direction is registered under section 13A(1), or the relevant fire safety compliance order is registered under section 14(1)—a person who is an owner of the building (or part of the building) on the date on which the works are completed; or
  - (b) in any other case—an owner of the building (or part of the building)—
    - (i) on whom the relevant fire safety direction is served; or
    - (ii) against whom the relevant fire safety compliance order is made.
- (2) For the purposes of subsection (1), the costs are—
  - (a) the costs of carrying out the fire safety improvement works concerned;

- (b) the costs of the materials supplied by the specified person for carrying out the works;
  - (c) the costs incurred in respect of the works as supervision charges;
  - (d) the costs of disposing of any materials left unused in carrying out, or any wastes generated from, the works under section 19K;
  - (e) the costs incurred by any abortive visits made in respect of the works;
  - (f) the costs of sealing any entrances to, or exits from, the building (or part of the building) under section 19P;
  - (g) any other costs incidental to the costs mentioned in any of paragraphs (a), (b), (c), (d), (e) and (f).
- (3) If a person is liable to pay any costs under subsection (2), a surcharge not exceeding 20% of the costs may be imposed on, and is recoverable as a civil debt due to the Government from, the person.
- (4) If—
- (a) a copy of a certificate is served on a person under section 19U(2) in respect of the payment of any costs or surcharge (or both) due under this section; and
  - (b) the payment has not been made or fully made by the person by the expiry of the 30th day (*specified date*) after the day on which the copy is so served,

then beginning on the day after the specified date, simple interest calculated at the rate of 10% per annum is to be charged on the amount of the payment for the time being unpaid by the person, and the interest is recoverable from the person as part of the payment.

(5) The making of a payment under this section by any person does not affect the right of the person to recover the payment from another person who is liable to make the payment.

(6) In this section—

***abortive visit*** (前往施工未遂), in relation to any fire safety improvement works, means any entry onto any premises or land under section 19D(3) or 19E(4) for carrying out the works that is denied or is otherwise not successful.

#### **19U. Certificates for recovery of costs or surcharges**

(1) For the purposes of this Subdivision, the relevant enforcement authority may issue a certificate—

(a) specifying—

- (i) the payment of any costs or surcharge (or both) due under section 19T in respect of a building (or part of a building);
- (ii) the fire safety improvement works concerned;
- (iii) the name of each person who is liable to make the payment; and
- (iv) unless there is only one such person—an apportionment of the payment among the persons that the authority considers appropriate; and

(b) for recovering the payment in accordance with section 19V(3)(a), specifying—

- (i) the nature of the claim; and
- (ii) any particulars of the claim (other than those specified under paragraph (a)).

(2) If the relevant enforcement authority issues a certificate under subsection (1), the authority must serve a copy of the certificate on each person who is liable to make the payment.

- (3) In any legal proceeding—
  - (a) a certificate purporting to be issued by the authority under subsection (1) is admissible in evidence on its production without further proof; and
  - (b) on being admitted in evidence under paragraph (a), the certificate is proof of the facts stated in it in the absence of evidence to the contrary.

### **19V. Registration of certificates**

- (1) The relevant enforcement authority may cause to be registered by memorial a recovery certificate against the land register of a building (or part of a building) in the Land Registry so long as the specified payment for the building (or part of the building) has not been recovered or fully recovered.
- (2) For the purposes of the Land Registration Ordinance (Cap. 128), a recovery certificate is taken to be an instrument affecting premises or land and is registrable in the Land Registry.
- (3) On the registration of a recovery certificate under subsection (1) against the land register of a building (or part of a building), the specified payment for the building (or part of the building)—
  - (a) is, subject to subsection (5), recoverable by action in court from any person who appears from that land register to be the owner of the building (or part of the building) on or after the date of registration; and
  - (b) subject to subsection (7), constitutes a legal charge on the building (or part of the building) that gives the relevant enforcement authority the same powers and remedies as a mortgagee under a mortgage by deed in common form would have in respect of the building (or part of the building).

- (4) Despite sections 3(1) and 5 of the Land Registration Ordinance (Cap. 128), if a recovery certificate is duly registered under subsection (1), it has priority from the beginning of the day after the date of registration.
- (5) A specified payment is not recoverable under subsection (3)(a) from a person to the extent that the amount of the specified payment concerned exceeds the value of the person's interest in the building (or part of the building) concerned.
- (6) A charge constituted under subsection (3)(b) becomes void once the specified payment concerned is recovered to the extent of an amount equal to the value of the building (or part of the building) concerned.
- (7) If, after the completion of the fire safety improvement works specified in a recovery certificate but before the registration of the certificate under subsection (1), a person has acquired, and registered an interest in, the building (or part of the building) concerned as a bona fide purchaser (or mortgagee) for valuable consideration—
  - (a) the charge constituted under subsection (3)(b) in respect of the certificate is void against the person; and
  - (b) no liability is to accrue under subsection (3) against the person.
- (8) On full recovery of a specified payment for a building (or part of a building), the relevant enforcement authority must cause to be registered by memorial an instrument certifying such recovery against the land register of the building (or part of the building) in the Land Registry.
- (9) In this section—  
**recovery certificate** (追討證明書) means a certificate issued under section 19U(1);

***specified payment*** (指明款項), in relation to a building (or part of a building)—

- (a) means the payment of any costs or surcharge (or both) due under section 19T in respect of the building (or part of the building) as specified in a recovery certificate; and
- (b) includes any interest recoverable as part of the payment under section 19T(4).

#### **19W. Service of writ of summons**

- (1) This section applies in relation to a writ of summons initiating an action to recover any payment due to the Government under section 19T to the exclusion of sections 23 and 23A.
- (2) The writ of summons is taken to have been duly served if the court is satisfied that—
  - (a) unless paragraph (b) applies—the writ was left at the defendant's residence or place of business; or
  - (b) if neither the defendant's residence nor place of business is known—the writ was left—
    - (i) unless subparagraph (ii) applies—at the building (or part of the building) concerned; or
    - (ii) if leaving the writ at the building (or part of the building) concerned is impracticable for reasons such as denial of entry—outside or adjacent to an entrance to the building (or part of the building).



## **Part 4**

### **Miscellaneous**

#### **Division 1—Government's Liability**

*(Added 32 of 2024 s. 19)*

**20. Government not liable for certain matters**

- (1) A person to whom this section applies does not incur liability for damages only because of a failure to exercise or perform a function conferred or imposed by this Ordinance.
- (2) This section applies to the Government, the enforcement authorities and all authorized officers.

**21. Authorized officers not personally liable for certain acts and omissions**

- (1) An authorized officer is not personally liable for any act done or omitted to be done by the officer while exercising or performing a function conferred or imposed by this Ordinance if the officer did or omitted to do the act in the honest belief that the act or omission was required or authorized by or under this Ordinance.
- (2) Subsection (1) does not affect any liability that the Government may have because an authorized officer has done or omitted to do an act to which that subsection applies.

#### **Division 2—Unlawful Disclosure of Information**

*(Added 32 of 2024 s. 22)*

**22. Offence to disclose information obtained officially**



- (1) A person who, without lawful authority, discloses to another person information obtained while exercising or performing a function conferred or imposed on the person by this Ordinance is guilty of an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
- (2) A person has lawful authority to disclose information if the person discloses the information—
  - (a) in order to exercise or perform a function conferred or imposed by this Ordinance;
  - (b) in connection with proceedings brought under this Ordinance;
  - (ba) in relation to performing a function, or for enabling or facilitating any thing or work to be done by any person, under any law of Hong Kong; (*Replaced 7 of 2020 s. 59*)
  - (c) in compliance with a court order; or (*Replaced 7 of 2020 s. 59*)
  - (d) with the consent of all persons who are entitled to have the information kept confidential.
- (3) For the purposes of subsection (2), information that a person is entitled to have kept confidential includes, but is not limited to, information that concerns the trade, business or profession of the person or another person with whom the person has business dealings.

### **Division 3—Other Matters relating to Offences**

*(Added 32 of 2024 s. 23)*

#### **22A. Offences by body corporate and partnership**

- (1) If an offence under this Ordinance is committed by a body corporate (other than an owners' corporation) and it is proved

that the offence—

- (a) was committed with the consent or connivance of a director of the body corporate or another person concerned in the management of the body corporate; or
- (b) was attributable to any neglect or omission on the part of the director or that other person,

the director or that other person also commits the offence.

- (2) If an offence under this Ordinance is committed by an owners' corporation and it is proved that the offence—

- (a) was committed with the consent or connivance of a person concerned in the management of the corporation; or
- (b) was attributable to any neglect or omission on the part of the person,

the person also commits the offence.

- (3) If an offence under this Ordinance is committed by a partner of a partnership and it is proved that the offence—

- (a) was committed with the consent or connivance of any other partner concerned in the management of the partnership; or
- (b) was attributable to any neglect or omission on the part of that other partner,

that other partner also commits the offence.

*(Added 32 of 2024 s. 23)*

## **22B. Prosecution deadline**

- (1) A prosecution for an offence under this Ordinance may only be started before the end of 12 months beginning on the date on which the offence is discovered by, or comes to the notice of, the enforcement authority.

**Note—**

This replaces the time limit under section 26 of the Magistrates Ordinance (Cap. 227).

- (2) Subsection (1) does not apply in relation to an offence under this Ordinance committed before the date on which the Fire Safety (Buildings) (Amendment) Ordinance 2024 (32 of 2024) comes into operation\*.

*(Added 32 of 2024 s. 23)*

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**Editorial Note:**

\* Date of coming into operation: 13 December 2024.

## **Division 4—Service of Documents**

*(Added 32 of 2024 s. 24)*

### **23. Service on non-body corporate**

If a document in respect of a building (or part of a building) is to be given to, or served on, a person under this Ordinance by an enforcement authority and the person is not a body corporate, the document may be—

- (a) delivered personally to the person;
- (b) sent by registered post to the person's usual address of residence or business, or (if that address is unknown) to the person's last known address of residence or business;
- (c) left with an adult occupier of the building (or part of the building);
- (d) posted at a conspicuous place inside the building (or part of the building);
- (e) sent by facsimile transmission to the usual facsimile number of the person, or (if that number is unknown) to the person's last known facsimile number; or

- (f) sent by electronic mail to the usual electronic mail address of the person, or (if that address is unknown) to the person's last known electronic mail address.

*(Replaced 32 of 2024 s. 25)*

### **23A. Service on body corporate**

- (1) If a document in respect of a building (or part of a building) is to be given to, or served on, a person under this Ordinance by an enforcement authority and the person is a body corporate (other than a registered non-Hong Kong company), the document may be—
  - (a) delivered personally to any address in Hong Kong at which the body corporate carries on business, and given to a person apparently concerned in the management of, or employed by, the body corporate;
  - (b) sent by registered post to the registered office in Hong Kong of the body corporate, or to any address in Hong Kong at which the body corporate carries on business, or (if that address is unknown) to the last known registered or business address of the body corporate;
  - (c) left with an adult occupier of the building (or part of the building);
  - (d) posted at a conspicuous place inside the building (or part of the building);
  - (e) sent by facsimile transmission to the usual facsimile number of the body corporate, or (if that number is unknown) to the last known facsimile number of the body corporate; or
  - (f) sent by electronic mail to the usual electronic mail address of the body corporate, or (if that address is unknown) to the last known electronic mail address of the body corporate.

- (2) If a document in respect of a building (or part of a building) is to be given to, or served on, a person under this Ordinance by an enforcement authority and the person is a registered non-Hong Kong company, the document may be—
- (a) delivered personally to the address of the authorized representative as shown in the Companies Register, and given to the authorized representative;
  - (b) sent by registered post to the authorized representative at that address;
  - (c) left with an adult occupier of the building (or part of the building);
  - (d) posted at a conspicuous place inside the building (or part of the building);
  - (e) sent by facsimile transmission to the usual facsimile number of the authorized representative, or (if that number is unknown) to the last known facsimile number of the representative; or
  - (f) sent by electronic mail to the usual electronic mail address of the authorized representative, or (if that address is unknown) to the last known electronic mail address of the representative.

- (3) In this section—

***authorized representative*** (獲授權代表) has the meaning given by section 774(1) of the Companies Ordinance (Cap. 622);

***Companies Register*** (公司登記冊) has the meaning given by section 2(1) of the Companies Ordinance (Cap. 622);

***registered non-Hong Kong company*** (註冊非香港公司) has the meaning given by section 2(1) of the Companies Ordinance (Cap. 622).

*(Added 32 of 2024 s. 26)*

**23B. Date of giving or service of documents**

For the purposes of this Ordinance, a document given or served is taken, in the absence of evidence to the contrary, to have been given or served—

- (a) if delivered personally, left with a person or posted at a place—on the day after the day on which it was delivered, left or posted;
- (b) if sent by post—on the second working day after the day on which it was posted;
- (c) if sent by facsimile transmission—on the day after the day on which it was sent; or
- (d) if sent by electronic mail—on the day after the day on which it was sent.

*(Added 32 of 2024 s. 26)*

**Division 5—Evidence**

*(Added 32 of 2024 s. 27)*

**23C. Certificate of giving or service admissible as evidence**

- (1) A certificate purporting to be signed by, or for, an enforcement authority stating that a document has been given or served is admissible in evidence in any proceeding brought under this Ordinance.
- (2) Unless there is evidence to the contrary, it is presumed that—
  - (a) the certificate is signed by, or for, the authority; and
  - (b) the document to which the certificate relates was duly given or served.

*(Added 32 of 2024 s. 27)*

**23D. Power to certify documents**

- (1) An enforcement authority or a public officer authorized under section 15 may certify a copy or print of (or an extract from) a document made, issued, given or served for the purposes of this Ordinance as a true copy or print of (or extract from) the document.
- (2) The document referred to in subsection (1) includes—
  - (a) a fire safety direction;
  - (b) a notice amending or withdrawing a fire safety direction under section 5(5);
  - (c) a fire safety compliance order;
  - (d) a prohibition order;
  - (e) a certificate of compliance;
  - (f) building plans showing that a building is one to which this Ordinance applies; and
  - (g) correspondence by the enforcement authority with an owner or occupier of a building (or part of a building) in connection with this Ordinance.

*(Added 32 of 2024 s. 27)*

**23E. Certified true copy admissible as evidence**

- (1) A copy or print of (or an extract from) a document is admissible in evidence in a proceeding before any court on its production without further proof if the copy, print or extract—
  - (a) purports to be a true copy or print of (or extract from) the document; and
  - (b) has been certified under section 23D.

(2) The court before which the certified true copy, print or extract is produced must, unless there is evidence to the contrary, presume that—

- (a) the certification is by an enforcement authority or a public officer authorized under section 15; and
- (b) it is a true copy, print or extract.

*(Added 32 of 2024 s. 27)*

## **Division 6—Regulations and Codes of Practice**

*(Added 32 of 2024 s. 27)*

### **24. Chief Executive in Council may make regulations**

The Chief Executive in Council may make regulations—

- (a) prescribing anything required or permitted to be prescribed by regulations under this Ordinance; and
- (b) generally providing for the better carrying into effect of the provisions and purposes of this Ordinance.

### **25. Effect of substituted or amended codes of practice**

(1) If a code of practice specified in a Schedule to this Ordinance is substituted or amended, the substituted code or the code as amended applies for the purposes of this Ordinance only when—

- (a) the Legislative Council has passed a resolution declaring that the substituted code or the code as amended is to apply for those purposes;
- (b) the reference to the code in the Schedule is amended in accordance with subsection (2); and
- (c) that amendment has taken effect.



- (2) If the Legislative Council has passed a resolution declaring that a substituted code or a code as amended is to apply for the purposes of this Ordinance, the Secretary for Security may, by order published in the Gazette, amend the relevant Schedule by substituting the reference to the substituted or amended code for the reference to the code then specified in that Schedule.
  - (3) Such an amendment takes effect on the date on which the order is published in the Gazette or on such later date as may be specified in the order.
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## **Schedule 1**

[ss. 5(1) & (2) & 25]

*(Amended 32 of 2024 s. 28)*

### **Fire Safety Measures to be Complied with by Owners of Composite Buildings in Respect of Parts Intended for Non-Domestic Purposes**

#### **1. Provision of fire service installation or equipment**

*(Amended 32 of 2024 s. 28)*

In relation to the provision of fire service installation or equipment, requirements with which an owner of a composite building, in respect of a part intended for non-domestic purposes, can be directed to comply under section 5(1) and (2) of this Ordinance are the following— *(Amended 32 of 2024 s. 28)*

- (a) a requirement to provide or improve an automatic sprinkler system, with or without a direct link to the Fire Services Department, to control the spread of fire and sound an alarm;
- (b) a requirement to provide or improve a fire hydrant and hose reel system as a source of water supply for fire fighting; *(Amended 21 of 2024 s. 114)*
- (c) a requirement to provide or improve a manual fire alarm system to alert occupants of the building in the event of fire;
- (d) a requirement to provide or improve emergency lighting within the common parts so as to facilitate the evacuation of occupants of the building in the event of a power failure; *(Amended 32 of 2024 s. 28)*

- (e) a requirement to provide or improve an automatic cut-off device for the mechanical ventilating system to limit the spread of smoke through the ventilating system, where one is provided, but only if the system forms an integral part of the part of the building intended for non-domestic purposes and also serves other separately occupied areas or parts intended for non-domestic purposes; and
- (f) a requirement to provide or improve other fire service installation or equipment in accordance with the requirements specified in the Code of Practice for Minimum Fire Service Installations and Equipment 1994, as published by the Director of Fire Services and printed by the Government Printer. (*Amended 32 of 2024 s. 28*)

The detailed specifications and requirements of the installation or equipment under paragraphs (a) to (e) are set out in the Code of Practice for Minimum Fire Service Installations and Equipment 1994, as published by the Director of Fire Services and printed by the Government Printer. (*Amended 32 of 2024 s. 28*)

## **2. Fire safety construction**

In relation to fire safety construction, requirements with which an owner of a composite building, in respect of a part intended for non-domestic purposes, can be directed to comply under section 5(1) and (2) of this Ordinance are the following—

- (a) in relation to means of escape—
  - (i) the improvement of staircases in terms of their width and number;
  - (ii) the protection of exit routes and staircases with separating walls of fire resisting construction;

- (iii) the improvement of exit arrangements in terms of exits from rooms, storeys and ground storeys, access to staircases, direct distance or travel distance;
  - (iv) the provision of fire doors;
- (b) in relation to means of access for fire fighting and rescue—
  - (i) the improvement of at least one of the existing lifts, up to the standard of fireman's lifts; or
  - (ii) the installation of a new lift, up to the standard of fireman's lifts;
- (c) in relation to fire resisting construction—
  - (i) the improvement of fire resistance of external walls and the protection of openings therein to inhibit the spread of fire to adjoining buildings;
  - (ii) the provision of fire resisting separation between different parts in a building;
  - (iii) the provision of smoke vents to basements.

The detailed requirements on the design, construction or installation in relation to construction requirements in paragraphs (a) to (c) are set out in the following codes of practice published by the Director of Buildings and printed by the Government Printer—

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

## **Schedule 2**

[ss. 5(1) & (2) & 25]

*(Amended 32 of 2024 s. 29)*

### **Fire Safety Measures to be Complied with by Owners of Composite Buildings in Respect of Parts Intended for Domestic Purposes and by Owners of Domestic Buildings**

#### **1. Provision of fire service installation or equipment**

*(Amended 32 of 2024 s. 29)*

In relation to the provision of fire service installation or equipment, requirements with which an owner of a composite building, in respect of a part intended for domestic purposes, and an owner of a domestic building can be directed to comply under section 5(1) and (2) of this Ordinance are the following— *(Amended 32 of 2024 s. 29)*

- (a) a requirement to provide or improve a fire hydrant and hose reel system as a source of water supply for fire fighting; *(Amended 21 of 2024 s. 115)*
- (b) a requirement to provide or improve a manual fire alarm system to alert occupants of the building in the event of fire; and
- (c) a requirement to provide or improve emergency lighting within the common parts so as to facilitate the evacuation of occupants of the building in the event of a power failure. *(Amended 32 of 2024 s. 29)*

The detailed specifications and requirements of the installation or equipment under paragraphs (a) to (c) are set out in the Code of Practice for Minimum Fire Service Installations and Equipment

1994, as published by the Director of Fire Services and printed by the Government Printer. (*Amended 32 of 2024 s. 29*)

## **2. Fire safety construction**

In relation to fire safety construction, requirements with which an owner of a composite building, in respect of a part intended for domestic purposes, and an owner of a domestic building can be directed to comply under section 5(1) and (2) of this Ordinance are the following—

- (a) the protection of staircases with separating walls of fire resisting construction;
- (b) the improvement of exit arrangements in terms of exit from the parts used for domestic purposes to the street;
- (c) the provision of fire doors.

The detailed requirements on the design, construction or installation in relation to construction requirements in paragraphs (a) to (c) are set out in the following codes of practice published by the Director of Buildings and printed by the Government Printer—

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

## Schedule 3

[ss. 5(3) & 25]

### **Fire Safety Measures to be Complied with by Occupiers of Composite Buildings in Respect of Parts Intended for Non-Domestic Purposes**

#### **1. Provision of fire service installation or equipment**

*(Amended 32 of 2024 s. 30)*

In relation to the provision of fire service installation or equipment, requirements with which an occupier of a composite building, in respect of a part intended for non-domestic purposes can be directed to comply under section 5(3) of this Ordinance are the following— *(Amended 32 of 2024 s. 30)*

- (a) a requirement to provide or improve emergency lighting within the area he occupies so as to facilitate the evacuation of the area in the event of a power failure;
- (b) a requirement to provide or improve an automatic cut-off device for the mechanical ventilating system to limit the spread of smoke through the ventilating system, but only if the system does not serve other separately occupied areas of the part of the building intended for non-domestic purposes and the system—
  - (i) has a capacity to process air at a rate exceeding 1 cubic metre per second; or
  - (ii) serves more than one fire compartment located within such part.

#### **2. Definition**

In this Schedule—

## Fire Safety (Buildings) Ordinance

Schedule 3

S3-4

Section 2

Cap. 572

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***fire compartment*** (防火間), in relation to a building, means a part of the building that is physically separated from adjoining parts by walls, and by a floor and ceiling, that meets the standard of fire resistance prescribed by the Code of Practice for Fire Resisting Construction 1996, as published by the Director of Buildings and printed by the Government Printer.