

GUIDANCE NOTE ON COMPLIANCE WITH PLANNING CONDITION ON PROVISION OF FIRE SAFETY MEASURES FOR COMMERCIAL USES IN INDUSTRIAL PREMISES

INTRODUCTION

- 1** The Town Planning Board (TPB) Guidelines No. 22D and 25D provide guidance to prospective applicants on the specific requirements for change of use of industrial premises to commercial uses. Upon granting an approval for change of use, the TPB may impose appropriate condition(s) requiring the provision of fire safety measures. This Guidance Note aims to provide information on the steps required to be followed in order to comply with the condition(s).
- 2** The condition(s) should be complied with before operation of the approved use (in the case of proposed use) or as soon as practicable within the time limit specified in the condition (in the case of regularization of an existing use). If the condition is not complied with as required, the planning permission will be revoked by the TPB without further notice. If the applicant requires more time to comply with the condition, an application for extension of time for compliance of the condition should be submitted to the TPB at least six weeks before the expiry of the specified time limit. The TPB would grant an extension of time for compliance with the condition(s) only if strong justifications are provided by the applicant. For details, please refer to TPB Guidelines PG-No. 34A and 36A.

COMPLIANCE WITH BUILDINGS ORDINANCE

- 3** Where an applicant is advised to submit building plans for approval of the Building Authority, the applicant should appoint an Authorized Person (AP) to submit General Building Plans (GBP) to the Buildings Department (BD) in accordance with the provisions of the Buildings Ordinance (BO). The GBP should include a list and indicate locations of all fire service installations (FSIs), means of escape, fire resistance construction and barrier free access.
- 4** If there are any Unauthorized Building Works (UBWs) on the concerned premises, the AP should indicate on the GBP the removal of such UBWs.
- 5** The GBP will then be processed by the BD in consultation with other concerned Government departments (including Fire Services Department (FSD), Lands Department (LandsD) and Planning Department (PlanD)) through the Centralized Processing System.
- 6** Upon approval of the GBP, the building works may commence subject to the issue of a consent by BD. Upon completion of the building works, the AP and Registered Building Contractor shall certify the completion of the works in prescribed form in accordance with the approved GBP and in compliance with BO.

COMPLIANCE WITH FIRE SAFETY REQUIREMENTS

With GBP Submission

- 7 For cases involving building works and requiring approval of GBP, the FSD's requirement will be formulated upon GBP submission and the procedures stated above for compliance with the BO should apply.
- 8 The GBP will not be approved unless the plans are endorsed with a certificate issued by the Director of Fire Services. Upon endorsement, the applicant should appoint a registered FSI contractor to carry out the necessary installation work. The applicant is responsible for the complete installation of FSI and the subsequent maintenance.
- 9 Upon completion of the installation work, the FSI contractor is required to submit to the FSD via PlanD a Certificate of Fire Service Installations and Equipment (FS251). If the installation work involves change of FSI layout, in addition to the aforesaid FS251, the contractor should also submit a Certificate of Compliance (FSI/314A) together with two copies of FSI layout plans to FSD via PlanD.

Without GBP Submission

- 10 For cases where no building works are involved or no GBP approval is required for the building works, a submission should be made by the applicant, preferably through a FSI contractor or an AP, to FSD via the relevant District Planning Office (DPO) of PlanD. The submission should include two sets of layout plans of the subject premises, drawn to an appropriate scale with metric dimensions and include, inter alia, the following information:
 - (i) the location of the premises in the subject building should be marked on the submitted plans;
 - (ii) all means of exit, entry and internal passageway of the premises under application should be marked on the submitted plans;
 - (iii) in the form of notes, list out the existing fire service installations and equipment and ventilation/air conditioning control systems, if any, of the premises under application;
 - (iv) the location of the existing fire service installations for the premises under application (if applicable) should be marked on the submitted plans;
 - (v) in the form of notes, list out the fire service installations and equipment to be provided for the premises under application; and
 - (vi) the location of the proposed fire service installations for the premises under application should be marked on the submitted plans.

A sample of the required layout plan is shown at Plan 1 for reference. For the proposed fire service installations, reference can be made to the requirements as set out at "Section 4.14 – Commercial Buildings – Low Rise" of the Code of Practice for Minimum Fire Service Installations and Equipment.

- 11 FSD will then check the plans and formulate additional FSI requirements, if necessary. Upon endorsement by FSD, the applicant should appoint a registered FSI contractor to

carry out the necessary installation work. The FSI contractor is required to submit to the FSD via PlanD a Certificate of Fire Service Installations and Equipment (F.S.251). If the installation work involves change of FSI layout, in addition to the aforesaid F.S.251, the contractor should also submit a Certificate of Compliance (FSI/314A) together with two copies of FSI layout plans to FSD via PlanD.

COMPLIANCE WITH LEASE CONDITIONS

- 12** For most industrial buildings, commercial uses are not normally permitted under lease. The applicant may be advised to apply for lease modification or temporary waiver before carrying out the use permitted by the TPB.
- 13** If the use already exists, it may be subject to enforcement by the District Lands Officer (DLO) of LandsD and a forbearance fee is payable. For such cases, an application should be made to the DLO as soon as planning permission is granted by the TPB. DLO will process the application for lease modification or temporary waiver in consultation with PlanD, FSD and BD.
- 14** DLO will only process an application after approval has been given by the TPB. If at the time of issuing the waiver offer, the condition on provision of fire safety measure has not been complied with by the applicant, a condition will be imposed in the waiver offer requiring completion of the provision of fire safety measures within the same period as specified by the Board in the planning approval. If the condition is not complied with as required and the planning permission is revoked, the waiver would be revoked by the DLO.
- 15** For all cases requiring lease modification to effect the change of use to commercial use in industrial buildings, conditions for compliance with Town Planning Ordinance and also compliance with FSD requirements, if not yet a requirement under lease, shall be built in the lease modification document.

DISCHARGE OF THE PLANNING CONDITION

- 16** Upon completion of the provision of fire safety measures, the applicant is required to provide all relevant information to the DPO, including relevant approval letters/correspondence from BD and FSD. The DPO will confirm in a reply whether the condition is discharged after consultation with the concerned Government departments.

