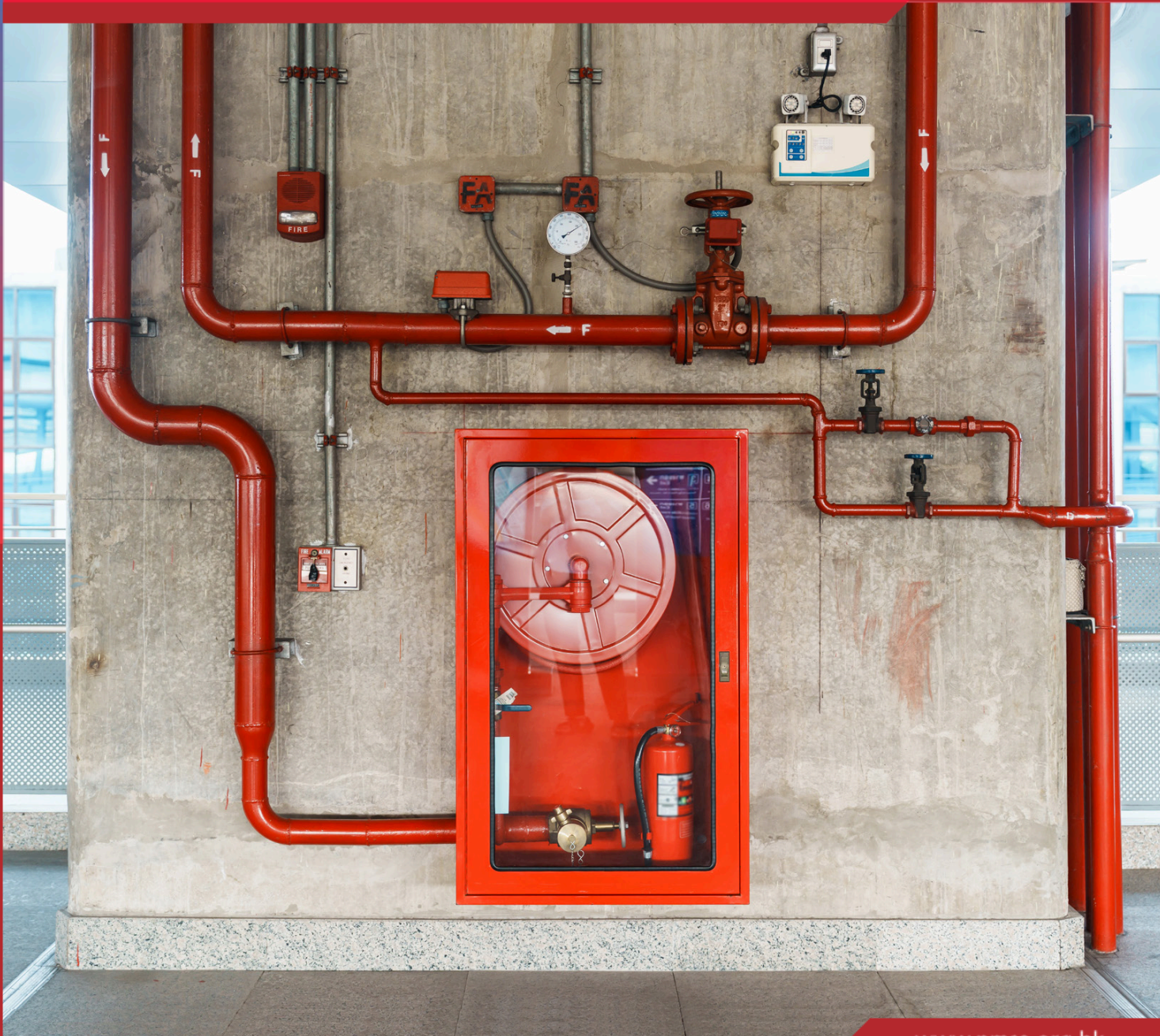


# Handling Fire Safety Work

Best Practice Guide

Code No.: G22/2024



# **Property Management Services Authority**

## **Handling Fire Safety Work – Best Practice Guide**

**Guide No.: G22/2024**

**Effective Date: 26 April 2024**

### **Preamble**

For the purpose of enabling licensees<sup>1</sup> to comply more effectively and professionally with the guidelines set out in the Code of Conduct<sup>2</sup> entitled Handling Fire Safety Work (Code No.: C22/2024) (“Code”) issued by the Property Management Services Authority (“PMSA”) on 26 April 2024, the PMSA provides relevant guidelines in this Best Practice Guide (“Guide”) pursuant to section 44<sup>3</sup> of the Property Management Services Ordinance (Cap. 626) (“PMSO”). While licensees are encouraged to use their best endeavours to follow the Guide, failure to comply with the Guide will, however, not be regarded as a disciplinary offence referred to in section 4 of the PMSO.

### **Background**

2. When a licensed property management company (“PMC”) provides property management services (“PMSs”) to its clients’<sup>4</sup> properties, it also manages the repair and maintenance of fire service installations and equipment in the common parts of a property (e.g. fire hydrant/hose reel system, fire alarm system, fire detection system, sprinkler system, fire extinguishers and emergency lighting system, etc.) so as to ensure fire safety of the property. This Guide aims to enable licensed PMCs and their licensed property management practitioners<sup>5</sup> to comply more effectively and professionally with the guidelines set out in the Code.

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<sup>1</sup> The term “licensee” means the holder of the following licence: a PMC licence; a PMP (Tier 1) licence; a PMP (Tier 2) licence; a provisional PMP (Tier 1) licence; or a provisional PMP (Tier 2) licence.

<sup>2</sup> With regard to the Code of Conduct containing practical guidance issued by the PMSA under section 5 of the PMSO for the purpose of section 4 of the PMSO (disciplinary offences), although a licensee does not incur a legal liability only because the licensee has contravened a provision of the Code of Conduct, the Code of Conduct is admissible in evidence in disciplinary hearings, and proof that a licensee contravened or did not contravene the relevant provision of the Code of Conduct may be relied on as tending to establish or negate a matter that is in issue in the hearings.

<sup>3</sup> Section 44 of the PMSO provides: “The Authority may do anything it considers appropriate for it to do for, or in relation to, the performance of its functions”.

<sup>4</sup> The term “client” has the same meaning as defined in section 16 of the PMSO, i.e. “in relation to a property for which a licensed PMC provides PMSs, means— (a) the owners’ organization of the property; and (b) the owners of the property who pay or are liable to pay the management expenses in respect of the services”. According to such a definition, a tenant is not a client.

<sup>5</sup> According to Section 2 of the PMSO, licensed PMP means (a) a licensed PMP (Tier 1); or (b) a licensed PMP (Tier 2).

## Fire Services Ordinance (Cap. 95) (“FSO”) and Relevant Subsidiary Legislation<sup>6</sup>

3.1 The FSO makes provisions in respect of the duties and powers of the Fire Services Department for the prevention of fire hazards and for the investigation into matters relating to a fire. Its subsidiary legislation regulates the registration of fire service installation contractors and provides for the control of the sale, supply, installation, repair, maintenance and inspection of fire service installations or equipment. According to Section 2 of the FSO, “*fire service installation or equipment*”<sup>7</sup> means any installations or equipment manufactured, used or designed to be used for the purposes of: (a) extinguishing, attacking, preventing or limiting a fire; (b) giving warning of a fire; (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 in case of fire; (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; and according to the Fire Service (Installations and Equipment) Regulations (Cap. 95B), the owner of any fire service installations or equipment shall keep such fire service installations or equipment in efficient working order at all times<sup>8</sup>, and have such fire service installations or equipment inspected by a registered contractor at least once in every 12 months<sup>9</sup>.

3.2 For the fire safety of prescribed commercial premises<sup>10</sup> as well as specified commercial buildings<sup>11</sup>, composite and domestic buildings, and industrial buildings constructed on or before 1 March 1987 or the plans of the building work of which were first submitted to the Building Authority for approval on or before 1 March 1987 (“Target Buildings/Premises”), the Director of Fire Services may issue “Fire Safety Direction” or “Fire Safety Improvement Direction” to the property owner / occupier in

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<sup>6</sup> Apart from the FSO, relevant legislations include Fire Safety (Commercial Premises) Ordinance (Cap. 502), Fire Safety (Buildings) Ordinance (Cap. 572), and Fire Safety (Industrial Buildings) Ordinance (Cap. 636). For information on these three ordinances, please visit the webpages below of the Fire Services Department:

Fire Safety (Commercial Premises) Ordinance:

([https://www.hkfsd.gov.hk/eng/fire\\_protection/fs\\_buildings\\_commercial\\_premises\\_ordinance/](https://www.hkfsd.gov.hk/eng/fire_protection/fs_buildings_commercial_premises_ordinance/))

Fire Safety (Buildings) Ordinance:

([https://www.hkfsd.gov.hk/eng/fire\\_protection/fire-safety/](https://www.hkfsd.gov.hk/eng/fire_protection/fire-safety/))

Fire Safety (Industrial Buildings) Ordinance:

([https://www.hkfsd.gov.hk/eng/fire\\_protection/fs\\_industrial\\_building/](https://www.hkfsd.gov.hk/eng/fire_protection/fs_industrial_building/))

Relevant regulations include Fire Service (Installation Contractors) Regulations (Cap. 95A) (relating to the regulation of registration of fire service installation contractors), Fire Service (Installations and Equipment) Regulations (Cap. 95B) (relating to the control of the sale, supply, installation, repair, maintenance and inspection of fire service installations or equipment), Fire Services (Fire Hazard Abatement) Regulation (Cap. 95F) (relating to the powers of the Director of Fire Services regarding fire hazard abatement), etc.

<sup>7</sup> For the definition of “*fire service installation or equipment*”, please see Section 2 of the FSO

<sup>8</sup> Section 8(1)(a) of the Fire Service (Installations and Equipment) Regulations (Cap. 95B)

<sup>9</sup> Section 8(1)(b) of the Fire Service (Installations and Equipment) Regulations (Cap. 95B)

<sup>10</sup> For the definition of “*prescribed commercial premises*”, please see Section 3 of Fire Safety (Commercial Premises) Ordinance

<sup>11</sup> For the definition of “*specified commercial building*”, please see Section 3 of Fire Safety (Commercial Premises) Ordinance



accordance with the Fire Safety (Commercial Premises) Ordinance (Cap. 502)<sup>12</sup>, the Fire Safety (Buildings) Ordinance (Cap. 572)<sup>13</sup> and the Fire Safety (Industrial Buildings) Ordinance (Cap. 636)<sup>14</sup>, demanding the owner / occupier to complete fire safety improvement work within a specified period in order to improve the fire safety of the property.

3.3 It is unlawful for an owner / occupier who, without reasonable excuse, fails to comply with a “Fire Safety Direction” or “Fire Safety Improvement Direction”<sup>15</sup>. For conviction on failure to comply with a “Fire Safety Direction” or “Fire Safety Improvement Direction”, a Magistrate may, on the application of the relevant enforcement authority (in this case, the Director of Fire Services), make a “Fire Safety Compliance Order” or “Fire Safety Improvement Compliance Order”, directing the owner / occupier of the property to comply with the requirements in the relevant order. It is also an offence for failure to comply with the relevant order<sup>16</sup>.

### **Buildings Ordinance (Cap.123) (“BO”) and Relevant Subsidiary Legislation<sup>17</sup>**

4.1 The BO regulates the planning, design and construction of private buildings, which includes ensuring the integrity and good condition of the structural components of the common parts of a building in order to protect its fire safety. Section 35 of the Building (Construction) Regulation (Cap. 123Q) regulates fire resisting construction of a building, and sections 41, 41A, 41B, 41C and 41D of the Building (Planning) Regulations (Cap. 123F) regulate the means of escape, access for firefighting and rescue, etc.

4.2 For the fire safety of Target Buildings/Premises mentioned in paragraph 3.2 above, the Director of Buildings may also issue “Fire Safety Direction” or “Fire Safety Improvement Direction” in accordance with the Fire Safety (Commercial Premises) Ordinance (Cap. 502)<sup>18</sup>, the Fire Safety (Buildings) Ordinance (Cap. 572)<sup>19</sup> and the Fire Safety (Industrial Buildings) Ordinance (Cap. 636)<sup>20</sup> to direct the owner / occupier to complete fire safety improvement work within a specified period so as to improve the

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<sup>12</sup> See footnote 6

<sup>13</sup> See footnote 6

<sup>14</sup> See footnote 6

<sup>15</sup> One who is found guilty of this offence is liable on conviction to a fine at level 4 and to a further fine of HK\$2,500 for each day. See Section 5(7) of the Fire Safety (Commercial Premises) Ordinance, Section 5(8) of the Fire Safety (Buildings) Ordinance, and Section 11(2) of the Fire Safety (Industrial Buildings) Ordinance

<sup>16</sup> One who is found guilty of this offence is liable on conviction to a fine at level 5 and to a further fine of HK\$5,000 for each day. See Section 6(8) of the Fire Safety (Commercial Premises) Ordinance, Section 6(8) of the Fire Safety (Buildings) Ordinance, and Section 16(2) of the Fire Safety (Industrial Buildings) Ordinance

<sup>17</sup> Relevant regulations include the Building (Construction) Regulation (Cap. 123Q), Building (Planning) Regulations (Cap. 123F) and Building (Ventilating Systems) Regulations (Cap. 123J), etc.

<sup>18</sup> See footnote 6

<sup>19</sup> See footnote 6

<sup>20</sup> See footnote 6

fire safety of the property. It is unlawful for an owner / occupier who, without reasonable excuse, fails to comply with a “Fire Safety Direction” or “Fire Safety Improvement Direction”<sup>21</sup>. For conviction on failure to comply with a “Fire Safety Direction” or “Fire Safety Improvement Direction”, a Magistrate may, on the application of the relevant enforcement authority (in this case, the Director of Buildings), make a “Fire Safety Compliance Order” or “Fire Safety Improvement Compliance Order”, directing the owner / occupier of the property to comply with the requirements in the relevant direction. It is also an offence for failure to comply with the relevant order<sup>22</sup>.

## **Duties of Owners**

5.1 An owner of a property owns undivided shares of the land on which the building is erected, and also co-owns with other owners the common parts and facilities (including fire fighting equipment<sup>23</sup>) of that property; hence owners have duty to properly manage and maintain fire service equipment in the common parts of the property so as to ensure fire safety of the property.

5.2 Apart from the legislation aforementioned in paragraphs 3.1, 3.2, 3.3, 4.1 and 4.2, other laws and regulations, terms, codes of practice and guidelines relevant to fire safety in a property mainly include the following :

### **5.2.1 Common Law Duty of Care**

The owner of a landed property has a common law duty of care to maintain the property. The owner may be held liable for personal injury and / or property damage arising from failure to observe the duty. Therefore, the owner has to properly manage and maintain fire service equipment in common parts of the property so as to prevent and avoid having personal injury and / or property damage to the public caused by fire.

### **5.2.2 Occupiers Liability Ordinance (Cap. 314)<sup>24</sup>**

In the event of failure to properly manage fire service installations and equipment of the property causing injury or death to a third party, the owner / owners’

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<sup>21</sup> See footnote 15

<sup>22</sup> See footnote 16

<sup>23</sup> Please see section 10 of Schedule 1 to the Building Management Ordinance (Cap. 344) (“BMO”). Regarding fire safety of a property, if the property has an owners’ corporation, it has to comply with and act in accordance with the relevant requirements under paragraphs 7.1, 7.2, 7.3, 7.4, 8.11, 8.12, 8.13 and 8.14 of the Code of Practice on Building Management and Safety (Revised Version Effective from 1 September 2018) issued by the Secretary for Home and Youth Affairs under Section 44(1)(b) of the BMO (“Code of Practice”). It also has to make reference with the statutory requirements of relevant legislations (including the FSO and the Dangerous Goods Ordinance (Cap. 295)). See the below webpage for details on the Code of Practice: ([https://www.buildingmgt.gov.hk/en/Policy\\_and\\_Legislation/3\\_3.html](https://www.buildingmgt.gov.hk/en/Policy_and_Legislation/3_3.html))

<sup>24</sup> The Occupiers Liability Ordinance imposes on an occupier of premises, that is the person in control of the premises, a duty to his visitors to take such care as is reasonable in the circumstances to see that his visitors will be reasonably safe in using the premises for the permitted purposes.

corporation (“OC”) can be held legally liable for a breach of the Occupiers Liability Ordinance. Therefore, the owner / OC has to comply with the relevant law to ensure the reasonable safety of third parties in the property.

### 5.2.3 Deed of Mutual Covenant (“DMC”) of a property

The DMC of a property is a legal document which is binding on all owners of the property and stipulates clearly the rights, interests and obligations of owners, the PMC, etc. regarding the supervision, repair, maintenance and management of private areas, common parts and facilities, etc. within the property.

### **Fire Safety of Fire Service Installations, Equipment and Structural Components<sup>25</sup> in Common Parts of a Property**

**Code:** A(1) According to Section 6(1) of the Fire Service (Installations and Equipment) Regulations (Cap. 95B), no fire service installation or equipment shall be installed in any premises by any person other than a registered contractor<sup>26</sup>. Therefore, licensed PMC, owners’ organization (if any) and owner have to engage a registered contractor<sup>27</sup> to install fire service installations or equipment in common parts of a property.

A(2) If the installation of the fire service installations or equipment mentioned in paragraph A(1) of this Code is to be carried out by a registered contractor engaged by a licensed PMC, the licensed PMC has to:

- (a) clearly stipulate, when entering into a contract with the registered contractor, that the registered contractor has to comply with the requirements on systems / installations / equipment for different buildings / premises, the relevant specifications, extent and additional requirements (if any) as set out in the Code of Practice for Minimum Fire Service

<sup>25</sup> Components usually found in common parts of a property include staircases, smoke stop doors, fire doors, fire resisting walls, fixed lights, fireman’s lift lobbies, ventilating systems, fire shutters, fire dampers, etc. Please see the below webpage of the Buildings Department for relevant information:

(<https://www.bd.gov.hk/en/safety-inspection/fire-safety/index.html>)

<sup>26</sup> See Section 6(1) of the Fire Service (Installations and Equipment) Regulations (Cap. 95B). According to Section 12 of the said regulations, any person who contravenes the provisions of regulation 6(1) shall be guilty of an offence and shall be liable on conviction to a fine at level 5.

<sup>27</sup> For the interpretation of *registered contractor*, see Section 2 of the Fire Service (Installation Contractors) Regulations (Cap. 95A). For the list of Registered Fire Service Installation Contractors, see the below webpage of the Fire Services Department:

([https://www.hkfsd.gov.hk/eng/source/FSIC\\_list\\_eng.pdf](https://www.hkfsd.gov.hk/eng/source/FSIC_list_eng.pdf))

Installations and Equipment issued by the Director of Fire Services<sup>28</sup> so as to properly install fire service installations and equipment in common parts of the property; and monitor appropriately the work of the respective contractor; and

- (b) keep the contract entered into with the registered contractor and relevant documents properly for no less than six years<sup>29</sup>.

A(3) According to Section 7(1) of the Fire Service (Installations and Equipment) Regulations (Cap. 95B), no person other than a registered contractor shall maintain, inspect or repair any fire service installation or equipment which is installed in any premises<sup>30</sup>. Therefore, licensed PMC, owners' organization (if any) and owner have to engage a registered contractor<sup>31</sup> to maintain, inspect or repair fire service installations or equipment in common parts of a property.

A(4) If the maintenance, inspection or repair of fire service installations or equipment mentioned in paragraph A(3) of this Code is to be carried out by a registered contractor engaged by a licensed PMC, the licensed PMC has to:

- (a) pay attention as to whether the registered contractor has complied with the requirements on inspection, testing and maintenance for installations or equipment of different category and nature as stipulated in the Code of Practice for Inspection, Testing and Maintenance of Installations and Equipment issued by the Director of Fire Services<sup>32</sup> so as to ensure that the fire service installations or equipment in common parts of the property are in efficient working order<sup>33</sup>;

<sup>28</sup> The Code of Practice for Minimum Fire Service Installations and Equipment is issued by the Director of Fire Services (13<sup>th</sup> revision: September 2022). It sets out requirements for the minimum fire service installations and equipment for various buildings / premises. See the below webpage of the Fire Services Department for details: ([https://www.hkfsd.gov.hk/eng/fire\\_protection/notices/code.html](https://www.hkfsd.gov.hk/eng/fire_protection/notices/code.html))

<sup>29</sup> The guideline is made with reference to Section 20A(4) of the BMO.

<sup>30</sup> Section 7(1) of the Fire Service (Installations and Equipment) Regulations (Cap. 95B). According to Section 12 of the said Regulations, any person who contravenes regulation 7(1) shall be guilty of an offence and shall be liable on conviction to a fine at level 5.

<sup>31</sup> See footnote 27

<sup>32</sup> The Code of Practice for Inspection, Testing and Maintenance of Installations and Equipment is issued by the Director of Fire Services in accordance with Section 10 of the Fire Service (Installations and Equipment) Regulations (Cap. 95B) (13<sup>th</sup> revision: September 2022). It sets out different categories and natures of inspections and tests to be carried out for the fire installations and equipment, and provides guidelines on how to carry out the inspection and testing. See the below webpage of the Fire Services Department for details: ([https://www.hkfsd.gov.hk/eng/fire\\_protection/notices/code.html](https://www.hkfsd.gov.hk/eng/fire_protection/notices/code.html))

<sup>33</sup> Section 8(1)(a) of the Fire Service (Installations and Equipment) Regulations (Cap. 95B). According to Section 12 of the said Regulations, any person who contravenes regulation 8(1)(a) shall be guilty of an offence and shall be liable on conviction to a fine at level 5.

- (b) have such fire service installation or equipment inspected by a registered contractor at least once in every 12 months<sup>34</sup>;
- (c) follow up timely with the registered contractor that, within 14 days after completion of the work mentioned in paragraphs A(4)(a) and A(4)(b) of this Code, it has to forward a copy of the related certificate (i.e. Certificate of Fire Service Installation and Equipment (Form F.S. 251)) to the Director of Fire Services<sup>35</sup>;
- (d) follow up timely with the registered contractor that, after inspection of fire service installations or equipment within the property, it has followed up properly with the required rectifications (if any);
- (e) follow up timely with the registered contractor that, if any fire service installations or equipment have to be shut down during maintenance, repair or inspection, it has to, as required, notify the Director of Fire Services soonest possible / in advance, so that the Director of Fire Services may formulate appropriate contingency plan and advise the owners / occupiers to take additional fire safety measures during the shutdown period, where necessary<sup>36</sup>;
- (f) clearly stipulate, when entering into a contract with the registered contractor, that the registered contractor has to comply with the requirements as provided in paragraphs A(4)(a) to A(4)(e) of this Code, and monitor appropriately the work of the contractor;
- (g) keep the contract entered into with the registered contractor and relevant documents properly for no less than six years<sup>37</sup>; and
- (h) provide assistance, insofar as is reasonable and practicable, when Fire Services Department officer inspects fire service installations or investigates a registered contractor (e.g. producing relevant contract or invoice, work record, attendance record, photograph and CCTV record, etc.), and provide

<sup>34</sup> Section 8(1)(b) of the Fire Service (Installations and Equipment) Regulations (Cap. 95B). According to Section 12 of the said Regulations, any person who contravenes regulation 8(1)(b) shall be guilty of an offence and shall be liable on conviction to a fine at level 5.

<sup>35</sup> See Section 9(1) of the Fire Service (Installations and Equipment) Regulations (Cap. 95B)

<sup>36</sup> See "FSD Circular Letter No. 1/2021 - Shutdown of Fire Service Installations for Maintenance, Inspection, Modification or Repair". For details, please visit the below webpage of the Fire Services Department:

([https://www.hkfsd.gov.hk/eng/source/circular/2021\\_01\\_eng\\_20210119\\_174824.pdf](https://www.hkfsd.gov.hk/eng/source/circular/2021_01_eng_20210119_174824.pdf))

<sup>37</sup> See footnote 29



statement to Fire Services Department officer, upon request where necessary.

A(5) Licensed PMC, owners' organization (if any) and owner have to properly manage and maintain structural components in common parts of a property, and engage a building professional and/or registered contractor<sup>38</sup> when necessary, to ensure fire safety of common parts of the property. This includes<sup>39</sup>:

- (a) smoke stop and fire doors -
  - (i) the doors of the protected lobby, fireman's lift lobby, staircase, switch room and rooms containing air-conditioning plant or similar hazardous installations shall be kept in good repair condition including the door hinges, glazed panels and door closers;
  - (ii) these doors shall be kept in a closed position; and
  - (iii) these doors shall not be removed or replaced with doors having a lower fire resistance such as ordinary glass doors.
- (b) means of escape -
  - (i) doors or gates shall not swing out onto exit routes such as the common corridor, staircase and rear lane causing obstruction to the means of escape;
  - (ii) no metal gate or roller shutter shall be installed across any means of escape;
  - (iii) doors or gates at common parts of the property shall be readily opened from inside without the use of a key;
  - (iv) doors giving access to the roof of the property shall be readily opened from inside without the use of a key;
  - (v) exhaust fans, air-conditioning units or similar installations shall not be installed in the protected lobby or staircase. No opening shall be formed in the protected lobby or staircase walls for such installations or for doors or windows;

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<sup>38</sup> For information on registered professionals or contractors registered in accordance with the BO, see the below webpage of the Buildings Department:

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

<sup>39</sup> See paragraphs 7.2, 8.11, 8.12, 8.13 and 8.14 of the Code of Practice issued by the Secretary for Home and Youth Affairs

- (vi) means of escape shall be free of any obstruction caused by unauthorised structures such as racks, shelves, cabinets and store rooms;
  - (vii) adequate lighting shall be provided for the means of escape and shall be kept in good condition; and
  - (viii) emergency vehicular access shall be free from obstruction at all times.
- (c) fire resisting construction -
- (i) the walls of switch rooms and rooms containing air-conditioning plant or similar hazardous installations shall be kept in good condition and free of unprotected openings; and
  - (ii) all required staircases and their protected lobbies shall not accommodate any services other than emergency services unless such services are enclosed by walls or fire barriers of adequate fire resistance rating. Such walls and fire barriers shall be kept in good condition. Any access panels thereto shall be kept in a closed position.
- (d) access for firefighting and rescue -
- (i) the walls of fireman's lift lobby shall be kept in good condition and free of unprotected openings.
- (e) ventilating systems<sup>40</sup> -
- (i) ventilating systems provided in the property shall be kept in safe and efficient working order at all times; and
  - (ii) every damper, filter and precipitator in a ventilating system shall be inspected by a registered specialist contractor in the appropriate category at intervals not exceeding 12 months.
- (f) fire shutters and dampers -
- (i) fire shutters and dampers shall be maintained in good working order.

A(6) If the work mentioned in paragraphs A(5) of this Code is to be carried

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<sup>40</sup> "Ventilating systems" as referred to in accordance with the Building (Ventilating Systems) Regulations (Cap. 123J); according to Section 5(2) of the said Regulation, any person who contravenes the relevant requirements shall be guilty of an offence and shall be liable on conviction to a fine at level 1.

out by a registered contractor engaged by a licensed PMC, the licensed PMC has to:

- (a) pay attention as to whether the registered contractor has complied with the applicable regulations<sup>41</sup> and codes of practice<sup>42</sup> so as to ensure fire safety of common parts of a property;
- (b) clearly stipulate, when entering into a contract with the registered contractor, that the registered contractor has to comply with the requirements of paragraph A(6)(a) of this Code, and monitor appropriately the work of the contractor; and
- (c) keep the contract entered into with the registered contractor and relevant documents properly for no less than six years<sup>43</sup>.

A(7) If the installation, maintenance, inspection, repair or management of any of the fire service installations, equipment or structural components mentioned in paragraphs A(1), A(3) and A(5) of this Code are to be carried out by a registered contractor engaged by an owners' organization (if any), a licensed PMC has to assist and remind the owners' organization to abide by matters mentioned in paragraphs A(2), A(4) and A(6) of this Code.

Guide:

- a(1) In addition to complying with the requirements of the Code of Practice for Minimum Fire Service Installations and Equipment mentioned in paragraph A(2) of this Code, a licensed PMC should, so far as reasonably practicable, provide other extra appropriate fire service installations or equipment according to the actual circumstances of a property upon consultation with the owners' organization (if any) so as to enhance fire safety of the property.
- a(2) A licensed PMC should, so far as reasonably practicable, upon completion of the work carried out by a registered contractor as mentioned in paragraphs

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<sup>41</sup> Relevant regulations include Section 35 of the Building (Construction) Regulation (Cap. 123Q), which sets out the requirements on fire resisting construction of a building; Sections 41, 41A, 41B, 41C and 41D of the Building (Planning) Regulations (Cap. 123F), which sets out the requirements on the means of escape, emergency access for firefighting and rescue of a building; and the Building (Ventilating Systems) Regulations (Cap. 123J), which sets out the requirements on ventilating systems of a building, etc.

<sup>42</sup> Relevant codes of practice include paragraphs 8.11, 8.12, 8.13 and 8.14 of the Code of Practice issued by the Secretary for Home and Youth Affairs, and the Code of Practice for Fire Safety in Buildings 2011 (June 2023 version) issued by the Buildings Department (English version only). See the below webpage of the Buildings Department for information:

(<https://www.bd.gov.hk/en/resources/codes-and-references/codes-and-design-manuals/fs2011.html>)

<sup>43</sup> See footnote 29

A(4)(a) and A(4)(b) of this Code, display a copy of the related certificate (i.e. Form F.S. 251) at a prominent place in the property (or keep properly the copy) for the inspection of Fire Services Department officer / residents.

a(3) If any fire service installations or equipment have to be shut down during maintenance, repair or inspection by a registered contractor, owners / occupiers / licensed PMCs should carry out the following work as advised by the Fire Services Department<sup>44</sup>:

- (a) formulate an emergency plan;
- (b) conduct regular patrol the affected areas (e.g. stationing, making entries in a patrol record book provided at the areas);
- (c) designate named personnel to undertake specified tasks, including monitoring the progress of repair work, report to the police / Fire Services Department upon the discovery of a fire, etc.;
- (d) place / install additional firefighting and/or detection equipment with an alarm sounding function such as fire extinguishers, standalone smoke detectors, temporary firefighting water supply system, etc., in the affected area(s);
- (e) arrange sufficient trained staff for operating the fire service installations / portable equipment and executing the emergency plan;
- (f) inspect and review passive and active fire protection measures, including fire doors, gaseous extinguishing systems and portable fire extinguishers. No obstruction or impairment to the available fire service installations;
- (g) display suitable notices at prominent locations about the shutdown of the systems;
- (h) reduce the stock level of goods, in particular, for those highly combustible products (e.g. flimsy paper products, paints, etc.);
- (i) suspend any unnecessary activities that generate sparks (e.g. welding) in the affected areas; and
- (j) maintain good property management.

a(4) When engaging a registered contractor, a licensed PMC should:

- (a) choose registered contractors which possess relevant work experience and professional expertise;

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<sup>44</sup> See footnote 36



- (b) arrange for suitable staff responsible for coordinating, supervising and monitoring the work of the registered contractor, and maintaining communication with the registered contractor; and
  - (c) keep properly the relevant contracts, records, documents (including tender documents) and information at a suitable location, and pursuant to written request (if applicable) made by the owners' organization (if any) or statutory requirement, provide such information timely for perusal.
- a(5) If any of the work mentioned in paragraphs A(1), A(3) and A(5) of this Code is to be carried out by a registered contractor engaged by an owners' organization (if any), or the owners' organization (if any) enters into a service contract directly with the registered contractor, a licensed PMC should assist and remind the owners' organization to abide by paragraphs a(1) to a(4) of this Guide.
- a(6) A licensed PMC should, so far as reasonably practicable, formulate fire safety measures to ensure fire safety of property owners / premises occupiers. Such measures may include a "Fire Safety Management Plan", which includes the following elements / contents on maintenance, training and action in response to emergency situations, etc.:
  - (a) professional assistance – the plan should be formulated and executed with the assistance of registered professionals and/or registered contractors who possess relevant work experience and professional expertise;
  - (b) scope – the plan should define the areas within a property covered by it, and should include all aspects of fire safety (from prevention to emergency response), and involves all stakeholders including residents / occupiers, licensed PMC staff and emergency services providers (e.g. firefighters);
  - (c) fire risk assessment – a detailed assessment of potential fire hazards within the property which residents / occupiers may face, and management of those risks;
  - (d) regular inspection – regular inspection of fire services installations, equipment and structural components in common parts of the property to examine as to whether such fire services installations, equipment and structural components have been illegally altered / rebuilt / removed / obstructed / impaired, or if there are any other abnormalities. Upon discovery of any abnormal situations, arrange for appropriate follow-up measures soonest possible (e.g. engage a registered contractor to perform emergency repair);

- (e) preventive measures - the plan should prioritize measures to reduce the likelihood of a fire occurring, such as:
  - (i) staff training (e.g. training on identification of abnormalities in fire services installations, equipment and structural components);
  - (ii) providing fire safety guidelines<sup>45</sup> to residents / occupiers (e.g. evacuation procedure, use of fire extinguishing equipment, fire safety for open kitchen, domestic fire extinguishing equipment (e.g. fire blanket)); and
  - (iii) proper management of combustible materials<sup>46</sup>.
- (f) emergency response plan – preparedness for an emergency, including:
  - (i) regular fire drills;
  - (ii) detailed plan for safe evacuation of residents / occupiers<sup>47</sup>;
  - (iii) regular inspection, testing and maintenance of fire and smoke detection and suppression systems<sup>48</sup>;
  - (iv) regular inspection, testing and maintenance of electrical installations (e.g. emergency generator)<sup>49</sup>;
  - (v) clear delineation of the responsibilities of individual staff and the team during a fire;
  - (vi) actions to be taken in the event of a fire (e.g. notifying the Fire Services Department, managing evacuation and coordinating with Fire Services officers); and
  - (vii) communication plan, i.e. mode of communication with residents / occupiers, staff, and emergency personnel before, during, and after a fire.
- (g) backup plan – the plan should include a backup plan to deal with situations when any fire services installations, equipment and structural components need to be halted / terminated due to repair / removal / testing, etc. so as to ensure that the property complies with relevant fire safety requirements and guidelines at all times<sup>50</sup>;

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<sup>45</sup> See the below webpage of the Fire Services Department for relevant information:

(<https://www.hkfsd.gov.hk/eng/education/>)

<sup>46</sup> See paragraph B(1) of this Code for details

<sup>47</sup> The evacuation plan should account for those with special needs and the identification of assembly points.

<sup>48</sup> See paragraphs A(3) and A(4) of this Code for details

<sup>49</sup> See the Best Practices for Operation and Maintenance Service of Fire Service Installations issued by the Electrical and Mechanical Services Department. For details, please visit the below webpage:

([https://bestpractice.emsd.gov.hk/assets/booklet/FS/Fire\\_Service\\_installations\\_O&M\\_Best\\_Practices\\_Booklet\(English\\_version\).pdf](https://bestpractice.emsd.gov.hk/assets/booklet/FS/Fire_Service_installations_O&M_Best_Practices_Booklet(English_version).pdf))

<sup>50</sup> See paragraph A(4)(e) of this Code for details

- (h) review and update – formulate a schedule for reviewing the plan so as to regularly audit and update the plan to ensure its effectiveness, including updates which reflect the changes in actual situation in the property and updates in respect of fire safety rules and regulations; and
- (i) keeping record – all aspects of the fire safety of the property should be documented, including routine check, inspection result, location plan of fire services installation and equipment (e.g. fire extinguisher), staff training record, meeting minutes and incident log. Such documentation should be, so far as reasonably practicable, digitalised and stored in a reliable database server.

### **Storage of Dangerous Goods**

**Code:** B(1) The Dangerous Goods Ordinance (Cap. 295) stipulates that, except under and in accordance with a licence, no person shall store, convey or use any dangerous goods<sup>51</sup> more than the exempt quantity<sup>52</sup>, or manufacture any amount of dangerous goods. Also, in accordance with Section 142(1) of the Dangerous Goods (Control) Regulation (Cap. 295G), a person must not store or convey dangerous goods unless the packing, marking and labelling requirements specified in Schedule 6 to the Dangerous Goods (Control) Regulation (Cap. 295G) are complied with. Licensed PMC, owners' organization (if any) and owner have to comply with the relevant legislations<sup>53</sup> and code of practice<sup>54</sup> so as to ensure that there is no excess or improper storage of dangerous goods in the common parts of a property which affects the fire safety of the property.

Guide:

- b(1) A licensed PMC should, so far as reasonably practicable:
  - (a) regularly inspect common parts of a property to check whether any dangerous goods have been stored within the area;

<sup>51</sup> Parts 2 to 4 of Schedule 2 and Schedule 3 to the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295E) (list of dangerous goods) list out the dangerous goods controlled by the Fire Services Department. These dangerous goods include: Class 2.1/2.2/2.3 dangerous goods, Class 3 dangerous goods, Class 4.1/4.2/4.3 dangerous goods, Class 5.1/5.2 dangerous goods, Class 6.1 dangerous goods, Class 8 dangerous goods, Class 9 dangerous goods, paint materials, Class 3A dangerous goods and Class 9A dangerous goods.

<sup>52</sup> For the exempt quantity of various dangerous goods, see the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295E).

<sup>53</sup> Apart from the Dangerous Goods Ordinance (Cap. 295), relevant subsidiary legislations include the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295E) and the Dangerous Goods (Control) Regulation (Cap. 295G).

<sup>54</sup> The Code of Practice for Control of Dangerous Goods on Land, see the below webpage for details: ([https://es.hkfsd.gov.hk/dg/en/administration/codes\\_of\\_practice/](https://es.hkfsd.gov.hk/dg/en/administration/codes_of_practice/))

- (b) if storage of dangerous goods is discovered, confirm relevant information, such as the category of dangerous goods, the safety data sheet provided by the supplier of the concerned dangerous goods, the exempt quantity and the compatibility, etc. so as to lawfully store such dangerous goods;
- (c) store dangerous goods at a location with good ventilation, away from heat source and flames, and where there is no direct sunlight; and
- (d) keep record of relevant inspection results and follow-up actions.

— END —

If there is any inconsistency between the Chinese version and the English version of this Guide, the Chinese version shall prevail.

If there are any amendments to any ordinances or regulations mentioned in this Guide, licensees have to act in accordance with the revised provisions.





Related Code of Conduct

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