

**Business Facilitation Advisory Committee  
Food Business and Related Services Task Force**

***Implementation of New Measures for Compliance  
with Fire Safety Requirements by Food Premises***

**Purpose**

This paper briefs members on the compliance status of food premises after the new measures for the trade to comply with fire safety requirements (FSRs) have been implemented since 30 June 2014.

**Background**

2. On 11 June 2012, the Administration consulted members vide FRSTF Paper 8 on the proposal to implement three new measures for food premises to comply with FSRs. A Business Impact Assessment (BIA) on the possible impact of the proposed measures on the trade was subsequently conducted before the proposal was finalized.

3. On 23 July 2014, the Administration briefed the Business Facilitation Advisory Committee (BFAC) vide BFAC paper 5/14 on the findings and recommendations of the BIA as well as the implementation arrangements for the new measures. A copy of the relevant BFAC paper is at **Annex 1**. The new measures, which have taken effect on 30 June 2014, are –

(a) *Continuous Compliance with FSRs*

The Food and Environmental Hygiene Department (FEHD) imposes a licensing condition on the General Restaurant (GR), Light Refreshment Restaurant (LRR) and Factory Canteen (FC) licences to ensure the licensees shall at all times comply with FSRs issued by the Director of Fire Services.

(b) Ensuring Compliance with FSRs before licence renewal

To ensure compliance with FSRs before licence renewal, the GR, LRR and FC licences will only be renewed when Certificates of Fire Service Installations and Equipment (FS 251s) and Annual Inspection Certificates for Ventilating System (AICs), if required, of the respective food premises are valid on the commencement date of the coming term of the licences. The Fire Services Department (FSD) will issue the “No Objection to Licence Renewal Notice” (NOLR notice) to each licensee for licence renewal after satisfying the relevant FS 251 and AIC, if required, are valid for the premises.

(c) Compliance with FSRs for issuing of P-licence

For submission of proof of compliance with FSRs when applying for provisional licence (P-licence), the existing Certificate of Compliance C (Fire Safety Requirements) (Form C) has been revised to facilitate applicants to declare to FEHD whether polyurethane (PU) foam filled mattresses and upholstered furniture are in use in the subject premises, and if so, to submit invoices and test certificates to FSD. Alternatively, applicants can produce the delivery note of the PU foam filled mattresses and upholstered furniture during the FSD’s verification inspection and then submit relevant invoice and test certificate to FSD within 8 weeks from the date of the verification inspection.

### **Compliance Status after Implementation of New Measures**

4. For the first two measures, 90-day notices have been issued to all licensees of GR, LRR and FC for imposing the additional licensing condition and the new licence renewal requirement when their licences are due for renewal on or after 1 October 2014. Regarding the third measure, all applications for provisional food business licences submitted on or after 30 June 2014 are required to declare in the Form C whether PU foam filled mattresses and upholstered furniture are in use in the subject premises.

5. The compliance status of the trade after implementation of the new measures is summarized as follows –

(a) Continuous Compliance with FSRs

Up to 31 December 2014, no major breaches were observed by FSD while there were 2 minor breaches with one committed by a GR and the other by a LRR. These two cases were referred to FEHD for follow up action under the established monitoring mechanism. In this connection, the licensees concerned have been issued with the first warning letters requiring them to rectify the irregularities within 30 days, otherwise the second warning letter will be issued.

(b) Ensuring Compliance with FSRs before licence renewal

There were 2 553 licences, comprising 1 764 GR licences, 717 LRR licences and 72 FC licences, required to obtain NOLR notices issued by FSD before their licences could be renewed during the period from 1 October to 31 December 2014. As revealed from **Annex 2**, 2 424 (or 95%) of them were renewable with the issue of NOLR notices by FSD. For those 126 licences (or 4.9%) which were not issued with NOLR notices, only 47 cases failed to comply with FSRs and the remaining 79 cases were attributable to voluntary cancellation of licences or cessation of business before their licence renewal. In addition, there were 3 special cases, under the review of FEHD and FSD taking a pragmatic approach to consider allowing the renewal of their licences without compromising the fire safety of the premises.

(c) Compliance with FSRs for issuing of P-licence

During the period from 30 June to 31 December 2014, there were 2 073 applications for P-licence and 1 356 of them made declaration of using PU foam filled mattresses and upholstered furniture in their premises. All the licensees were able to submit invoices and test certificates during the FSD's verification inspections.

6. After implementation of the first two new measures for three months, FSD and FEHD initiated to meet the representatives of a restaurant and solicit their feedback in response to its enquiry. The concerns raised by the representatives were properly addressed during the meeting. Contact points at FSD and FEHD have also been set up to deal with the enquiries from the trade. So far, the departments are not aware of any significant hiccups or teething problems arising from implementation of the new measures.

## **Way Forward**

7. FSD and FEHD will continue to closely monitor the implementation of the new measures and adopt a facilitating approach to licensees for renewal of the GR/LRR/FC licences. For GR/LRR/FC licences in breach of FSRs, FSD and FEHD will take appropriate actions against the licensees concerned in order to protect the fire safety of the premises.

8. Members are invited to note the content of this paper and offer comments, if any.

**Food and Environmental Hygiene Department  
Fire Services Department  
February 2015**

*BFAC Paper 5/14***Twenty-sixth Meeting of  
the Business Facilitation Advisory Committee*****Agenda Item 2 : Business Impact Assessment on Proposed  
Measures for Compliance with Fire  
Safety Requirements by Food Premises*****Purpose**

This paper briefs members on the findings and outcome of the Business Impact Assessment (BIA) on the new measures proposed by the Food and Environmental Hygiene Department (FEHD) and the Fire Services Department (FSD) to ensure compliance with fire safety requirements (FSRs) by food premises.

**Background**

2. The Cornwall Court fire in 2008<sup>1</sup> aroused public concern over the fire safety of licensed premises, especially those patronized by members of the public in large number. In June 2009, the Ombudsman initiated a direct investigation into the fire safety regulatory measures for food premises. The following two recommendations made by the Ombudsman on monitoring compliance with FSRs by food premises are relevant to FEHD and FSD –

- (a) FEHD should impose conditions on food business licences for compliance with FSRs; and
- (b) FEHD should work out arrangements with FSD to ensure that food premises meet FSRs before approving their applications for licence renewal.

3. In addition, the Efficiency Unit (EU) completed a study on fire safety control and related management issues of FSD in June 2011 and recommended, among others, that in the case of applications for provisional

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<sup>1</sup> On 10 August 2008 a fire broke out in Cornwall Court in Mongkok, which was a commercial/residential building. The fire claimed four lives including two firefighters.

food business licences (P-licences), FSD and other relevant departments should consider reviewing the documents to be submitted by food premises for proof of compliance with FSRs so as to facilitate checking and following up by FSD officers.

4. Subsequently, FEHD and FSD worked out three new measures to implement the Ombudsman/EU's recommendations. As General Restaurants (GRs), Light Refreshment Restaurants (LRRs) and Factory Canteens (FCs) bear a higher fire safety concern because they are intended to serve the general public, it is proposed that the new measures for para.2(a) and (b) will be implemented in respect of the licences for these three types of food premises, while para. 3 will be implemented on applications for all provisional food licences. The two departments, with the assistance of the Economic Analysis and Business Facilitation Unit, commissioned an external consultant in August 2012 to conduct a BIA on the possible impact of the proposed measures on the trade before the proposals are finalized.

### **Findings and Outcome of the Business Impact Assessment**

5. The BIA study reveals that the aim of Government's initiative to raise awareness of fire safety issues is generally welcomed by the trade. For each new measure, the BIA findings and proposed mitigation measures are summarized below –

(a) *Monitoring Mechanism for Food Business Licences for Continuous Compliance with FSRs*

Under the new arrangement, compliance with FSRs will be monitored under a fire-safety related warning letter system. Taking into account the associated fire risks, breaches are classified into serious and minor ones and they will be followed up differently. The proposed system is set out at **Annex 1**.

For “serious” breaches, FSD will, apart from taking enforcement action under its ambit, recommend to FEHD immediate suspension of the licence. Upon receipt of the recommendation, FEHD will issue a notice to the licensee requiring him to suspend his business immediately. The suspension will remain in force until FEHD is satisfied, on the advice of FSD, that the fire hazards in the premises have been abated. For “minor” breaches notified by FSD, FEHD will issue a warning letter (W/L) to the licensee requiring him/her

to rectify the breaches within 30 days. If the licensee fails to comply with three consecutive W/Ls issued within a period of six months, the licence is subject to suspension for seven days. Thereafter, should the licensee fail to comply with a further two consecutive W/Ls issued within four months following the suspension, the licence is subject to cancellation. If the licensee fails to observe a suspension order, the licence is also subject to cancellation.

The BIA study reveals that this measure is generally practicable and would not cause significant impact on the business operation of the trade. To help the licensees, especially SMEs, to have a better understanding of the basic FSRs, the BIA study recommends that a brochure be published for the trade. The recommendation is accepted by FEHD and FSD.

*(b) Ensuring Compliance with FSRs before Licence Renewal*

To ensure compliance with FSRs before licence renewal, the GR, LRR and FC licences will only be renewed when FS251 and Annual Inspection Certificate for Ventilating System (AIC)<sup>2</sup> are valid at the time of renewal. The licences will not be renewed if licensees fail to submit copies of valid FS251 and AIC to FSD before renewal.

The BIA study reveals that members of the trade are concerned about possible difficulties in obtaining FS251s of buildings because they are owned by the building owners but not the food premises themselves in many cases. In the light of the trade's concern, the BIA study recommends and FSD agrees to check the FS251s of buildings from their records. In other words, the licensee will only be required to submit the FS251s of their own premises (as opposed to the FS251s of the whole building) for licence renewal.

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<sup>2</sup> At present, licensees of GRs, LRRs and FCs are required to employ Registered Fire Service Installation Contractors and Registered Specialist Contractors (Ventilation) to carry out annual inspections of fire service installations and equipment (FSI) and ventilating system of the premises concerned respectively. The respective contractors are required to submit copies of Certificate(s) of FSI (FS251) and Annual Inspection Certificate for Ventilating System (AIC) within 14 days to FSD after completion of annual inspection.

(c) *Compliance with FSRs for issuing of P-licence*

For the purpose of issuing a P-licence, the set of FSRs imposed by FSD will include the submission of invoices and fire safety test certificates of polyurethane (PU) foam filled mattresses and upholstered furniture if they are in use in the subject premises. FEHD and FSD propose to revise the existing Form C<sup>3</sup> to facilitate applicants to declare whether PU foam fill mattresses and upholstered furniture are in use in the subject premises, and if so submit the relevant invoices and test certificates to FSD.

The BIA study reveals that the invoices and test certificates are usually not attached to Form C because the furniture suppliers tend to retain them until the food premise owner settled the outstanding payments. In view of this common trade practice and without compromising fire safety, the BIA study recommends that FSD should grant a six-week grace period for the P-licence applicants to submit the relevant invoices and test certificates to FSD provided that they are able to furnish a copy of the delivery note of the furniture concerned during inspection of the premises by FSD. The inspection usually takes place within 7 working days after the issue of the P-licence.

### **Implementation Progress**

6. To strengthen the communication with the trade on implementation of the proposed measures, the Administration convened a meeting with the trade in January 2014. Some members of the trade expressed concern over the practical difficulty in providing the relevant invoices and certificates within six weeks after the issuance of the P-licence. Taking into account the trade's concern, FSD accepts the trade's suggestion on extending the grace period from six to eight weeks.

7. FSD and FEHD conducted three briefing sessions in April 2014 for the business stakeholders concerned to help them better understand the new measures and the implementation arrangements. The feedback received from the trade is generally positive.

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<sup>3</sup> Form C is the Certificate of Compliance C (Fire Safety Requirements) certified by authorized person or registered structural engineer. It is submitted to FEHD together with other required documents when the applicant reports compliance with the licensing requirements for issue of P-licence.



8. On 10 June 2014, a set of “Guidelines on New Measures for Ensuring Compliance with Fire Safety Requirements by Food Premises” (the Guidelines) (**Annex 2**) was issued to the Panel on Food Safety and Environmental Hygiene of the Legislative Council for information. The Guidelines have also been issued to the relevant licensees and licence applicants to help them better understand the new measures and the implementation arrangements. The new measures are effective from 30 June 2014.

### **Way Forward**

9. Members are invited to note the contents of this paper and offer comments, if any.

Food and Environmental Hygiene Department  
Fire Services Department  
July 2014

**Breaches of Fire Safety Requirements  
and the System for Handling them**

For the purpose of ensuring continuous compliance with fire safety requirements (FSRs) imposed by the Fire Services Department (FSD) on General Restaurant (GR)/Light Refreshment Restaurant (LRR)/Factory Canteen (FC), a monitoring mechanism is devised for handling **serious** and **minor** breaches of FSRs.

2. When non-compliance with more than one major FSRs (as listed in paragraph 4 below) is confirmed in the course of an inspection carried out by FSD, it will be treated as a '**Serious Breach of FSR**'. FSD will recommend to the Food and Environment Hygiene Department (FEHD) for immediate suspension of the relevant food business licence.

3. When non-compliance with

- (a) one major FSRs (as listed in paragraph 4 below); or
- (b) one major FSR plus any number of other FSRs (as listed in paragraph 5 below); or
- (c) any number of other FSRs

is confirmed in the inspection, it will be treated as a '**Minor Breach of FSR**'. FSD will inform FEHD for issuance of a warning letter.

**Major FSRs**

4. The major FSRs are as follows -

- (a) *Fire Service Installations and Equipment (FSIs)*

The following FSIs inside the food premises, if installed as required, shall be maintained in efficient working order:

- Automatic sprinkler system
- Hydrant/Hose Reel System
- Automatic Smoke Detection System
- Smoke Extraction System
- Manual Fire Alarm System

– Emergency Lighting System

That any one of the above FSIs is found not in efficient working order will be regarded as one breach.

(b) *Fuels used in GR/LRR/FC*

Fire safety requirements in relation to fuels used in the premises shall be complied with, e.g. Liquefied petroleum gas is not permitted to be used on any floor below the ground floor of the food premises.

(c) *Openable/Breakable Windows*

In general, no more than 50% of total area of designed openable/breakable windows or 25% of the upper part of the windows inside the premises shall be obstructed.

Other FSRs

5. The other FSRs are as follows –

(a) *Other FSIs*

FSIs other than those listed in paragraph 4(a) (e.g. fire extinguishers) inside the premises shall be maintained in efficient working order.

(b) *Fire Retardant Treatment*

All combustible materials used as false ceilings, partitions or wall furnishings, and all fabrics used as draperies and curtains shall conform to relevant international fire safety standards.

(c) *Drop Hatch*

The fire resisting performance of the drop hatch of a food serving opening shall conform to relevant fire safety requirement.

(d) *PU Foam Filled Upholstered Furniture*

PU foam filled upholstered furniture and covering materials

used for fabrication of furniture inside the food premises shall conform to relevant international fire safety standards.

(e) *Mechanical Ventilating System*

Mechanical ventilating system (including fire dampers) inside the food premises shall conform to relevant fire safety requirement.

(f) *Other requirements issued by FSD*

The food premises shall comply with any other FSR issued by FSD.

6. The examples below show how breaches of FSRs would be classified -

| <b>Example Scenario</b> | <b>Non-compliance with FSR(s)</b>   | <b>Classification of Breach</b> |
|-------------------------|---|---------------------------------|
| 1                       | i. Automatic sprinkler system is not in efficient working order (a major FSR); <b>and</b><br>ii. Smoke extraction system is not provided as required (a major FSR)  | <b>Serious</b>                  |
| 2                       | i. Use of unspecified or non-permitted fuels is found (a major FSR); <b>and</b><br>ii. More than 50% of the total area of designed openable/breakable windows are obstructed by decoration or sealed up (a major FSR)   | <b>Serious</b>                  |
| 3                       | i. Fire extinguishers as required are not provided (not a major FSR)  | <b>Minor</b>                    |
| 4                       | i. Use of unspecified or non-permitted fuels is found (a major FSR); <b>and</b><br>ii. Fire extinguishers as required are not provided (not a major FSR)  | <b>Minor</b>                    |
| 5                       | i. Hydrant/hose reel System is not in efficient working order (a major FSR); <b>and</b><br>ii. Fire extinguishers as required are not provided (not a major FSR); <b>and</b><br>iii. Fire retardant treatment requirements for combustible partition is not complied with (not a major FSR) | <b>Minor</b>                    |

**Guidelines on the Implementation of the New Measures  
for Compliance with Fire Safety Requirements by Licensed  
General Restaurant, Light Refreshment Restaurant and Factory Canteen**

**INTRODUCTION**

To provide better protection from the risk of fire in licensed General Restaurant (GR), Light Refreshment Restaurant (LRR) and Factory Canteen (FC), the Food and Environmental Hygiene Department (FEHD) will implement the new measures for compliance with fire safety requirements (FSRs) in respect of these premises.

**THE NEW MEASURES**

**A. Continuous Compliance with FSRs**

2. FEHD will expressly impose the following additional licensing condition in GR, LRR and FC licences to ensure continuous compliance with FSRs imposed by Fire Services Department (FSD) on these premises:

*“The licensee shall at all times comply with FSRs issued by the Director of Fire Services.”*

**B. Ensuring Compliance with FSRs before licence renewal**

3. The following additional requirement will be imposed in these three types of licences before their licences can be renewed:

*“ Renewal of the licence may be refused by FEHD if the Certificate of Fire Service Installation (FS251) and Annual Inspection Certificate for Ventilating System (AIC) of the respective food premises are no longer valid on the commencement date of the coming term of the licence and no valid documents are made available not less than 14 days before expiry of the licence to FSD for verification.”*

**C. Compliance with FSRs for issuing of P-licence**

4. To ensure compliance with FSRs for issuing provisional licence (P-licence), the Form C has been revised to enable applicants to declare to FEHD whether polyurethane (PU) foam filled mattresses and upholstered furniture are in use in the subject premises, and if so, to submit invoices and test certificates from testing laboratories indicating that the PU foam filled mattresses and upholstered furniture provided inside the premises under application have complied with specified standards. The test certificate(s)

shall be issued by a testing laboratory accredited to conduct tests according to the specified fire safety standards and authenticated by the company's stamp of the manufacturers/suppliers.

## **IMPLEMENTATION ARRANGEMENT**

### ***A. Implementation Date***

5. Effective from 30 June 2014, the additional licensing condition at para. 2 and the requirement for licence renewal at para. 3 will be imposed on new applications for GR, LRR & FC licences and existing licences by notice in accordance with section 125(1B)(a)(ii) of the Public Health and Municipal Services Ordinance, Cap. 132 (PHMSO). Separately, applicants for provisional licences must submit the completed revised Form C to declare to FEHD whether PU foam filled mattresses and upholstered furniture are in use in the subject premises for reporting compliance with the licensing requirements effective from 30 June 2014.

### ***B. Monitoring Mechanism***

#### ***(I) Continuous Compliance with FSRs***

6. To ensure continuous compliance with FSRs by GRs, LRRs and FCs, FEHD will set up a monitoring mechanism with FSD to provide a systematic way for FSD and FEHD to follow up on breaches of FSRs. Under the proposed arrangement, compliance with FSRs will be monitored under a **fire-safety related warning letter system (WLS(FS))**<sup>1</sup>. Taking into account the associated fire risks, breaches are classified into serious and minor ones and they will lead to different follow-up actions. The proposed monitoring mechanism is set out at **Appendix I**.

#### ***Serious Breach***

7. For serious breach of FSRs (i.e. non-compliance of two or more major FSRs), the associated fire hazards would render the premises (i.e. GRs, LRRs and FCs) unsafe for business operation involving admission of patrons. As and when any such breach comes to light, FSD will, apart from taking enforcement action under its ambit, recommend to FEHD for immediate suspension of the licence under section 125(1)(b) of the PHMSO. FEHD will issue a notice to the licensee requiring him/her to suspend his business immediately. The suspension will remain in force until FEHD is satisfied, on the advice of FSD, that the fire hazards in the premises have been abated.

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<sup>1</sup> *The fire-safety related warning letter system is specifically for monitoring compliance with FSRs. The warning letter issued under this system is independent from and not counted into the current policy in respect of breach of licensing requirement(s) and/or condition(s) of food safety, health and environmental hygiene in nature.*

### Minor Breach

8. For minor breach of FSRs (i.e. non-compliance of FSR(s) other than two or more major FSRs) notified by FSD, FEHD will issue a warning letter (W/L) under the WLS(FS) to licensee requiring him/her to rectify the breach within 30 days. If a licensee fails to comply with three consecutive warning letters issued, arising from non-compliance of the same FSR(s), within a period of six months, the licence is subject to suspension for seven days. Thereafter, should the licensee fail to comply with a further two consecutive warning letters issued, arising from non-compliance of the same FSR(s), within four months following the suspension, the licence is subject to cancellation. If the licensee fails to observe a suspension order, the licence is also subject to cancellation.

9. Under the WLS(FS), all W/Ls which have been heeded are not cumulative for counting of W/L in any subsequent breach of this licensing condition.

### Representation and Appeal Mechanism

10. Whenever situation of licence suspension / cancellation arises under the WLS(FS), FEHD will invite the concerned licensee to submit representations in respect of the licence suspension / cancellation to FEHD for consideration. Subsequently, if the licensee concerned is dissatisfied with the decision of FEHD in suspending / cancellation of the licence, he/she may appeal to Licensing Appeal Boards (LIAB) under section 125(9) of the PHMSO, and if he/she appeals to LIAB and wishes Director of Food and Environmental Hygiene (DFEH) to suspend the operation of the decision pending determination of the appeal, he/she may make such request under section 125(10) of the PHMSO by submitting an application to DFEH when he/she lodges an appeal with LIAB and provide reasons to support his/her application. The concerned licensee will be informed of the outcome of the application after consideration by DFEH in consultation with FSD.

### (II) Ensure compliance with FSRs before licence renewal

11. To ensure licences of GRs, LRRs and FCs have met FSRs before it is renewed annually, these licences will only be renewed when FS251(s) and AIC(s)(if required) are valid at the time of renewal. Renewal of the licence may be refused if no valid FS251 and AIC are made available to FSD not less than 14 days before expiry of the licence.

12. Nine weeks before the expiry of these 3 types of licences, FEHD will issue Notices of Renewal of Licence (RNs) (sample at **Appendix II**) to concerned licensees for necessary applications for licence renewal and FSD will be notified simultaneously. FSD will verify their record which will, after satisfying the relevant FS251 and AIC are valid for the premises, or in case

where AIC is not required, issue a “No Objection to Licence Renewal (NOLR)” notice to the concerned licensee. Licensees of these 3 types of licence are required to bring the NOLR notice, a completed application form for licence renewal and appropriate licence fee to either one of the 3 Licence Issuing Offices of FEHD for renewal of the licence.

13. If the relevant FS251 and AIC (if required) in respect of the food premises concerned are invalid on the commencement date of the coming term of the licence or have not been submitted, FSD will issue reminder letters to the licensee with copy to FEHD for information. FSD will inform FEHD the objection of licence renewal, 14 days prior to the expiry of the licence that no valid FS251 and AIC (if required) is/are received for the concerned license premises. If the licence has not been renewed after the expiry of the licence, FEHD will issue reminder letter and warning letter to the licensee. In case the licensee still fails to overcome FSD’s objection to have the licence renewed, FEHD will revoke his/her right to renew the licence. Similarly, if the licensee concerned is dissatisfied with the decision of FEHD in revoking his/her right to renew the licence, he/she may appeal to LIAB.

14. FSD will arrange to conduct the Renewal Audit Inspections after the issuance of NOLR notice. Should there be any non-compliance cases detected during the inspections, FSD and FEHD will take appropriate actions under the mechanism of continuous compliance as detailed in para. 6 - 10 above.

### (III) Compliance with FSRs for issuing of P-licence

15. Effective from 30 June 2014, the revised Form C (**Appendix III**) will be put into use to enable applicants of provisional licences to declare to FEHD whether PU foam filled mattresses and upholstered furniture are in use in the subject premises.

16. To alleviate the problem that the required invoice(s) and test certificate(s) may not be available timely for the applicant to produce during the FSD’s verification inspection, a grace period of 8 weeks from the date of the verification inspection by FSD will be given for the applicant to submit the relevant invoice(s) and test certificate(s) to FSD provided that the applicant can present on-site to the FSD inspection officer the delivery note(s) with details of the concerned furniture.

17. Upon notification by FSD that the licensee failed to produce copy of the relevant invoice(s) and test certificate(s) after the 8 weeks grace period, FEHD will issue warning letter under the existing Warning Letter System for breach of licensing requirement(s) of P-licence to the licensee to rectify the breach in 12 days. If the relevant invoice(s) and test certificate(s) are still not produced to FSD upon the expiry of the warning letter, the relevant P-licence will be subjected to cancellation. Similarly, if the licensee concerned is



dissatisfied with the decision of FEHD in the cancellation of the P-licence, he/she may appeal to LIAB.

### **PUBLICITY MATERIALS ON FSRs**

18. To help the trade better understand FSRs and the importance of all-time compliance with FSRs, FSD and FEHD have published a brochure on the subject (**Appendix IV**) for distribution to licensees concerned and relevant trade associations.

**Breaches of Fire Safety Requirements  
and the System for Handling them**

For the purpose of ensuring continuous compliance with fire safety requirements (FSRs) imposed by the Fire Services Department (FSD) on General Restaurant (GR)/Light Refreshment Restaurant (LRR)/Factory Canteen (FC), a monitoring mechanism is devised for handling **serious** and **minor** breaches of FSRs.

2. When non-compliance with **more than one major FSR** (as listed in paragraph 4 below) is confirmed in the course of an inspection conducted by FSD, it will be treated as a '**Serious Breach of FSR**'. Apart from taking enforcement action under its ambit, FSD will recommend to the Food and Environment Hygiene Department (FEHD) for immediate suspension of the relevant food business licence.

3. When non-compliance with

- (a) one major FSR (as listed in paragraph 4 below); or
- (b) one major FSR plus any number of other FSRs (as listed in paragraph 5 below); or
- (b) any number of other FSRs

is confirmed during the inspection, it will be treated as a '**Minor Breach of FSR**'. FSD will inform FEHD for issuance of a warning letter.

**Major FSRs**

4. The major FSRs are as follows -

- (a) *Fire Service Installations and Equipment (FSIs)*

The following FSIs inside the food premises, if installed as required, shall be maintained in efficient working order:

- Sprinkler system
- Fire Hydrant/Hose Reel System
- Fire Detection System
- Smoke Extraction System
- Manual Fire Alarm System
- Emergency Lighting

That any one of the above FSIs is found not in efficient working order will be regarded as one count of non-compliance with major FSR and two counts of non-compliance with major FSR would constitute one serious breach liable to licence suspension.

(b) *Fuels used in GR/LRR/FC*

FSRs in relation to fuels used in the premises shall be complied with, e.g. Liquefied petroleum gas is not permitted to be used on any floor below the ground floor of the food premises.

(c) *Openable/Breakable Windows*

In general, no more than 50% of total area of designed openable/breakable windows or 25% of the upper part of the windows inside the premises shall be obstructed.

Other FSRs

5. The other FSRs are as follows –

(a) *Other FSIs*

FSIs other than those listed in paragraph 4(a) (e.g. fire extinguishers) inside the premises shall be maintained in efficient working order.

(b) *Fire Retardant Treatment*

All combustible materials used as false ceilings, partitions or wall furnishings, and all fabrics used as draperies and curtains shall conform to relevant international fire safety standards.

(c) *Drop Hatch*

The fire resisting performance of the drop hatch of a food serving opening shall conform to relevant fire safety requirement.

(d) *PU Foam Filled Upholstered Furniture*

PU foam filled upholstered furniture and covering materials used for fabrication of furniture inside the food premises shall conform to relevant international fire safety standards.

(e) *Mechanical Ventilating System*

Mechanical ventilating system (including fire dampers) inside the food premises shall conform to relevant fire safety requirement.

(f) *Other requirements issued by FSD*

The food premises shall comply with any other FSRs issued by FSD.

6. The examples below show how breaches of FSRs would be classified -

| <b>Example Scenario</b> | <b>Non-compliance with FSR(s)</b>   | <b>Classification of Breach</b> |
|-------------------------|---|---------------------------------|
| 1                       | i. Sprinkler system is not in efficient working order (a major FSR); <b>and</b><br>ii. Smoke extraction system is not provided as required (a major FSR)  | <b>Serious</b>                  |
| 2                       | i. Use of unspecified or non-permitted fuels is found (a major FSR); <b>and</b><br>ii. More than 50% of the total area of designed openable/breakable windows are obstructed by decoration or sealed up (a major FSR)   | <b>Serious</b>                  |
| 3                       | i. Fire extinguishers as required are not provided ( <i>not</i> a major FSR)  | <b>Minor</b>                    |
| 4                       | i. Use of unspecified or non-permitted fuels is found (a major FSR); <b>and</b><br>ii. Fire extinguishers as required are not provided ( <i>not</i> a major FSR)  | <b>Minor</b>                    |
| 5                       | i. Hydrant/hose reel System is not in efficient working order ( <i>not</i> a major FSR); <b>and</b><br>ii. Fire extinguishers as required are not provided ( <i>not</i> a major FSR); <b>and</b><br>iii. Fire retardant treatment requirements for combustible partition is not complied with ( <i>not</i> a major FSR) | <b>Minor</b>                    |

牌照/許可證續期通知書  
**Notice of Renewal of Licence/Permit**

致：  
To (Attn : )

日期：  
Date

執事先生：  
Dear Sir/Madam,

現專函通知，下述牌照/許可證的有效期將於 / / 屆滿。  
This is to inform you that the licence/permit, with particulars shown below, will expire on / /

牌照/許可證編號：  
Licence/permit No.

牌照/許可證類別： 普通食肆/小食食肆/工廠食堂牌照  
[請參閱隨函付上的《普通食肆/小食食肆/工廠食堂牌照續期須知》]  
Type of licence/permit General Restaurant/Light Refreshment Restaurant/Factory Canteen Licence  
[Please refer to the enclosed Notice on Renewal of General Restaurant/Light Refreshment Restaurant/Factory Canteen Licence]

持牌/證人姓名：  
Name of licensee/permittee

持牌/證處所地址  
Address of the licensed/permitted premises

如欲續領牌照/許可證，請你在上述牌照/許可證屆滿日期前，把填妥的申請書(見背頁)，連同本函及下述應繳費用交往本署任何一間牌照簽發辦事處辦理。詳情請參閱隨函付上的《申請人須知》

If you wish to renew the licence/permit, you shall complete the application form overleaf and return it together with this notice, payment of the licence/permit fee (in the amount shown below) to any of our licence issuing offices before the expiry date of the above licence/permit. For details, please refer to the enclosed Notice to Applicant.

續領牌照的費用：  
Fee payable for renewal of licence \$

新牌照有效期：  
Validity period of the new licence

現特提醒你所有曾加諸你牌照的現行規定及條件，於牌照續期後仍然適用。根據香港現行法例，未領有效牌照而經營 \_\_\_\_\_ 業務，即屬犯罪。

**This is to remind you that all the existing requirements and conditions which have been imposed on your licence are still applicable upon renewal of the licence. Under the current laws of Hong Kong, it is an offence to operate business without a valid licence.**

Yours faithfully,

食物環境衛生署署長  
Director of Food and Environmental Hygiene

c.c. Director of Fire Services  
( Attn. Hong Kong and Kowloon West Regional Office / New Territories and Kowloon East Regional Office)  
Director of Fire Services  
( Attn. Ventilation Division)

## 普通食肆/小食食肆/工廠食堂牌照續期須知

### Notice on Renewal of General Restaurant/Light Refreshment Restaurant/Factory Canteen Licence

如有關食物業處所所需的消防裝置及設備證書(FS251)及/或通風系統年檢證書(AIC)在下一牌照期生效當天已過期，而在牌照屆滿前 14 天消防處仍未收到有關處所所需的有效文件以作查核，食物環境衛生署可拒絕接受該牌照的續期申請。如欲加快處理文件查核，你可直接向消防處相關的防火辦事處遞交有效的 FS251 及 AIC 副本。如你對所需要提交的證明文件有任何疑問，可聯絡消防處港島及西九龍區防火辦事處(電話：2549 8104)或新界及東九龍區防火辦事處(電話：2302 5373)。

The Food and Environmental Hygiene Department may refuse licence renewal application if the Certificate(s) of Fire Service Installations and Equipment (FS251) and/or Annual Inspection Certificate for Ventilating System (AIC) of the respective food premises are no longer valid on the commencement date of the coming term of the licence and such valid documents are also not available to the Fire Services Department (FSD) for verification as required 14 days before expiry of the licence. If you wish to expedite the process of verification of documents, you may submit copies of valid FS251s and AIC to the respective Regional Offices of FSD direct. For any enquiries about the required Certificate(s) to be submitted, please contact FSD's Hong Kong and Kowloon West Regional Office at 2549 8104 or New Territories and Kowloon East Regional Office at 2302 5373.

在申請續領普通食肆/小食食肆/工廠食堂牌照時，請你帶同《申請人須知》內所列的所需文件，連同消防處發出的《不反對牌照續期通知》及應繳費用，親自或由獲授權代表交往本署任何一間牌照簽發辦事處辦理續期。如選擇郵寄/把申請投入上述辦事處收集箱辦理續期，除提交所需文件及應繳費用外，亦必須同時提交消防處發出的《不反對牌照續期通知》。

If you wish to renew the General Restaurant/Light Refreshment Restaurant/Factory Canteen licence, you shall submit the necessary documents as mentioned in the Notice to Applicant, together with the **No Objection to Licence Renewal Notice** issued by the FSD and the prescribed fee to any of the Licence Issuing Offices in person or by authorized representative for renewal of the licence. If you select to send the application for renewal of licence by post or drop in the collection box at the Licence Issuing Offices, you should also attach the No Objection to Licence Renewal Notice issued by the FSD together with the necessary documents and prescribed fee for renewal of the licence.

#### **Important 重要事項**

*現特提醒你，如於續領普通食肆/小食食肆/工廠食堂牌照時未能出示消防處發出的《不反對牌照續期通知》，食物環境衛生署可拒絕接受該牌照的續期申請。*

***This is to remind you that if you fail to produce the No Objection to Licence Renewal Notice issued by the FSD at the time of renewal of the General Restaurant/Light Refreshment Restaurant/Factory Canteen Licence, FEHD may refuse to renew the licence.***



- (a) Signature of the fire service installation contractor or its authorised representative if the fire service installation contractor is a company/partnership firm\*:

|                     |   |
|---------------------|---|
| _____               | _____   |
| Company Chop        | Signature   |
| _____               | _____   |
| Registration Number | (Name and HKID No.<br>of the authorised representative) |
| _____               |   |
| Date (dd/mm/yyyy)   |   |

- (b) Signature of the fire service installation contractor or its authorised representative if the fire service installation contractor is a company/partnership firm\*:

|                     |   |
|---------------------|---|
| _____               | _____   |
| Company Chop        | Signature   |
| _____               | _____   |
| Registration Number | (Name and HKID No.<br>of the authorised representative) |
| _____               |   |
| Date (dd/mm/yyyy)   |   |

- (c) Signature of the fire service installation contractor or its authorised representative if the fire service installation contractor is a company/partnership firm\*:

|                     |   |
|---------------------|---|
| _____               | _____   |
| Company Chop        | Signature   |
| _____               | _____   |
| Registration Number | (Name and HKID No.<br>of the authorised representative) |
| _____               |   |
| Date (dd/mm/yyyy)   |   |

- (d) Signature of authorised person/registered structural engineer or its authorised representative if authorised person/registered structural engineer\* is an employee/director/partner\* of a company/partnership firm\*:

|                   |   |
|-------------------|---|
| _____             | _____   |
| Company Chop      | Signature   |
| _____             | _____   |
| Date (dd/mm/yyyy) | (Name and HKID No.<br>of the authorised representative) |

Registration number: \_\_\_\_\_ Expiry date of registration : \_\_\_\_\_  
(dd/mm/yyyy)

Registered address : \_\_\_\_\_

Name of company/partnership firm\* : \_\_\_\_\_

\* Please delete where appropriate.



**Part 2** (to be completed by the applicant)

- I hereby declare that there are no polyurethane (PU) foam filled mattresses and upholstered furniture in the subject premises.

**For PU Foam Filled Mattresses and Upholstered Furniture Used in the Subject Premises**

- (1) I declare that the PU foam filled mattresses and upholstered furniture (“the said furniture”) used in the subject premises do conform to the standards as stipulated in the fire safety requirements issued to me by D of FS dated \_\_\_\_\_ (dd/mm/yyyy);
- (2) I warrant that there are relevant invoice(s) and test certificate(s) of the said furniture to prove that the said furniture do conform to the standards as stipulated in the fire safety requirements issued by D of FS;
- (3) If the relevant invoice(s) and test certificate(s) of the said furniture cannot be produced during the FSD’s verification inspection, I shall produce the relevant delivery note(s)<sup>#</sup> of the said furniture to FSD as an interim measure and undertake to produce the relevant invoice(s) and test certificate(s) to FSD for verification within 8 weeks from the date of the verification inspection; and
- (4) I acknowledge that the Licensing Authority shall have the right and absolute discretion to refuse to grant a Provisional Licence to me or cancel the Provisional Licence issued to me at any time if I fail to produce the relevant delivery note(s), invoice(s) or test certificate(s) as and when required.

I understand and acknowledge that the Licensing Authority and FSD shall have the right to investigate and verify any information, delivery note(s), invoice(s) or test certificate(s) provided and produced pursuant to this Certificate of Compliance and that I shall be subject to sanctions including but not limited to the refusal of the grant of a Provisional Licence or immediate cancellation of the Provisional Licence if I provide any information or produce any delivery note(s), invoices(s) and test certificate(s) which may be false or misleading.

Signature of applicant:

|                   |                   |  |
|-------------------|-------------------|--|
| _____             | ( _____ )         | _____  |
| Name of applicant | (Name in Chinese) | Signature/Company Chop   |
| _____             | _____             | _____  |
| Date (dd/mm/yyyy) |                   | (Certificate of Incorporation No./<br>HKID No. of the applicant) |

- Please tick the appropriate box.

# The delivery note must contain a list of the concerned PU foam filled mattresses and upholstered furniture with details of types, quantity and colour.

### 法律責任 Legal responsibility

消防裝置及設備與通風系統  
Fire Service Installations or Equipment (FSIs) and Ventilating Systems (VSs)

確保處所內的消防裝置及設備與通風系統  
Ensure FSIs and VSs in premises are

- I. 時刻在有效操作狀態; 及  
in efficient working order at all times; and
- II. 每12個月由註冊承辦商 (註冊消防裝置承辦商 / 註冊專門承建商 (通風系統工程類別)) 檢查至少一次。  
inspected by registered contractor (Registered Fire Service Installation Contractor / Registered Specialist Contractor (Ventilation Works Category)) at least once in every 12 months.

承辦商須對消防處發出之檢控負責。  
The contractor is liable to direct prosecution by FSD.



### 查詢 Enquiry

個案主任制度  
Case Officer Mechanism

所有向申請人發出的文件已載有個案主任的聯絡方法，如有查詢，請於辦公時間聯絡個案主任或以下各分區辦事處：  
All correspondences to applicants have been specified with means of contact of the Case Officer, please contact your Case Officer or the following offices during office hours for enquiry:-

|  |           |
|--|-----------|
| 港島區防火辦事處<br>Hong Kong Regional Office          | 2549 8104 |
| 西九龍防火分區辦事處<br>Kowloon West Sub-Regional Office | 2302 5339 |
| 新界區防火辦事處<br>New Territories Regional Office    | 2302 5373 |
| 東九龍防火分區辦事處<br>Kowloon East Sub-Regional Office | 2302 5310 |
| 通風系統課<br>Ventilation Division                  | 2718 7567 |

04/2014

## 食物業處所 消防安全規定

給持牌人的建議  
Food Premises' Fire Safety Requirements (FSRs) Advice to Licensee



### 時刻遵從 Continuous Compliance

在領取正式牌照後，持牌人亦須時刻遵從消防處發出的消防安全規定。  
After obtaining a full licence, the licensee must continue to comply with FSRs issued by FSD.

違反消防安全規定可引致：  
Non-compliance of FSRs is liable to:-

- I. 消防處採取執法行動  
Enforcement action by FSD
- II. 食物業牌照被暫時吊銷 / 取消  
Suspension / Cancellation of food business licence



### 良好守則 Good Practices

為針對火災的危險提供更佳保障，請遵守以下基本守則：  
To provide better protection from the risk of fire, you are advised to:-

消防裝置及設備與通風系統  
FSIs and VSs

- I. 定期進行目視檢查  
Conduct regular visual inspection
- II. 若發現損壞，立刻安排註冊承辦商進行維修  
Arrange registered contractor to repair promptly if defect is identified
- III. 安排註冊承辦商進行年檢  
Arrange registered contractor to conduct annual inspection

燃料  
Fuel  
只使用消防處准許的燃料類別  
Use only the type of fuel approved by FSD

預設可開啟 / 打碎的窗戶  
Openable / Breakable Window  
切勿在未獲許可下封閉窗戶  
Do not seal up window without authorization

### 裝修或改建工程 Renovation / Alteration

當更換或加裝：  
When carrying out any Replacement or Addition of:-

- 可燃的假天花板、間隔或牆面裝飾  
False ceiling, partitions or wall furnishings which are combustible
- 可燃的布簾及窗簾  
Draperies and curtains which are combustible
- 聚氨酯泡沫塑料墊椅及/或沙發家具  
PU Foam filled mattresses / upholstered furniture

須施加防火漆 / 溶液  
Apply Fire Retardant Paint / Solution

須施加防火漆 / 溶液  
Apply Fire Retardant Paint / Solution

提供相關測試證明書及發票  
Submit relevant test certificates and invoices

## 主要消防安全規定 Major FSRs

持牌人須時刻遵從消防安全規定。  
The licensee must continue to comply with FSRs.





花灑系統  
Sprinkler System



排煙系統  
Smoke Extraction System



應急照明系統  
Emergency Lighting



認可的燃料  
Approved Fuel



火警偵測系統  
Fire Detection System



手動火警警報系統  
Manual Fire Alarm System



消防栓 / 喉轆系統  
Hydrant / Hose Reel System



窗戶  
Windows

## 其他消防安全規定 Other FSRs

### 機械通風系統 Mechanical Ventilating System

- 不可燃物料  
Non-combustible Materials
- 防護範圍  
Protected Areas
- 防火閘  
Fire Dampers



### 防火漆 / 溶液處理 Fire Retardant Paint / Solution Treatment



### 符合可燃標準的 聚氨酯乳膠 PU Foam conformed to Flammability Standard



食物環境衛生署會在收到消防處的通知後就違反消防安全規定的持牌條件發出警告信。  
FEHD will issue warning letter for breach of licensing condition due to non-compliance of FSRs upon notification by FSD.

違反多於一項主要消防安全規定可引致食物業牌照被暫時吊銷。  
Non-compliance of more than one Major FSRs is liable to suspension of food business licence.

### 出口指示牌 Exit Sign



### 手提滅火裝備 Portable Firefighting Equipment



### 保護傳菜窗口位的吊門 Drop Hatch protecting Food Serving Opening





**Licence Status for GR/LRR/FC Licences due for Renewal  
between 1 Oct 2014 – 31 Dec 2014**

| Type of Licence         | Licence status                                      |  | Special case    | Total               |
|-------------------------|---|--|-----------------|---------------------|
|                         | Number of licence renewable with NOLR notice issued | Number of cases with NOLR notice <u>NOT</u> issued <sup>(Note 1)</sup> |                 |                     |
| GR                      | 1 689   | 74   | 1               | 1 764               |
| LRR                     | 664   | 51   | 2               | 717                 |
| FC                      | 71  | 1  | 0               | 72                  |
| <b><i>Sub-total</i></b> | <b><i>2 424</i></b>                                 | <b><i>126</i></b>  | <b><i>3</i></b> | <b><i>2 553</i></b> |

*Note 1 : Reasons for not issue of NOLR notice*

*(i) failure in compliance with FSRs;*

*(ii) licences voluntary cancelled; or*

*(iii) business ceased before licence renewal.*