

Legislative Council Panel on Home Affairs

Regulation of Internet Computer Services Centres and Amusement Game Centres

Introduction

On 4 April 2003, we informed Members [vide LC Paper No. CB(2)1691/02-03(01)] that we consider the regulation of Internet Computer Services Centres (ICSCs) should be done administratively by way of a Code of Practice (Code). We undertook to brief Members when the draft Code is finalized. We would also like to brief Members on the outcome of the public consultation regarding the proposals to relax certain licence conditions of Amusement Game Centres (AGCs).

Background

2. The increased use of the Internet and growing popularity of Internet surfing/games have led to the growth of ICSCs in Hong Kong. In response to the concerns from the community on the mode of operation of ICSCs, a public consultation exercise on possible regulatory options was conducted in the second half of 2002 (a copy of the consultation document is at Annex A).

3. Feedback from the public indicated that some form of regulation was deemed necessary. The vast majority of the public preferred the adoption of a more business-friendly notification system rather than a full-fledged licensing system. Many people suggested that ICSCs should not be over-regulated as this would hinder the development of the trade. Aspects such as law and order, fire and building safety and filtering of undesirable Internet content were seen as essential elements of the regulatory framework. However, there were diverse views as to whether, and if so how, youth patronage should be restricted.

4. At this stage, we believe that a Code containing the essential regulatory elements for voluntary compliance by operators of ICSCs would address the main concerns of the public. The Code is an administrative measure and has no legal effect. However, this would allow time for the existing operators to comply with the requirements and would set standards for new operators to follow. The flexibility would

be there to make the Code mandatory by way of legislation if necessary at a later stage.

The Code of Practice

5. The main provisions of the Code (copy at Annex B) are summarized as follows -

- (a) operators should notify TELA upon commencement of their operation and closing down of business;
- (b) children under 16 should generally be restricted from patronizing ICSCs after midnight;
- (c) operators should install up-to-date device to filter pornographic, violent or gambling content on the Internet;
- (d) building and fire safety requirements are generally on par with other licensed premises taking into account the usage and mode of operation of ICSCs; and
- (e) other desirable practices regarding noise control, smoking, ventilation, provision of sanitary fitments, etc are also recommended.

We have consulted the Hong Kong Association of Cyber Media Limited (the Association) on the Code. They have indicated that most of the provisions are acceptable to them although they would like to see less restriction over the patronage of children under 16. We believe that the current restriction strikes a balance between the impact on ICSCs business and public expectation.

Implementation

6. We intend to issue the Code for a six-month trial period. Our implementation plan is as follows -

- (a) **Commencement (August 2003)**
The Code will be issued to all known ICSCs and be made available online and in HAD's District Offices. An information leaflet will be published. Workshops will be held to brief ICSC operators on the Code.

(b) **Six-month trial period (August 2003 to January 2004)**

A six-month period would be given for ICSCs to comply with the provisions of the Code. We will maintain regular liaison with the trade, mainly through the Association.

(c) **Review (1st quarter of 2004)**

A review will be conducted to evaluate the effectiveness of the Code. Random inspections by relevant Government departments will be carried out to see how well ICSCs have complied with the Code. A way forward will be decided based on the findings of the review.

Amusement Game Centres

7. During the same consultation exercise, the Panel and the public had been consulted on whether five of the licence conditions for AGCs should be relaxed and whether the annual licence fees should be reduced (see paragraph 13 of Annex A). Based on the feedback from the public and the AGC operators, we intend to implement two of the proposals, namely reduction of the annual licence fee and extension of the operating hours for AGCs for persons over 16 years old.

8. The feedback from the public consultation exercise indicated no objection to the reduction of the annual licence fee. As the fees relating to AGCs are set by way of Regulation, we will have to go through the normal legislative process before the proposal can be implemented.

9. For some time, the trade has been seeking to extend the operating hours of AGCs for persons over 16 years old. However, feedback during the public consultation exercise indicated that many respondents were concerned about the potential nuisance to nearby residents. As such, we intend to implement a partial relaxation by extending the operating hours from midnight to 2 a.m. of AGCs for persons over 16 years old located in buildings used solely for commercial purpose. About 70 AGCs (one-sixth of total) will be eligible. In addition, the proposal would be put on trial for 6 months.

Way Forward for Internet Computer Services Centres and Amusement Game Centres

Purpose

This paper seeks public' views on possible regulatory options for Internet Computer Services Centres (ICSCs) and possible revisions to the licensing conditions for Amusement Game Centres.

Internet Computer Services Centres

Background

2. The increased use of the Internet and growing popularity of Internet surfing, e-mailing and Internet games have led to a proliferation of ICSCs (commonly known as Internet Cafes) in Hong Kong. At present, we estimate that there are around 290 ICSCs in Hong Kong.

3. There have been rising concerns from the community on the mode of operation of ICSCs, particularly over the possibility that young patrons may have access to pornographic, violent or gambling web-sites and that these centers may become additional venues for vice and triad activities. There are also increasing concerns over fire safety and public safety aspects from the community.

4. Our present thinking is to promote the proper use and development of information technology by not over-regulating internet uses and to encourage setting up of businesses by reducing red tapes. At the same time, we need to address community's concerns (especially public safety ones) over these establishments. Thus, we need to consider whether ICSCs should be put under some form of regulation. In the process, it is important that we gauge public opinion and encourage the community to fully debate the matter before a decision is made.

Possible Regulatory Options

5. Since ICSCs are fairly new establishments, we have therefore drawn relevant experience from overseas countries on this subject. Possible regulatory options are set out below for consideration.

Option A

6. ICSCs are not required to obtain separate licence apart from the general requirement to register with the Business Registration Office. Under this system, ICSCs are subject to minimal control. No restriction on operating hours and age of patrons are to be imposed.

7. This approach minimizes barriers to entry and facilitates the development of IT. However, it may fall short of public expectations to bring ICSCs under proper regulation. We have explored with the Business Registration Office as to whether they could channel all BR applications relating to the establishment of ICSCs to the relevant enforcement departments for follow-up. However, the channeling proposal was found not feasible due to the minimal information provided in a BR application, which in any case can only be used for purposes relating to the administration of tax laws.

Option B

8. Under this option, ICSCs are to be licensed and regulated on par with conventional Amusement Games Centres (AGCs). There are views that despite different internet services on offer, certain modes of operation of ICSCs, such as the provision of on-line games, are very similar to AGCs. However, the Amusement Game Centres Ordinance (Cap.435) was enacted in 1993 to primarily regulate the operation of conventional AGCs where playing of video game machines is their sole business. It is thus specific to the operations of AGCs and not entirely applicable to the newly emerged ICSCs. For example, the requirement that all games must be pre-approved by TELA does not apply to ICSCs as TELA cannot have access control over the multitude of games provided endlessly on the Internet. Furthermore, the requirement that the provision of games must be the sole business is clearly too restrictive for ICSCs as many of them currently provide other services such as refreshments. To extend the same requirement to ICSCs will adversely limit their business potential.

9. In fact, in order to keep up with changing community views and business environment, we are conducting a separate review on the suitability of relaxing some of the current licensing conditions/administrative practices for AGCs as set out in para. 13 below. Whether the licensing regime for AGCs can be sufficiently relaxed to such an extent for co-regulation with ICSCs has yet to be ascertained.

Option C

10. Under this option (which is largely based on Korean experience), ICSCs are to be regulated under a “notification system” which may include the following features -

- (a) operators will be required by law to notify the relevant authority when they intend to establish an ICSC. Non-compliance will be subject to criminal sanction;
- (b) the requirements and restrictions of the notification system, such as guidelines on public safety, will be publicised extensively to allow sufficient time for interested ICSC operators to familiarize and satisfy the requirements of this system. These guidelines will include requiring ICSC operators to employ a registered fire service installation contractor, registered specialist contractor (ventilation works category) and a qualified building professional to maintain the respective fire service installation and ventilation system in accordance with the existing fire and building safety legislation.
- (c) once notification has been given by an operator who has fulfilled all requirements of the notification system, business can start upon acknowledgement by the authority without obtaining prior approvals from Government; this constitutes the main difference from a licensing system whereby the operator could only start business upon the issue of a licence which may take a relatively longer period;
- (d) the authority receiving the notification will inform the various enforcement departments (e.g. Buildings Department and Fire Services Department etc.) to conduct suitable inspections. Failure to comply with the relevant guidelines or contravention of the relevant fire and building regulations will be subject to prosecution under existing legislation where Fire Hazard Abatement Notices were issued;

- (e) the operators will be required to comply with certain operation conditions in order to minimize the chances of ICSCs being used for undesirable or illegal activities. Examples of such conditions are "restricted hours for young patrons – say children below the age of 16 unaccompanied by adults be denied admission after 10 p.m.", "premises should be brightly lit", "there should not be wall-to-wall partitions within the premises", and "operators should install devices to screen off violent, pornographic or gambling websites" etc. Failure to comply with such conditions may result in suspension of business or in more serious cases, withdrawal of the notification acknowledgement to prohibit the operator from continuing business. Detailed arrangements will need to be worked out at a later stage;
- (f) in case an ICSC is operated as a membership club, the operator is required to obtain a Certificate of Compliance (CoC) under the Clubs (Safety of Premises) Ordinance before operation commences. The fire and building safety requirements under the above Ordinance needs to be complied with before a CoC can be issued to the operator of the clubhouse; and
- (g) suitable powers of inspection by enforcement departments would be provided as appropriate.

11. Legislative amendments will be required to provide legal backing for the proposed notification system. Based on our observations on the existing mode of operations of ICSCs, the main problem with ICSCs is that there can be potential building and fire safety risks if they are totally unregulated. Also, they might become breeding grounds for various undesirable or illegal activities. With a notification system in place, ICSC operators are required to notify the authorities so that we could make sure that public safety requirements are met in these premises and operating conditions will also be imposed to make sure that the young people patronising these ICSC premises would not be easily succumbed to the influence of bad elements.

12. Irrespective of which regulatory model is to be adopted in the end, it is necessary to clearly define ICSCs in order to eliminate any loopholes that some AGCs may use to evade the current licensing controls over them by

disguising as ICSCs. We also do not intend to catch those establishments such as hotels' business centers/small cafés where the provision of Internet surfing is not their core business. As such, we do not plan to regulate establishments where less than ten computers are installed for internet usage. These issues have to be carefully considered as we proceed.

Amusement Game Centres

13. The Amusement Game Centres Ordinance was enacted in 1993 to primarily regulate the operation of conventional AGCs where playing of video game machines is their sole business. At a recent meeting held with the Licensed Amusement Game Centres Association (LAGA), its representatives had requested relaxation of some of the licensing conditions or administrative practices in view of changing circumstances and business environment. Some of these requested relaxation dovetailed with the recommendations of a study by the Management Services Agency previously conducted under the auspices of the Business Advisory Group (BAG). Currently, there are 413 adult AGCs (for people aged 16 years or over) and 25 children's AGCs (for those aged under 16) licensed in Hong Kong. Taking into account the advancement in technology and changing business environment, we are considering the feasibility of relaxing the following licensing conditions and administrative practices for AGCs:-

- (a) to remove the requirement that new AGCs can only be located in solely commercial buildings and hence to allow operation of AGCs in the commercial portion of composite commercial-cum-residential premises provided that there are separate entrances for the commercial and the residential sections;
- (b) to relax the restriction on operating hours for adult AGCs; e.g., to allow adult AGCs to extend closing hours from 12:00 midnight to 2:00 a.m.; however, these adult centres will continue to be subject to the noise control requirements;
- (c) to allow AGC operators to offer non-cash prizes as long as this does not contravene the Gambling Ordinance. To safeguard public interest, AGC operators will be required to obtain an Amusement With Prizes Licences under the Gambling Ordinance, which is at present issued only to premises licensed under the Places of Public Entertainment Ordinance;

- (d) to remove the requirement that no person in school uniform is allowed in adult AGCs. There have been criticisms that such a restriction does not really serve any real purpose. We are prepared to listen to different views on this proposed relaxation;
- (e) to remove the requirement (the 100-metre rule) that an adult/children's AGC cannot be established within a radius of 100 metres of an existing AGC; However, we have reservations on the suggestion to remove the requirement that an adult/children AGC cannot be established within a radius of 100m from an educational institution; and
- (f) to reduce the licence fee of AGCs by removing the deterrent element embedded in the existing licensing fee which would result in an approximate 29% decrease in licensing fees per machine. At present, the licensing fees per machine for AGC is \$920 a year. Given the prevailing circumstances and financial climate, the deterrent element might be difficult to justify. This proposal, if implemented, would require amendment to the Amusement Game Centres (Fees) Regulation.

Way Forward

14. Apart from seeking views of the LegCo Home Affairs Panel, in view of likely community interest in the subject, we shall consult the District Councils, the trade and relevant parties on the regulatory options for ICSCs and possible relaxations of the licensing conditions for AGCs before a decision is made.

Home Affairs Bureau
August 2002

Code of Practice for Internet Computer Services Centres Operators

Preamble

- This Code of Practice is designed for Internet Computer Services Centre (ICSC) operators to follow in order to provide safe and crime-free venues. The emphasis of this Code is to encourage responsible management and lawful conduct in ICSC.
- This Code of Practice does not exempt any person or premise from complying with any statutory provision and does not affect any statutory power or duty.

DOs & DON'Ts for ICSC Operators

DOs

- **DO** choose premises in which there are no unauthorized building works by cross reference to the approved records in Buildings Department and Building Authority's acknowledgement of completion of approved alterations and additions works.
- **DO** choose premises on floors with adequate loading capacity.
- **DO** choose premises with adequate means of escape.
- **DO** note the relevant requirements in respect of drainage, air pollution and noise control as stipulated in the relevant ordinances.
- **DO** appoint an authorized person (AP) or registered structural engineer (RSE) where alterations and additions works are to be carried out or if you are unfamiliar with any of the building safety requirements.

DON'Ts

- **DON'T** choose premises at industrial buildings.
- **DON'T** choose premises in industrial portions of industrial/office buildings.
- **DON'T** choose upper floors of any premises which are designed for domestic use.
- **DON'T** choose premises at level four of a basement or below.
- **DON'T** choose premises in areas designated for emergency use, such as buffer or refuge floor.
- **DON'T** choose premises on the upper floors of single staircase buildings.

Useful Information

- The lists of Authorized Persons and Registered Structural Engineers can be obtained from the Information Centre of Buildings Department at 12/F, Pioneer Centre, 750 Nathan Road, Kowloon or the website <http://www.info.gov.hk/bd> for reference.
- Requests for viewing approved plans and documents can be made in a standard application form available at the Building Information Centre of the Buildings Department at 13/F, Pioneer Centre, 750 Nathan Road, Kowloon or from the web site <http://www.info.gov.hk/bd>. Prior appointment for viewing is necessary to allow for the records to be retrieved.
- Copies of “Guidelines for the Removal of Typical Unauthorized Building Works” and its amendments can be obtained from the Information Centre of Buildings Department at 12/F, Pioneer Centre, 750 Nathan Road, Kowloon or the website <http://www.info.gov.hk/bd> for reference.
- The Codes of Practice on Fire Resisting Construction, Means of Escape and Access for Firefighting and Rescue can be obtained from the website <http://www.info.gov.hk/bd> for reference.
- Fire safety related materials can be obtained from the following websites :
 - The Code of Practice for Minimum Fire Service Installations and Equipment (FSI) -
<http://www.info.gov.hk/hkfsd/home/eng/code.html>
 - Fire Services Department Circular Letters –
<http://www.info.gov.hk/hkfsd/home/eng/circular.html>
 - List of FSI Contractors –
<http://www.info.gov.hk/hkfsd/home/eng/cert.html>
 - List of Accredited Laboratories for PU Foam –
<http://www.info.gov.hk/itc/eng/quality/hkas/hoklas/list/list.shtml>
- Copies of “Good Practice on Ventilation/Pumping System Noise Control” can be obtained from Environmental Protection Department at 46/F, Revenue Tower, 5 Gloucester Road, Wanchai, Hong Kong or the website:
http://www.epd.gov.hk/epd/english/environmentinhk/noise/guide_ref/vent_sys.html

- Telephone numbers of relevant departments :-
 - Television and Entertainment Licensing Authority
 - for enquiry on notification upon commencement of operation of centre and closing down of business 2594 5824
 - for enquiry on control of obscene and indecent articles 2676 7676
 - Police Licensing Office 2866 0300
 - Organized Crime and Triad Hotline 2527 7887
 - Buildings Department
 - for general enquiries on building safety requirements 2626 1085
 - for general enquiries on building matters 2626 1616
 - for viewing building records 2626 1207
 - Fire Services Department
 - Licensing and Certification Command
 - Hong Kong Regional Office 2549 8104
 - Kowloon West Sub-Regional Office and Kowloon East Sub-Regional Office 2302 5300
 - New Territories Regional Office 2302 5341
 - Ventilation Division 2718 7567/
2251 4143
 - Food and Environmental Hygiene Department
 - Licensing Section 2867 5250
(on the provision of fresh air)
 - Environmental Protection Department 2594 6561
 - Customs and Excise Department 2545 6182
(against Intellectual Properties Rights infringement activities)

Public Order and Crime Prevention

- Operators should maintain peace and good order on the premises.
- Operators should provide written notification to the Television and Entertainment Licensing Authority upon commencement of their operation and closing down of business. Details of the person-in-charge and contact telephone number should be provided as far as possible.
- Operators should ensure that no criminal activities such as vice, gambling or triad related activities are allowed on the premises. Staff and customers should not be allowed to use the computing devices on the premises to engage in illegal cyber activities such as downloading unauthorized software, computer hacking etc. Operators should report to the Police should such activities be detected on their premises.
- No alcohol is allowed to be sold or consumed on the premises.
- CCTV should be installed inside the premises with recording tape activated whilst the ICSC is in operation.
- Business Registration Certificate and other licenses should be displayed conspicuously inside the premises.
- Children under 16 should not remain in the centre during the following hours –
 - (a) From Monday to Friday
From midnight to 8 a.m.; and
 - (b) On Saturday and Public Holidays
From 2 a.m. to 8 a.m.

Internet Content

- Operators should ensure there are up-to-date devices filtering pornographic, violent or gambling content on the Internet and such devices should be activated at all times during business hours of the centres.

- Operators should ensure that customers below the age of 18 are not permitted access to any articles which have been classified/are likely to be classified as Class II(Indecent) under the Control of Obscene and Indecent Articles Ordinance (COIAO). Besides, all customers are not permitted access to any articles which have been classified/are likely to be classified as Class III(Obscene) under the COIAO.

Building Safety (Annex A)

- Operators should ensure that the premises are structurally safe and suitable (see **Part I** of **Annex A**).
- The premises should be provided with adequate means of escape and means of access for firefighting and rescue (see **Part II** of **Annex A**).
- The premises should be designed and constructed of fire resisting materials (see **Part III** of **Annex A**).
- The premises should be free from unauthorized building works affecting public safety (see **Part IV** of **Annex A** and **Annex A1**).

Fire Safety (Annex B)

- The premises should not have more than 50% of the total surface area of the openable or breakable windows being sealed up (see **Part I** of **Annex B**).
- Decoration and furniture inside the premises should conform to the approved standards (see **Part II** of **Annex B**).
- Ventilating System of the premises should comply with extant legislation (see **Part III** of **Annex B**).
- Only permitted fuel for cooking or water boiling is allowed in the premises (see **Part IV** of **Annex B**).
- Appropriate Fire Service Installations and Equipment (FSI) should be provided inside the premises where necessary. They should be maintained in good efficient working order (see **Part V** of **Annex B**).

- All exits and exit routes should be kept free from obstruction at all times and all staircases should be adequately illuminated during the hours of darkness (see **Part VI of Annex B**).
- Operators should observe the fire safety advices at all times (see **Part VII of Annex B**).

Noise Control (Annex C)

- The operator shall ensure that the noise generated by the operation of the centre does not cause annoyance to any noise sensitive receivers, e.g. residential dwellings. When no one is entering or leaving the centre, the door(s) of the centre must be kept closed at all times when the centre is in operation.
- Noise from public address system or loudspeaker shall not be audible at the nearest residential dwellings between the hours 2300 and 0700 of the following day. Operators should ensure that the ICSC operation shall not constitute noise annoyance to nearby residential dwellings, otherwise appropriate legal action may be initiated.
- The operator shall also ensure that the centre is operated in accordance with all the requirements listed in “Standard Requirements for Noise Control” (**Annex C**).

Others

- Premises must be brightly lit (not less than 50 lux measured at one metre above floor level and at any point at least one metre from walls).
- No partitions higher than 1.5 m shall be erected in areas accessible to the public for the use of computing devices.
- No computing device for customer use should be placed within 1.0 m from any entrance, exit or staircase landings.
- Smoking should be generally prohibited on the premises. A sufficient number of no smoking signs should be placed in prominent positions inside the premises. For premises with gross floor area over 100 m², a minimum of one third of the total area accessible by customers must be designated as “non-smoking area”.

- No bet shall be wagered or paid at the premises, nor shall any person offer or receive any advantage to be determined by the result of any activities performed in the computing devices.
- No prizes or cash refund shall be offered or given to any person in consequence of the result of any activities performed in the computing devices.
- Operators should ensure that the use of software provided by them does not infringe intellectual property rights.
- Where natural ventilation is insufficient (i.e. where openings or windows which can be opened to the open air are less than 1/10 of the floor area), a ventilating system must be provided to give not less than 17 cubic metres of outside air per hour for each person that the premises are designed to accommodate.
- Adequate sanitary fitments should be provided for the use of customers in the premises, either in the form of written confirmation from the management/owner of the availability or with reference to the prevailing requirements (as stipulated in the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulation, Chapter 123 I).
- The operator should obtain copies of work completion certificates and latest periodic test certificates for the purpose of regulations 19 and 20 of the Electricity (Wiring) Regulations (Cap. 406 sub.leg) for fixed electrical installations installed in the premise.
- Operators should permit authorized persons, including police officers, registered social workers, officers from Fire Services Department, Buildings Department, Environmental Protection Department, Television and Entertainment Licensing Authority and Electrical and Mechanical Services Department to enter and inspect the premises for the purpose of ensuring that ICSCs are operating in an orderly manner in accordance with the prevailing laws and the Code of Practice.

Standard Requirements on Building Safety

1. Nothing contained herein shall be taken as in any way derogating from the statutory power of the Director of Buildings.
2. Operators are advised to enlist the service of an Authorized Person (AP) and/or Registered Structural Engineer (RSE) (an architect, engineer and surveyor registered under the Buildings Ordinance) at an early stage to ensure all building safety requirements are complied with.
3. Where alternations and additions works involving the structure and/or means of escape of a building are to be carried out, formal submission of plans of the proposed works to Buildings Department by an AP and/or RSE may be required.

Part I - Structural Safety

4. The premises should be in sound structural condition.
5. No part of the premises should be located in, under or over any structures built without the approval and consent of the Buildings Department.
6. The space used by the customers to obtain Internet services including playing of computer games downloaded from the Internet should be structurally capable of withstanding an imposed load of not less than 3 kPa. Ancillary portions used for waiting/dining subject to crowd loading or reading should be structurally capable of withstanding an imposed load of not less than 5 kPa.
7. In case where there are non-structural screeding on slabs to raise floor levels, heavy equipment such as cooling tower and large A/C units, addition of partition wall, stack of books in reading area, etc., justification with supporting calculations in respect of the adequacy of the existing structure to cater for such superimposed loading should be verified by an AP/RSE.

Part II - Means of Escape and Means of Access for Firefighting and Rescue

8. The premises should be provided with adequate means of escape and means of access for firefighting and rescue in accordance with Part V of the Building (Planning) Regulations and the Code of Practice for the Provision on Means of Escape in case of Fire (MOE Code) and Code of Practice for Means of Access for Firefighting and Rescue issued from time to time by the Buildings Department.

The provision of means of escape in any particular floor of a building or in the building as a whole can only accommodate a specified maximum number of persons at any one time. Table 2 of the current MOE Code sets out such limits and relates them to the width and number of exit routes provided for each floor and for the whole building. It follows that if, as a result of the operation of ICSC, the existing population figure for a floor or for the building as assessed under Table 1 of the MOE Code exceeds these limits, the existing means of escape will be inadequate.

Some key requirements are listed below:-

- The population of the premises should not exceed the designed capacity for that particular floor and the building as a whole.
- The width and number of exit routes and exit doors for the premises should be sufficient.
- The ICSC should not be located in a single staircase building other than the ground floor or in any premises not accessible to two exit staircases.
- Any premises/room with a capacity exceeding 30 persons should be provided with at least two exits. The exit doors should open in the direction of exit and should not obstruct any part of the exit route by swing of the doors. The lines of direct distance between the two exit doors from any point in the room should form an angle of not less than 30°.
- Normally, the minimum width of an exit route should not be less than 1050 mm and greater width would be required depending on the total capacity of the storey/premises/room.
- The exit doors should have a minimum width of not less than 750 mm for capacity of 30 persons or less; and at least 2 exit doors of 850 mm each for capacity between 31-200 persons with the total width of all exit doors of not less than 1750 mm. Reference should be made to MOE Code for the detailed requirements.
- All exit routes should have a clear height of not less than 2 m and be kept free from obstruction.
- Every part of each exit route should be provided with adequate artificial lighting and backed up by an emergency lighting system providing a horizontal illuminance at floor level of not less than 2 lux.
- All exit doors should be capable of being readily opened from the inside without the use of a key.
- Security shutters across exits must be kept open during business hours.
- Where the direction of travel from an exit door of a room to a staircase is possible in one direction only (i.e. dead-end), the distance from any part of a room to an exit or a point, from which travel in different directions to two or more exits are available, should not exceed 18 m. In other cases, where alternative exit routes are available in more than one direction, the distance from any part of a room to an exit may vary from 30 m to 45 m depending on the fire resisting construction of the exit routes.

- The maximum population intended to be accommodated should be used to assess the adequacy of means of escape. For assessing the population for other portions of the building, reference should be made to Table 1 of the MOE Code, the existing use and the approved building plans.

Part III - Fire Resisting Constructions

9. The premises should be designed and constructed of fire resisting constructions which satisfy the provisions of the Building (Construction) Regulations and the Code of Practice for Fire Resisting Construction issued from time to time by the Buildings Department. **Some** key requirements are listed for reference:-
 - The premises should be separated from the adjoining occupancy by walls and floors having adequate fire resistance period.
 - The common corridor serving the premises and other occupancies should be provided with walls and self-closing doors having a fire resisting period of not less than 1 hour and 1/2 hour respectively. For premises situated in a shopping arcade, such separation is normally not required between the premises and the arcade.
 - In case where new or modified fire resisting walls, doors and other fire resisting components are involved, an AP/RSE should certify the fire resistance performance of the components with supporting test/assessment reports.
 - All fire resisting doors for the exit staircases and protected lobbies should be self-closing and kept in a closed position.

Part IV - Unauthorized Building Works

10. The existence of unauthorized building works on or affecting the ICSC may pose a risk to the safety of the staff and customers. If the premises contain unauthorized building works listed at **Annex A1**, the operators should remove such works or appoint an AP/RSE to justify the structural integrity as required.
11. Unauthorized removal or alteration of existing approved access and facilities (such as ramps and toilets) for persons with a disability may be subject to enforcement and prosecution actions under the Buildings Ordinance.

Unauthorized Building Works affecting Public Safety

1. The following unauthorized building works in the ICSC may constitute a risk to the safety of employees and customers. The operators should remove such works unless stated otherwise :

- (a) Unauthorized rooftop/flat roof/yard structures forming part of the ICSC.

[Exception : lightweight covers over yard in good and structurally sound condition, e.g. open shelters with wire-mesh, plastic or thin metal sheet covers]

- (b) Structures on or suspended from approved canopies including air-conditioning/mechanical plants and advertising signs.

[Exception : single split-type air-conditioning unit or cooling tower not exceeding 1 m in diameter on approved canopies subject to justification by AP/RSE with supporting calculations that such canopies are in structurally sound condition and that the air-conditioning plants would not cause overloading or overstressing and affecting the structural integrity of such canopies]

- (c) Unauthorized canopies/projections over pavements or common areas.

[Exception (1) : lightweight decorative shopfront projections/extensions projecting not more than 300 mm beyond the building line; lightweight overhead projections of not more than 600 mm beyond the building line, having a minimum vertical clearance of 2.5 m and not accommodating any air-conditioning plants]

[Exception (2) : lightweight covers in good condition projecting not more than 600 mm beyond the building line or retractable canopies projecting not more than 2.0 m beyond the building line and having a minimum vertical clearance of 2.5 m and a minimum horizontal clearance of 600 mm from the curb of a pavement]

[Exception (3) : advertising signs which are not in a dangerous condition]

- (d) Air-conditioning plant and its accessories (e.g. cooling towers and associated supporting structures) projecting over pavement/service lane or suspended from approved canopy and balcony.

[Exception : split-type air-conditioning units attached to external wall which are not in dangerous condition, do not obstruct pedestrian or vehicular traffic and do not project more than 600 mm from external wall]

- (e) Overhead air-conditioning plants and associated supporting structures installed within the ICSC.
 [Exception : unless otherwise justified by AP/RSE as being structurally safe with supporting calculations]
 - (f) Unauthorized obstruction to smoke vents.
 - (g) Unauthorized alteration or removal of compartment walls or fire resisting walls and doors.
 - (h) Unauthorized openings or slabs over existing floors for food hoists and pipe ducts.
 [Exception : unless otherwise justified by AP/RSE as being structurally safe with supporting calculations]
 - (i) Unauthorized reinforced concrete slabs filling up approved cockloft and staircase voids.
 - (j) Unauthorized cockloft, immediate floors and floor extensions.
 - (k) Unauthorized staircases; unauthorized openings through existing slabs for staircases.
 - (l) Unauthorized removal, partial removal or major alteration of structural members.
 - (m) Unauthorized building works in common areas resulting in obstruction of the means of escape from the ICSC or the building.
 - (n) Unauthorized sub-division of a floor into separate units without the provision of common corridors protected by fire resisting walls and doors.
 - (o) A material and unacceptable change of use (e.g. conversion of plant room to usable floor area).
2. If the removal or rectification of the unauthorized building works involves the carrying out of building works not exempted under section 41 of the Buildings Ordinance, it will be necessary for the operators to appoint an AP and/or RSE and to obtain the prior approval and consent of the Building Authority for such works.
 3. The existence of the unauthorized building works, which do not pose a risk to public safety, is treated as a separate issue. Future action may be taken under Sections 24 and 40 of the Buildings Ordinance to secure removal or rectification of the unauthorized building works. In the meantime, the operators are strongly advised to remove or rectify the unauthorized building works voluntarily.

Standard Requirements for Fire Safety

1. All the below requirements shall only be referred for the operation of internet computer services centres. For avoidance of doubt, compliance with these requirements SHALL NOT exempt any premises from any fire safety direction imposed under the provisions of the Fire Safety (Buildings) Ordinance, Cap 572 or the Fire Safety (Commercial Premises) Ordinance, Cap 502 for upgrading of fire service installation or equipment in any composite or commercial building which was constructed on or before 1 March 1987. Operators of internet computer services centres in these composite or commercial buildings are strongly advised to negotiate with the respective building management for mutual arrangements before the actual commencement of work.

Part I - Premises

2. If more than 50% of the total surface area of the openable or breakable windows provided for the premises are rendered not openable or unbreakable, a smoke extraction system that conforms to the standard set out in the Code of Practice for Minimum Fire Service Installations and Equipment as published from time to time by the Director of Fire Services shall be provided.

Part II - Decoration and Furniture

3. All combustible materials used as false ceilings, partitions or wall furnishings shall -
 - (a) conform to British Standard 476: Part 7 Class 1 or 2 Rate of Surface Spread of Flame; or
 - (b) conform to another standard acceptable to the Director of Fire Services; or
 - (c) be brought up to any of those standards by treating with a fire retardant paint or solution acceptable to the Director of Fire Services. The work shall be carried out by a Class II Registered Fire Service Installation Contractor and a certificate (FS 251) to this effect from the Contractor shall be forwarded to the Director of Fire Services as documentary proof of compliance.
4. All draperies and curtains, if installed, shall be made of fire resistant material and -
 - (a) conform to British Standard BS 5867: Part 2 fabric type B when tested in accordance with British Standard 5438; or
 - (b) conform to another standard acceptable to the Director of Fire Services; or

- (c) shall be brought up to any of those standards by treating with a fire retardant paint or solution acceptable to the Director of Fire Services. The work shall be carried out by a Class II Registered Fire Service Installation Contractor and a certificate (FS 251) to this effect from the Contractor shall be forwarded to the Director of Fire Services as documentary proof of compliance.
5. (a) All PU foam filled mattresses shall conform to British Standard 7177:1996 (for use in medium hazards premises/building) or to another standard acceptable to the Director of Fire Services.
- (b) All PU foam filled upholstered furniture shall conform to British Standard 7176:1995 (for use in medium hazards premises/building) or to another standard acceptable to the Director of Fire Services.
- (c) The PU foam filled mattress and upholstered furniture meeting the specified standards shall bear an appropriate label as stipulated in FSD Circular Letter No. 1/2000. Invoices from manufacturers/suppliers and test certificates from a testing laboratory both indicating that the PU foam filled mattress and/or furniture items comply with the specified standards shall be produced for verification. The test certificates shall be issued by a testing laboratory accredited to conduct tests according to the specified standards, and be authenticated by the company's stamp of manufacturers/suppliers.

Part III - Fittings and Ductings

6. All ventilation systems shall comply with Ventilation of Scheduled Premises Regulations, Chapter 132 or Building (Ventilating Systems) Regulations, Chapter 123, as appropriate.

Part IV - Fuel

7. Only town gas or electricity should be used as fuel for cooking or water boiling.
8. No cooking / food warming activities outside kitchen is permitted.
9. No naked light shall be allowed on the premises.

Part V - Fire Service Installations and Equipment

10. All fire service installations (FSI) and equipment provided for the premises in accordance with the latest approved building plans shall be maintained in efficient working order. Where alterations and additions are required, such works shall be carried out by a registered FSI contractor and a copy of the Certificate (Form FS 251) shall be submitted to the Director of Fire Services upon completion.

11. An emergency lighting system/unit shall be provided throughout the entire premises. It shall be installed in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment or comply with the attached requirements for Self-contained Luminaries Emergency Lighting System (PPA/104(A)) (enclosed at **Annex B1**).
12. All exits shall be indicated by illuminated signs, bearing the word and characters "EXIT 出口", installed in accordance with the requirements set out in the Code of Practice for Minimum Fire Service Installations and Equipment as published from time to time by the Director of Fire Services. Adequate directional signs indicating the route to an exit shall be provided at locations where exit signs are not readily visible.
13. Unless the following locations are within 30 m of hose-reel point, a manual fire alarm system is to be installed:-
 - (a) near each exit leading away from the premises;
 - (b) at the main entrance;
 - (c) at the cashier's counter;
 - (d) at the reception area.
14. Unless a fire hydrant/hose reel system has already been installed, at least two 5 kg CO₂ fire extinguishers shall be provided (near the cashier and the electrical main switch of the premises).
15. Unless an automatic sprinkler system has already been provided, an automatic fire detection system shall be installed if the premises occupy an area exceeding 126 m² but less than 230 m².
16. If the premises exceeds 230 m² in area on any floor, or its aggregate area of different floors exceeds 230 m² without proper fire separation, the following FSI shall be provided :-
 - (a) a hose reel system; and
 - (b) an automatic sprinkler installation.

Part VI - Exits and Exit Routes

17. All exits and exit routes shall be kept free from obstruction at all times.
18. All exit doors must remain unlocked while the venue is in business. They shall be readily and conveniently openable from inside and shall be open in the direction of egress in such a way that they will not obstruct the staircase or corridor when open.
19. All staircases should be adequately illuminated during the hours of darkness and to be provided with handrails on both sides.

Part VII - Fire Safety Advices

20. An exit plan drawn to a ratio of not less than 1:200 showing the floor layout of the premises and the directions of egress to escape staircases and means of escape shall be displayed. The size of the exit plan shall not be less than 250 mm x 250 mm and shall be affixed at 1 500 mm above floor level.
21. The premises should not be used for domestic purposes but a night watchman may be permitted to remain on the premises overnight for security purposes.



Requirements for Self-contained Luminaries
Emergency Lighting Systems

1. The units shall be constructed from fire resistant materials.
2. Each unit shall be so designed as to provide a broad non glare illumination when in use and, not less than two units shall be provided for any installation.
3. An automatic trickle charger with a 200-volt input and suitable output and fitted with pilot lights or other indicating device shall be provided for the batteries. The charger shall be capable of re-charging the battery in not more than 12 hours.
4. The minimum illumination provided at floor level by the emergency lighting systems shall be:-

Staircase/exit route not less than 2 lux.

Night club, restaurant, dance hall, or premises where people have freedom of movement and there are loose fixtures and fittings. not less than 1 lux.

The measurements shall be taken at the mid-point between any two emergency lighting fittings. All readings shall be taken by a portable photoelectric photometer and a discretionary tolerance of plus or minus 10% is permitted.

5. The self-contained luminaries emergency lighting systems shall be capable of maintaining the stipulated lighting levels for a period of not less than one hour.
6. Each unit shall be provided with a 'TEST' switch, a charge monitor light and a low voltage cut out to disconnect the batteries when fully discharged.
7. The emergency lighting system shall be wired in M.I.C.C. in accordance with B.S. 6207/P.V.C. in conduit in accordance with B.S.5266.
8. Once every month a discharge test shall be carried out and the results entered in a register.
9. The emergency lighting system shall be installed and certified by a Registered FSI Contractor.

Standard Requirements for Noise Control

1. Good Practices on Ventilation/Pumping System Noise Control as published from time to time by the Director of Environmental Protection shall be followed.
2. The main door of the premises should open to the interior of the building structure. If the main door needs to be opened towards the street, appropriate design of the premises entrance (e.g. the use of 2 separate self-closing doors with a buffer space in between) is recommended. In any event, the door(s) shall be self-closing from all positions and must, at all times when the premises are open to the public, be kept closed.
3. The door(s), when closed, shall not leave any gap or opening.
4. The other sound pathways (e.g. ventilator, windows etc.) are suitably treated so that the post-treatment ability to prevent sound transmission is compatible with that of the door.

(Note: There are many ways of treatment and it is impossible to specify all. This requirement is usually already complied with if the premises are centrally air-conditioned and windows are kept closed. In case window-type ventilators are used, a simple treatment would be to have silencers fitted to these ventilators.)

5. No public address system/loudspeaker and other sound sources from computing devices shall be installed at outdoor for operation.
6. All the noise sources operated in connection with ICSC shall comply with the requirements set out in the Noise Control Ordinance (Cap. 400).