

Non-local Higher and Professional Education (Regulation) Rules

General Guidelines in Suitability of Non-exempted Premises for the Conduct of Registered or Exempted Courses

(These general guidelines should be read with
the Non-local Higher and Professional Education (Regulation) Rules)

1. Particular care should be taken in the selection of premises since premises other than those approved for commercial use may not be suitable. The premises should not be located in any godown, industrial building, domestic building, domestic part of a building, basement, or upper floors of single staircase buildings.
2. The premises should not have structural timber floor.
3. The premises should not have unauthorised building works posing risks to public safety.
4. Where premises are on suspended floors or where extensive alteration and addition works involving structure and/or means of escape of the building are to be carried out, it is strongly recommended that the advice of an authorized person (AP) (architect, engineer or surveyor) or registered structural engineer (RSE) registered under the Buildings Ordinance (BO) should be sought. The lists of AP and RSE are available at Buildings Department (BD) website www.bd.gov.hk.
5. Under the Building (Minor Works) Regulation, certain minor building works are designated as minor works which may be carried out through the simplified requirements as an alternative to obtaining prior approval and consent under the BO. For details, please refer to BD website www.bd.gov.hk.
6. If the premises are on suspended floors, they should be designed for a minimum imposed load of 3.0 Kpa (i.e. 63 lbs./sq. ft.). Otherwise, a certificate from an AP to certify the premises are in sound structural condition is required. As a general rule, all premises on solid ground floors are structurally suitable.
7. For heavy air-conditioning units suspended from the ceiling or rested on suspended floors, non-structural raised screed and additional solid partition within the premises, structural justification submitted by an AP/RSE may be required.
8. Premises should be designed and constructed of fire resisting constructions which satisfy the relevant provisions of the Building (Construction) Regulation and the Code of Practice for Fire Safety in Buildings 2011 (FS Code) issued by the BD. The premises should be separated from the adjoining occupancy/use/common corridor by fire barriers having the longer fire resistance rating (FRR) in respect of such Use Classification as stipulated in Table C1 of the FS Code.
9. In case where new or modified fire barriers are involved, a certificate from an AP/RSE is necessary to substantiate the FRR of the fire resisting components/materials/products.
10. Every premises should be provided with adequate means of escape in accordance with Part V of the Building (Planning) Regulations and the FS Code.

11. The provision of means of escape in any particular floor of a building or in any building as a whole can only accommodate a specified maximum number of persons at any one time. The FS Code sets out such limits and relates them to the width and number of exit routes and exit doors provided for each floor and for the whole building. It follows that if, as a result of the premises, the existing population figure for a floor or for a building exceeds these limits, a recommendation for rejection of the application will be made. In assessing the population figures, applications in respect of premises located within the same building will be treated on a first-come-first-served basis.
12. As a general guide, premises on the ground floor provided with a direct access to a street are suitable or can be adapted to meet the requirements for means of escape.
13. Any room/premises with capacity exceeding 30 persons should be provided with at least two exits. The exit doors should be open in the direction of exit and should not obstruct any part of any exit route by the swing of the doors. The lines of travel distance from any point in the room/premises to the two exits should form an angle of not less than 30°.
14. Where the direction of travel from an exit door of a room to a staircase is possible in one direction only (i.e. deadend), the deadend travel distance from any part of a room to a protected exit or a point, from which travel in different directions to two or more exits is available, should not exceed 18m. In other cases where alternative exit routes are available in more than one direction, it may vary from 36 m to 45 m, depending on the fire resisting construction of the exit routes.
15. For the purpose of determining the adequacy of means of escape, the population of the premises is assessed by factor of 2m² usable floor area per person or the actual number of participants as stated by the applicant, whichever is the greater.
16. The use of the premises must comply with the lease conditions under which the premises are held.
17. The use of the premises must comply with the requirements of the respective statutory town plan. If a planning application under section 16 of the Town Planning Ordinance is required, such application is considered by the Town Planning Board in the light of factors such as land use compatibility, traffic impact, etc.

Remarks:

As the subject relates to complicated technical issues which may be difficult to overcome, the applicant is invited to seek advice from an AP at the early stage to avoid unnecessary loss resulting from applications which are unlikely to be successful.

May 2024

ENQUIRIES

<i>Subject</i>	<i>Office</i>	<i>Address</i>	<i>Telephone</i>
General	Non-local Courses Registry, Education Bureau	Room 603, 6/F, 14 Taikoo Wan Road, Taikoo Shing, Hong Kong	2520 0255 2520 0559
Building safety	Licensing Unit, Buildings Department	Buildings Department Headquarters, North Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon	2626 1616 (handled by “1823”)
Fire safety	Licensing Division, Fire Services Department	(Hong Kong Island) Sheung Wan Fire Station, 2 Western Fire Services Street, Sheung Wan, Hong Kong	2549 8104
		(Kowloon West) Room 601, 6/F, Tsim Sha Tsui Fire Station, 333 Canton Road, Kowloon	2302 5339
		(New Territories and Kowloon East) Unit 1809-1810, 18/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay	3423 9328 3423 9332
Lease conditions of land	Technical Information Unit, Lands Department	20/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong	2231 3753
Land use	Technical Services Section, Planning Department	17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong	2231 5000