

**Administration's Comments on the Paper by Professor D D Drysdale
commenting on the Regulatory Impact Assessment Report
on Licensing Control of Karaoke Establishments**

Using the same headings as Professor Drysdale's paper, we would like to comment as follows:-

Statistics of fires in karaoke establishments (KE) in Hong Kong

In preparing the regulatory impact assessment (RIA) report, the Consultant was aware that fire statistics for KE were sparse. However it is incorrect to say that the Consultant did not "attempt to seek out other data". The Consultant had carried out exhaustive searches with the Fire Services Department (FSD) and via global news wires. As the data was sparse, an attempt was made to infer a realistic fire frequency from other hotel or restaurant data but to no avail. However due to the known limitations of the data, sensitivity analysis was carried out to ensure that the analysis was robust. Regardless, the analysis shows that it is not so much the frequency of fires that is important – rather what happens when there is a fire.

Apart from the Top One Karaoke fire, there had been tragic fires inflicting heavy fatalities in similar establishments in other cities. Examples include the nightclub fire in Tokyo on 1 September 2001 and the disco fire in Luoyang, China on 25 December 2000, which killed more than 40 and 300 people respectively.

We consider that without proper fire resisting constructions, adequate means of escape, enhanced fire service installations and fire safety management, the risk in a KE remains high in the light of the unique characteristics of its operation.

The Role of Sprinkler Systems

It is known that in normal circumstances one or two sprinkler heads should be sufficient to contain a fire in a specific location. In the Top One Karaoke fire, only very few sprinkler heads discharged water, and even then this discharge was insufficient. The reason for this was that the system had been partly isolated due to illegal valves being put into the system. It is unclear how much the valves limited the flow as compared with general degradation of the system – either way

the Consultant's conclusion that "maintenance and inspection of such systems is critical" is still valid.

We believe Professor Drysdale might not be aware of the poor water discharge of the sprinklers as mentioned in the Coroner's report (para. 6.2).

The Importance of Early Detection and Suppression

We are pleased to note Professor Drysdale's view of using enhanced and modern fire service installations in KE for life safety. Any such provision above the requirements proposed in the Bill is welcomed. In regard to the specifications of the fire service installations, they are stipulated in the Code of Practice for Minimum Fire Service Installations and Equipment issued by the Director of Fire Services.

However we cannot subscribe to the view made by Professor Drysdale that "FRP (*fire resistance period*) is for property protection, not for life safety in KEs". Fire resisting construction with appropriate FRP is to resist the action of fire which naturally includes the spread of fire and smoke. For escape routes, the fire resisting construction is obviously for life safety.

In Professor Drysdale's paper, he stresses the importance of time when a fire occurs. The provision of protected corridor is to provide a safe environment for a period of time to enable the patrons in cubicles to escape. At the Bills Committee meeting held on 3 May 2001, it was also submitted by FSD representative that the 1-hour FRP partition walls would provide a safer environment for the firemen in their rescue operations and in combating the fire.

Notwithstanding the need for early detection and suppression, the fire safety construction requirements proposed in the Bill are necessary. They are reliable measures to control the spread of fire and smoke and provide a safe passage for the patrons and employees to escape in case of fire having regard to the special characteristics of KE.

"Importance" of Materials

We appreciate Professor Drysdale's support of the requirements for fire resisting fabrics, PU-foam filled furniture and carpets. He comments that the requirements are highly desirable and that an even more stringent classification is required for

the Rate of Surface Spread of Flame for the surface linings of escape routes in the UK.

Means of Escape

We note Professor Drysdale's suggestion that the provision of wide corridors without dead ends could be offset by alternative provisions. Other than the prescriptive requirements, operators of KE can always propose alternative design according to the special circumstances of their case, using a fire engineering approach, to achieve the same level of safety.

Additional Factors

Professor Drysdale's comment on the "base line case" seems to refer to the statistics on fires in karaokes which has already been covered under the earlier section on **Statistics of fires in karaoke establishments (KE) in Hong Kong**. For a clearer explanation of the data, reference should be made to *Table 4.2* and *4.3* (which provide both the sources and data used in the analysis) as well as *Annex B* (which provides all the fault and event trees) in the RIA report.

Conclusions

A regulatory impact assessment should not "only be attempted when there is large and reliable database" – it should be undertaken when new regulations are being considered due to an identified need. In this case, the high risks associated with karaoke layouts, the identified lack of fire safety precautions and absence of control for some premises are the concerns. In other words, policy development should not wait for a statistically significant database of deaths and injuries.

We would like to reiterate that the main purposes of the RIA report are to consider the impact on the Trade of complying with the proposed licensing requirements; identify effective means to help KE operators comply with these requirements and obtain a licence or permit for their operations. It is the community consensus that for the sake of public safety, licensing control of KE is a necessary means to upgrade fire and building safety in KE.

Security Bureau

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