

立法會
Legislative Council

LC Paper No. CB(2) 146/00-01
(These minutes have been seen by
the Administration)

Ref : CB2/BC/10/00

Bills Committee on Fire Safety (Buildings) Bill

**Minutes of the fourth meeting
held on Monday, 18 June 2001 at 11:00 am
in Conference Room A of the Legislative Council Building**

- Members Present** : Hon IP Kwok-him, JP (Chairman)
Hon Cyd HO Sau-lan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han
Hon Audrey EU Yuet-mee, SC, JP
Hon Frederick FUNG Kin-kee
Hon LAU Ping-cheung
- Members Absent** : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon CHOY So-yuk
Hon Abraham SHEK Lai-him, JP
- Public Officers Attending** : Mr David WONG
Principal Assistant Secretary for Security
- Mr Damian CHAN
Assistant Secretary for Security
- Mr C C LEE, JP
Chief Fire Officer (Protection)
Fire Safety

Mr C K CHAN
Senior Divisional Officer (Protection)
Building Improvement & Support

Mr C C TSANG
Assistant Director
Existing Buildings 2

Mr HO Cham
Chief Building Surveyor
Fire Safety

Mr W B MADDAFORD
Senior Assistant Law Draftsman

Mr Vidy CHEUNG
Senior Government Counsel

Deputations by Invitation : Conference of Building Organisation of Wanchai

Ms SO Shui-fong

Ms AU Shui-ching

Ms MAK Yin-mei

Mr LAM Kwok-wai

Redevelopment Owners Organisation of Wanchai & Central

Mr LEE Yat-po

Mr YEUNG Wai

Mr POON Tun-wing

Ms LOH Yuen-ching

Clerk in Attendance : Mrs Sharon TONG
Chief Assistant Secretary (2) 1

Staff in Attendance : Miss Anita HO
Assistant Legal Adviser 2

Miss Mary SO
Senior Assistant Secretary (2) 8

Action

The Chairman welcomed the deputations to the meeting and invited them to give their views on the Fire Safety (Buildings) Bill (the Bill).

I. Meeting with deputations

Conference of Building Organisation of Wanchai (the Conference)
(LC Paper No. CB(2) 1842/00-01(01))

2. Representatives of the Conference presented the Conference's submission which, although considered that the Bill was worthy of support, should not be rushed into implementation without first widely consulting the public, having regard to the fact that building owners would be subject to a fine and imprisonment for failing to comply with the upgraded fire safety standards. The Conference's views and concerns on the Bill were summarised as follows -

- (a) The upgraded fire safety standards should not be applied to all buildings covered by the Bill indiscriminately, given the varied circumstances of each building. For example, due to the design and/or structural problems of some buildings, the installation of a fire service water tank on the rooftop of a building could not be carried out;
- (b) Some building owners, who were elderly, would have great difficulties in complying with the new fire safety requirements, as they not only lacked the financial means but also the ability to undertake the complicated upgrading works. This situation was aggravated by the fact that many buildings affected were without an Owners' Corporation (OC);
- (c) Prior to implementing the Bill, additional resources should be allocated to the Home Affairs Department (HAD) to enable it to improve and expand its services to assist building owners to form OCs or mutual aid committees and to help owners and OCs to solve building management problems. HAD, in collaboration with the Fire Services Department (FSD) and the Buildings Department (BD), should take the initiative to help building owners to draw up an implementation plan for carrying out the fire safety improvement works; and

Action

- (d) The Bill should state clearly how the upgrading of fire safety works could be carried out in tandem with the timely maintenance of buildings, so as to minimise hassle to owners.

Redevelopment Owners Organisation of Wanchai & Central (ROO)
(LC Paper No. CB(2) 1842/00-01(02))

3. Representatives of ROO echoed similar views expressed by the Conference on the Bill. They were also of the views that prohibition order should not be applied to owners of non-domestic parts of composite buildings and that buildings included in the urban renewal programme should be exempted from complying with the new fire safety standards. As many owners of old private buildings were not aware of the fact that the premises they bought for habitation purposes were originally intended for commercial purposes, representatives of ROO urged the Administration not to require the owners concerned to fully comply with the Fire Safety (Commercial Premises) Ordinance if the whole commercial building, save for the ground floor, was entirely used for domestic purposes.

4. In view of the varied designs of buildings and the fact that different fire safety standards were imposed upon new buildings when the relevant building plans were submitted for approval, Mr Frederick FUNG and Ms Audrey EU asked the Administration whether consideration would be given to establishing different fire safety requirements for different types of buildings.

5. The Chairman invited the Administration to give a response to the deputations' views and to the question raised by Mr FUNG and Ms EU.

6. Principal Assistant Secretary for Security (PAS/S) said that the Administration was well aware of the difficulties which might be encountered by building owners in complying with the new fire safety requirements. He assured members that FSD and BD would undertake a flexible and pragmatic approach when enforcing the Bill. PAS/S further said that FSD and BD would take the initiative to advise building owners of the areas in which improvement was required of the buildings. In implementing the Bill, FSD and BD would also work closely with HAD and its District Offices in liaising with the owners if necessary. Apart from encouraging owners to form OCs, FSD and BD would, if necessary, arrange and attend forums for owners and occupiers to explain the improvement requirements and the assistance available to them, and make other proactive efforts to help owners and occupiers to comply with the statutory directions.

7. On the suggestion of establishing different fire safety requirements for different types of buildings according to their design, such as single-staircase buildings, and the fire safety standards imposed on them when the relevant building plans were submitted for approval, PAS/S said that the Bill only required the provision of the

Action

most essential items, such as effective means of escape and fire hydrant/hose reel systems, to ensure public safety. Moreover, FSD and BD would consider exempting building owners from complying with certain new fire safety requirements on individual merits of each case. For example, building owners of domestic parts of old composite buildings and domestic buildings of not more than six storeys high might be waived from installing a fire hydrant in their buildings as firemen could lay flexible fire fighting hoses along the staircases within a very short period of time after arrival, and the provision of portable fire extinguishers might be accepted as an alternative measure if space was not available in the common areas for the installation of standard or even reduced sized hose reel drums. Given that the provision of automatic sprinkler system was only required for the non-domestic parts of a building with an aggregate floor area exceeding 230m², installation of fire service water tank might not be required for composite buildings of not more than six storeys in height. Indeed, the same would not be required for domestic buildings. PAS/S pointed out that some older buildings might need to undergo more fire improvement works than some newer ones to meet the requirements of the Bill because the fire safety standards had been progressively upgraded over time.

8. PAS/S assured members that the situation whereby building owners would be served separate directions from FSD and BD at different times should not arise in future, having regard to the fact that under the Comprehensive Strategy for Building Safety and Timely Maintenance, the Director of Buildings would co-ordinate, with other departments, all building-related enforcement efficiently and cost-effectively to minimise hassle to owners. For example, the Director of Buildings had re-organised his department and would designate building co-ordinators, each for a pool of buildings, to serve as district-based contacts and to provide "one-stop" service for owners. In addition, BD would compile a comprehensive layman's guide on building safety and general maintenance for publication this year. This would explain the technical aspects and the procedures for compliance with statutory orders. It would also advise on procurement of professional and technical services, model tender and contract documents, indicative information on professional fees and charges for different types of maintenance and repair works.

9. As regards the suggestion of exempting buildings included in the urban renewal programme from the Bill, PAS/S said that this was not desirable from a fire protection point of view. He, however, pointed out that in order to strike a right balance between not creating a heavy financial burden on building owners affected by the urban renewal programme and better safeguarding public safety, the enforcement authorities might determine that not all of the fire safety requirements proposed in the Bill must be implemented. Moreover, if the upgraded fire measures had a usable period of, say, seven years, but the buildings concerned would need to be demolished, say, within one to two years to make way for urban renewal, consideration would be given to reimbursing the owners or occupiers an amount equivalent to the remaining usable period of the upgraded fire safety measures.

Action

10. Responding to the concern about inadequate support provided by HAD to help building owners and OCs, PAS/S said that the Administration had done a lot to address the concern. Apart from amending the Buildings Management Ordinance in June 2000 to further facilitate the formation of OCs, HAD, starting from 2001-02, had secured extra resources, equivalent to \$43.9 million full-year provision, for employing additional staff to provide more comprehensive and professional service to owners and OCs. At the Headquarters level, a new dedicated Building Management Division, headed by an Assistant Director and comprising legal, surveying and building management experts, had already been set up in June 2001 to provide better support for the 18 District Offices in handling building management matters. At the district level, a professional District Building Management Liaison Team would be set up in each of the 18 districts to provide out-reaching support to owners and OCs, assist owners to form OCs, sit in OCs' meetings and help owners to solve building management problems. They would also assist FSD and BD to implement building maintenance and fire safety improvements in buildings. Where disputes arose between owners or between owners and OC, the Liaison Teams would assist in mediation.

11. PAS/S said that FSD and BD fully understood the difficulties encountered by owners of commercial premises used for domestic purposes in complying with the Fire Safety (Commercial Premises) Ordinance and a flexible and pragmatic approach had been undertaken in this regard. He pointed out that the fire safety requirements for commercial premises were in fact not much different from those required of domestic premises in that all these premises were required of the provision or improvement of the most essential items such as protection of the means of escape and provision of a fire hydrant and hose reel system. The only difference might be that an automatic sprinkler system was required for commercial premises. As explained in the previous meetings, FSD would exercise flexibility in enforcing the Bill with regard to the circumstances and merits of each case.

12. Miss CHAN Yuen-han expressed doubt as to whether the additional resources allocated to HAD were adequate to help owners and OCs to undertake building safety and fire safety improvement works. As the majority of old private buildings were without OCs, Miss CHAN enquired whether HAD would consider undertaking the fire safety improvement works for the owners of these buildings. To allay the concern that FSD and BD would not undertake a flexible and pragmatic approach in enforcing the Bill, Miss CHAN was of the view that the Bill should specify the circumstances under which FSD and BD could exercise flexibility in enforcing the Bill and the extent of flexibility which would be exercised.

13. PAS/S responded that similar to the Fire Safety (Commercial Premises) Ordinance, the Director of Fire Services and the Director of Buildings would be given adequate discretionary power to require owners to comply with the new fire safety requirements stipulated by the Bill. PAS/S further said that to ensure fair and impartial consideration of any alternative fire safety measures which might be proposed by the owners, the Bill had proposed for the setting up of an independent body whom the

Action

Director of Fire Services and the Director of Buildings might consult. Membership of such a body would include professionals from the building industry, representatives of professional institutions and academics. Chief Fire Office (Protection) (CFO(P)) supplemented that to ensure that building owners were apprised of their obligations to improve the fire safer standards of their buildings, briefings for the 18 District Fire Safety Committees as well as the District Councils were being undertaken by FSD. Moreover, letters had been issued to owners affected by the Bill informing them of the Administration's plan to enact the Bill and that they were encouraged to upgrade the fire safety standards of their buildings prior to the enactment of the Bill in tandem with any necessary building safety works.

Admin

14. To better prepare owners affected by the Bill, Miss CHAN Yuen-han was of the view that HAD should step up its efforts to help owners to form OCs and solve their building management problems prior to the enactment of the Bill. PAS/S agreed to convey Miss CHAN's suggestion to HAD. Ms Cyd HO hoped that FSD and BD, in briefing the public on the Bill, should not focus on the penalty aspect of the Bill, but on what assistance they could render to the building owners in complying with the new fire safety requirements.

15. Mr LAU Ping-cheung said that in order to provide better assistance and advice to people affected by the Bill, HAD should, with reference to the urban renewal social service teams set up by the Urban Renewal Authority, consider setting up a social service team in each of the 18 districts.

16. Ms Audrey EU enquired whether there was a need for enacting the Bill, having regard to the fact that the Fire Services Ordinance and the Buildings Ordinance already provided fire safety standards to ensure public safety. PAS/S responded that there was a need to do so. He explained that fire safety standards had advanced to higher standards over time for the better protection of the public but such higher standards could only be imposed upon new buildings when the relevant building plans were submitted for approval. For old private buildings, new legislation and enabling powers were required to impose improved or additional fire safety measures which were not originally included in the approved building plans. It was on this premise that the Bill was proposed. CFO(P) added that no fire safety standards were imposed on private buildings built in the 1950s and that the first Code of Practice for minimum fire service installations and equipment was only published in 1964.

17. Ms Audrey EU said that building owners were extremely worried that the enforcement authorities could apply to a court for a prohibition order. Ms EU enquired whether similar provision was provided in the Fire Services Ordinance and the Buildings Ordinance. To her understanding, if owners failed to comply with the fire safety and building safety standards stipulated by the two Ordinances, FSD/BD would undertake the upgrading works required and charged the owners concerned for the upgrading works carried out. PAS/S replied that FSD and BD could also apply to the court for a prohibition order if owners failed to comply with the requirements stipulated by the Fire Services Ordinance and the Buildings Ordinance. He pointed out

Action

that the Bill did not have provision enabling FSD and BD to undertake the upgrading works for owners and then charged the owners for the works carried out.

18. Responding to Ms Cyd HO's concern about fire service installation contractors over-charging building owners, PAS/S said that the chances of such a situation occurring should not be great as there was already a fair amount of competition in the market. PAS/S further said that it was incumbent upon owners to ask for quotations from various contractors to ensure that prices were reasonable. If in doubt, owners were welcomed to contact FSD and BD for advice.

II. Date of next meeting

19. Members agreed to hold the next meeting in end September or early October 2001 to continue discussion with the Administration on the Bill.

20. There being no other business, the meeting ended at 12:58 pm.

Legislative Council Secretariat
23 October 2001