

立法會
Legislative Council

LC Paper No. CB(2) 82/01-02
(These minutes have been seen by
the Administration)

Ref : CB2/BC/10/00

Bills Committee on Fire Safety (Buildings) Bill

**Minutes of the second meeting
held on Wednesday, 25 April 2001 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members Present : Hon IP Kwok-him, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon CHAN Yuen-han
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon CHOY So-yuk
Hon Abraham SHEK Lai-him, JP
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon Cyd HO Sau-lan
Hon James TO Kun-sun
Hon Frederick FUNG Kin-kee
Hon LAU Ping-cheung

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** : Mr YEUNG Wai-foon

Fong Chung Social Service Centre Limited

Mr CHAN Yiu-keung

**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 attend the meeting and invited them to give their views on the Fire Safety (Buildings) Bill (the Bill).

I. Meeting with deputations

Mr YEUNG Wai-foon

(LC Paper No. CB(2) 1319/00-01(01))

2. Mr YEUNG Wai-foon expressed support for the Bill which aimed at upgrading the fire safety standards in old composite and domestic buildings. Mr YEUNG, however, hoped that the Administration would adopt a flexible and pragmatic approach in the enforcement of the Bill, having regard to the fact that many owners and occupiers of these buildings were older persons who lacked the necessary financial means to comply with the fire safety measures required by the Bill as well as the ability to co-ordinate and carry out the improvement works in the common parts of the buildings. He pointed out that the latter condition would be aggravated by the fact that many old private buildings were without an Owners' Corporation (OC).

3. Mr YEUNG said that many owners and occupiers of old private buildings were very worried about the implementation of the Bill, as the Bill stipulated that if an owner or occupier failed to comply with a direction or a compliance order, the authorities might apply to the District Court for a prohibition order prohibiting the occupation of the relevant building or part of the building. Failure to comply with the requirements specified in a direction or a compliance order would be an offence punishable by a fine, whilst failure to comply with a prohibition order would be punishable by a fine and imprisonment. Although financial assistance would be provided to eligible owners affected by the Bill, Mr YEUNG was of the view that many owners would not apply for it because of the complicated application procedures. As there were numerous cases in which the non-domestic part of pre-1987 composite buildings was currently used for habitation purposes, Mr YEUNG urged the Administration to also exercise flexibility in enforcing the Bill.

Fong Chung Social Service Center Limited (FCSSCL)

(LC Paper No. CB(2) 1369/00-01(01))

4. Mr CHAN Yiu-keung of FCSSCL echoed similar concerns expressed by Mr YEUNG mentioned in paragraphs 2 and 3 above, and urged the Administration to adopt a flexible and pragmatic approach in enforcing the new legislation. In exercising flexibility by the enforcement authorities concerned, Mr CHAN suggested that -

- (a) building owners should be waived from installing a standard fire service water tank on the rooftop of the building, if the rooftop could not support such due to structural problems and/or lack of space; and
- (b) owners or occupiers should not be required to reinstate the front doors of their premises from the common area of the buildings to their original position to facilitate the installation of exit doors.

Action

The Administration's response to the deputations' views on the Bill
(LC Paper No.CB(2) 1379/00-01(01))

5. Members noted the Administration's response to the submission from FCCSCL tabled at the meeting.

(Post-meeting note: The Administration's response to the submission from FCCSCL was circulated to members vide LC Paper No. CB(2) 1440/00-01(01) on 4 May 2001.)

6. At the invitation of the Chairman, Principal Assistant Secretary for Security (PAS/S) highlighted the Administration's response to the submissions from Mr YEUNG Wai-foon and FCCSCL as follows -

- (a) Where non-domestic part of composite buildings was used for domestic purposes, the Fire Services Department (FSD) and the Buildings Department (BD) would, in enforcing the Bill, undertake the same flexible and pragmatic approach as adopted in the enforcement of the Fire Safety (Commercial Premises) Ordinance. For example, an extension of time to comply with the direction might be given to allow the owners/occupiers to rectify the change of use in the first place. In some particular cases, FSD and BD might determine that not all of the requirements specified in the new legislation must be implemented or that some other appropriate measures in place of any of those requirements specified in the new legislation should be implemented. In exercising such discretion, FSD/BD would take into account all relevant considerations, including the building conditions and designs, fire service installations and fire safety construction currently in place, the specific occupancies, the fire load and the flow of people, and assessed the fire risk involved. In case of doubt, legal advice would be sought;
- (b) FSD and BD would undertake a pragmatic and flexible approach where owners encountered difficulties in complying with fire safety requirements because of the physical constraints of the buildings. Owners/occupiers would be given sufficient flexibility as far as the circumstance permitted. For example, if an authorised person or a registered engineer certified that the rooftop of the building concerned could not support a standard fire service water tank due to structural problems, and that no alternative place was available for such installation, FSD would consider accepting a water tank of smaller capacity. Where justified, consideration would be given to waiving the installation of a water tank if firemen could still rely on the water supply from the town's main in the vicinity; and
- (c) In order to provide building owners with a more comprehensive and effective financial assistance, a proposal would be submitted to the

Action

Finance Committee of the Legislative Council (LegCo) for approval on 27 April 2001 to merge the Building Safety Improvement Loan Scheme and the Fire Safety Improvement Loan Scheme and to extend the scope to cover most of the building safety and maintenance works including repairs and improvement works for electrical installations and lifts. Under the new loan scheme, eligibility criteria would be made more flexible and the application procedures simplified. While repayment terms under the new loan scheme would be 36 months at an interest rate with no gain or loss to the public purse, persons in financial hardship might be given the flexibility to repay at no interest rate over an extended period to 72 months or they might be waived from making the payments until the transfer of the property.

7. Assistant Director of Buildings (ADB) supplemented that some initiatives as proposed by the Task Force under the Planning and Lands Bureau (PLB) in the Comprehensive Strategy for Building Safety and Timely Maintenance were particularly relevant to assist FSD/BD in the implementation of the Bill. In the case of BD, a plan was in hand to increase the number of its structural engineers to strengthen professional support to building owners to promote building safety and timely maintenance of buildings, including improvements to fire safety. ADB further said that the Administration would not insist upon any owner or occupier in reinstating the front door of such premises to the original position, if the existing position would not compromise the means of escape or give rise to other hazards.

Discussion

8. Mr Abraham SHEK enquired about the action(s) which would be taken by the Administration in enforcing the Bill if the affected buildings were earmarked for land resumption under the urban renewal programme. PAS/S responded 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.

9. Mrs Sophie LEUNG expressed concern that only two deputations had come forward to give their views on the Bill, and queried whether the Administration had done enough to consult the views of the public on the proposals to upgrade fire safety in private buildings. Mrs LEUNG was particularly concerned that many building owners concerned might find complying with the fire safety requirements unpalatable as they were now compelled to spend a significant sum of money to rectify the fire safety conditions which had all along been perceived as not problematic. In this

Action

connection, Mrs LEUNG urged the Administration to step up efforts to explain to the public as to why they needed to comply with the new requirements, so as to avoid any misunderstandings or conflicts in the future.

10. Responding to the concern that the public was not aware of the Bill, PAS/S said that there was no question of such a situation as the various proposals contained in the Bill were the results of a public consultation exercise conducted in 1998 on a package of measures for improving fire safety in private buildings. To ensure that building owners were apprised of their obligations to improve the fire safety standards of their buildings, briefings for the 18 District Fire Safety Committees (DFSCs) were being undertaken by FSD. Upon enactment of the Bill, FSD and BD would arrange intensive publicity on the new fire safety requirements and the phased implementation programme.

11. PAS/S further said that the Administration was well aware of the fact that some building owners would find it difficult to comply with the new fire safety requirements. In this connection, a flexible and pragmatic approach in enforcing the Bill would be undertaken by the Administration. A number of initiatives to be undertaken by the Task Force on Building Safety and Preventive Maintenance set up by PLB should also help to ensure a smooth implementation of the Bill. Notably, the Director of Buildings 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. The Director of Home Affairs had also started to re-structure and expand her headquarters and to re-constitute outreach teams in District Offices to provide assistance to building owners and OCs, respond to enquiries and mediate in case of disputes, to complement the efforts of local District Offices, the two Building Management Resource Centres would act as regional centres in referring enquiries and complaints.

12. As single-staircase buildings posed a more serious fire risk than buildings with more than one staircases, Dr Raymond HO enquired whether priority would be given to requiring owners of single-staircase buildings to upgrade the fire safety standards. PAS/S responded that it was the Administration's plan to upgrade fire safety installations (FSI) and the fire safety construction in composite buildings within a ten-year period upon the enactment of the Bill, i.e. about 5 000 pre-1973 private buildings would be dealt with in the first six years, and some 4 000 private buildings built between 1973 and 1987 would be dealt with in the remaining four years. Upon the completion of the improvement programme for composite buildings, the Administration intended to deal with about 3 000 pre-1987 domestic buildings (above three storeys), with priority given to the pre-1973 buildings. As most single-staircase buildings were composite buildings, the Administration therefore did not consider it necessary to single out single-staircase buildings for separate treatment.

13. Dr HO further enquired whether consideration could be given to requiring owners of domestic buildings with a single staircase to upgrade the fire safety

Action

standards of these buildings. PAS/S responded that although no priority could be given to upgrading the fire safety standards of domestic buildings, albeit with a single staircase, the removal of illegal rooftop structures currently undertaken by BD should help to substantially reduce the fire risk of these buildings. ADB supplemented that all illegal rooftop structures on single-staircase buildings would be cleared as a matter of priority. It was estimated that about 4 500 single-staircase buildings had illegal rooftop structure and BD intended to clear them in seven years' time. ADB further said that with the implementation of a multi-prong strategy by the Task Force on Building Safety and Preventive Maintenance, it was hoped that a more positive culture of building care, particularly amongst owners and occupants, could be evolved, and this, in turn, should help to further ensure public safety.

14. Mr YEUNG Wai-foon shared Mrs LEUNG's views that many members of the public were not aware of the Bill, and urged the Administration to step up publicity of the Bill prior to its implementation. Although it was mentioned in the LegCo Brief that the Administration would brief the 18 DFSCs on the Bill, Mr YEUNG queried whether this was adequate given the significant number of private buildings affected. Mr YEUNG also queried whether the additional number of structural engineers to be recruited by BD could provide adequate professional support to owners and occupiers affected by the Bill, having regard to the fact that they were not recruited to only provide technical advice to owners and occupiers affected by the Bill but to implement a multi-prong strategy for building safety and timely maintenance. Mr YEUNG hoped that FSD would refrain from issuing different fire safety orders at different times, as this would cause much inconvenience to building owners. A case in point was that owners were required to install fire extinguishers in common areas of the buildings, but were later required to comply with another set of upgraded fire safety standards.

15. Mr CHAN Yiu-keung shared the views expressed by Mr YEUNG. He urged the Administration, in enforcing the Bill, to have regard to the fact that some of the buildings covered by the Bill did not have OCs and/or had substantial physical constraints. To help the public better understand the requirements of the Bill upon its enactment, Mr CHAN requested the Administration to step up public education on fire safety of buildings.

16. PAS/S responded that FSD and BD were now briefing the 18 DFSCs on the Bill so that they could help the public understand the requirements and the implementation plan during their contacts with them. PAS/S undertook to provide the views and concerns expressed by DFSCs on the Bill for members' information. PAS/S assured members that after the passage of the Bill, the Administration would widely publicise the requirements and the details of the fire safety measures through various channels. These would include television and radio announcements of public interest, organisation of seminars for OCs, mutual aid committees and residents associations through the Home Affairs Department, publication and distribution of promotional leaflets and provision of a telephone hotline, etc. The enforcement authorities would also disseminate the message of "improving fire safety of buildings"

Admin

Action

through the large scale promotion activities to be held this year. PAS/S reiterated that a flexible and pragmatic approach would be adopted in enforcing the Bill, as it was not the aim of the Administration to prosecute owners and occupiers for prosecution's sake but to render assistance to them as far as possible.

17. Regarding the comments made about FSD issuing different fire safety orders at different times, Chief Fire Officer (Protection) (CFO(P)) explained that FSD would not do so unless necessary. In the example cited by Mr YEUNG Wai-foon, CFO(P) explained that the first set of Fire Hazard Abatement Notice was issued under the Fire Services Ordinance to require the reinstatement of missing fire extinguishers whereas the second set of fire safety improvement direction served the purpose of requiring building owners to improve the building fire safety. The Fire Hazard Abatement Notice required immediate action by building owners to abate an immediate hazard, therefore it could not be held back. As regards the concern that BD would not have adequate structural engineers to render technical advice to buildings owners in complying with the new requirements, ADB said that BD would closely monitor the situation and deploy more manpower where justified.

18. Noting that BD had launched a pilot Coordinated Maintenance of Buildings Scheme in November 2000 to owners and OCs to maintain their buildings, Miss CHOY So-yuk enquired about the timetable for extending the pilot scheme to cover all buildings affected by the Bill. ADB responded that BD would assess the effectiveness of the pilot scheme at the end of this year before deciding on the way forward. Although not all buildings affected by the Bill were included in the pilot scheme, owners and occupiers of the buildings concerned would be provided with adequate information and support on what were required of them in complying with the Bill. Notably, FSD/BD would conduct joint inspections of selected buildings. Following the initial inspection and prior to the servicing of fire safety directions, FSD/BD would issue advisory letters to the owners/occupiers of the buildings concerned to inform them of the areas in which improvement was required. Owners/occupiers would be encouraged to employ qualified professionals to assess the improvement works required and, if necessary, put forward proposals for upgrading fire safety measures, including effective fire safety measures in place of those specified in the Bill. The owners/occupiers would also be advised to consult FSD/BD on any aspects related to the improvement works. After consideration of the information gathered and feedback or proposals from the owners/occupiers, if any, FSD/BD would issue a fire safety direction specifying the fire safety improvement measures required and a reasonable of time, normally ranging from six to 12 months depending on the complexity of the necessary improvement works, within which the direction must be complied with.

Action

II. Continue discussion with the Administration

(LC Paper Nos. CB(2) 1218/00-01(01), 1357/00-01(01) and (03) and 1379/00-01(02))

19. The Chairman said that clause 5(10) of the Bill stipulated that "the relevant enforcement authority may establish a committee consisting of such persons with relevant expertise as he considers appropriate to give advice on such matters". He sought clarification on whether an advisory committee would be established. PAS/S responded that it was the Administration's intention to set up an independent advisory body whom the Director of Fire Services and the Director of Buildings might consult in order to ensure fair and impartial consideration of any alternative fire safety measures which might be proposed by the owners. Membership of the advisory body would include professionals from the building industry, representatives of professional institutions and academics. The Chairman said that there was a difference between "might establish" and "would establish". If an independent advisory body would be set up, clause 5(10) should state clearly such an intent.

20. Dr Raymond HO was of the view that the Bill should specify that Registered Professional Engineers (Building Services) might be employed by owners and occupiers of the buildings concerned to co-ordinate and undertake the improvement works required by the Bill. PAS/S agreed to provide a response to Dr HO's suggestion.

Admin

III. Date of next meeting

21. Members agreed that the District Councils (DC) should be invited to give views on the Bill. Members further agreed to hold the next meeting on 14 May 2001 at 2:30 pm to meet DC members, if any, and to continue discussion with the Administration on the Bill.

(Post-meeting note: The next meeting was subsequently rescheduled to 28 May 2001 at 2:30 pm.)

22. There being no other business, the meeting ended at 10:40 am.

Legislative Council Secretariat

15 October 2001