

**Administration's Response to Comments made by the Building Services
Committee Division of the Hong Kong Institution of Engineers
on the Fire Safety (Buildings) Bill**

- Q(1) : The Bill requires the owners and occupiers "to maintain buildings' fire safety construction and fire service installations (FSIs) in accordance with the standards prescribed in the building plans approved by the authorities before the construction of the buildings". How can we ensure that the succeeding owners or occupiers will know about the details approved before the construction of the buildings and that the information is accurate?
- A : The major legislation providing for fire safety standards in buildings are the Buildings Ordinance and the Fire Services Ordinance. According to these two ordinances, owners and occupiers are required to maintain buildings' fire safety construction and FSIs in accordance with the standards prescribed in the building plans approved by the authorities before the construction of the buildings. Owners and occupiers can obtain accurate information on the buildings and the approved building plans from the Buildings Department (BD) and can approach the Fire Services Department (FSD) for the FSI plans of the buildings. They can then maintain the buildings' fire safety construction and FSIs in accordance with the standards prescribed therein. The purpose of the Fire Safety (Buildings) Bill is to upgrade fire safety standards of old composite and domestic buildings.
- Q(2) : The Bill proposes a ten-year programme comprising two phases to upgrade fire safety standards and a dividing line is drawn between buildings built before and after 1973. This is understandable. However, has the Administration considered setting the priorities according to the safety need? For example, improvement in all non-domestic buildings is to be done first before dealing with domestic buildings. Alternatively, during the ten-year period, the authorities may instruct owners to employ qualified professionals such as R.P.E. to make regular inspections on the safety condition of the buildings and to submit reports to the authorities until the improvement works complete.
- A : The Administration's policy objective is to take progressive steps to upgrade the statutory fire safety standards of old buildings. We

introduced the Fire Safety (Commercial Premises) Ordinance and its Amendment Ordinance in 1997 and 1998 respectively to require the upgrading of fire safety measures in commercial premises with heavy traffic of people (such as banks, supermarkets, off-course betting centres, jewellery or goldsmith shops, department stores and shopping arcades) and pre-1987 commercial buildings to modern standards. According to the findings of a territory-wide buildings survey conducted by FSD in 1998, the fire safety condition in old composite (commercial/domestic) buildings was the most unsatisfactory. Only about 10% of these buildings were found satisfactory. In view of the high fire load and heavy traffic of people in the commercial parts of these buildings, we have to deal with them as a matter of priority. Therefore, we propose to introduce the Bill and to first deal with about 9 000 pre-1987 private composite buildings within a ten-year period. Upon completion of the improvement programme for composite buildings, we will deal with about 3 000 pre-1987 private domestic buildings having more than three storeys, with priority given to pre-1973 buildings. Some of the improvement measures prescribed in the Bill have to be co-ordinated and undertaken by authorized persons (including registered professional engineers etc) or registered contractors. In implementing the Bill, we will advise the owners and occupiers of it if necessary.

Moreover, we will encourage owners of old buildings to employ qualified professionals to inspect their buildings and put forward proposals to the enforcement authorities for upgrading fire safety measures to the required standards of the Bill so that the improvement works can start as early as possible. The owners may also employ qualified professionals to inspect and certify the satisfactory completion of the improvement works. This would help the enforcement authorities to confirm that the fire safety condition of the buildings has complied with the new statutory standards.

- Q(3) : One of the important things is to ensure the continual normal operation of the improved fire safety facilities. In view of the weak “public safety” awareness of the community, to promote people’s awareness of safety and a safety culture is also an important task. Keeping the fire doors (smoke doors) closed at all times is an example of the basic issues.
- A : To enhance public awareness of fire safety, FSD organises large-scale fire safety promotion activities every year. FSD also organises a variety of fire safety promotion activities in collaboration with the District Fire Safety Committees, e.g. fire station open days, fire safety roving exhibitions, fire safety carnivals, fire safety slogan competitions, distribution of promotional leaflets to the public, fire drills, fire safety seminars,

dissemination of fire safety information on television and radio, etc. FSD plans to organise at least 1 600 fire drills and 2200 fire safety seminars and exhibitions in 2001. Moreover, it will further recruit 5 000 fire safety ambassadors in 2001 to disseminate fire safety messages and enhance public awareness of fire safety.

Q(4) : As to financial assistance, to merge the Fire Safety Improvement Loan Scheme and the Building Safety Improvement Loan Scheme to form a single loan scheme with broader coverage is a wise move. But the scheme should cover all issues related to building safety such as electrical safety and safety of lifts.

A : In order to provide owners with a more comprehensive and effective financial assistance, the Administration is proposing to the Finance Committee of the Legislative Council to merge the two loan schemes and extend the scope to cover most of the building safety and maintenance works including repairs and improvement works for electrical installations and lifts.

Q(5) : It is stipulated in Clause 5(2), Part II of the Bill that the fire safety directions may be issued to different owners seeking their cooperation to provide the relevant connections or other forms of integration. The provision seems to have oversimplified the picture. Such works must be coordinated by a central body such as Owners' Corporation and undertaken by engineering personnel equipped with technical knowledge such as R.P.E.(B.S.).

A : If the affected owners and occupiers encounter difficulties in carrying out fire safety improvement works such as project coordination, cash flow or technical problems, the Home Affairs Department, FSD and BD will make proactive efforts to assist them. The District Offices will assume a coordinating role and assist owners to form Owners' Corporations and arrange the relevant departments to attend seminars to discuss and explain details of the improvement works. FSD and BD will provide technical advice. In implementing the Bill, the authorities will, as necessary, advise the owners and occupiers concerned to employ authorised persons (including registered professional engineers etc.) or registered contractors to coordinate and undertake the improvement works.

Q(6) : According to paragraph 8 of the Legislative Council Brief, there are about 9000 buildings which require improvements. Are there provisions governing the maintenance arrangements following the completion of the improvement works? In view of the huge number of buildings involved,

is it an efficient and cost-effective arrangement to incessantly increase the manpower of FSD and BD to carry out inspections and take enforcement actions? Can the inspection work be contracted out?

A : After upgrading the fire safety standards, owners and occupiers are required to maintain the buildings' fire safety construction and FSIs in accordance with the Buildings Ordinance and the Fire Services Ordinance. For example, according to regulation 8 of the Fire Service (Installations and Equipment) Regulations, the owner of any FSIs or equipment which is installed in any premises shall keep such FSIs or equipment in efficient working order at all times; and have such FSIs or equipment inspected by a registered contractor at least once in every 12 months. As the relevant inspection, enforcement and prosecution work should be dealt with by the enforcement departments, we consider that such work should not be contracted out.

Q(7) : Has the Administration considered the problem of oligopoly of all the works of the improvement programme by a small number of registered contractors?

A : The Government is committed to pro-actively nurture and sustain competition. The Bill will not go against our policy of competition. Any persons who meet the minimum qualifications for registration in different classes of registered contractors as specified in regulation 4 of the Fire Service (Installation Contractors) Regulations may apply for registration as contractors and undertake the works stipulated in the Fire Safety (Buildings) Bill. According to FSD's records, there are at present 252 qualified class 1 contractors, 330 class 2 contractors and 417 class 3 contractors.