

**Administration's response to the joint submission of
Mr IP Kwok-him, Mr YEUNG Wai-foon and Mr WONG Chit-man,
Central & Western District Council Members
on the Fire Safety (Buildings) Bill**

Building structure

The Fire Services Department (FSD) and the Buildings Department (BD) will undertake a pragmatic and flexible approach in handling cases where owners encounter difficulties in complying with the requirements. Owners and occupiers will be given sufficient flexibility as far as the circumstances permit. For example, if an authorised person or a registered engineer certifies that the rooftop of the building concerned cannot support a standard fire service water tank due to structural problems, and that no alternative place is available for such installation, FSD will consider accepting a water tank of a smaller capacity. In the enforcement of the Fire Safety (Commercial Premises) Ordinance over the past three years, FSD has approved 11 applications for installing fire service water tanks of sub-standard capacities.

Commercial buildings used for domestic purposes

2. Regarding the issue of using commercial buildings for domestic purposes encountered in the enforcement of the Fire Safety (Commercial Premises) Ordinance, please refer to the "Administration's Response (2nd part) to issues raised by Members at the Bills Committee meeting on 14.3.2001". Regarding the issue of using the commercial part of composite buildings for domestic purposes, FSD will undertake the same flexible and pragmatic approach in enforcing the new legislation.

Prohibition Order

3. In the enforcement of the Fire Safety (Commercial Premises) Ordinance over the past three years, there is no record that the enforcement authorities have applied to the court for any prohibition order. If, after the passage of the Bill, it is necessary to issue a prohibition order to the domestic part of the building concerned during enforcement, the Housing Department will make appropriate arrangements to provide the occupiers of the affected units with temporary accommodation until the completion of the improvement works and the revocation of the prohibition order. Regarding

the provision of other assistance to owners/occupiers of buildings which have been issued with a prohibition order, please refer to paragraph 6 of the “Administration’s Response (1st part) to issues raised by Members at the Bills Committee meeting on 14.3.2001”.

Constraints of old buildings’ design

4. The enforcement authorities have undertaken to adopt a pragmatic and flexible approach in handling cases where owners encounter practical difficulties in complying with the fire safety directions. The owners may propose other effective fire safety measures in place of the original requirements specified in the directions, e.g. using an improvised sprinkler system instead of a standard automatic sprinkler system, and a smaller fire service water tank and hose reel system instead of standard installations, etc. To ensure fair and impartial consideration of any alternative proposals made by the owners, we will set up an independent advisory body which the Director of Fire Services and the Director of Buildings may consult if necessary. Membership of this body will include professionals from the building industry, representatives of institutions and academics. 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.

The Costs

5. There is a sufficient number of registered fire service installation (FSI) contractors in Hong Kong and there is no problem of excessive demand for these FSI contractors. According to FSD’s records, there are at present 252 qualified class 1 contractors, 330 class 2 contractors and 417 class 3 contractors in Hong Kong. There is already a fair amount of competition in the market. Regarding the constraints posed by the buildings’ structure/design, the enforcement authorities will undertake a pragmatic and flexible approach in handling cases where owners encounter practical difficulties in complying with fire safety directions. For example, the owners may propose alternative effective fire safety measures in place of the original requirements specified in the directions. As to the costs of the

works, owners may ask for quotations from various contractors to ensure that the prices are reasonable.

Irresponsible owners

6. Please refer to paragraphs 2 (c) and (d) of the “Administration’s Response (1st part) to issues raised by Members at the Bills Committee meeting on 14.3.2001”. The government’s flexible approach is reflected in the enforcement of the Fire Safety (Commercial Premises) Ordinance over the past three years.

Lack of owners’ corporations (OCs)

7. We are making every effort to improve building management. The Home Affairs Department (HAD), through its liaison networks in various districts, makes proactive efforts to encourage, advise and assist owners to form OCs under the Building Management Ordinance to undertake management of their own buildings. The liaison officers of all District Offices make regular visits to buildings’ owners and OCs to explain to them the importance of proper building management. To step up its efforts, HAD has established two building management resource centres on the Hong Kong Island and in Kowloon respectively to provide the public with comprehensive services on building management. HAD is planning to set up a new centre in the New Territories. Please also refer to paragraph 2 (a) of the “Administration’s Response (1st part) to issues raised by Members at the Bills Committee meeting on 14.3.2001”.