

Fire Services (Amendment) Bill 2001

**Administration's response to the submission of
The Federation of Hong Kong Hotel Owners Limited**

- (1) *The legislative intent of the proposed amendments of the definitions of “fire service installation or equipment” in the Fire Services Ordinance (Cap.95), the Public Health and Municipal Services Ordinance (Cap.132), the Places of Public Entertainment Regulations (Cap.172 sub. leg.) and the Fire Safety (Commercial Premises) Ordinance (Cap.502).*

Since 1987 the Code of Practice on Minimum Fire Service Installations and Equipment (the Code) issued by the Director of Fire Services (D of FS) has expanded the ambit of “fire service installation or equipment” (FSI) to include those installations and equipment for facilitating the evacuation from any premises in case of fire and providing a stand-by power supply to other FSI (as set out in subparagraphs (d) and (e) of the new definition of FSI proposed in the current Bill). As a result all post-1987 buildings which are subject to the updated Code have to be installed with such new FSI.

2. Under section 2 of the Fire Services Ordinance, Cap. 95, fire hazards include any removal of FSI already provided in a building in accordance with plans certified by D of FS for the purpose of section 16 of the Buildings Ordinance, Cap.123 and the presence of improperly maintained FSI in a building. Under regulation 8 of the Fire Service (Installations and Equipment) Regulations, Cap.95 sub. leg., the owner of any FSI which is installed in any premises has the responsibility to keep such FSI in efficient working order at all times and to have such FSI inspected by a registered contractor at least once every 12 months. The definition of FSI in Cap.95, however, has yet to be updated to align with the corresponding provision in the updated Code. The current Bill therefore seeks to make such an alignment to ensure that an FSI owner's maintenance responsibility under regulation 8 would cover the new FSI installed under the updated Code, and fire hazard abatement actions can be taken against removal or improper maintenance of such new FSI.

3. Consequential amendments are necessary and proposed in the Bill for Cap.132, Cap.172 sub. leg. and Cap.502 to maintain consistency of the definitions of FSI among all statutes in which the term appears.

(2) ***The likely financial impact on the affected sectors and industries.***

4. In the Fire Safety (Commercial Premises) Ordinance, Cap. 502, the FSI required to be installed in prescribed commercial premises and specified (i.e. pre-1987) commercial buildings are to be determined by D of FS by a direction issued under section 5 with reference to the lists specified in the relevant Schedules. D of FS has no plans to require installation of new FSI which is not already required currently after the definition of FSI has been amended.

5. For premises licensed under the Public Health and Municipal Services Ordinance, Cap.132 and the Places of Public Entertainment Ordinance, Cap.172, the installation of appropriate FSI (in addition to what are already installed in the buildings concerned) is usually part of the licence requirements or conditions¹. Since the updating of the Code in 1987, the relevant authorities have already required the installation of FSI for facilitating the evacuation in case of fire (e.g. exit signs, directional signs, emergency lightings etc) in such licensed premises. But the installation of FSI for providing a stand-by power supply to other FSI is generally not required. The relevant authorities have no plans to change the current FSI requirements following the consequential amendments of the definitions of FSI in Cap. 132 and 172.

6. In Cap. 132 and 172, there is no statutory provision which specifies that the licensed premises must install a certain type of FSI, or imposes a mandatory licensing condition or requirement for the installation of a certain type of FSI. The references to FSI in the said legislation are only related to FSI which is otherwise required to be installed by the relevant authorities.

7. In sum, no new fire safety requirements would be imposed after the consequential amendments of the definitions of FSI in Cap. 132, 172 and 502, and there would be no financial impacts on the relevant sectors and industries.

(3) ***The likely impact on the existing licence holders and the terms under which they may apply for a renewal of licence under the relevant ordinances. For instance, “hotel licence” under the Hotel and Guesthouse Accommodation Ordinance.***

¹ Regulation 53 of the Places of Public Entertainment Regulations also provides that for permanent and semi-permanent structures designed as theatres and cinemas, FSI shall be provided to the satisfaction of D of FS. D of FS has no plans to require installation of new FSI which is not already required currently, after the definition of FSI has been amended.

8. Under section 5 of the Hotel and Guesthouse Accommodation Ordinance, Cap. 349 implemented in 1991, no person shall operate, keep, manage or otherwise have control of a hotel or a guesthouse unless a certificate of exemption has been granted or a licence has been issued. Hotels and guesthouses built after 1987 are subject to the updated Code and are therefore installed with new FSI for facilitating the evacuation from any premises in case of fire and providing a stand-by power supply to other FSI. For older hotels and guesthouses, the licensing conditions/requirements imposed under Cap. 349 have included the installation of such new FSI or alternative equipment acceptable to D of FS, but a grace period has been given for the proprietors to carry out upgrading works to meet the new licensing conditions/requirements. To date, we understand that all hotels and guesthouses have already been installed with the FSI in question or alternative equipment acceptable to D of FS.

9. As explained in paragraphs 1-8 above, the current legislative proposal would not affect existing licence holders when their licences are renewed.

(4) *To identify the proposed circumstances under which an installation of stand-by power supply is or may be required by reason of the proposed amendments of the definitions of “fire service installation or equipment” in the Fire Services Ordinance (Cap.95), the Public Health and Municipal Services Ordinance (Cap.132), the Places of Public Entertainment Regulations (Cap.172 sub. leg.) and the Fire Safety (Commercial Premises) Ordinance (Cap.502).*

10. As explained above, the current requirements for installation of FSI under the relevant licensing or regulatory regimes would not be changed after the amendments of the legislative definitions of FSI.

Security Bureau
December 2002