

LEGISLATIVE COUNCIL BRIEF

Fire Safety (Commercial Premises) Ordinance (Chapter 502)

FIRE SAFETY (COMMERCIAL PREMISES) ORDINANCE (AMENDMENT OF SCHEDULE 4) ORDER 2001

INTRODUCTION

On 29 May 2001, the Secretary for Security made the Fire Safety (Commercial Premises) Ordinance (Amendment of Schedule 4) Order 2001 (“the Order”) at Annex under s.24A of the Fire Safety (Commercial Premises) Ordinance, Cap.502 (“the Ordinance”).

BACKGROUND AND ARGUMENT

General background

2. The Administration is committed to progressively improving fire safety in old buildings. We introduced the Ordinance in 1997 to require the upgrading of fire safety measures in prescribed commercial premises (i.e. banks, supermarkets, off-course betting centres, jewellery or goldsmith shops, department stores and shopping arcades). The Ordinance was amended in April 1998 to expand the fire safety improvement programme to cover pre-1987 commercial buildings. Two phases were planned for the implementation of the amended Ordinance. The first phase would cover about 400 pre-1973 commercial buildings. Following a review of the experience in the first phase, the second phase would be launched to cover the remaining pre-1987 commercial buildings.

3. The Ordinance has a built-in mechanism for the phased improvement programme. Section 4 provides that the Ordinance applies to any specified commercial buildings listed in Schedule 4. The existing Schedule 4 provides that a specified commercial building means any commercial building with building plans first submitted to the Building Authority, or constructed, on or before 23 March 1973. Such a date was prescribed in Schedule 4 for the purpose of implementation of the first phase of the improvement programme. Section 24A provides that the Secretary for Security may amend Schedule 4 by order in the Gazette and thus the second phase of the improvement programme may be implemented by amending the relevant date in Schedule 4.

Review and Way Forward

4. The first phase of the improvement scheme started on 1 June 1998. Up to end April 2001, the enforcement authorities, i.e. the Director of Buildings and the Director of Fire Services, have identified 555 pre-1973 commercial buildings, inspected 512 of them and served fire safety directions on 363.

5. The enforcement authorities have reviewed the progress of the first phase and considered the implementation satisfactory. Officers of the Fire Services Department and Buildings Department have taken a proactive and flexible approach in enforcing the directions issued. More than 96% (as at end April 2001) of the owners have responded positively to the fire safety directions by the time of their expiry. It is anticipated that inspection of the remaining 43 pre-1973 commercial buildings will be completed by end September 2001. The enforcement authorities will follow up all directions issued and press for early compliance. Meanwhile, to maintain the momentum, the enforcement authorities will start implementation of the second phase by rolling forward the inspection programme to cover the old commercial buildings built between 1973 and 1987, of which some 850 have been identified.

THE ORDER

6. The Order seeks to amend the definition of "specified commercial building". When the Order comes into operation on 1 October 2001, a specified commercial building will mean any commercial building –

- (a) being a building the plans of the building works of which were first submitted to the Building Authority for his approval under regulation 29 of the Building (Administration) Regulations (Cap. 123 sub. leg.) on or before 1 March 1987; or
- (b) which was constructed on or before 1 March 1987 where no plans of the building works of the building were submitted to the Building Authority for his approval under regulation 29 of the Building (Administration) Regulations (Cap. 123 sub. leg.) on or before that date.

PUBLIC CONSULTATION

7. The plan to implement improvement of fire safety in old commercial buildings through a phased programme has received support from the public during a consultation exercise conducted before the Ordinance was amended in 1998. The Provisional Legislative Council Security Panel and the Bills Committee which examined the amendment to the Ordinance in 1998 also accepted the phased implementation approach.

BASIC LAW IMPLICATIONS

8. The Department of Justice advises that the Order is consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

9. The Department of Justice advises that the Order has no human rights implications.

BINDING EFFECT OF THE LEGISLATION

10. The Order does not contain any provision which may affect the current binding effect of the Ordinance.

FINANCIAL AND STAFFING IMPLICATIONS

11. We have secured additional resources for the implementation of the 1998 amendment to the Ordinance. Additional workload for the implementation of the Order would be absorbed from within the global allocation of resources of the Fire Services Department and the Buildings Department. There will be no additional financial and staffing implications.

ECONOMIC IMPLICATIONS

12. Implementation of the Order would improve fire safety in commercial buildings built between 1973 and 1987 and induce economic benefits in terms of saving human lives and reduction in fire damages.

LEGISLATIVE TIMETABLE

13. The legislative timetable will be –

Publication in the Gazette	1 June 2001
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Tabling at the Legislative Council	6 June 2001
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PUBLICITY

14. A press release will be issued on 1 June 2001. A spokesman will be available to answer public enquiries. Publicity will be arranged to promote the extended scope of the Ordinance. This includes revision of the existing pamphlet “An introduction to the Fire Safety (Commercial Premises) Ordinance”, updating of the Fire Services Department website and launching of announcements of public interest.

ENQUIRIES

15. For enquiries, please contact Mr Damian CHAN, Assistant Secretary for Security at 2810 3948.

Security Bureau
May 2001

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**FIRE SAFETY (COMMERCIAL PREMISES) ORDINANCE
(AMENDMENT OF SCHEDULE 4) ORDER 2001**

(Made under section 24A of the Fire Safety (Commercial
Premises) Ordinance (Cap. 502))

1. Commencement

This Order shall come into operation on 1 October 2001.

2. Specified commercial building

Schedule 4 to the Fire Safety (Commercial Premises) Ordinance (Cap. 502) is amended in paragraphs (a) and (b) by repealing "23 March 1973" and substituting "1 March 1987".

Secretary for Security

29 May 2001

Explanatory Note

The purpose of this Order is to extend the application of the Fire Safety (Commercial Premises) Ordinance (Cap. 502) to commercial buildings being buildings the plans of the building works of which were first submitted to the Building Authority for

approval on or before 1 March 1987, or which were constructed on or before 1 March 1987.