

For information

Legislative Council Panel on Security

Progress of implementing the fire safety improvement programmes under the Fire Safety (Commercial Premises) Ordinance, Cap.502

Purpose

In response to the Panel Chairman's request, this paper is prepared to inform Members of the progress in implementing the fire safety improvement programmes under the Fire Safety (Commercial Premises) Ordinance, Cap 502.

Background

2. The Fire Safety (Commercial Premises) Ordinance (the Ordinance) was brought into operation on 2 May 1997. The Ordinance was amended on 3 April 1998 to extend its coverage to all pre-1987 commercial buildings. In gist, the aim of the Ordinance is to provide better protection from the risk of fire, by requiring owners/occupiers of certain types of commercial premises, termed "Prescribed Commercial Premises" (PCPs)¹ and pre-1987 commercial buildings, termed "Specified Commercial Buildings" (SCBs)², to upgrade the fire safety standards of the premises/buildings, as far as possible, to present-day standards.

3. Under the Ordinance, the owners/occupiers of PCPs or SCBs are required to provide or improve certain fire service installations and equipment

¹ PCPs refer to commercial premises with a total floor area exceeding 230m² and in which businesses including banks, off-course betting centres, jewellery or goldsmith shops, supermarkets, department stores and shopping arcades, are being carried out.

² SCBs refer to commercial buildings which were constructed on or before 1 March 1987, or with plans of building works first submitted for Building Authority's approval on or before 1 March 1987.

such as emergency lighting, automatic cut-off device for ventilating system, automatic sprinkler system, manual alarm system, etc. The Ordinance also stipulates that the owners of these premises/buildings should ensure that relevant requirements in relation to the provision of means of escape, means of access to the premises for fire fighting and rescue purposes, and fire resisting construction have been observed. The Fire Services Department (FSD) and Buildings Department (BD) are the enforcement authorities for the Ordinance.

Implementation of the fire safety improvement programmes

4. In the course of examining the relevant bills, Legislative Council Members were concerned that owing to the old design of some of the buildings, there might be genuine and practical difficulties to comply with the statutory fire safety measures. Members emphasised the need for flexibility and reasonable discretion in actual enforcement. The Administration noted the concern and assured the Legislative Council that the legislation would be implemented in a flexible and pragmatic manner and that the improvement programmes would be implemented in stages, depending on the age and the assessed level of risk of the buildings/premises. The implementation plans of the PCPs and SCBs improvement programmes as agreed with the relevant Bills Committees are as follows:

Prescribed Commercial Premises(PCPs)

I. Phase I First 3 years <i>(w.e.f. 2 May 1997)</i>	PCPs in buildings without sprinkler system (mostly built before 1973)
II. Phase II Subsequent 4 years <i>(w.e.f. 1 January 2001)</i>	PCPs in buildings with occupation permits issued before 1980
III. Phase III Subsequent 4 years	PCPs in buildings with occupation permits issued between 1980-1990
IV. Final Phase	PCPs in buildings with occupation permits issued after 1990

Specified Commercial Buildings(SCBs)

- | | |
|--------------------------------------------------|------------------------------------------------------------------------------------------------|
| I. Phase I
(<i>w.e.f. 1 June 1998</i>) | SCBs constructed or with building plans first submitted on or before 23 March 1973 |
| II. Phase II
(<i>w.e.f. 1 October 2001</i>) | SCBs constructed or with building plans first submitted between 24 March 1973 and 1 March 1987 |

Progress of implementing the PCPs improvement programme

5. During Phase I of the PCPs improvement programme from May 1997 to end 2000, FSD and BD had conducted joint inspections of 627 PCPs. Phase II of the PCPs improvement programme commenced in January 2001. Up to end November 2004, FSD and BD have inspected 798 PCPs under Phase II. It is anticipated that the inspection of all known PCPs under Phase II, totalling some 840 PCPs, will be completed by February 2005. FSD and BD plan to proceed to Phase III of the improvement programme in March 2005. The overall compliance position of the PCPs inspected is summarized at **Annex A**.

Progress of implementing the SCBs improvement programme

6. Under Phase I of the SCBs improvement programme which spanned from June 1998 to September 2001, FSD and BD had conducted joint inspections of 555 SCBs. Phase II of the improvement programme commenced in October 2001, and up to end November 2004 FSD and BD have further inspected 530 SCBs. It is anticipated that the inspection of the remaining 438 SCBs will be completed by end 2007. The overall compliance position of the SCBs inspected is summarized at **Annex B**.

Enforcement procedures

7. Under the present enforcement procedures, FSD and BD are empowered to serve fire safety directions on the owners/occupiers, directing them to improve the fire safety measures of their premises/buildings within a specified period. The compliance period could be extended upon application by owners/occupiers for Extensions of Time. Prosecution will only be considered if, without reasonable excuse, the owners/occupiers fail to comply with the directions. In extreme cases, FSD and BD could apply to the District Court for a Use Restriction Order prohibiting the PCPs from being used for the prescribed commercial activities, or a Prohibition Order prohibiting the occupation of SCBs.

Difficulties encountered in implementing the improvement programmes and assistance offered by the Government

8. The common problems faced by owners/occupiers include, inter alia, difficulty in securing consensus on upgrading works in case of multi-ownership, structural and spatial constraints of old premises/buildings, financial difficulties in meeting the costs of upgrading works, lack of experience or knowledge about the statutory requirements, etc.

9. To facilitate owners and occupiers in complying with the statutory requirements, the Government offers various assistance to cater for the needs of individual owners/occupiers, including the following:

- a) to assist owners/occupiers in understanding and meeting relevant statutory requirements, the Home Affairs Department (HAD) has established building management resources centres and arranges seminars and meetings on a regular basis. The enforcement authorities will also consider conducting seminars jointly with HAD to advise owners/occupiers on how to carry out statutory upgrading works;

- b) a Building Safety Loan Scheme (BSLS), administered by the Director of Buildings, was set up in 2001 to provide financial assistance to owners in carrying out the upgrading works;
- c) the Home Affairs Bureau expects to introduce the Building Management (Amendment) Bill into the Legislative Council in early 2005. The Amendment Bill will empower the Owners' Corporation to borrow on behalf of missing or irresponsible owners from the BSLS in order to carry out statutory upgrading works; and
- d) the enforcement authorities will exercise discretion in allowing relaxation of certain statutory requirements or in accepting alternative measures. For instance, to overcome the structural and spatial constraints in providing water tank for retrofitted sprinkler system, the enforcement authorities have accepted an improvised sprinkler system with water supplied from the existing fire hydrant/ hose reel tank or directly fed from town's main or water tank with a smaller size.

Way forward

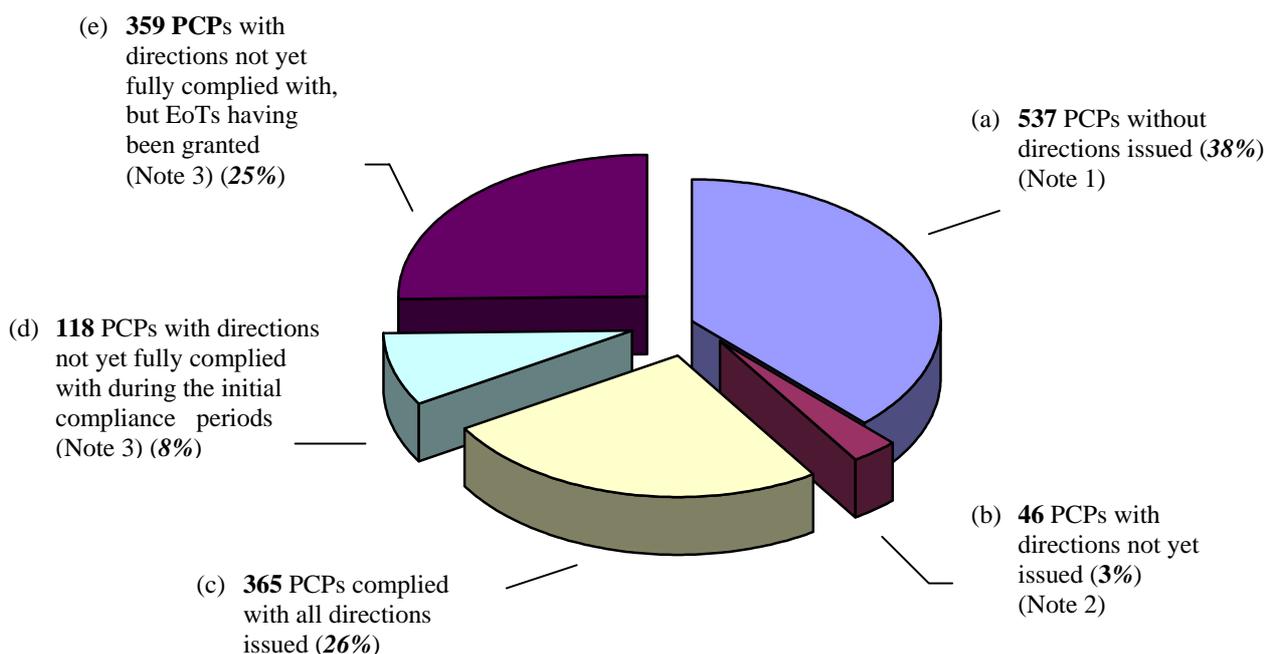
10. The enforcement authorities will continue to put in their best efforts in implementing the fire safety improvement programmes

Security Bureau/ Fire Services Department/Buildings Department
December 2004

**Analysis of compliance position for Prescribed Commercial Premises (PCPs)
inspected by FSD and BD (as at 30 November 2004)**

Item	Description	PCP	
		FSD	BD
(a)	No. of PCPs without directions issued	537	511
(b)	No. of PCPs with directions not yet issued	46	46
(c)	No. of PCPs complied with all directions issued	365	499
(d)	No. of PCPs with directions not yet fully complied with during the initial compliance periods	118	131
(e)	No. of PCPs with directions not yet fully complied with, but extensions of compliance time (EoTs) having been granted	359	238
	No. of PCPs inspected	1425	1425

**Analysis of compliance position for 1425 PCPs inspected by FSD
(as at 30 November 2004)**



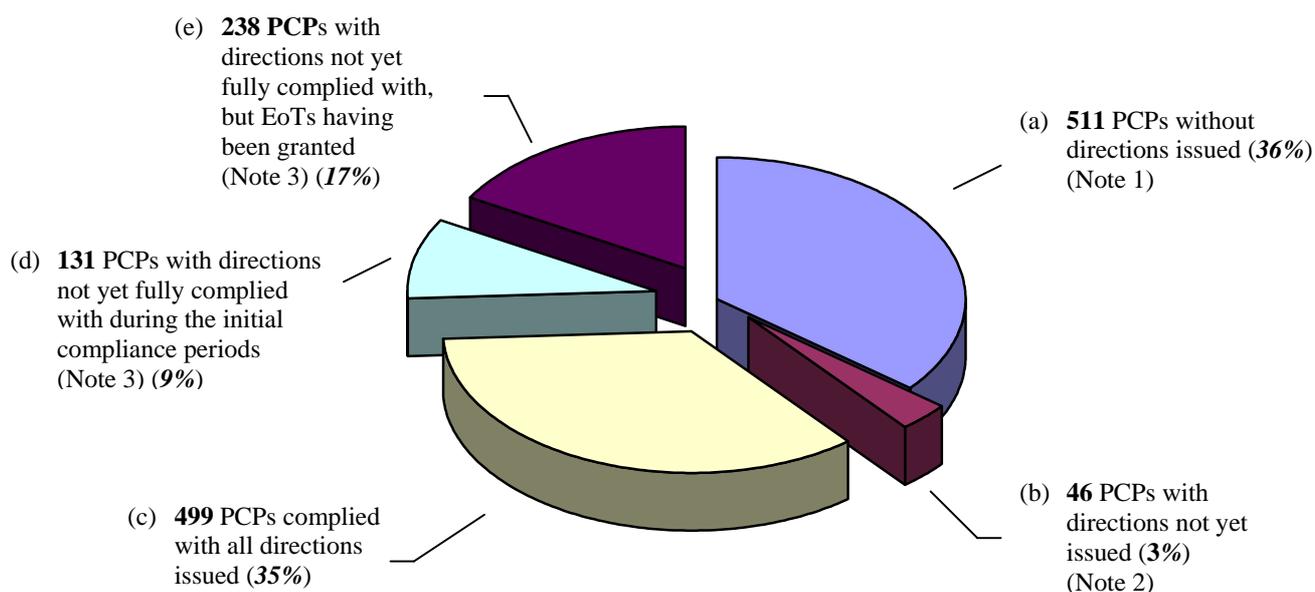
Note 1: These refer to PCPs which were inspected more than six months before 30 November 2004 and for which no directions had been issued or with all directions withdrawn. FSD's and BD's joint inspections indicated that the majority of the PCPs under this category were premises with floor area less than 230m², or the business had been changed to others, or premises which had already reached the standard of FS(CP)O.

Note 2: These refer to PCPs which were inspected within the six months before 30 November 2004. Directions for these PCPs had not yet been issued. (FSD and BD would normally issue directions within six months after joint inspections.)

Note 3: The initial compliance periods refer to the periods of time originally allowed in the directions for compliance. The periods may be extended by the FSD through the granting of EoTs.

Note 4: Up to 30 November 2004, FSD has taken prosecution action against 12 owners/occupiers of PCPs for non-compliance of directions. Please note a PCP may have more than one owner/occupier.

**Analysis of compliance position for 1425 PCPs inspected by BD
(as at 30 November 2004)**



Note 1: These refer to PCPs which were inspected more than six months before 30 November 2004 and for which no directions had been issued or with all directions withdrawn. FSD's and BD's joint inspections indicated that the majority of the PCPs under this category were premises with floor area less than 230m², or the business had been changed to others, or premises which had already reached the standard of FS(CP)O.

Note 2: These refer to PCPs which were inspected within the six months before 30 November 2004. Directions for these PCPs had not yet been issued. (FSD and BD would normally issue directions within six months after joint inspections.)

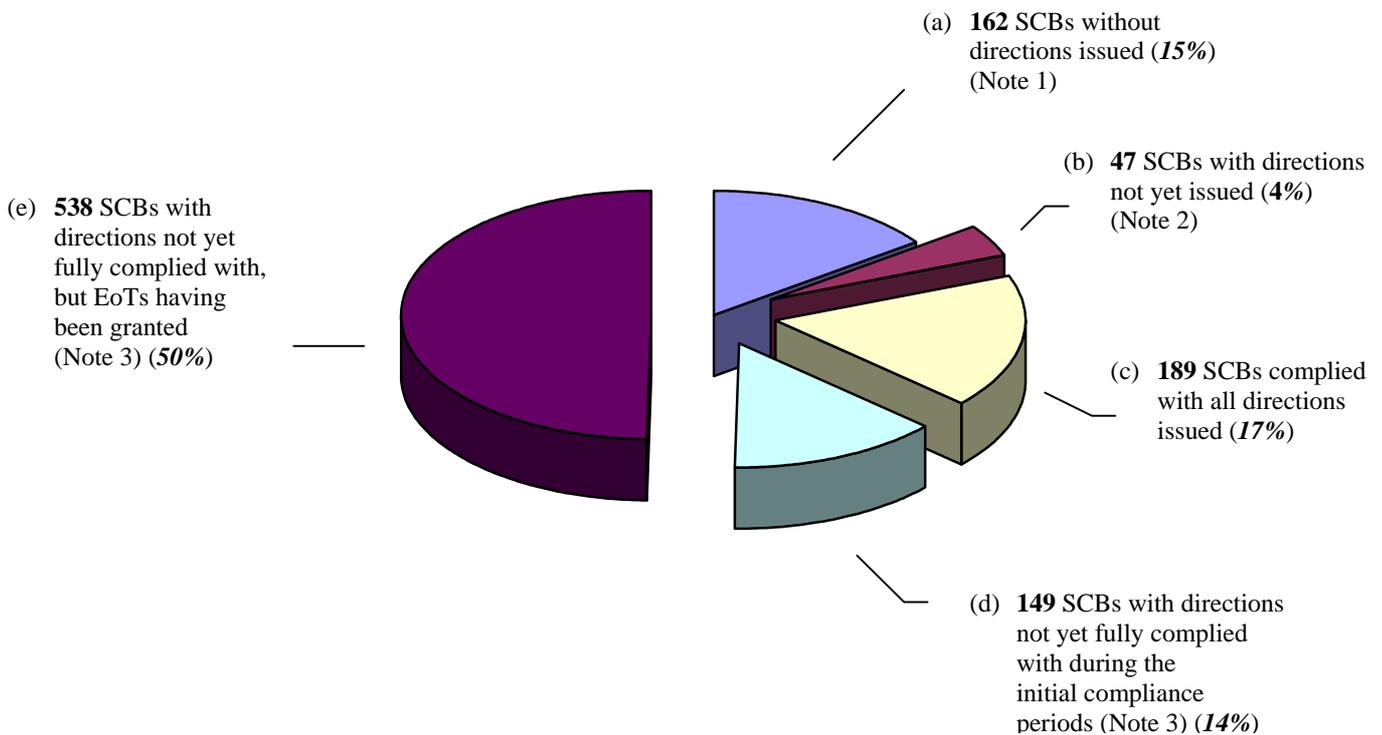
Note 3: The initial compliance periods refer to the periods of time originally allowed in the directions for compliance. The periods may be extended by the BD through the granting of EoTs.

Note 4: Up to 30 November 2004, BD has taken prosecution action against 5 owners of PCPs for non-compliance of directions. Please note a PCP may have more than one owner.

**Analysis of compliance position for Specified Commercial Buildings (SCBs)
inspected by FSD and BD (as at 30 November 2004)**

Item	Description	SCB	
		FSD	BD
(a)	No. of SCBs without directions issued	162	169
(b)	No. of SCBs with directions not yet issued	47	47
(c)	No. of SCBs complied with all directions issued	189	174
(d)	No. of SCBs with directions not yet fully complied with during the initial compliance periods	149	188
(e)	No. of SCBs with directions not yet fully complied with, but extensions of compliance time (EoTs) having been granted	538	507
	No. of SCBs inspected	1085	1085

**Analysis of compliance position for 1085 SCBs inspected by FSD
(as at 30 November 2004)**



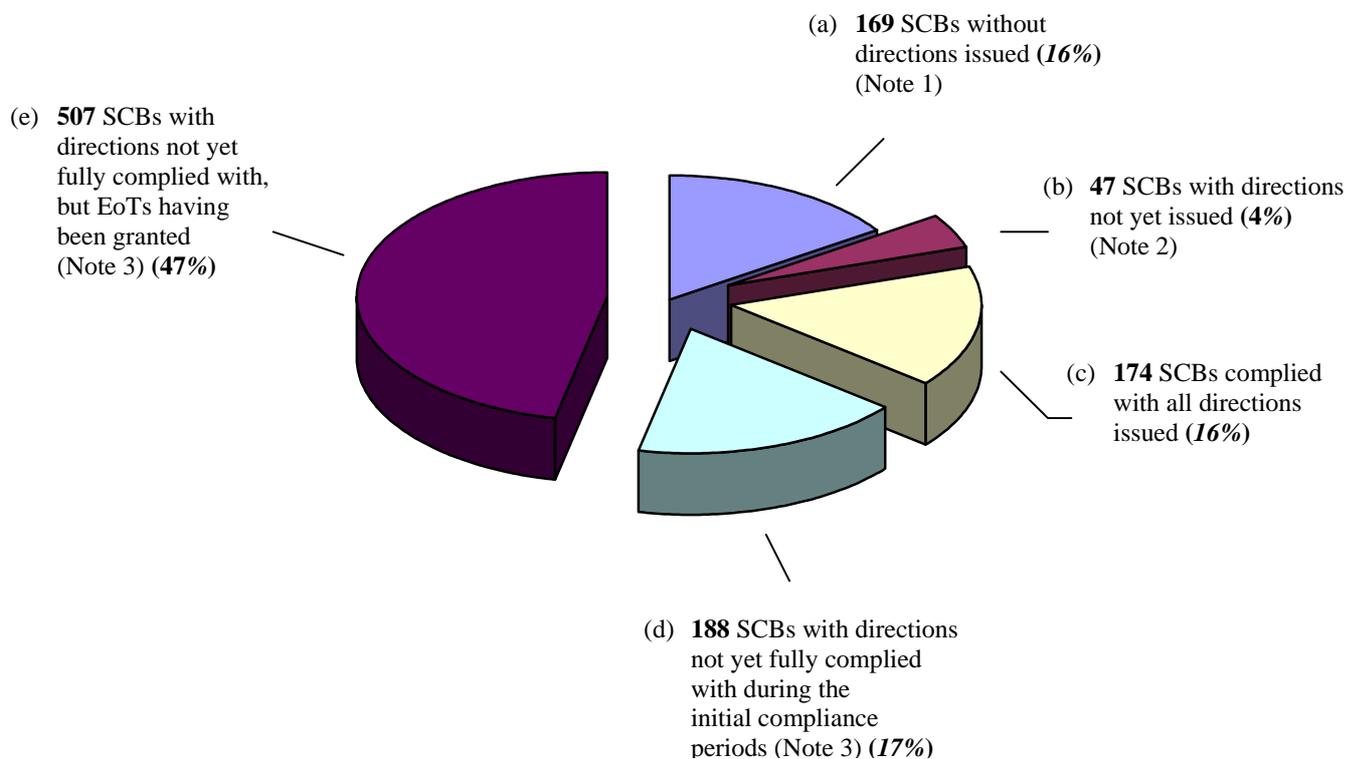
Note 1: These refer to SCBs which were inspected more than six months before 30 November 2004 and for which no directions had been issued or with all directions withdrawn. FSD's and BD's joint inspections indicated that the majority of the SCBs under this category were composite buildings, were going to be demolished or had been vacated.

Note 2: These refer to SCBs which were inspected within the six months before 30 November 2004. Directions for these SCBs had not yet been issued. (FSD and BD would normally issue directions within six months after joint inspections.)

Note 3: The initial compliance periods refer to the periods of time originally allowed in the directions for compliance. The periods may be extended by the FSD through the granting of EoTs.

Note 4: Up to 30 November 2004, FSD has taken prosecution action against 148 owners/occupiers of SCBs for non-compliance of directions. Please note a SCB may have more than one owner/occupier.

Analysis of compliance position for 1085 SCBs inspected by BD
(as at 30 November 2004)



Note 1: These refer to SCBs which were inspected more than six months before 30 November 2004 and for which no directions had been issued or with all directions withdrawn. FSD's and BD's joint inspections indicated that the majority of the SCBs under this category were composite buildings, were going to be demolished or had been vacated.

Note 2: These refer to SCBs which were inspected within the six months before 30 November 2004. Directions for these SCBs had not yet been issued. (FSD and BD would normally issue directions within six months after joint inspections.)

Note 3: The initial compliance periods refer to the periods of time originally allowed in the directions for compliance. The periods may be extended by the BD through the granting of EoTs.

Note 4: Up to 30 November 2004, BD has taken prosecution action against 80 owners of SCBs for non-compliance of directions. Please note a SCB may have more than one owner.