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GOVERNMENT SECRETARIAT
LOWER ALBERT ROAD
HONG KONG

LC Paper No. CB(2)1742/06-07(01)

Our Ref. : SBCR 1/4861/89 Pt.3

Your Ref. : CB2/PL/SE

30 April 2007

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Clerk to the Panel on Security
Legislative Council Building
8 Jackson Road
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(Attn: Mrs. Sharon TONG)

Dear Mrs. Tong,

Fire Safety of Cubicle Apartments

Thank you for your letter of 10 April 2007 requesting the Administration to provide information relating to fire safety of cubicle apartments.

The Society for Community Organisation met the Legislative Council Duty Roster Members on 23 February 2007, discussing the provision of housing and other financial assistance to residents living in caged men hostel and cubicle apartments by the Administration. Upon instructions of the Duty Roster Members, the Legislative Council Secretariat referred the opinions of the complaining organisation on the above matter, together with the reply of 14 February 2007 from the Housing, Planning and Lands Bureau, to the Panels on Housing, Welfare Services, Manpower and Security, as well as the Subcommittee to Study the Subject of Combating Poverty. Having consulted the relevant bureaux and departments, our reply on the fire safety issues raised by the Panel on Security is as follows –

General Situation Regarding Fire Safety in Cubicle Apartments

Generally, there has been no apparent upward trend in the number of fires in residential buildings (including all types of composite and

purely residential buildings) in the past five years. The relevant figures are as follows –

| Year | Number of Fires in Residential Buildings |
|-------------|---|
| 2002 | 4 108 |
| 2003 | 4 009 |
| 2004 | 3 805 |
| 2005 | 3 279 |
| 2006 | 3 313 |

In respect of different types of residential buildings, the Home Affairs Department (HAD) and the Buildings Department (BD) are dealing with fire safety issues according to the respective legislation.

According to the Bedspace Apartments Ordinance (Cap. 447) passed in July 1994, the Office of the Licensing Authority (OLA) of HAD regulates the fire and building safety of bedspace apartments. Under the Ordinance, any flat in which there are 12 or more bedspaces used as sleeping accommodation for individuals under rental agreement must obtain licences before commencing operation. In determining whether any flat constitutes a bedspace apartment, the existence of partitions in the flat should be disregarded. Therefore, whether a flat is a cubicle apartment or not, as long as it falls within the definition of bedspace apartment under the Ordinance, it must obtain a bedspace apartment licence in order to operate.

Staff of OLA of HAD comprises officers seconded from the Fire Services Department (FSD) and BD who assist in carrying out the concerned regulatory work. All licensed bedspace apartments should meet the standards and requirements for building safety, fire prevention safety measures and hygiene specified in the Ordinance. The design, structure, construction and means of ingress or egress of the premises should be able to provide occupiers with safe and hygienic residential accommodation and ensure their safe escape in the event of a fire. To comply with these standards, typical fire service installations and equipment, such as fire extinguishers, emergency lighting, exit signs and fire alarms, should be provided. Besides, for licensed bedspace apartments, the licence will set out the maximum number of occupiers so as to restrict the number of bedspaces.

According to the records of OLA, the number of inspections, prosecutions and convictions under the Bedspace Apartments Ordinance in the past three years are as follows –

| Year | Inspections | Prosecutions | Convictions |
|-------------|--------------------|---------------------|--------------------|
| 2004 | 370 | 2 | 0 |
| 2005 | 269 | 7 | 6 |
| 2006 | 223 | 0 | 4 |

Besides, according to the Buildings Ordinance (Cap. 123), prior approval of the Building Authority should be sought if internal building works in any residential unit will affect public means of escape or cause problems to drainage systems. Otherwise, such works will be regarded as unauthorized building works, and BD will take enforcement actions against them. The number of complaints in relation to cubicle apartments received by BD in the past three years (including complaints relating to cases which affect public means of escape, involve unauthorised building works and relate to other matters, such as problems with drainage arrangements), and the follow-up actions are as follows –

| Year | Complaints Received | Advisory Letters Issued | Statutory Orders Issued | Prosecutions Because of Non-compliance with Orders | Convictions |
|-------------|----------------------------|--------------------------------|--------------------------------|---|--------------------|
| 2004 | 284 (9) | 45 (1) | 22 (1) | 4 | 0 |
| 2005 | 430 (10) | 65 (7) | 7 (3) | 4 | 4 |
| 2006 | 437 (2) | 39 (5) | 12 (10) | 0 | 0 |

Note: Figures in the brackets refer to cases which have problems with means of escape

Plans to Enhance Fire Safety Work

As regards legislative control, as mentioned above, all internal building works of a residential unit must comply with the Buildings

Ordinance. Besides, the Administration has comprehensively considered the situation of different sectors in society when making the Bedspace Apartments Ordinance. The legislative intent is to protect the safety of users and the public. Licensed bedspace apartments will meet acceptable standards of building safety, fire safety and hygiene. The existing legislation has balanced various needs of society as far as possible.

In enforcing the respective legislation, the relevant Government departments, including HAD, BD and FSD, will continue to work closely to deal with issues relating to fire safety of residential buildings under the principle of balancing fire safety and private property rights.

HAD will also step up inspection, and encourage District Councillors in various districts and the public to report suspected cases of operating bedspace apartments without licences. If OLA suspects that individual premises have contravened the Fire Services Ordinance or the Buildings Ordinance when enforcing the Bedspace Apartments Ordinance, OLA will refer such cases to FSD and BD for follow-up.

All relevant Government departments will also jointly step up fire prevention publicity work. In the past few years, FSD has highlighted household fire prevention in its publicity with a view to enhancing public awareness of fire prevention. For example, the fire safety theme in 2005 was "Household Fire Safety" and that of 2006 was "Let's Enhance Household Fire Safety". In future, FSD will continue to help residents understand the importance of household fire prevention through publicity in the community. The District Fire Safety Committees under HAD will also proactively promote fire safety culture and enhance public understanding of fire safety.

Yours sincerely,

(Miss Queenie LEE)
for Secretary for Security