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Clerk to the Panel on Security
Legislative Council Building
8 Jackson Road
Central
Hong Kong

(Attn: Mrs. Sharon TONG)

Dear Mrs. Tong,

Panel on Security
Implementation of Fire Safety (Buildings) Ordinance

I refer to your letter of 15 April 2008 conveying the concerns of Wong Tai Sin District Council members over the implementation of the Fire Services (Buildings) Ordinance (Cap. 572, “the Ordinance”) in the district. The requested information on the implementation of the Ordinance is as follows.

(A) Progress of implementation

The Ordinance commenced operation on 1 July 2007 with the objective of upgrading the fire safety standards of about 12 000 composite and domestic buildings built on or before 1987. The Ordinance will be implemented in three phases, as set out below –

First Phase (2007 – 2013)	To deal mainly with composite buildings built before 1973; there are about 5 000 such buildings.
Second Phase (2013 – 2017)	To deal mainly with composite buildings built between 1973 and 1987; there are about 4 000 such buildings.

Third Phase (After 2017) To deal with domestic buildings built before 1987; there are about 3 000 such buildings.

As at 31 March 2008, the Fire Services Department (FSD) and the Buildings Department (BD) have inspected a total of 803 composite buildings since the commencement of the Ordinance. Fire Safety Directions (“the Directions”) on fire service installation and fire safety building works have been issued to 524 of the inspected buildings. The implementation work has been proceeding smoothly so far.

(B) Flexible and pragmatic implementation

As we pledged in the meeting of the Panel of Security on 25 January 2007, FSD and BD, without compromising fire safety, are adopting a flexible and pragmatic approach in implementing the Ordinance. For instance, for owners facing financial difficulties, or those who have difficulties in complying with certain requirements of the Directions due to practical or structural constraints of the buildings, the departments will consider extending the deadline for compliance and/or prescribing alternative fire safety measures (e.g. accepting a water tank of suitably smaller capacity) in light of the actual circumstances of the building and the owners/occupiers. Owners may also propose viable alternatives to the required fire service installation and improvement works, and discuss them with the relevant departments.

(C) Resolving the Difficulties encountered by Owners

(i) Facilitating owners’ understanding of the Directions

Apart from adopting a flexible and pragmatic approach, we also render practical assistance to facilitate owners’ compliance with the requirements under the Directions. To encourage their early preparation for the implementation of the Ordinance, we started to write to owners and occupiers back in 2004 informing them that the Ordinance would apply to their buildings. We have also been extensively publicising the fire safety requirements and the implementation plan of the Ordinance since mid-2007 through various channels, e.g. television and radio broadcast, advertisements in newspapers, district briefings and seminars. When issuing the Directions, FSD will enclose information pamphlets and explanatory notes, set out the objectives and specific requirements of the Ordinance, and provide the

contact information of the case officer concerned. If the owners' corporation, management companies, authorised persons, owners or occupiers have any enquiries about the Directions, the case officer concerned will explain to them the requirements under the Directions, as well as the proper procedures for complying with them.

As far as the Wong Tai Sin District is concerned, representatives of FSD and BD have attended a number of meetings of the Wong Tai Sin District Council and its Housing Committee recently to brief members on the details of the Ordinance and the channels through which owners may seek financial assistance, as well as to address the technical difficulties owners may encounter in complying with the Directions. The Hong Kong Housing Society (HKHS) also organises seminars for owners who have received the Directions, to explain the general requirements under the Directions and to give advice on the specific concerns of individual owners. We will maintain close contact with the relevant owners and organisations, and offer them advice where necessary.

(ii) Providing financial assistance for owners

Certain building owners may encounter financial difficulties when carrying out the improvement works as required by the Directions. At present, various financial schemes administered by government departments and other organisations are in place to provide pecuniary support for such owners. These include BD's Building Safety Loan Scheme, HKHS's Building Management and Maintenance Scheme, the Material Incentive Scheme of the Urban Renewal Authority. Information on these financing schemes is enclosed to the Directions issued, such that owners in need may seek assistance from the relevant parties where necessary. In addition, the Development Bureau has recently announced the implementation of a Building Maintenance Grant Scheme for Elderly Owners as early as May next year, which should be able to provide further relief of the financial burden of the necessary improvement works on the elderly.

(iii) Assisting the formation of Owners' Corporation

Some owners may encounter difficulties in planning for the improvement works when their buildings have yet to establish an owners' corporation. Upon referral from FSD, the Home Affairs Department will give priority to these buildings when assisting owners in the setting up of owners' corporations. Having regard to the actual situation, FSD will also extend the deadline for complying with the Directions in such cases.

(iii) Dealing with the Water Tank requirement flexibly

Being an effective means to reduce the fire hazards in buildings, the installation of fire services water tank is one of the key fire safety measures often provided under the Ordinance. Before directing owners to install water tanks, the authorities will physically inspect the buildings to confirm the viability of such installation. In fact, according to the experience of FSD, almost all structural or technical issues pertaining to the installation of water tanks can be resolved in a number of different ways, including the identification of a suitable location for installation, shared use with existing water tanks, or a reduction of the capacity of the water tanks required.

As the Buildings Ordinance (Cap. 123) requires the appointment of an authorised person and/or a registered structural engineer for the submission of plans for approval by the Building Authority before commencing or carrying out any building works, owners generally have to commission such authorised person or engineer before carrying out the required improvement works or fire service installation (including installing fire services water tanks) under the Directions. If the authorised person or engineer considers that installing a water tank in the building concerned is technically infeasible, FSD will accept such expert advice and consider directing the owners to take alternative fire safety measures. Owners facing financial difficulties in hiring these authorised persons or engineers may consider seeking relief for their financial burden from the financing schemes mentioned above.

Yours sincerely,

(Victor LAU)
for Secretary for Security