

立法會

Legislative Council

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Panel on Security and Panel on Development

**Minutes of joint meeting
held on Tuesday, 5 July 2016, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Members present : Members of the Panel on Security
* Hon IP Kwok-him, GBS, JP (Chairman)
Hon CHUNG Kwok-pan (Deputy Chairman)
* Hon James TO Kun-sun
* Hon CHAN Kam-lam, GBS, JP
* Hon Cyd HO Sau-lan, JP
Dr Hon LAM Tai-fai, SBS, JP
* Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Paul TSE Wai-chun, JP
* Hon Alan LEONG Kah-kit, SC
* Hon LEUNG Kwok-hung
Hon Claudia MO
* Hon Michael TIEN Puk-sun, BBS, JP
Hon NG Leung-sing, SBS, JP
Hon Frankie YICK Chi-ming, JP
* Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
* Hon CHAN Chi-chuen
* Dr Hon Kenneth CHAN Ka-lok
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
* Dr Hon Fernando CHEUNG Chiu-hung
* Dr Hon Elizabeth QUAT, JP
Dr Hon CHIANG Lai-wan, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

* Hon Alvin YEUNG Ngok-kiu

Members of the Panel on Development

Hon Tony TSE Wai-chuen, BBS (Chairman)
Hon Frederick FUNG Kin-kee, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon WU Chi-wai, MH
Hon CHAN Yuen-han, SBS, JP
Hon Alice MAK Mei-kuen, BBS, JP
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP

Member attending Hon LEE Cheuk-yan

Members absent : Members of the Panel on Security
Hon Emily LAU Wai-hing, JP
Hon WONG Yuk-man
Hon Kenneth LEUNG
Hon KWOK Wai-keung

Members of the Panel on Development

Hon LEUNG Che-cheung, BBS, MH, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yeet, GBS, JP
Hon Albert CHAN Wai-yip
Hon CHAN Han-pan, JP
Dr Hon KWOK Ka-ki
Dr Hon Helena WONG Pik-wan

* Also members of the Panel on Development

Also members of the Panel on Security

Public Officers attending : **Agenda item II**

Security Bureau

Mr LEE Ka-chiu, PDSM, PMSM, JP
Acting Secretary for Security

Mr Alex CHAN Yuen-tak
Principal Assistant Secretary for Security B

Development Bureau

Mr Paul CHAN Mo-po, MH, JP
Secretary for Development

Mr Maurice LOO Kam-wah
Deputy Secretary for Development (Planning and Lands)²

Fire Services Department

Mr LAI Man-hin, FSDSM
Director of Fire Services

Mr LI Kin-yat, FSDSM
Deputy Director of Fire Services

Mr LEUNG Kwun-hong
Assistant Director (Headquarters)

Mr KONG Ping-lam
Assistant Director (Kowloon) (Acting)

Buildings Department

Mr HUI Siu-wai, JP
Director of Buildings

Mrs HUI Ming-fong
Assistant Director/Existing Buildings 1

Lands Department

Ms Olga LAM Wai-ha, JP
Deputy Director (Specialist) (Lands Administration Office,
Headquarters)

Clerk in attendance : Ms Betty MA
Chief Council Secretary (2)¹

Staff in attendance : Mr Timothy TSO
Senior Assistant Legal Adviser1

Mr Raymond LAM
Senior Council Secretary (2)7

Miss Lulu YEUNG
Clerical Assistant (2)1

I. Election of Chairman

Mr IP Kwok-him, Chairman of the Panel on Security, said that Mr Tony TSE, Chairman of the Panel on Development, had indicated that due to prior commitment, he would not be able to chair the meeting. Members agreed that Mr IP would be the Chairman of the joint meeting ("the Chairman").

II. Issues relating to the No. 4 Alarm Fire at an industrial building on Ngau Tau Kok Road on 21 June 2016 and the follow-up work

- (LC Paper No. CB(2)1849/15-16(01) — Paper provided by the Administration
LC Paper No. CB(2)1849/15-16(02) — Information note prepared by the Legislative Council Secretariat)

2. The Chairman said that the No. 4 alarm fire at an industrial building at 7 Ngau Tau Kok Road breaking out on 21 June 2016 ("the fire") had caused a number of fire personnel to die on duty or be injured. In his capacity as the Chairman of the Panel on Security, he had written to the Secretary for Security on 23 June requesting him to relay Panel members' condolences to the bereaved families, and their hope that the injured fire officers would recover soon. A reply from the Administration had been received on 4 July.

3. At the invitation of the Chairman, Acting Secretary for Security ("S for S (Ag)") and Secretary for Development ("SDEV") briefed members on the fire incident, the firefighting and rescue strategies, the monitoring of the structural safety of the building at 7 Ngau Tau Kok Road, and the follow-up work being taken by the Administration on the issues relating to the fire.

4. The Chairman and the members who spoke at the meeting expressed their sorrow at the death of two fire officers, their condolences to the bereaved families, and their hope that the injured fire officers would have a

Action

speedy recovery. They paid tribute to the fire personnel and other public officers for their selfless contributions in fighting the fire.

5. Director of Fire Services ("DFS") said that on behalf of the Fire Services Department ("FSD"), he expressed thanks to members of the public for their appreciation and support for the work of FSD in fighting the fire, and to the Chairman and members for their encouragement and support.

Firefighting and rescue strategies

6. Mr LEE Cheuk-yan and Mr WONG Kwok-kin sought the Administration's response to the concern that had been raised by members of the public on why, after a fire officer had lost his life when fighting the fire, and when it was believed that no person got trapped in the building, FSD still kept on deploying firemen to the fire ground to fight the fire. Mr WONG enquired whether the fire could result in more serious consequences if FSD did not deploy firemen to enter the fire ground.

7. DFS replied that generally speaking, the firefighting and rescue strategies of FSD included external firefighting from the outside, and entering the centre of the fire ground to extinguish the fire. There were some 200 mini-storage cubicles on the third floor of the industrial building where the fire had first broken out. The layout on the third floor was complicated, with maze-like partitions and narrow passageways. Each cubicle was surrounded by iron sheets, causing heat generated from burning articles within one cubicle to disperse quickly to the adjacent cubicles. Many of these cubicles were locked, presenting the hardest task to firefighters as they had to break them open one by one under the adverse conditions to verify if the articles inside were on fire. FSD considered that the blaze could not be put out completely by external firefighting. If the fire in these cubicles could not be extinguished, it might spread to other floors of the industrial building, which might hence affect the building's structure and potentially lead to the collapse of the building. As there were many residential buildings near the industrial building, it was necessary for the department to send firefighters to enter the industrial building to put out the fire and protect the residents nearby. He explained that, during the fire, the Incident Commanders had kept assessing the risk dynamically in order to promptly adjust the firefighting strategy to ensure the safety of the frontline personnel. To conduct such assessments, the Commanders had entered the fire scene personally. DFS advised that the investigation to be conducted by the inter-departmental Fire Investigation Task Force ("Task Force") would cover, among others, a review on the operational procedures of FSD to study if there was room for improvement.

Action

8. Ms Claudia Mo said there were rumours among people working in the media that after one fire officer had lost his life during the fire, a high-level meeting had been held and top government officials had requested that FSD should go on the offensive in fighting the fire. She sought the Administration's response to the rumours, and enquired whether the firefighting and rescue strategies were all formulated by FSD's commanders at scene.

9. In reply, SDEV advised that the firefighting and rescue strategies were formulated by FSD based on professional knowledge and judgment. The senior officials attending the high-level meeting referred to by Ms MO had not taken part in working out the firefighting and rescue strategies, and they had not exerted pressure on FSD. They considered that the safety of frontline fire personnel was of utmost importance.

10. Dr CHIANG Lai wan said that after the fire had broken out, it was important for FSD to prevent the fire from spreading to other floors of the industrial building and the residential buildings nearby. Mr YIU Si-wing enquired about the arrangement that had been made by the Administration to take care of the accommodation needs of the residents in the vicinity of the industrial building who had to move out from their flats during the fire.

11. Miss Alice MAK and Dr Elizabeth QUAT said there were views that the positive pressure ventilating blowers used by FSD for fighting the blaze might have escalated the fire, and enquired about the validity of such allegation. Miss MAK further sought the Administration's response to the rumours circulating on the internet that fire personnel had been forced to enter the fire ground.

12. DFS replied that in its firefighting and rescue operation, FSD attached utmost importance to the safety of frontline personnel. Officers-in-charge would not deploy fire personnel to enter a fire scene if the latter were not ready, and would ensure that, before entering the scene, the fire personnel had put on breathing apparatus and protective suits. FSD's frontline commanders all along adopted the best possible firefighting and rescue strategies, based on dynamic risk assessments conducted at scene, having regard to the physical environment and circumstances.

13. Mr WU Chi-wai said he had noticed that during the fire, some of the windows of the mini-storage concerned, such as those fronting Ngau Tau Kok Road, were sealed. He enquired whether such practice was in breach of the relevant building regulations. Director of Buildings ("D of B") replied that as far as industrial buildings were concerned, there was no statutory

Action

requirement that windows must be provided, or that windows could not be sealed.

14. Mr LEUNG Kwok-hung said that according to a press release issued by the Administration, the Chief Executive had chaired an inter-departmental meeting on 23 June 2016 to receive relevant departments' updates on the fire incident and give directives to relevant officers to take follow-up actions on the incident at full strength, such as inspecting mini-storages, studying measures to enhance the fire safety of mini-storages, etc. Pointing out that on the day when the inter-departmental meeting was held, the fire had not been extinguished and one more fire officer had lost his life when fighting the blaze, he commented that the Chief Executive and the Security Bureau had focused on the follow-up work only, but not on how to put out the fire and to prevent the number of casualties from increasing. He further opined that it was the Administration's policy to revitalize industrial buildings that had given rise to the problems relating to mini-storages. SDEV responded that the views expressed by Mr LEUNG regarding the inter-departmental meeting chaired by the Chief Executive and the policy on revitalization of industrial buildings were without factual basis.

15. Mr CHAN Kam-lam and Mr NG Leung-sing said that after the fire had broken out, some people had circulated rumours and false messages on the internet about the firefighting and rescue strategies adopted by FSD, which dealt a blow to the morale of FSD staff. They held the view that the Police should investigate such acts. Mr CHAN criticized those members who had challenged the Administration at the meeting on the firefighting and rescue strategies adopted by fire personnel. He further criticized the Committee stage amendments to the Appropriation Bill 2016 previously proposed by Mr LEUNG Kwok-hung to reduce the provision for FSD's expenditure on plant, vehicles and equipment. Mr NG said that the Committee stage amendments proposed by Mr LEUNG Kwok-hung, if passed, would have an adverse impact on the firefighting operation of FSD in the fire incident, and he expressed regret over the proposed Committee stage amendments.

Protective suits and other firefighting resources provided to fire personnel

16. Miss Alice MAK asked about the Administration's response to the rumours circulating on the internet that the PBI Matrix Structural Firefighting Protective Suit, commonly known as the "Gold Suit", provided to fire personnel was non-breathable. Mr LEE Cheuk-yan enquired about FSD's assessment on whether a fire officer wearing the PBI Matrix Structural Firefighting Protective Suit would be prone to "heat exhaustion" at the fire scene, and whether the department would consider providing better protective

Action

clothing to fire personnel in future. Ms Claudia MO asked about the temperature at the fire ground during the fire.

17. Dr Elizabeth QUAT was concerned about the adequacy of the provision of equipment for frontline fire personnel to safeguard their safety when discharging their duties. She enquired whether FSD would conduct a review in this regard, and whether the department would introduce protective suits made of materials produced with new technology which could more effectively reduce the heat stress on the fire personnel at the fire scene.

18. DFS replied that FSD had all along reviewed the provision of protective equipment for fire personnel from time to time in light of the advanced products available in the international market, and the PBI Matrix Structural Firefighting Protective Suit was one good example of such products. Before introducing any new equipment for firemen, FSD would assign officers to conduct testing on it. He advised that the PBI Matrix Structural Firefighting Protective Suit was in compliance with the European Standard EN 469:2005 performance requirements for protective clothing for firefighting. Fire brigades of cities such as Kaohsiung, Melbourne, Guangzhou, used similar firefighting protective suits. The suit provided strong protection to the fire personnel working on the fire ground, and compared with the protective clothing provided to fire personnel previously, could more effectively allow internal sweat to escape. In the light of the hot weather in summer and the temperature of the fire ground concerned, the officer-in-charge at a fire scene would suitably adjust the length of time allowed for fire personnel to work therein with a view to reducing their physical exertion. Where the condition at the standby area near the fire scene was safe, arrangements would also be made to allow fire personnel to loosen or even take off their protective suits so as to allow the heat accumulated inside their bodies to disperse.

19. Ms Cyd HO opined that the Administration should ensure adequate replenishment of supplies to the frontline personnel at fire scenes. She enquired whether the food items provided to them were limited to cup noodles only. In reply, DFS said in the event that FSD needed to cope with large-scale incidents, canteen vans would be deployed for providing food and drinks to firemen. As far as the fire incident in the industrial building on Ngau Tau Kok Road was concerned, FSD had purchased a total of 2 700 meal boxes for providing meals to firemen at scene. Snacks between regular meals, such as cup noodles, were also provided to them by the canteen vans deployed to the scene.

Action

Investigation into the fire incident

20. Mr Michael TIEN opined that in investigating the fire incident, the Task Force should address the questions on whether it was an appropriate decision to send fire personnel to the fire ground when no person got trapped in the fire, and whether it was equally important to extinguish the fire and to ensure the safety of firefighters. To ensure that its findings and recommendations would be acceptable to the parties concerned, the Task Force should be chaired by a retired judge, and its members should comprise, among others, overseas firefighting experts, and experienced frontline fire personnel who had departed or retired from the Government. Mr TIEN said that a similar arrangement had been put in place for conducting the investigations into various incidents, such as the collision of vessels near Lamma Island, excess lead found in drinking water, etc., and the public so far had not challenged the reports produced by the relevant commissions of inquiry. He enquired whether the Administration would consider his suggestion.

21. S for S (Ag) replied that the Administration attached great importance to the independence and impartiality of the Task Force, and its members comprised not only representatives from FSD, but also a professor who would serve as an independent expert, and representatives from various government departments including the Police, the Buildings Department ("BD"), the Government Laboratory, and the Electrical and Mechanical Services Department. The Task Force had started collecting evidence at the fire scene and would submit a report to the Coroner's Court later. When conducting the inquest, the Coroner might, if considered appropriate, invite opinions from acceptable overseas experts.

22. Mr James TO and Dr Fernando CHEUNG were of the view that it would take long before the cases of the two deceased fire officers were heard by the Coroner's Court. Mr TO said that the Administration should set up an independent committee to find out the true picture of the incident, and to review the strategies that had been developed and the judgments that had been made by relevant government departments. The committee could be a non-statutory body, taking into consideration that the work of a non-statutory body might be more efficient. To ensure its credibility and professional capacity, the non-statutory independent committee must be chaired by a judge, and its members should include overseas fire services professionals such as those who headed overseas fire services authorities.

23. Dr Fernando CHEUNG said that the fire incident had led to casualties, and members of the public had raised a lot of questions in respect of the causes of the fire, the firefighting and rescue strategies adopted by FSD, the

Action

adequacy of the provision of manpower resources and firefighting equipment, and the regulation of mini-storages. He subscribed to the views of Mr James TO that it was necessary for the Administration to set up an independent committee to investigate into the fire incident and that the committee could be a non-statutory body. Dr CHEUNG said that he would propose a motion urging the Administration to set up such a committee.

24. Miss CHAN Yuen-han remarked that the Administration might further consider how the Task Force would proceed with its work, taking into account the suggestions and views of Mr James TO and Dr Fernando CHEUNG. Mr WU Chi-wai said that the Administration should accept the suggestion of setting up an independent committee to investigate the fire incident, and if not, the Administration should appoint a judge to chair the Task Force so as to enhance its credibility.

25. S for S (Ag) replied that to enhance its independence, the Task Force comprised representatives from government departments other than FSD. Contrary to a non-statutory body as suggested by Mr TO and Dr CHEUNG, the appointment, duties and powers of the Coroner and other matters relating to the Coroner's inquest would follow the relevant provisions of the Coroners Ordinance (Cap. 504). Police officers were required by law to assist the Coroner in conducting the death inquest. The time taken by the Coroner to complete its work would likely be comparable to that by the committee suggested by Mr TO and Dr CHEUNG, given that both would have to deal with certain matters, such as collecting evidence at the fire scene; ascertaining the causes of the fire, the death and injuries of fire personnel; forensic examination of exhibits; and considering the relevant assessments of the Government Laboratory, etc.

Regulation of mini-storages

26. Mr James TIEN said that given the limited living space in Hong Kong, there was great demand in the community for the provision of mini-storages for storing personal items, and hence the operation of mini-storages had become a profitable business. Taking in view that owners of old industrial buildings might not need to obtain the Administration's prior approval for providing mini-storages in the buildings, he was concerned whether the Administration had a grasp of the total number of mini-storages in Hong Kong, and how it would deal with the problems arising from the operation of such storages.

27. SDEV replied that according to preliminary information, there were approximately 497 mini-storages in Hong Kong, including 134 in Hong Kong

Action

Island, 182 in Kowloon and 181 in the New Territories. BD and FSD had started territory-wide inspections of mini-storages, and would take a risk-based approach in arranging the inspections. The exact number of mini-storages in Hong Kong would be confirmed upon completing the inspections. SDEV advised that although there was no designated legislation for regulating mini-storages in Hong Kong, the inter-departmental working group that had been set up would work out short-, medium- and long-term measures to enhance the fire safety of mini-storages. The working group would study how to amend the law so as to strengthen the regulation of mini-storages. The Administration aimed to submit the legislative proposal to the Legislative Council ("LegCo") in the next legislative term.

28. Mr James TIEN cast doubt on how the Administration could prioritize its inspections of different mini-storages, given that relevant government departments and mini-storage operators might not know clearly the types of items stored inside the mini-storage cubicles. In reply, SDEV explained that under the risk-based approach, the Administration would prioritize the inspections according to its fire risk assessment. The question of what types of items should not be placed inside mini-storage cubicles would be a subject to be considered by the inter-departmental working group.

29. Mr CHAN Chi-chuen was concerned whether and how the relevant government departments would collect information about the number and types of dangerous goods stored in mini-storages when inspecting such storages. He said that, in response to a Council question raised in November 2015, the Administration had advised that it did not have statistics on mini-storages. He enquired why SDEV could have advised the meeting just now that there were about 497 mini-storages in Hong Kong, and how the statistics had been compiled. S for S (Ag) replied that after the fire incident, FSD had conducted a preliminary assessment on the total number of mini-storages in Hong Kong. As advised by SDEV earlier at the meeting, the exact number of mini-storages in Hong Kong would be confirmed upon completing the inspections.

30. Mr LEUNG Kwok-hung said that in its response to the Council question referred to by Mr CHAN Chi-chuen, the Administration had advised that there was no legislation for regulating mini-storages in Hong Kong, and the statistics on mini-storages were not available. He asked why the Administration had not taken any action since November 2015 to enhance the regulation of mini-storages. He further enquired why the Administration had not compiled the statistics until the occurrence of the fire incident.

Action

31. Mr LEE Cheuk-yan recalled that the Lands Department had previously issued warning letters to some owners of industrial buildings, alleging that they had breached the land lease conditions by operating mini-storages in their units. He opined that the Administration should make clear the existing policies governing the provision of mini-storages in industrial buildings, and whether the operation of mini-storages was in breach of the land leases for industrial buildings.

32. Dr Elizabeth QUAT opined that as far as strengthening the regulation of mini-storages was concerned, the Administration should review the issues relating to the provision of fire service installations and equipment in mini-storages, the materials used for constructing mini-storages, the locks used for locking off mini-storage cubicles, and the types of items that should not be stored inside cubicles, etc., and report its findings and recommendations as early as possible.

33. Mr WU Chi-wai opined that apart from improving the fire service installations in the industrial buildings accommodating mini-storages, the Administration should regulate the operation of mini-storages. To this end, a licensing regime should be established for the mini-storage industry. SDEV replied that the inter-departmental working group would study the regulatory issues relating to the operation of mini-storages and would consider whether certain types of conduct in relation to illegal use of industrial buildings should be criminalized.

34. Dr CHIANG Lai wan said that the inter-departmental working group should study measures to prevent recurrences of the tragic incident, and that the legislative proposal to regulate mini-storages should be introduced as early as possible.

35. Dr Kenneth CHAN opined that in working out the legislative proposal, the Administration should take into account the concerns with respect to the fire safety of industrial buildings accommodating mini-storages, the materials used for internal partitioning in mini-storages, the types of items stored in mini-storages, etc. Before the amendments could take effect, the relevant government departments should take appropriate enforcement actions against any potential fire hazards identified in mini-storages, pursuant to the existing legislation, such as the Fire Services Ordinance (Cap. 95) ("FSO").

Follow-up work on the incident

36. Ms Cyd HO was concerned whether the Administration had sufficient manpower to cope with the additional work of conducting inspections of

Action

mini-storages in the territory, and to take appropriate follow-up measures in a timely manner. She said that the Administration should make clear to the public whether it had the statutory power to take enforcement actions against mini-storages, and to ensure that dangerous/inflammable articles would not be stored inside mini-storage cubicles. Ms HO opined that if the Administration did not have such statutory power, it should develop administrative measures to achieve the same purposes.

37. Miss Alice MAK enquired about the possible regulatory actions that could be taken by the Administration to enhance the fire safety of mini-storages in light of the results of its inspections, given that there was at present no specific legislation for regulating mini-storages in Hong Kong.

38. Mr YIU Si-wing said that it might take time for the Administration to amend the law to enhance the regulation of mini-storages. He enquired whether the Administration would provide mini-storage operators and tenants with guidelines on how to eliminate the fire hazards posed by such storages. He further enquired how the Administration would step up public education on the proper use of mini-storages, including the items that should not be kept in such storages.

39. S for S (Ag) replied that the relevant government departments had started inspection of mini-storages and similar premises for any breach of the existing law. Enforcement actions would be taken as soon as possible if there was any non-compliance found during the inspection. Examples of such actions included issuing Fire Hazard Abatement Notices in accordance with FSO where fire hazards had been identified in mini-storages, and statutory orders for removal of unauthorized building works ("UBWs") under the Buildings Ordinance (Cap. 123) ("BO") if UBWs had been identified. Apart from conducting inspection, FSD and relevant government departments would meet with the major operators of mini-storages, and would suggest that all mini-storage operators should take all possible measures as soon as possible to improve fire safety, including increasing the number of security personnel, strengthening fire prevention training for the security personnel, preventing the storage of dangerous goods, etc. The Administration was also considering requiring tenants of mini-storages to list out the items stored inside their cubicles so as to ensure that they would not keep inflammable or dangerous items therein.

40. Dr Kenneth CHAN enquired whether FSD had issued any Fire Hazard Abatement Notices so far since commencing the inspections of mini-storages, and if no such notices had been issued, whether it could be concluded that the mini-storages that had been inspected did not pose any fire hazards. He

Action

opined that members of the public, including those residing in the vicinity of mini-storages, were concerned about the fire safety of such storages. The Administration should maintain transparency in the progress and results of the inspections, and the actions taken by the Administration against any irregularities identified.

41. DFS replied that according to the inspections that had been conducted so far, FSD had identified fire hazards in some mini-storages, and would issue Fire Hazard Abatement Notices subject to the legal advice of the Department of Justice. D of B advised that when inspecting mini-storages, BD focused on the compliance with the relevant requirements under BO, including whether there were irregularities in respect of the means of escape, and the exit arrangements in terms of travel distance.

Mini-storages in commercial/residential buildings

42. Ms Cyd HO said that a mini-storage was currently provided in Tai On Building, Sai Wan Ho, which was a commercial/residential building. Given that the mini-storage was very close to the residential units on the upper floors of the building, the Administration should address timely the residents' concern on the fire safety threats posed by the operation of mini-storages. In response, D of B said that BD had received reports about the existence of some UBWs and a mini-storage at the building, and would issue statutory removal orders soon.

43. Mr CHAN Chi-chuen opined that as mini-storages were provided not only in industrial buildings, but also in residential/commercial buildings, such as Tai On Building, the investigation into the fire incident should include a review on the operation of mini-storages in residential/commercial buildings. He sought clarification on whether the use of such buildings for the purpose of providing mini-storages constituted a breach of the law.

44. S for S (Ag) replied that the Fire Safety (Commercial Premises) Ordinance (Cap. 502) and the Fire Safety (Buildings) Ordinance (Cap. 572) had provided for fire safety improvements to be made to commercial buildings and specified commercial premises as well as composite and domestic buildings respectively. SDEV advised that whether a mini-storage was in breach of lease conditions could not be generalized, and it depended on the actual operation of the mini-storage concerned and the terms and conditions of the relevant lease of the lot. If the relevant land lease specified that only "industrial" use was permitted on the lot, the operation of any godown, including a mini-storage, was in general in breach of the land lease. For industrial buildings with land leases which specified that "industrial

Action

and/or godown" use or "godown" use was permitted on the lot, a mini-storage would not be considered to be in breach of the "godown" use stipulated in the land lease.

Motion proposed by Dr Fernando CHEUNG

45. At 4:20 pm, the Chairman advised that he had received a motion proposed by Dr Fernando CHEUNG and seconded by Mr James TO. He said that the proposed motion was directly related to the agenda item. The terms of the motion (Chinese version only) were as follows:

"牛頭角道工業大廈四級火警奪去兩位消防員性命。本聯席會議促請政府成立獨立委員會，成員可包括法官及外國消防專家，深入調查火警成因、消防人員殉職和受傷的原因、檢視工業樓宇的使用及營運模式、迷你倉的營運及火警風險，以及檢視現時消防處的工作程序，包括配備、人手、及決策程序。獨立委員會在6個月內完成報告，提出建議，並會全面公開報告內容。"

46. The Chairman sought members' views on whether the motion be dealt with at the meeting. Members agreed that the proposed motion be dealt with at the meeting.

47. The Chairman directed that to allow more time for members to deliberate the item, and to deal with the motion after deliberation, the meeting be extended for 15 minutes.

Fire safety of industrial and residential buildings

48. Mr James TIEN said that for those old industrial buildings under multiple ownership, individual owners would not seek the concerned government department's approval for installing automatic sprinkler systems in the buildings. Dr Elizabeth QUAT enquired whether, apart from the operation of mini-storages, the Administration would also examine the potential fire hazards posed by other types of activities in industrial buildings.

49. Ms Cyd HO opined that the current fire safety legislation governing the uses of industrial building units were outdated. Apart from mini-storages, the Administration had not squarely addressed the problems arising from subdivided units in industrial buildings. As regards the emerging industries opting for floor space in industrial buildings, such as the arts and cultural industry, the restrictions in the existing legislation had hindered the development of these industries.

Action

50. D of B responded that since 2012, BD had conducted a number of large-scale operations to tackle irregularities of building works associated with sub-divided units in industrial buildings. In the past four to five years, BD had inspected 99 target buildings. Of the more than 700 sub-divided units in these target buildings that had been inspected, about 100 were used for domestic purposes, and BD had issued removal orders on these units. About half of these removal orders had been discharged, and BD had been following up the outstanding cases. BD would continue to tackle the illegal conversion of industrial building units for other uses by responding to public complaints.

51. Miss CHAN Yuen-han said that there was a certain demand in the community for spaces in industrial buildings for accommodating the operation of mini-storages, and arts and cultural activities. The Administration should ensure that the measures to regulate such activities would not produce a negative impact on the survival of mini-storage operators, and arts and cultural workers. She further said that certain industrial building units had been turned illegally into sub-divided domestic cubicles to accommodate people with imminent housing needs. The Administration should make clear its stance regarding such illegal acts.

52. Dr LAM Tai-fai said the Administration should ensure that the investigation to find out the causes of the fire would be conducted in a timely manner. To avoid the recurrence of a similar tragedy, the Administration should devote all its efforts to improve the fire safety of old industrial buildings, and enhance the regulation of mini-storages.

53. Mr WU Chi-wai said that other than the operation of mini-storages, various types of economic activities might take place in industrial buildings in future. The Administration should make reference to overseas experience, and introduce a scheme on fire safety risk assessment and fire safety certification under which any persons who intended to run certain types of business in an industrial building would be required to meet the relevant requirements under the scheme.

54. Dr Priscilla LEUNG said that in the past few years, she had been following up with the Administration proposed amendments to the legislation on fire safety, and the measures to deal with cases in which owners of old buildings might not be able to undertake the improvement works for complying with the fire safety requirements under the relevant legislation. Referring to her previously proposed Member's Bill to amend the Fire Safety (Buildings) Ordinance (Cap. 572), Dr LEUNG said she had suggested that DFS should be empowered with statutory power to exercise discretion in handling the cases where building owners had difficulties in complying with

Action

the Ordinance. Given that following the fire incident, the inter-departmental working group would consider how to amend the law to strengthen the regulation of mini-storages, the Administration should re-consider her suggestion. She further enquired whether the Administration would consider providing technical and financial assistances to owners of old buildings who had difficulties in complying with fire safety requirements.

55. S for S (Ag) replied that the purpose of Cap. 572 was mainly to provide better protection from the risk of fire for occupants and users of composite and domestic buildings. Under the Ordinance, DFS had the statutory power to accept alternative proposals made by owners of buildings to comply with the requirements under Cap. 572. The Administration had also introduced a pilot scheme under which owners of three-storey buildings who had difficulties in installing fire service water tanks and pumps due to structural constraints could install improvised hose reel systems on the ground floor of the buildings in order to meet the relevant requirements of the Ordinance. He advised that the Administration would explore the feasibility of extending the pilot scheme to six-storey buildings.

Other issues

56. Ms Claudia MO said that the remunerations offered to firemen were not commensurate with the nature of their work. She asked whether the Administration would consider increasing their remunerations. S for S (Ag) replied that the Administration had put in place an established mechanism to deal with matters on the remunerations of disciplined services staff. The Standing Committee on Disciplined Services Salaries and Conditions of Service had earlier on conducted a grade structure review of the disciplined services, covering, among others, FSD. The Administration would continue to handle the matters concerning the pay and conditions of service of the disciplined services under the existing mechanism.

57. Dr CHIANG Lai wan opined that relevant government departments should continue to attach great importance to ensuring the safety of frontline fire personnel, who were often deployed to perform duties of dangerous nature. The Administration should consider the views expressed by fire personnel that their remuneration levels should not be lower than those of the police. She suggested that the Administration should follow the overseas practice of erecting statues of the firemen killed on duty. S for S (Ag) replied that Dr CHIANG's suggestion had been noted and the Administration would give consideration to it.

Action

58. Dr Elizabeth QUAT said frontline fire personnel had suggested that FSD as a disciplined force should enjoy the same status as that of the Police, and the Administration should consider accepting the suggestion. Miss Alice MAK suggested that the relevant LegCo committees should discuss with the Administration the issues regarding the salaries, working hours and other conditions of services of fire personnel.

59. Dr LAM Tai-fai said that the Administration should do their utmost to assist the bereaved families of the two fire officers killed on duty, and the fire personnel who might be suffering from psychological problems arising from the fire incident.

60. At 4:45 pm, the Chairman advised that as a quorum was not present and due to time constraints, the motion proposed by Dr Fernando CHEUNG could not be dealt with. He suggested that the proposed motion be forwarded to the Administration for information. Members raised no objection to the suggestion. Dr Fernando CHEUNG further suggested that the Administration should be informed that the proposed motion had been noted by the joint meeting.

(Post-meeting note: The Secretariat forwarded a copy of the proposed motion to the Administration on 6 July 2016 for information.)

61. Summing up the discussion, the Chairman said he hoped that the Task Force would complete the investigation into the fire incident in a timely manner, and make public the investigation results. On behalf of members, the Chairman expressed once again condolences to the bereaved families and appreciation for the efforts of all public officers involved in fighting the fire.

III. Any other business

62. There being no other business, the meeting ended at 4:49 pm.