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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 11 April 2017**

Fire safety of old industrial buildings

Purpose

This paper provides background information and summarizes past discussions by Members on the fire safety of old industrial buildings and mini-storage facilities.

Background

2. According to the Administration, there is no specific legislation for regulating mini-storage facilities in Hong Kong and no requirement on the locations of such storages. The No. 4 Alarm Fire at an industrial building on Ngau Tau Kok Road on 21 June 2016 ("the fire incident") had aroused public concern about the fire safety of these buildings and mini-storage facilities. Subsequently, relevant government departments have stepped up inspections and law enforcement, requiring non-compliant mini-storage facilities to improve the layout of their storage cubicles, means of escape, etc. The Administration also plans to legislate for enhancing the fire safety standards of old industrial buildings.

Deliberations of the Panel on Security and Panel on Development

3. The Panel on Security ("the Panel") and Panel on Development held a joint meeting on 5 July 2016 to discuss issues relating to the fire incident, and the follow-up work undertaken by the Administration. The major concerns

expressed by members regarding the fire safety of mini-storage facilities located in old industrial buildings are summarized in the ensuing paragraphs.

Inspection of mini-storage facilities

4. Members were concerned whether the Administration had any information about the exact number of mini-storage facilities in Hong Kong. Members were particularly concerned about the number of mini-storage facilities identified to have fire safety problems and the actions to be taken against owners of mini-storage facilities who failed to comply with fire safety requirements.

5. The Administration advised that after the fire incident, the Fire Services Department ("FSD") had conducted a preliminary assessment on the total number of mini-storage facilities in Hong Kong. On 28 June 2016, relevant government departments including FSD, Buildings Department ("BD"), Lands Department and Labour Department had started inspections of all mini-storage facilities and similar premises for any breach of the existing law. The exact number of mini-storage facilities in Hong Kong would be confirmed upon completion of the inspections. Enforcement actions would be taken as soon as possible if non-compliance was found during the inspections. These included issuing Fire Hazard Abatement Notices ("FHANs") in accordance with the Fire Services Ordinance (Cap. 95) where fire hazards had been identified in mini-storage facilities, and statutory orders for removal of unauthorized building works ("UBWs") under the Buildings Ordinance (Cap. 123), if UBWs were identified.

6. Members were subsequently advised that there were about 885 mini-storage facilities in Hong Kong. As at 15 January 2017, FSD had conducted inspections of 756 mini-storage facilities and issued 1 472 FHANs on 286 mini-storage facilities. BD had conducted inspections of 755 mini-storage facilities and issued 631 orders on 288 mini-storage facilities, including 315 removal orders, 315 repair orders and one discontinuance order. Follow-up actions including prosecution might be taken against parties which failed to comply with the orders.

Regulation of mini-storage facilities

7. Members expressed concern about how the Administration would deal with problems arising from the operation of mini-storage facilities, given that there was no designated legislation for regulating mini-storage facilities in Hong Kong. Some members considered that the Administration should critically review issues relating to the provision of fire service installations and equipment

in mini-storage facilities, the materials used for constructing and internal partitioning of mini-storage facilities, the locks used for locking off mini-storage cubicles, and the types of items that should not be stored inside cubicles.

8. According to the Administration, an inter-departmental working group led by the Security Bureau had been formed to enhance the fire safety of mini-storage facilities to explore short, medium and long-term measures to enhance the fire safety of mini-storage facilities and similar premises. The departments concerned would arrange to meet with the operators of mini-storage facilities and would request them to take all possible management measures as soon as possible to improve fire safety, including increasing the number of security personnel, preventing storage of dangerous goods, strengthening fire prevention training for their employees.

9. Some members considered that a licensing regime should be established for the mini-storage industry. The Administration advised that the inter-departmental working group would study how to amend the law in order to strengthen regulation of mini-storage facilities. 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.

10. Some members also expressed concern that operation of mini-storage facilities in composite and domestic buildings posed fire hazards to residents in the vicinity. They sought clarification on whether the use of composite and domestic buildings for the purpose of providing mini-storage facilities constituted a breach of the law and whether the working group would review the operation of mini-storage facilities in such buildings.

11. According to the Administration, 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. Whether a mini-storage facility was in breach of lease conditions could not be generalized. It depended on the actual operation of the mini-storage facility 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 and/or godown" use or "godown" use was permitted on the lot, a mini-storage facility would not be considered to be in breach of the "godown" use stipulated in the land lease.

Latest development

12. The Administration will brief the Panel on the legislative proposal for improving fire safety of old industrial buildings and related issues at the Panel meeting on 11 April 2017.

Relevant papers

13. A list of the relevant papers on the LegCo website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
7 April 2017

Appendix

Relevant papers on fire safety of old industrial buildings

Committee	Date of meeting	Paper
Legislative Council	29.4.2015	Official Record of Proceedings (Question 13)
Legislative Council	18.11.2015	Official Record of Proceedings (Question 7)
Panel on Development and Panel on Security	5.7.2016 (Item II)	Agenda Minutes
Legislative Council	13.7.2016	Official Record of Proceedings (Questions 1 and 17)
Panel on Security	7.2.2017 (Item IV)	Agenda Minutes

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