

PROVISIONAL LEGISLATIVE COUNCIL BRIEF

MEASURES TO IMPROVE FIRE SAFETY IN PRIVATE BUILDINGS

INTRODUCTION

At the meeting of the Executive Council on 23 June 1998, the Council ADVISED and the Chief Executive ORDERED that a public consultation exercise should be launched on our package of proposals to improve fire safety in private buildings, as set out in the Annex consultation paper at Annex.

BACKGROUND

2. The fire safety standards and building management conditions in most old private buildings in Hong Kong are unsatisfactory. We need to introduce improvement measures to rectify the situation and upgrade fire safety in private buildings.

3. We have been taking progressive steps to improve fire safety in private buildings. The Fire Safety (Commercial Premises) (Amendment) Ordinance 1998 was passed by the Provisional Legislative Council on 25 March 1998 and brought into operation on 1 June 1998, to extend the coverage of the Fire Safety (Commercial Premises) Ordinance (FS(CP)O) to pre-1987 commercial buildings to improve their fire safety. A Fire Safety Improvement Loan Scheme (FSILS) was also introduced on 1 June 1998 to provide financial assistance to owners who have received statutory directions under the FS(CP)O to upgrade the fire safety standards of their commercial premises or buildings.

4. We are continuing with other efforts to improve fire safety, including stepping up enforcement actions, and promoting a fire safety culture amongst the community and encouraging greater community involvement in fire safety programmes.

SURVEY OF PRIVATE BUILDINGS

5. To formulate our strategy to improve fire safety in private

buildings, the Fire Services Department (FSD) conducted a territory-wide building survey in February and March 1998 to assess the fire safety conditions in different types of private buildings. The Buildings Department (BD) has been conducting sample surveys since February 1998, covering some 40 pre-1987 composite (commercial/ residential) buildings, and some 1,200 pre-1987 non-commercial buildings. The Electrical and Mechanical Services Department (EMSD) also carried out two sample surveys during February to April 1998 to inspect the condition of communal fixed electrical installations in 160 buildings.

SURVEY FINDINGS

Fire Services Department

6. FSD inspected a total of 27,148 private buildings, of which only 7,499 (28%) were rated satisfactory in terms of their fire service installations (FSIs) and building fire safety management. FSD also completed a sample survey of some 25,000 low rise (not more than 3 storeys) domestic houses. The fire safety condition of the 6,236 houses covered in the sample survey is considered acceptable.

7. Two major areas of deficiency were identified according to FSD's survey findings -

- (a) Maintenance of FSIs and general fire safety management in private buildings are not satisfactory. Only 28% of the surveyed buildings were rated as satisfactory. Nevertheless, most of the identified fire hazards should be easily rectifiable, but would require regular and intensive daily upkeep. The presence of building management bodies, in the form of an Owners' Corporation (OC) or a property management company, would help to improve fire safety management in buildings.
- (b) The fire safety condition in composite (commercial/residential) buildings is the most unsatisfactory. Of the 14,977 composite buildings surveyed, only 11% were found satisfactory. Despite the large flow of people and high population density particularly in the commercial portions of such buildings, most of these commercial parts are not installed with sprinkler systems.

The fire safety problems are relatively less serious in industrial and residential (above three storeys) buildings, although the FSIs and fire safety measures of some of these buildings do not meet present day standards.

Buildings Department

8. Based on the preliminary findings from its sample surveys, BD has identified the following common problems in pre-1987 non-commercial private buildings -

- (a) exit routes and staircases as a means of escape are rendered ineffective by unauthorised alterations and/or obstructions;
- (b) fireman's lifts as a means of access for fire fighting and rescue are rendered ineffective by the lack of protected lobbies for them; and
- (c) lobbies as fire resisting construction are rendered ineffective by defective lobby doors, removal of lobby doors or removal of lobbies.

9. The private buildings surveyed by BD were identified to contain a high percentage of deficiencies in means of escape, fireman's access and prevention of spread of fire to adjoining buildings. Similar to the findings of FSD's survey, the overall fire safety condition in composite buildings is considered least satisfactory with 80% of buildings being deficient in exit routes, 17% deficient in fireman's access, and 50% deficient in the prevention of spread of fire to adjoining buildings.

Electrical and Mechanical Services Department

10. Of the 160 buildings which EMSD had surveyed, only 21% were found to have their communal electrical installations in satisfactory conditions, and 59% and 20% of these buildings would require minor and major rectification respectively.

11. The above surveys reveal the unsatisfactory condition of fire safety of private buildings in Hong Kong. Properly maintained fire safety measures in buildings are of vital importance to control the spread of fire, increase the chance of escape of occupants and minimise the damage in case of fire. Most of the identified fire hazards are easily rectifiable but people often ignore them for the sake of convenience.

URGENT SOLUTIONS

(A) Building Management

12. There is a close and direct relationship between proper building management and building fire safety. Building management bodies, such as OCs or Mutual Aid Committees (MACs), can play a key role in co-ordinating building owners to properly maintain their fire safety measures, and to carry out improvement works, in particular works in common areas of buildings involving multi-ownership. We have been implementing a proactive programme to improve building management. We will also remind building management bodies and owners of their responsibility to protect occupiers and users of their buildings from fire threats. We propose to organise owners and residents to carry out routine inspection of their own buildings to identify defects in the fire safety provisions, according to a standard list of inspection items in simple layman terms. The Home Affairs Department will persuade owners and tenants to form OCs or other resident bodies to take more effective joint action on better building management.

(B) Removal of Fire Hazards

13. Departments will step up enforcement actions to ensure early removal of fire hazards identified during the surveys. Our action plan to remove fire hazards comprises the following -

- (a) Relevant departments are making a concerted effort to ask building owners and residents to rectify the fire hazards identified in FSD's survey. Building owners and residents would be able to remove most of these hazards themselves, such as clearing means of escape and keeping smoke doors closed, without much difficulty or incurring much expenses.
- (b) The enforcement departments will require responsible owners and residents to restore and reinstate the building fire safety measures and structures to workable and satisfactory conditions, and to standards specified in their approved building plans. If the responsible owners fail to carry out necessary works to abate fire hazards or rectify building fire safety structures, the Director of Fire Services and the Director of Buildings may invoke statutory powers under the Fire Services Ordinance and the Buildings Ordinance as necessary, to carry out the works on behalf of the owners, and then recover the costs from them.
- (c) As rooftops of single staircase buildings are part of the required

means of escape, unauthorised rooftop structures (URs) posing a fire hazard should be removed as a matter of priority. BD proposes a phased programme to demolish such URs in 4,600 single staircase buildings.

- (d) EMSD proposes to take immediate enforcement actions on about 11,400 buildings referred by FSD during the survey, and then carry out a phased programme of inspections and enforcement actions on other buildings.

(C) Promoting a Fire Safety Culture

14. One of the findings of our surveys is that the fire safety awareness of the building owners and residents is low. We will continue to work closely with building management bodies to tackle building fire safety problems and promote a fire safety culture in the community. Our action programme includes the setting up of the Central Steering Committee on Fire Safety and the FSD Community Relations Unit, as well as the Fire Safety Ambassador Scheme and a large-scale Fire Safety Campaign in 1998/99.

FURTHER PROPOSALS TO IMPROVE FIRE SAFETY

(A) Building Management

(I) Compulsory/mandatory management of buildings

15. We would consider amending the Building Management Ordinance to provide for specific management and maintenance standards, sanctions against non-compliance and a certification scheme whereby owners of old buildings are required to produce a certificate from Authorised Persons certifying that their buildings are free from fire hazards. The Home Affairs Bureau is also pursuing the concept of compulsory/mandatory management, one of the possible ways is for the Secretary for Home Affairs to consider ordering the owners of problematic buildings to effect building management measures and, if necessary, employ a building manager.

(II) Condominium title

16. We would consider automatic formation of OCs, having regard to relevant overseas legislation, and the feasibility of applying this modality in new buildings.

(B) Upgrading Fire Safety Standards of Private Buildings

17. According to our survey findings, the fire safety provisions of a large number of pre-1987 private buildings are not up to modern standards. To effectively protect the safety of owners and occupiers working or living in these buildings, we will consider a phased programme to upgrade the FSIs and building fire safety construction of private buildings, according to the need for improvement as revealed by the findings of our surveys.

(I) Composite (commercial/residential) buildings

18. As the fire safety condition in composite buildings is the most unsatisfactory, and in view of the large flow of people and high population density in the commercial portions of such buildings, we propose to consider legislative means to deal with composite buildings as a matter of priority, and require these buildings to upgrade their FSIs and building fire safety construction to modern standards by phases. About 5,000 pre-1973 composite buildings could be covered under Phase I (six years), followed by some 4,000 1973 - 1987 composite buildings in Phase II (four years).

19. We propose to deal with composite buildings with their building plans first submitted to the Building Authority before 1973 as a matter of priority because the installation of sprinkler systems was not a mandatory requirement at the time when these buildings were constructed. 1973-1987 composite buildings are proposed to be covered in the second phase. The Code of Practice on Minimum Fire Service Installations and Equipment was substantially revised in 1987. All buildings designed to the standards laid down in this 1987 Code of Practice would have modern FSIs with standards that are very close to, if not the same as, current standards.

20. Due regard will be given to the urban renewal programme particularly for old buildings which may require substantial structural alterations or building works to meet the required standard of fire safety.

21. We would consider a categorization scheme in the new legislation to distinguish those private buildings which have failed to upgrade or improve their fire safety to the stipulated standards. A note may be registered on the fire safety condition in the land title/title deed of each categorized building in the Land Registry.

(II) Residential buildings

22. Notwithstanding the more satisfactory maintenance of FSIs and building fire safety measures, and the immediate proposals to improve

building management and remove URs in single staircase buildings mentioned in paragraphs 12 and 13 above, there is the need for stipulating some basic fire safety standards for these buildings. After the completion of the fire safety improvement programme for composite buildings, we propose to deal with about 3,000 pre-1987 residential buildings with priority given to older buildings. We will consider legislative means to bring fire safety in these residential buildings to the stipulated standards, which would be similar to those for the residential portions of composite buildings.

(III) Industrial buildings

23. Fire safety of workplaces inside industrial buildings is already covered by the Factories and Industrial Undertakings Ordinance and the Occupational Safety and Health Ordinance. The fire safety improvement programme for industrial buildings may come after the priority programmes for composite and residential buildings. Our proposal is to deal with about 650 pre-1973 industrial buildings first before the programme may be extended to about 1,000 1973-1987 industrial buildings. We will consider introducing legislative amendments to require owners and employers in industrial buildings to upgrade the fire safety measures of their premises to the proposed standards.

24. To facilitate building owners to upgrade the fire safety standards of their buildings, we would consider the need for providing financial assistance along the lines of the FSILS and the Building Safety Improvement Loan Scheme.

FINANCIAL AND STAFFING IMPLICATIONS

25. The resource implications of implementing the proposed improvement measures will be determined after the package is finalised in the light of comments received during the public consultation. Additional resources required will be sought in the normal manner.

PUBLICITY

26. We will inform the Central Steering Committee on Fire Safety of our proposals at its meeting on 25 June, and launch the public consultation at a press briefing immediately after the meeting. Suitable publicity, including TV and radio Announcements of Public Interest, will be arranged. The consultation documents will be available for public collection at district offices, offices of the relevant departments, and on the Internet. We will also

seek to brief the Legislative Council Members at an early opportunity.

OTHERS

27. For enquiries, please contact Mr Edward TO, Assistant Secretary for Security on 2810 3948.

Security Bureau

25 June 1998