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**Paper for the House Committee Meeting
of the Legislative Council
on 16 February 2001**

**Legal Service Division Report on
Fire Safety (Buildings) Bill**

Objects of the Bill

To empower the relevant enforcement authority (the Director of Buildings and the Director of Fire Services) to require an owner of a composite building or a domestic building to improve the fire safety measures in the building and to provide for related matters. Occupants and users of and visitors to the building will hence be better protected from the risk of fire.

LegCo Brief Reference

2. SBCR 8/2361/98 Pt. 9 issued by the Security Bureau in January 2001.

Date of First Reading

3. 14 February 2001.

Comments

4. This Bill would have the effect of requiring owners of more than 13,000 composite (commercial/domestic) buildings and domestic buildings (including private buildings, buildings sold by the Housing Authority, and public rental housing blocks) built before 1987 to upgrade the fire safety measures in their buildings. An owner includes a person who owns part of the building, any mortgagee in possession and any person receiving the rent if the building or part of a building were let to a tenant, whether on his own behalf or as an agent. Industrial buildings and domestic buildings of less than 3 storeys are not within the scope of this Bill. As for commercial buildings built before 1987, the Fire Safety

(Commercial Premises) Ordinance (Cap. 502) has already provided for fire safety improvements to be made to those buildings.

5. Owners of the non-domestic part of composite buildings will have to comply with the fire safety measures specified in Schedule 1 to the Bill. They will have to provide fire service installations and equipment in the building such as an automatic sprinkler system, a manual fire alarm system, emergency lighting within the common areas, an automatic cut-off device for the mechanical ventilating system. As for fire safety construction requirements, owners will have to improve the exit routes and fireman's access and to comply with specified codes of practices. The requirements are similar to those specified in the Fire Safety (Commercial Premises) Ordinance (Cap. 502).

6. With regard to owners of domestic buildings and owners of the domestic part of composite buildings, they will have to comply with fire safety measures specified in Schedule 2 to the Bill. They are required to provide or improve a fire hydrant and hose reel system, a manual fire alarm system and emergency lighting within the common areas etc. and to comply with specified codes of practices.

7. For occupiers of the non-domestic part of composite buildings, they are required to comply with the fire safety measures specified in Schedule 3 to the Bill, namely, to provide emergency lighting within the area he occupies and an automatic cut-off device for the mechanical ventilating system.

8. If an owner or an occupier of a composite building or an owner of a domestic building fails to comply with the specified requirements, the enforcement authority may serve on the owner or the occupier a fire safety direction. An owner or occupier who fails to comply with the direction is guilty of an offence and is liable on conviction to a fine at level 4 (\$25,000) and to a further daily fine of \$2,500 if the offence continues (Clause 5).

9. Clause 5(10) provides that an advisory committee may be set up to advise the relevant enforcement authority. The Fire Safety (Commercial Premises) Ordinance (Cap. 502) does not contain similar provisions.

10. A magistrate may make fire safety compliance orders (Clause 6). An owner or occupier who fails to comply with a fire safety compliance order is liable on conviction to a fine at level 5 (\$50,000) and to a further daily fine of \$5,000 if the offence continues (Clause 6(8)).

11. The District Court may make orders prohibiting occupation of a building (Clause 7). Any person who contravenes a prohibition order is liable on conviction to a fine of \$250,000 and to imprisonment for 3 years and to a further daily fine of \$25,000 if the offence continues.

12. Other provisions relating to enforcement and some other miscellaneous matters (Clauses 8 to 25 except clause 14) are similar to those provisions in the Fire Safety (Commercial Premises) Ordinance (Cap. 502). Clause 14 reflects a new proposed measure which would empower the enforcement authority to register in the Land Registry notice of a fire safety compliance order or prohibition order against the title of the relevant property.

13. This Bill, if enacted, will come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

Public Consultation

14. According to paragraph 20 of the LegCo Brief, the Secretary for Security and the Secretary for Home Affairs jointly conducted public consultation on the proposals to improve fire safety in private buildings in June to August 1998. The public was supportive of the objective to improve fire safety in private buildings.

Consultation with the LegCo Panel

15. The Security Bureau briefed members of the Panel on Security on the main proposals on 2 November 2000 (Paper ref.: (CB(2)145/00-01(04)). One member expressed concern on the fire safety of staircases shared by a number of restaurants. Another member was concerned about the estimated costs for an old domestic building to implement all the specified requirements. Members may refer to the minutes of that meeting (CB(2) 678/00-01) for details.

Conclusion

16. The Legal Service Division will seek clarifications from the Administration on certain legal and drafting aspects of the Bill. As the number of buildings and owners affected by this Bill is numerous and the financial implications substantial, it is recommended that a Bills Committee be set up to study the Bill in detail.

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