

立法會

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Panel on Food Safety and Environmental Hygiene

**Updated information note prepared by the Legislative Council Secretariat
for the meeting on 10 December 2013**

Fire safety requirements for food premises

Purpose

This information note provides background information on the Administration's proposal for imposing additional conditions in food business licences to ensure continuous compliance with fire safety requirements by licensed food premises.

Background

Recommendations made by the Ombudsman and the Efficiency Unit ("EU")

2. The Cornwall Court fire in August 2008, which caused four deaths including two firemen and injured a further 55 people, had aroused wide public concern over the fire safety of licensed premises, especially those patronized by a large number of members of the public. The Ombudsman subsequently conducted a direct investigation into the fire safety regulatory measures for food premises enforced by the Fire Services Department ("FSD") and the Food and Environment Hygiene Department ("FEHD").

3. The Ombudsman issued its investigation report in May 2010. The report revealed that while FSD had a statutory certification system for owners of premises to engage registered contractors to inspect their fire service installations or equipment annually, its monitoring was loose and ineffective. Its inspections of premises had fallen below target and few prosecutions had been instituted against non-compliance or obstruction to or locking of means of escape. The investigation also revealed that FEHD renewed food business licences without checking whether the premises met fire safety requirements.

As a result, renewed licences posed a false assurance of safety of the premises to the public. The Ombudsman made 11 recommendations for improvement, including the following -

- (a) FSD should expedite the setting up of its computer system and the legislative amendment to enable prompt identification of owners of premises and registered contractors ("RCs") failing to comply with statutory requirements;
- (b) FSD should promote conspicuous display of Certificate of Fire Service Installations and Equipment ("FS251") on premises, while considering legislative measures for mandatory display;
- (c) FSD should inspect all high priority cases and conduct random checks on low priority cases;
- (d) FSD should consider requiring RCs to make good fire service installations or equipment ("FSI") before submitting FS251 to FSD;
- (e) FSD should step up prosecution against owners of premises for failure to check FSI, RCs for failure to submit FS251 and owners/users for causing obstruction to or locking means of escape;
- (f) FSD should work out with the Buildings Department the procedures whereby the latter will inform the former of action taken after receipt of referral of cases of serious obstruction. FSD should follow up on such cases by taking enforcement action where necessary;
- (g) FEHD should impose conditions in food business licences for compliance with fire safety requirements;
- (h) FEHD should work out arrangements with FSD to ensure that food premises meet fire safety requirements before approving their applications for licence renewal; and
- (i) FSD should comprehensively review its frequency of surprise inspections and manpower requirements.

4. In addition, the Efficiency Unit ("EU") completed in June 2011 a Management Study on Fire Safety Control and Related Management Issues, and recommended, inter alia, that FSD and other relevant departments should consider reviewing the documents to be submitted for proof of compliance with fire safety requirements when applying for provisional licences.

Proposed new measures for monitoring compliance with fire safety requirements by food premises

5. FEHD and FSD have proposed measures to take forward the recommendations made by the Ombudsman and EU. FEHD will set up a monitoring mechanism with FSD for handling breaches of FSRs, and impose additional conditions on food business licences to ensure continuous compliance with fire safety requirements by licensed General Restaurants ("GRs"), Light Refreshment Restaurants ("LRRs") and Factory Canteens ("FCs"). A fire safety-related warning letter system is also proposed to provide a systematic way for FSD and FEHD to follow up on breaches of fire safety requirements. It is also proposed to put in place a new requirement to ensure that GRs, LRRs and FCs have met fire safety requirements before their licences are renewed annually. The licences would not be renewed if licensees fail to submit copies of valid FS251(s) and Annual Inspection Certificate for Ventilating System to FSD before renewal. Another proposed measure is to revise the existing Certificate of Compliance C (Fire Safety Requirements) (Form C), which is one of the pre-requisite documents to be submitted by a food business licence applicant to FEHD for issue of Provisional Licences ("P-licences"). The revision aims to enable applicants to declare to FEHD whether polyurethane foam filled mattresses and upholstered furniture are in use in the subject premises, and if so, to submit invoices and test certificates which indicate that the polyurethane foam filled mattresses and upholstered furniture provided inside the premises under application have complied with specified standards.

6. In August 2012, FEHD and FSD commissioned a consultant to conduct a business impact assessment study on the proposed measures for compliance with fire safety requirements by licensed food premises. According to the Administration, the proposed measures should pose no additional work or cost on the trade.

Latest development

7. The subject of the proposed fire requirements for food premises was originally scheduled to be discussed at the Panel meeting held on 9 July 2013. Mr Tommy CHEUNG advised members at the meeting that the catering trade was gravely concerned about the proposed fire safety requirements for food premises and suggested that the Panel should invite deputations to present their views on the subject. Members also noted that two written submissions had been received from deputations of the catering trade raising objections to the proposed fire requirements for food premises, which in their views would increase the operating cost of food premises and affect the business environment

of the trade. In view of insufficient time for the Panel to conduct a detailed discussion on the subject, members agreed to defer the discussion of the item to a Panel meeting in the 2013-2014 session and invite deputations to give views on the subject when it was discussed.

8. The Panel will discuss with the Administration and receive views from concerned deputations on the subject at its meeting on 10 December 2013.

Relevant papers

9. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
3 December 2013

Appendix

Relevant papers on fire safety requirements for food premises

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	9.7.2013 (Item IV)	Agenda CB(2)1511/12-13(04) CB(2)1511/12-13(05) CB(2)1549/12-13(02) (Chinese version only) CB(2)1549/12-13(03) (Chinese version only)

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