

**Information Paper
on 5 January 2016**

Legislative Council Panel on Security

Implementation of the Fire Safety (Buildings) Ordinance

Purpose

This paper outlines the implementation of the Fire Safety (Buildings) Ordinance (Cap. 572) (the Ordinance).

Background

2. The Ordinance came into operation on 1 July 2007. It stipulates that the fire safety of composite and domestic buildings which were constructed, or with their plans of the building works first submitted for approval on or before 1 March 1987, should be enhanced to better meet the requirements of today. There are notable differences between the fire safety requirements at the time of the construction of those old buildings and the standards set out in the Ordinance. For instance, the commercial portions of the composite buildings were not required by law at that time to install automatic sprinkler systems. Enhancements are therefore necessary.

3. The Fire Services Department (FSD) and the Buildings Department (BD) will issue Fire Safety Directions (FS Directions) to owners and/or occupiers with regard to the fire safety measures of the relevant buildings and specify the required fire safety improvement works. Under the Ordinance, the enforcement authority on fire safety measures in relation to the planning, design and construction of buildings is the Director of Buildings; while the enforcement authority on fire service installations and equipment (FSIs) is the Director of Fire Services.

Implementation

4. FSD and BD conduct joint inspections on target buildings in Hong Kong by two phases. The first phase covers about 9 000 old composite buildings and the second phase covers about 3 000 old domestic buildings.

5. As at end November 2015, FSD and BD have inspected a total of 7 775 old composite buildings. FSD and BD issued 121 320 and 49 422 FS Directions respectively to the owners and occupiers of 5 321 of the target buildings inspected. Of the FS Directions issued, 39 069 FS Directions

(about 32%) issued by FSD and 10 110 FS Directions (about 20.5%) issued by BD have been complied with or discharged.

6. FSD and BD normally give owners and/or occupiers one year to comply with the FS Directions. The departments would, without compromising basic fire safety, adopt a flexible and pragmatic approach in handling individual cases. If the owners/occupiers need more time to prepare for and carry out the improvement works, for example due to the formation of an owners' corporation (OC), the departments will consider their applications for extending the compliance period of FS Directions in the light of the justifications provided and/or the scale of works involved. As at end November 2015, among the 82 251 FS Directions issued by FSD that have not been complied with, 66 727 have been granted extension. For the 39 300 FS Directions issued by BD that have not been complied with, about 2 600 have been granted extension.

Assistance Rendered to Owners by Government Departments

Formation of OC

7. We understand that “three-nil” buildings (i.e. buildings without OCs, residents' organisations or property management companies) may encounter difficulties in coordinating fire safety improvement works. As such, FSD and BD will refer a list of target buildings without OCs to the Home Affairs Department (HAD) so that the latter may promptly assist the owners in establishing OCs.

8. To strengthen the provision of free professional advice and support services to the “three-nil” buildings and enhance building management and maintenance works on all fronts, including complying with the requirements of the FS Directions, HAD has since 2011 implemented the Building Management Professional Advisory Service Scheme. The Scheme engages professional property management companies to provide one-stop professional support services to target buildings, which include organising and assisting the owners in the establishment of OCs, helping them to apply for various subsidies or loan schemes for maintenance works, as well as following up on the works and tendering matters. Noting that some owners of “three-nil” buildings who are not residing therein face difficulties in forming OCs and managing the buildings, HAD has launched the Resident Liaison Ambassador (RLA) Scheme, recruiting owners/residents to serve as RLAs and uniting the efforts of owners/residents to assist in improving the management and environment of the buildings, with the long-term goal of promoting the formation of OCs in such buildings through the RLAs.

Technical Support

9. We are aware that some old building owners may not be able to fully comply with the requirements set out in the FS Directions due to structural or spatial constraints of their buildings. As such, the enforcement authorities will, without compromising basic fire safety, adopt a flexible and pragmatic approach in handling individual cases. Having regard to the circumstances of individual buildings and/or information provided by the authorised persons in relation to the execution of the FS Directions, such as the height of the buildings and whether there are spatial constraints and so forth, the enforcement authorities will enforce certain requirements with reasonable flexibility or consider accepting the alternative proposals put forward by the owners. Case officers of FSD and BD are prepared to meet with the owners to explain to them the FS Directions and assist them in solving potential problems associated with the works.

10. To assist owners in complying with the FS Directions, FSD has adopted a series of flexible and pragmatic measures, including exempting the requirement of providing fire hydrants if a target building is of six storeys or less and is directly accessible by fire appliances. The owners are only required to install hose reel systems in the building, and the required effective capacity of the fire service water tank for the hose reel system is significantly reduced to 2 000 litres from the standard capacity of 9 000 to 36 000 litres. In addition, FSD accepts the installation of the fire service water tank at the staircase hood or at the interior of the staircase head to allow the owners more room and flexibility in complying with the FS Directions.

11. FSD has noted that old buildings of three storeys or less may particularly encounter technical difficulties in carrying out fire safety improvement works, as these aged buildings may be subject to greater structural or spatial constraints in the installation of fire service water tanks and pumping systems. For these old buildings of three storeys or less, FSD and the Water Supplies Department (WSD) have explored some alternative measures and analysed the technical feasibility. Following a preliminary study, the two departments rolled out a “Pilot Scheme on Improvised Hose Reel System” in May 2015, with a view to verifying the effectiveness of the alternative measures through the Pilot Scheme. The Pilot Scheme was first introduced to a few three-storey buildings. The owners of these buildings can install improvised hose reel systems with direct water supply from the government town mains on the ground floor of the buildings, thus be spared the installation of fire service water tanks and pumps. This can help alleviate technical difficulties and cost and ownership issues associated with the works, thereby helping owners to comply with the requirements of the Ordinance effectively. FSD and WSD have also pledged to accord priority to the vetting and compliance inspection of the relevant works.

12. FSD and WSD will closely monitor the progress and assess the effectiveness of the Pilot Scheme. If the Scheme proves to be successful, we will consider extending the measures to other suitable old buildings.

Financial Support

13. In order to assist owners of private buildings in conducting maintenance and repair of their buildings (including the FSIs therein), the Government, the Hong Kong Housing Society (HKHS) and the Urban Renewal Authority (URA) have been operating various financial assistance schemes for owners in need. Those schemes include the Building Safety Loan Scheme, the Integrated Building Maintenance Assistance Scheme (IBMAS) and the Building Maintenance Grant Scheme for Elderly Owners. Fire safety improvement works pertaining to the Ordinance have been incorporated into the list of works eligible for subsidies or loans under these schemes. The application procedures of these schemes have also been streamlined, such that the owners may apply for multiple schemes by completing a set of application forms under the IBMAS. HKHS and URA will provide professional advice and technical support to assist owners in carrying out fire safety improvement works. Furthermore, leaflets introducing the services and financial assistance provided by HKHS and URA are attached to the FS Directions for reference or application by eligible persons.

14. To facilitate owners of old buildings in understanding the requirements of FSIs for different types of buildings, FSD has prepared a “Guidebook for the Compliance of Fire Safety Directions issued by the Fire Services Department” for reference by the public. The Government will continue to implement relevant measures to assist owners of old buildings in complying with the FS Directions. Publicity and educational activities will also be conducted through various channels to enhance public understanding of the objective of the Ordinance and the importance of improving fire safety in old buildings.

Suggestion for Government Departments to Conduct Improvement Works in Buildings

15. The minimum requirements of fire safety measures have been clearly set out in the FS Directions issued by FSD and BD. Before commencement of the relevant improvement works, the owners should appoint qualified persons including authorised persons, registered structural engineers and/or qualified FSI contractors to carry out inspection and assessment and to formulate works plans for their buildings. In case the owners are concerned that they may not have adequate expertise to assess

such works plans, officers of FSD and BD are ready to meet with the owners and their appointed qualified persons or FSI contractors on a case-by-case basis in order to explain the requirements of fire safety improvement works specified in the FS Directions, to discuss the implementation details, as well as to assist them in solving problems that may arise in carrying out the improvement works.

16. At present, there is no provision in the Ordinance empowering the enforcement authorities to carry out fire safety improvement works for target buildings. If government departments were to conduct certain works on the owners' behalf, particularly those non-emergency works relating to private properties, the departments will face great difficulties. For instance, the owners or occupants concerned may not agree with the works proposals and the associated costs put forward by the departments. They may also disagree with the location of installing fire service water tanks or hose reel systems proposed by the departments due to title issues, spatial constraints and impact on the appearance of the buildings concerned. Since these types of works would involve various feasible proposals and works arrangements (such as the location where the facilities should be installed and the installation of various alternative equipment), and the associated costs would vary subject to the proposals to be adopted, the owners of the buildings must deliberate on the proposals and reach a consensus before the works are carried out. It is therefore not appropriate for the enforcement authorities to make such decisions or to carry out the works for the owners. If the departments were to forcibly carry out the works, it could lead to litigation and delay the progress of the works.

Way Forward

17. The relevant departments will review the measures implemented from time to time and continue to explore various works options, with a view to streamlining the procedures in conducting fire safety improvement works for old buildings and reducing the costs incurred by the owners, on the pre-requisite of not compromising basic fire safety. We hope that these measures will reasonably enhance the fire safety of the old buildings, strengthen the protection for and to people who work, recreate or live at these places, and reduce the threat of fire incidents.

Security Bureau
Buildings Department
Fire Services Department
Home Affairs Department
Water Supplies Department
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