

Fire Services (Amendment) Bill 2016

Written submission of Robin S. Howes

FRICS, FHKIS, R.P.S/B., AP/S.

10th January 2017

The Bill codifies a scheme for fire safety risk assessment and certification on compliance with fire safety requirements by registered fire engineers ("RFEs") for certain premises

It attempts to deal with general and basic licensing that is undertaken by base level officers and professional staff but does not take into account the changing licensing and Event environment current in Hong Kong and globally. In this respect my comments on the 2015 Bill below have not been addressed as

- There is no indication of the standard for fire or life safety or risk assessment? Will this be implemented by way of a Code.
- How will the multi-discipline needs to achieve fire safety in a licensed premises be integrated and achieved [fire detection and warning, firefighting installations, emergency egress and ingress routes, compartmentation, building management, emergency planning]?
- What, if any, will be the RFE's ongoing responsibility be for the premises he has assessed and certified.
- Current risk assessment is into Low, Medium or High Risk, this does not reflect sufficient detail and it is time to bring in a more comprehensive assessment system to reflect building management and emergency procedures.
- The diversity of work needs more than just an academically qualified person to undertake a fire risk assessment, experience should be factored into the levels of RFE undertaking Low, Medium & High risk.

The above issues were highlighted in the last year with particular reference to the 2016 Hong Kong Formula Electric and the Leon LAI Ming concert Temporary Place of Public Entertainment ["TPPE"] events. The following are of particular importance:

1. **Emergency evacuation and crowd movement strategies:** Every new building requires a Fire Management Plan [“the FMP”] and this should be changed/modified to incorporate licensed areas, the same approach is required for events. In any major event there will be [FSD] requirements for “emergency evacuation procedures to be established for dealing with any fire or emergency situation”. In certifying a premises the RFE must integrate his premises into the existing FMP or create a new one based on his risk assessment.

The establishment of crowd movement strategies particularly is a specialized area where expertise comes only with long experience and not the acquisition of an academic qualification. It requires a good working knowledge of many different aspects of buildings, management, crowd characteristics, etc. Particularly for major events the risk assessments and implementation can be complex.

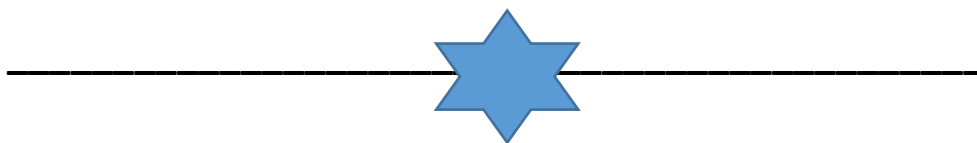
2. **Client & contractor pressure.** Some participants in the premises licensing and event industry place profit over life safety issues and the only way to safeguard the public and maintain valid standards is to have a regulatory body continuously overseeing the licensing procedures, with the assistance of an experienced professional. There should be grades of RFE to deal with Low, Medium and High risks so that the younger more inexperienced, and possibly cheaper, RFE’s are not used or are supervised for the higher risk licenses and Events.
3. **Terrorism:** Terrorism is a growing threat worldwide and is addressed in all major world class event. Fire safety and life safety risk assessments will have to include provision of both primary and secondary incidents and the multi-discipline approach needed to effectively implement incident evaluation, response upgrading and control and emergency planning execution. Present academic qualifications do not necessarily prepare potential RFE for such work.
4. **Unified Command approach:** The FSD, Client(s), Buildings Department, Police and other concerned Government Departments will be involved for high risk licenses and events. It is essential to evaluate the need, and implement as required, a unified command structure that uses recognized incident command system principles. The team comprising the command structure MUST NOT be under the control of one discipline or an inexperienced leader as in incident evaluation and action execution the members will have different priorities; an independent and authoritarian person is required to deal with different

regulatory bodies including the disciplined services.

[A bomb threat may require FSD, ambulance, police, strong management intervention, building security, etc., leadership by persons trained in rescue and extinguishment may not rapidly embrace the other functions.]

5. **The proposed Code:** The HK Gov. is considering a Code for TPPE licenses and this should take into account the RFE and the required multi-discipline approach to ensure life and fire safety. Levels of RFE should be introduced for TPPE licenses in the Code but until it is issued another mechanism should be used.
6. **Conclusion:** To implement a blanket RFE approach for all types of license without establishing a system of valid risk assessment is an out dated concept and a recipe for potential disaster. Higher risk licenses MUST have the direct input of the FSD and not be allowed to be dealt with by possibly inexperienced professionals who may not have the ability to resist Client Pressure, the authority to exert a unified control or the multi-discipline expertise to bring together the knowledge to deliver a safe building or event.

FSD, for one, MUST retain an overall control and have continuous input to maintain the present standards and participate in the multi-discipline approach needed to address life and fire safety issues in higher risk licenses and events. The RFE must be adjudged by way of assessment to be capable of handling different level licenses and events.



Bills Committee on Fire Services (Amendment) Bill 2015

Written submission of R. S. Howes FRICS, FHKIS, AP/S for

Meeting on 29th February 2016.

Points to be raised from LC Paper No. CB(2)142/15-16(03):

The purpose of the Bill is to leverage expertise to provide fire safety risk assessments, however there is no definition of what is to be understood by fire safety, i.e. personal or property, what level is acceptable, if it include fire risk assessment, etc.

1. It appears that fire safety risk assessments in the Paper have a different meaning from overseas and relates only to the present FSD role. If a fire safety risk assessment and certification that only addresses this limited role are issued by a RFE will this mislead the public into assuming the premises or building is “fundamentally safe” with downstream Professional Indemnity Insurance issues.
2. A fire safety risk assessment usually comprises many different facets including construction, materials, hazards and vulnerable persons, with a risk evaluation, a report with an emergency plan, staff training and regular updating. How will the Building Authority’s role in building control be separate from that of the RFE in the license of a use?
3. To achieve fire safety after the fire safety risk assessment of the intended use active and passive measures should be incorporated, these may include, fire detection and warning systems, firefighting installations and dangerous goods storage but also emergency egress

and ingress routes, compartmentation, building management, emergency planning, etc. How will this integrated fire safety be achieved?

4. As the Licensing procedure relates to a continuing use rather than completed building or installation works what is envisaged as the RFE's ongoing responsibility for the premises he has assessed and certified?
5. The present FSD assessment usually only separates a premises into Low, Medium or High Risk with the issue of Standard Requirements for each type. Is this the time to bring in a more comprehensive assessment system such as overseas models of fire safety risk assessment?
6. The types of premises referred to in Annex A cover a wide range of uses in many of which effective Management and emergency procedures are or should be required for a licensed use. How will this be dealt with and should there be a different approach when reviewing, for instance drinking Clubs, residential care premises, open air events and venues, etc
7. Because of the diversity of work a person qualified to undertake a fire risk assessment should not have to be a qualified fire engineer, as stated in para 9 practical experience is required and this can be achieved outside the engineering or fire engineering discipline without the need to re-qualify. In passing it should be noted that fire engineering as we know it today did not exist as an academic subject when older practitioners qualified.