

立法會
Legislative Council

LC Paper No. CB(2)1055/18-19

(These minutes have been seen
by the Administration)

Ref : CB2/BC/1/18

Bills Committee on Fire Safety (Industrial Buildings) Bill

Minutes of meeting
held on Monday, 14 January 2019, at 10:45 am
in Conference Room 1 of the Legislative Council Complex

Members present : Hon Tony TSE Wai-chuen, BBS (Chairman)
Hon James TO Kun-sun
Hon CHAN Hak-kan, BBS, JP
Hon WU Chi-wai, MH
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai

Member absent : Hon Abraham SHEK Lai-him, GBS, JP
Hon Jeremy TAM Man-ho

Public Officers attending : Item II

Mrs Apollonia LIU LEE Ho-kei, JP
Deputy Secretary for Security 2

Mr Alex CHAN Yuen-tak
Principal Assistant Secretary for Security B

Miss Venus TSOI Yuen-san
Assistant Secretary for Security B2

Mr Terrance TSANG Wing-hung
Assistant Director (Fire Safety)
Fire Services Department

Mr LEE Koon-yau
Acting Deputy Chief Fire Officer (Fire Safety)
Fire Services Department

Mr Ken NG Kin-shing
Assistant Director / Mandatory Building Inspection
Buildings Department

Mr Joseph YU Kwok-hung
Chief Building Surveyor / Fire Safety
Buildings Department

Miss Elaine NG Pui-kei
Senior Government Counsel
Department of Justice

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Miss Joyce CHAN
Assistant Legal Adviser 1

Ms Gloria TSANG
Council Secretary (2) 1

Miss Lulu YEUNG
Clerical Assistant (2) 1

I. Election of Chairman

Mr Tony TSE was elected Chairman of the Bills Committee.

2. Members agreed that there was no need for the Bills Committee to elect a Deputy Chairman.

II. Meeting with the Administration

3. The Bills Committee deliberated (index of proceedings attached at **Annex**).

4. The Bills Committee requested the Administration to provide the following information:

- (a) the distribution of ownership and management of some 1 100 target industrial buildings ("IBs");
- (b) number of target IBs, by geographical distribution, that had been inspected by enforcement authorities in connection with their fire safety conditions;
- (c) amongst those 1 100 target IBs, the current fire safety conditions of some 400 IBs which were built or had their building plans submitted in or before March 1973, and the remaining IBs respectively; and the corresponding fire safety improvement works required in order to meet the fire safety standards proposed under the Bill as well as the estimated cost for the fire safety improvement works; and
- (d) potential difficulties to be faced by owners and occupiers of target IBs in complying with the relevant fire safety requirements.

III. Any other business

5. Members agreed that a meeting would be held to receive public views on the Bill. Members would be informed of the meeting arrangement in due course.

6. There being no other business, the meeting ended at 12:42 pm.

**Proceedings of meeting of the
Bills Committee on Fire Safety (Industrial Buildings) Bill
held on Monday, 14 January 2019, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

| Time marker | Speaker | Subject(s) / Discussion | Action Required |
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| 000416 - 000529 | Mr James TO Ir Dr LO Wai-kwok Mr CHAN Hak-kan Mr Tony TSE | Election of Chairman | |
| 000530 - 000630 | Chairman | Opening remarks | |
| 000631 - 002655 | Chairman Admin | Briefing by the Administration on the Fire Safety (Industrial Buildings) Bill ("the Bill") (LC Paper No. CB(2)604/18-19(01)). | |
| 002656 - 003404 | Chairman Mr CHAN Hak-kan Admin | <p>Mr CHAN Hak-kan was in support of the need to upgrade fire safety standards of old industrial buildings ("IBs").</p> <p>Mr CHAN Hak-kan's enquiries regarding:</p> <p>(a) ways to solve the technical problem of installing fire service water tanks for the automatic sprinkler systems;</p> <p>(b) whether the provisions of the Bill could fully reflect the Administration's flexible and pragmatic approach in considering alternative proposals; and</p> <p>(c) of some 400 IBs constructed or had their building plans submitted in or before March 1973, the number of IBs with owners' corporations ("OCs") or under a single ownership.</p> <p>The Administration responded that:</p> <p>(a) for installation of fire service water tanks in support of fire service installations ("FSIs"), having regard to the operational experience from the implementation of the Fire Safety (Buildings) Ordinance (Cap. 572) ("FS(B)O"), a flexible and pragmatic approach would be adopted, such as accepting the installation of improvised hose reel systems with direct water supply from</p> | |

| Time marker | Speaker | Subject(s) / Discussion | Action Required |
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| | | <p>government pipes on the ground floor of the buildings, and allowing installation of water tanks with smaller capacity; and</p> <p>(b) around 70% of pre-1987 IBs either had OCs formed or were under a single ownership. For IBs constructed or had their building plans submitted in or before March 1973, a majority of them were managed by property management companies.</p> <p>The Chairman requested the Administration to provide information regarding the ownership and management of some 1 100 target IBs.</p> | Admin |
| 003405 - 004017 | Chairman Ir Dr LO Wai-kwok Admin | <p>Ir Dr LO Wai-kwok supported the legislative proposal to upgrade fire safety standards of old IBs.</p> <p>In response to Ir Dr LO's enquiry regarding the current fire safety standards of some 1 100 target IBs, the Administration, using the automatic sprinkler system as an example, advised that around 285 out of some 400 IBs constructed or had their building plans submitted in or before March 1973 were not installed with sprinkler systems. For IBs built after March 1973, around 70 of them were not installed with such systems. The remaining target IBs, even with sprinkler systems, were mostly not in compliance with the latest standards and needed further improvement.</p> <p>In response to Ir Dr LO's further enquiry regarding the fire safety construction of the target IBs, the Administration said that given the physical constraints posed by existing building structure and the actual circumstances, it might be difficult for a majority of the target IBs to provide staircase interchanges. In addition, most of the fire resisting construction in the target IBs needed to be upgraded. Some of the lifts were required to be modified to fireman's lifts as well.</p> <p>Ir Dr LO requested the Administration to provide detailed information regarding the current fire safety conditions of some 1 100 target IBs.</p> | Admin |

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| 004018 - 004724 | Chairman Mr WU Chi-wai Admin | <p>Mr WU Chi-wai requested the Administration to provide supplementary information regarding the respective improvement works required to be carried out in some 400 IBs constructed or had their building plans submitted in or before March 1973, as well as those in the remaining target IBs, in order to comply with the fire safety requirements proposed under the Bill.</p> <p>In view of the technical difficulties faced by owners or occupiers in complying with FS(B)O, Mr WU considered that the Administration should draw up specific fire safety requirements based on the actual circumstances of individual buildings. In response, the Administration advised that while Schedules 1 and 2 to the Bill set out the requirements that would be included in fire safety directions ("directions") to be complied with by an owner or occupier respectively, the inclusion of those requirements in a fire safety direction would depend on the actual circumstances. If the owners or occupiers faced genuine difficulties such as structural, spatial or technical constraints, alternative proposals might also be accepted provided that fire safety was not compromised.</p> <p>Mr WU's concern about the setting up of an advisory committee stipulated in clause 12 of the Bill.</p> | Admin |
| 004725 - 005633 | Chairman Mr James TO Admin | <p>Mr James TO requested the Administration to provide the following information regarding the some 1 100 target IBs:</p> <ul style="list-style-type: none"> (a) number of IBs, by geographical distribution, that had been inspected by enforcement authorities ("EAs") in connection with their fire safety conditions; (b) the current fire safety standards of IBs, the proposed fire safety improvement works required in order to meet the fire safety standards proposed under the Bill, and the estimated cost for the improvement works; and (c) potential difficulties to be faced by owners and occupiers of the target IBs in complying with the relevant requirements. | Admin |

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| | | <p>The Administration clarified that a general survey, instead of a full-scale inspection, had been conducted in respect of all target IBs. In view of the large floor areas of IBs, it would take more time to conduct such inspection.</p> <p>The Administration further pointed out that the number of target IBs (around 1 100) was relatively less compared with some 1 800 old commercial buildings being regulated under the Fire Safety (Commercial Premises) Ordinance (Cap. 502) and another 13 000 old composite and domestic buildings regulated under FS(B)O. Moreover, the loading capacity of the target IBs was in general higher than the old commercial, composite and domestic buildings. Many of the IBs were also installed with fire service water tanks. It was expected that owners and occupiers of the target IBs would face less technical constraints when carrying out fire safety improvement works in IBs.</p> | |
| 005634 - 010059 | Chairman Admin | <p>In response to the Chairman's enquiry regarding the inspection schedule, the Administration advised that, in view of the large floor areas and complicated design of IBs, around 90 to 100 IBs were expected to be inspected in a year. After inspection, EAs would normally issue directions to owners or occupiers shortly for their follow-up. In this connection, it would take around four years to complete the inspection of some 400 IBs constructed or had their building plans submitted in or before March 1973. The Administration remarked that the inspection progress might improve gradually as the officers gained more experience in inspecting the IBs concerned and issuing directions under the new law (if enacted).</p> <p>The Chairman's further enquiry and the Administration's response regarding the details of the fire safety loan scheme administered by the Buildings Department ("BD").</p> | |
| 010100 - 010453 | Chairman Mr SHIU Ka-fai Admin | Mr SHIU Ka-fai acknowledged the effort made by the Fire Services Department ("FSD") in assisting and communicating with mini-storage operators to upgrade their fire safety standards in the past few years. | |

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| | | <p>In response to Mr SHIU's enquiry regarding the technical difficulties faced by some of the mini-storage operators, the Administration advised that it was well aware of the fire hazards arising from the mini-storages which needed abatement. Noting the difficulties faced by some owners or operators of mini-storages, the Administration would accept alternative proposals for the operators to comply with the requirements imposed by FSD and BD. Indeed, around 100 mini-storages had fully complied with the relevant fire safety requirements imposed by FSD and had the fire hazards abated.</p> <p>Mr SHIU suggested the Bills Committee to receive public views on the Bill.</p> | |
| 010454 - 011016 | Chairman Mr Holden CHOW Admin | <p>Mr Holden CHOW's enquiries regarding:</p> <ul style="list-style-type: none"> (a) the manpower resources required for implementing the Bill; (b) whether a reporting mechanism would be established under the Bill for any irregularities identified in the target IBs; and (c) the time limit for owners or occupiers of the target IBs who faced genuine technical problems to comply with the fire safety requirements or take forward alternative proposals accepted by EAs. <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) additional manpower resources would be sought in accordance with the established mechanism as and when necessary; (b) when implementing the Bill (if enacted), EAs would take active actions (including inspecting the target IBs and issuing directions), instead of acting upon receipt of complaints; and (c) it would, after taking into account all relevant factors, stipulate in the direction a reasonable time limit for the target IBs to complete the required fire safety improvement works. | |

| Time marker | Speaker | Subject(s) / Discussion | Action Required |
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| 011017 - 011751 | Chairman Mr WU Chi-wai Admin | <p>Mr WU Chi-wai shared the Administration's view that it was technically more feasible for IBs to upgrade their fire safety standards, as compared to the situation in certain old domestic buildings.</p> <p>Mr WU's enquiry and the Administration's response regarding the setting up of an advisory committee stipulated in clause 12 of the Bill. The Administration advised that a similar provision was also found in FS(B)O.</p> <p>In response to Mr WU's further enquiry regarding the capacity of the industry to take up the works concerned, the Administration advised that according to the outcome of its survey, a majority of the qualified contractors in the market had indicated interest to be engaged for relevant fire safety improvement works.</p> <p>Given the diversified use of IBs currently, Mr WU suggested the Administration to make reference to the Fire Safety Act of the United Kingdom ("the UK") and consider, apart from mandating the improvement of fire safety standards of IBs as proposed under the Bill, requiring different economic activities to obtain fire safety certificates for conducting certain non-industrial activities in IBs if the corresponding fire safety standards were met. He considered that such arrangement would further improve the fire safety of the target IBs and spared the need to enact fire safety legislation for each type of activities.</p> | |
| 011752 - 012257 | Chairman Ir Dr LO Wai-kwok Admin | <p>Ir Dr LO Wai-kwok's concern and the Administration's response regarding the difficulties faced by owners or occupiers of IBs in complying with the requirements stipulated in Schedules 1 and 2 to the Bill.</p> <p>The Administration advised that clause 9 of the Bill sought to enable an EA to amend or withdraw a fire safety notice. This provided flexibility for owners or occupiers to carry out fire safety improvement works when faced with genuine technical difficulties to comply with the requirements within the specified time limit.</p> <p>The Administration added that BD and FSD would publish relevant information on their</p> | |

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| | | respective departmental websites to assist owners and occupiers of the target IBs to upgrade their fire safety standards. | |
| 012258 - 012831 | Chairman Admin | <p>In response to the Chairman's enquiry regarding the implementation of the legislative proposals in two phases, the Administration explained that as the automatic sprinkler system was a highly effective FSI, and a majority of IBs constructed or had their building plans submitted in or before March 1973 were not sprinkler-protected, it was proposed that the Bill would be implemented in two phases, starting with those IBs constructed or with building plans submitted in or before March 1973.</p> <p>In response to the Chairman's further enquiry regarding the prohibition order ("PO"), the Administration said that PO would be made by the court, on application by an EA, where the building or any part of it carried substantial fire risks.</p> <p>The Administration believed that a majority of the target IBs would carry out fire safety improvement works in accordance with the directions or the fire safety compliance order. The time limit for compliance would depend on a number of factors, including the extent of technical difficulties faced by owners or occupiers of IBs and whether they had taken positive actions in complying with the requirements.</p> | |
| 012832 - 013450 | Chairman Mr WU Chi-wai Admin | <p>In response to Mr WU Chi-wai's enquiry regarding the technical difficulties in installing automatic sprinkler systems, the Administration said that generally speaking, it was more feasible for IBs to install such systems, as a majority of IBs had water tanks installed for other FSIs such as a fire hydrant and hose reel system.</p> <p>Mr WU's concern and the Administration's response regarding the bid-rigging activities in respect of fire safety improvement works. The Administration added that market capacity and the supply of qualified contractors were also the considerations behind the proposal to implement the Bill in phases. The estimated cost for IBs of</p> | |

| Time marker | Speaker | Subject(s) / Discussion | Action Required |
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| | | <p>seven storeys to comply with the directions would be around \$200,000 per unit, which should be affordable by owners of the target IBs.</p> <p>In response to Mr WU's further enquiry, the Administration advised that it would, as far as possible, arrange for fire safety inspection and mandatory building inspection of the target IBs concurrently such that owners or occupiers of the IBs could carry out the fire safety improvement and building maintenance works in one-go.</p> | |
| 013451 - 013724 | Chairman Admin | <p>In response to the Chairman's enquiry about the use of IBs, the Administration stressed that for public safety, IBs should be solely for industrial use. The Administration further advised that, having regard to the operation of FS(B)O, prior notice for conducting inspection of IBs would be given to owners or occupiers to facilitate the inspection work. When irregularities were found (e.g. unauthorized building works), BD and FSD would take appropriate follow-up actions.</p> | |
| 013725 - 014805 | Chairman Mr WU Chi-wai Admin | <p>Mr WU Chi-wai's concern and the Administration's response regarding the use of IBs other than for those purposes permitted under the government lease.</p> <p>Mr WU reiterated his earlier suggestion of granting fire safety certificates for certain activities which were not for industrial use (such as war-games and dance classes), to be permitted in IBs.</p> <p>The Administration stressed that any activities in IBs other than industrial use (e.g. training venues) were considered dangerous and undesirable. Given the inherent risk of industrial activities in IBs, the risks to the patrons and occupants of non-industrial uses could not be eliminated even with the addition of or improvement in FSIs. The Administration further pointed out that the Fire Safety Act in the UK, which involved granting of fire safety certificates by a third party, was under review by the UK Government after the tragic fire at Grenfell Tower in London in 2017.</p> | |

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| 014806 - 015151 | Chairman Admin | In response to the Chairman's enquiry regarding the assistance provided to OCs, owners and occupiers, the Administration advised that the Bill did not seek to impose requirements on fire improvement works that were not feasible for the owners or occupiers to carry out due to physical constraints posed by existing building structure and actual circumstances (e.g. provision of refuge floors). In addition, each case would be followed up by a designated case officer. EAs, when issuing directions to owners or occupiers, would take into account all relevant factors, including the technical feasibility of implementing the proposed fire safety requirements in the target IBs. In addition, BD and FSD would arrange briefings for owners and occupiers of the target IBs, and would take part in OC meetings to provide technical advice and assistance as appropriate. | |
| 015152 - 020053 | Chairman Mr WU Chi-wai Admin | Mr WU Chi-wai reiterated his view on the granting of fire safety certificates for certain activities in IBs, other than for industrial purposes. | |
| 020054 - 020136 | Chairman | Arrangement of next meeting. | |