

## **Bills Committee on Fire Safety (Industrial Buildings) Bill**

### **Government's Response to the Letter from Self Storage Association Asia to the Bills Committee**

#### **Purpose**

This paper sets out the Government's response to the letter from Self Storage Association Asia ("SSAA") dated 11 March 2019 to the Bills Committee in relation to the Fire Safety (Industrial Buildings) Bill ("the Bill") as well as the Government's enforcement actions against mini-storages.

#### **Enforcement under the Bill**

2. As defined under clause 2 of the Bill, the Director of Fire Services ("DFS") and the Director of Buildings are the two enforcement authorities ("EAs") for the regime provided for under the Bill. The EAs, as well as officers acting under their authority, are empowered to inspect the target industrial buildings under the Bill ("target IBs") and issue fire safety directions to require the owners or occupiers to upgrade the fire service installations or equipment and/or fire safety construction to the required standards. Upon enactment of the Bill, the two EAs will deploy officers to conduct joint inspection of the target IBs by phases, and assign case officers to follow up on cases of individual target IBs and provide technical advice and assistance as required. Moreover, case officers of the Fire Services Department ("FSD") and the Buildings Department ("BD") are prepared to meet with the owners or occupiers to explain to them the contents of the directions and assist them in solving potential problems concerning the works.

#### **Enforcement Actions against Mini-Storages**

3. Subsequent to the mini-storage fire at Amoycan Industrial Centre in June 2016, the relevant departments, including FSD and BD amongst others, took enforcement actions under the existing law against any irregularities identified in mini-storages in the territory. FSD issues fire hazard abatement notices ("FHANs") in accordance with the Fire Services Ordinance (Cap. 95) to the operators of mini-storages where fire hazards have been identified. BD issues statutory orders under the Buildings Ordinance (Cap. 123) to the owners of premises operating mini-storages with non-compliance with the Ordinance.

4. While FSD and BD are taking enforcement actions against mini-storages under the respective Ordinances, the two departments have been in close collaboration with each other. The two departments have also been

adopting a pragmatic approach and have considered alternative proposals put forth by the mini-storage operators/owners on a case-by-case basis, provided that the fire safety standard is not compromised. They will continue to handle enforcement work in respect of mini-storages along the same approach.

### **Requirements under the Bill and those imposed on Mini-Storages**

5. As the Bills Committee may be aware, some mini-storage operators had recently filed applications for leave for judicial review against the decisions of DFS in respect of enforcement actions against mini-storages and the legal proceedings are ongoing. As such, it would not be appropriate for us to explain in detail the rationale of setting the technical requirements for mini-storages, which may prejudice the ongoing legal proceedings, in this paper. This notwithstanding, without prejudicing our handling of the court case, we set out below the general principles regarding the enforcement departments' requirements on mini-storages.

6. In its letter, SSAA asked whether there could be assurances that any mini-storage operator, having fulfilled the requirements from BD and FSD pursuant to the existing laws, will not be required to demolish the new structures for meeting the requirements under the Bill.

7. As a great majority of mini-storages are located in industrial buildings ("IBs"), FSD and BD have given due account to the requirements stipulated in the FHANs and statutory orders issued to mini-storage operators and owners of premises operating mini-storages when formulating the proposed requirements of upgrading fire safety of the target IBs under the Bill, so as to ensure that the two sets of requirements would not be in conflict.

8. Nevertheless, we cannot completely rule out the possibility that, under very specific circumstances, a small number of requirements under the Bill could entail alterations of existing structure at mini-storages located in the target IBs. For instance, the owners of some premises operating mini-storages may have received statutory orders under Cap. 123 from BD over the past two years or so, requiring them to ensure that the fire doors to their premises are installed in accordance with the approved plans and meet the fire safety standard prevailing at the time of construction of the premises concerned. Such prevailing standard could be less stringent than the standard required in the Code of Practice for Fire Safety in Buildings 2011 (October 2015 version) ("the 2011 FS Code"), which is the modern-day standard as required in Schedule 1 of the Bill. As such, it is possible that upon the enactment of the Bill, the fire doors of these premises for operating mini-storage might need to be further enhanced to meet the 2011 FS Code. That said, we believe that the replacement of fire doors should not pose a major hurdle to compliance with the Bill, as it would unlikely involve substantial changes to the building

structures or incur significant costs. If mini-storage operators or owners of premises operating mini-storages wish to know more about how the improvement works already carried out or being carried out would comply with the fire safety directions to be issued under the Bill, they are welcome to approach the case officers of BD and FSD for assistance.

9. SSAA also commented in its letter that with the proposed requirement to install an automatic sprinkler system in target IBs under the Bill, FSD's present requirement for mini-storages to maintain a distance of not less than 1 metre between the top of storage cubicles and the ceiling ("the 1-metre headroom clearance") might not be necessary. It also asked whether the requirement of providing sufficient windows in mini-storages would be applicable to other premises in the target IBs.

10. The proposed addition of an automatic sprinkler system in the target IBs under the Bill would be effective in limiting or extinguishing a fire prior to the arrival of firefighters. It should however be pointed out that the sole provision of an automatic sprinkler system in the target IBs is insufficient to eliminate the inherent fire hazards of the mini-storages therein, having regard to the latter's unique design, layout, construction and mode of operation. In formulating the requirements for mini-storages, in particular the 1-metre headroom clearance as well as the provision of windows, FSD has taken into account various considerations including the operational needs and experience of FSD personnel in firefighting and rescue, as well as the comprehensive risk assessment on the unique design, layout, construction and mode of operation of mini-storages. Reference has also been made to local and international standards and codes of practice (such as the Code of Practice for Minimum Fire Service Installations and Equipment published by FSD, and the relevant standards in places such as Singapore, the United Kingdom and the United States). Having regard to the aforementioned factors, FSD is of the view that the requirements of maintaining the 1-metre headroom clearance and providing sufficient windows, on top of the automatic sprinkler system required under the Bill, are crucial for the fire safety of mini-storages.

**Security Bureau**  
**Fire Services Department**  
**Buildings Department**  
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