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Paper for the House Committee

**Report of Subcommittee on
Fire Service (Installations and Equipment) (Amendment) Regulation 2021**

Purpose

This paper reports on the deliberations of the Subcommittee on Fire Service (Installations and Equipment) (Amendment) Regulation 2021 ("the Subcommittee").

Background

2. Currently, a stand-alone fire detector ("SFD")¹ falls within the definition of fire service installation or equipment under section 2 of the Fire Services Ordinance (Cap. 95) ("FSO").² Under regulations 6(1) and 7(1) of the Fire Service (Installations and Equipment) Regulations (Cap. 95B) ("FS(IE)R"), no fire service installation or equipment shall be installed, maintained, inspected or repaired by any person other than a registered fire service installation contractor registered under the Fire Service (Installation Contractors) Regulations (Cap. 95A) ("RFSIC"). Under regulation 8 of FS(IE)R, the owner of any fire service installation or equipment which is installed in any premises shall keep such fire service installation or equipment in efficient working order at all times and have such fire service installation or equipment inspected by an RFSIC at least once in every 12 months.

¹ According to the Administration, an SFD is a self-contained battery-operated device that incorporates a fire detector and an alarm, serving the purpose of detecting a fire and giving audible alarm warning or other form of warning to building occupants during the incipient stage of fire.

² Under section 2 of FSO, "fire service installation or equipment" means any installation or equipment manufactured, used or designed to be used for the purposes of, among others, giving warning of a fire.

3. According to the analysis conducted by the Fire Services Department ("FSD"), of the building fires which claimed 84 lives between 2016 and 2020 in Hong Kong, almost 90% of these building fires occurred in domestic premises. The fatality rate could have been reduced if building occupants were able to evacuate before they became unable to save themselves due to the effects of exposure to smoke, heat, or toxic effluent, particularly in circumstances where the occupants fell asleep in their premises when the fires occurred. Early detection of fire and an early warning to building occupants for timely evacuation are therefore of paramount importance to save their lives in case of a fire. Having regard to the effectiveness of SFDs in reducing fire losses, minimal technical skills required for their installation and maintenance, as well as their rising importance in domestic fire protection, the Administration considers that promoting the use of SFDs of owners/occupants' own volition in buildings and premises, particularly in domestic premises, will be the simplest and most practical way to ensure timely evacuation in case of a fire.

The subsidiary legislation

Fire Service (Installations and Equipment) (Amendment) Regulation 2021

4. The Fire Service (Installations and Equipment) (Amendment) Regulation 2021 (L.N. 73 of 2021) ("the Amendment Regulation") is made by the Chief Executive in Council under section 25 of FSO to amend FS(IE)R by:

- (a) adding a new definition of "stand-alone fire detector" to regulation 2;
- (b) excluding any SFD that is not required by or pursuant to law to be installed in any premises from the application of regulations 6(1) and 7(1); and
- (c) excluding such SFD from the application of regulation 8.

5. The Amendment Regulation comes into operation on 1 September 2021.

The Subcommittee

6. At the House Committee meeting on 25 June 2021, Members agreed to form a subcommittee to study the Amendment Regulation. Under the chairmanship of Hon Vincent CHENG Wing-shun, the Subcommittee held two

meetings. The membership list of the Subcommittee is in **Appendix I**. A list of organization and individuals which/who have provided written views to the Subcommittee is in **Appendix II**.

Deliberations of the Subcommittee

Quality, installation and maintenance of stand-alone fire detectors

7. Members support the introduction of the Amendment Regulation to promote a wider use of SFDs in buildings and premises, particularly in domestic buildings to save lives and reduce fire losses. Given that owners of such SFDs do not need to engage RFSICs for the installation, maintenance, inspection or repair of an SFD following the commencement of the Amendment Regulation, members have expressed concern whether and how the Administration will ensure the proper installation and operation of SFDs. Members have also expressed concern whether the Administration will conduct tests on SFDs before they are put on sale in the market to ensure the quality and safety of such devices.

8. The Administration has advised that the Amendment Regulation aims to encourage members of the public to install SFDs of their own volition for the purpose of detecting a fire and give audible alarm warning or other form of warning³ to building occupants during the incipient stage of fire. Other fire service installations and equipment, including fire detection systems, will continue to be regulated by the relevant statutory requirements. Following the commencement of the Amendment Regulation, FSD will publish a set of guidelines to advise the public on the selection of appropriate SFDs which meet established international/national standards of the Mainland, the United Kingdom, the United States and Australia, as well as installation and maintenance of SFDs. Installation of SFDs is simple and does not need any specific skill. For instance, an SFD is normally fitted to a mounting plate and can be easily attached to the surface of a ceiling by adhesive tapes or screws, though wall-mounted fire detectors are also available nowadays. SFDs are also advised to be installed at the center of a bedroom or living room, and at an appropriate distance from an air-conditioner. According to the Administration, an SFD adopting the modern technology normally has a lifespan of around 10 years, requiring no particular maintenance. Details of maintenance will also be given in the guidelines.

³ Some SFDs can give sound, vibration and visual alarm at the same time, targeting persons with visual or hearing impairments.

9. The Administration has further advised that in order to evaluate the performance and functionality of SFDs available in the market, FSD has conducted tests on 22 different models of SFDs which are manufactured and tested in accordance with various international/national standards, for having them being tested in simulated domestic fire scenarios. Testing results showed that all the devices performed satisfactorily. Although SFDs will become consumer products of which the sale and supply will be market-driven, FSD will liaise with the relevant trade representatives to advise them to import and sell SFDs which meet established international/national standards. In addition, FSD has discussed with the Consumer Council about the feasibility of the Council conducting tests on different models of SFDs in the coming future, with a view to raising public confidence in purchasing the device. During the implementation, FSD will conduct checks for shops selling SFDs and advise retailers on the importance of ensuring the quality of SFDs. When receiving reports on the sale of SFDs not meeting the international/national standards, FSD will look into the cases and refer them to the relevant enforcement authorities if criminal offence is involved. If the case involved is suspected of false description of the device (e.g. failure to comply with the standard claimed by the manufacturer/supplier), it would be referred to the Customs and Excise Department for follow-up.

Promotion and publicity

10. Members note that FSD will launch promotional activities to enhance public understanding on the benefits and use of SFDs through the social media and traditional media such as television and radio broadcast. Members have called on FSD to also reach out to ethnic minorities in the promotion and to collaborate with the Housing Authority and District Fire Safety Committees to promote a wider use of SFDs in public housing estates and in the community at large respectively.

11. The Administration has advised that FSD will publish guidelines in different languages (including ethnic minority languages) on the selection of appropriate SFDs and tips for their installation and maintaining the effectiveness of such devices by the owners themselves. FSD will also launch a pilot scheme in selected districts under which its volunteer teams will reach out to persons in need, such as the elderly living alone and ethnic minorities, and help them install SFDs through paying home fire safety visits. Apart from the pilot scheme, FSD will also collaborate with District Fire Safety Committees and the relevant government departments to organize further promotional activities to raise public awareness of the benefits of using SFDs. The Administration has further drawn the attention of members to the fact that

the Housing Authority has launched pilot scheme to install visual fire alarms free-of-charge for tenants with hearing impairments in 34 public housing estates. The Housing Society has also implemented a similar scheme for its tenants with hearing impairments.

Fire safety facilitation measures for old buildings

12. In light of the risks exposed by the fatal fire incident in Yau Ma Tei in November 2020, members have expressed grave concern about the potential fire hazards in old buildings. They have pointed out that many owners of old buildings have encountered genuine technical difficulties in carrying out improvement works, such as installation of fire service water tanks and pumps, to comply with the fire safety requirements under the Fire Safety (Buildings) Ordinance (Cap. 572) due to the structural or spatial constraints of the buildings. Members consider that in addition to encouraging owners and residents of these buildings to install SFDs of their own volition, the Administration should adopt further facilitation measures to assist them in meeting the fire safety requirements so as to better protect occupants and users of such buildings from the risk of fire and to protect life and property.

13. According to the Administration, FSD and the Buildings Department will, without compromising fire safety, adopt a flexible and pragmatic approach in handling individual cases in complying with the fire safety requirements. Notably, FSD has introduced a series of facilitation measures, including the "improvised hose reel system" and lowering of the capacity requirements for fire service water tanks, with a view to assisting owners in overcoming technical difficulties associated with the works. Specifically, for old buildings of three storeys or less, FSD and the Water Supplies Department have since September 2016 accepted the installation of "improvised hose reel systems" with direct water supply from government pipes on the ground floor of the buildings, sparing the owners the need to install related fire service water tanks and pumps. As regards old buildings of four to six storeys, FSD has lowered the capacity requirement of fire service water tanks for eligible buildings from 2 000 litres to 500 litres. For buildings of seven storeys or above, provided that direct vehicular access to one of the major facades of the building is available and a street fire hydrant is located within a distance of 50 metres, the capacity requirement of fire service water tanks may be reduced from 9 000 litres to 4 500 litres. Additionally, there is also a pilot scheme on utilizing the existing fresh water supply systems and rooftop fresh water tanks for supporting the fire service systems of buildings of seven storeys or above. In the meantime, the Government will also consider providing suitable fire safety equipment to residents in need to enhance emergency preparedness at home.

14. Noting that the Government will launch a pilot scheme to distribute fire extinguishers and fire blankets to residents of eligible old buildings in Yau Tsim Mong, Kowloon City and Sham Shui Po, members have urged the Administration to extend the pilot scheme to other districts, such as Tsuen Wan and Kwai Tsing. The Administration has advised that for the pilot scheme, respective District Fire Safety Committees will help distribute the fire extinguishers and fire blankets starting from the third quarter of 2021. The Administration anticipates that the pilot scheme would help encourage enthusiastic district personalities or organizations to consider donating fire extinguishers and fire blankets for distribution. It will also consider the way forward for the scheme after reviewing the effectiveness of and response to the pilot scheme as well as Members' views.

15. Members have also urged the Administration to expedite the legislative work on the Fire Safety (Buildings) Ordinance (Cap. 572) in respect of the proposal for the Government to undertake some of the fire safety improvement works for the owners of old buildings and recover the costs plus surcharges from them thereafter. The Administration has advised that it is working on the details of the proposal, with the aim to drawing up the relevant legislative proposal and seek Members' views at a later stage.

Recommendation

16. Members of the Subcommittee support the Amendment Regulation. The Subcommittee will not propose any amendment to the Amendment Regulation.

Advice sought

17. Members are invited to note the deliberations of the Subcommittee.

**Subcommittee on Fire Service (Installations and Equipment)
(Amendment) Regulation 2021**

Membership list

Chairman Hon Vincent CHENG Wing-shun, MH, JP

Members Hon CHAN Han-pan, BBS, JP
Hon Wilson OR Chong-shing, MH
Hon Tony TSE Wai-chuen, BBS, JP

(Total : 4 members)

Clerk Miss Betty MA

Legal adviser Miss Rachel DAI

**Subcommittee on Fire Service (Installations and Equipment)
(Amendment) Regulation 2021**

List of organization and individuals which/who have provided written submissions

1. Ms Anvy TANG
2. Max NG
3. The Hong Kong Institution of Engineers