

# Fire Safety (Buildings) (Amendment) Bill 2024 to be gazetted on Friday

A spokesperson for the Security Bureau said today (July 3) that the Government will publish the Fire Safety (Buildings) (Amendment) Bill 2024 (Amendment Bill) in the Gazette on Friday (July 5).

The spokesperson said, "Existing buildings were constructed in accordance with applicable construction and fire safety standards prevailing at the time when they were constructed. The Fire Safety (Buildings) Ordinance (Cap. 572) (Ordinance) aims to require the upgrading of fire safety standards of pre-1987 composite and domestic buildings (target buildings) to meet modern fire protection requirements. The Government has been proactively providing various kinds of support assisting owners of old buildings (including support on financial aspects, co-ordination among owners and technical aspects) to carry out fire safety improvement works. That being the case, some owners of old buildings, in particular those of 'three-nil' buildings, may still face difficulties in complying with the requirements of the Ordinance due to the lack of co-ordination capability, etc. We see the need to introduce targeted measures to assist those with genuine difficulties for meeting the statutory requirements, and at the same time, drive other owners of target buildings to comply with the Ordinance.

"We will make reference to the Buildings Department's experience in the work of building safety and the similar mechanism under the Buildings Ordinance (Cap. 123) to amend the Ordinance, empowering the Fire Services Department and the Buildings Department as the enforcement authorities (EAs) to carry out fire safety improvement works for owners of target buildings who have failed to comply with the Ordinance (defaulted works), and to recover the costs of defaulted works from such owners upon completion of the works, with a view to assisting those with genuine difficulties in enhancing the fire safety standards of old buildings. We will also take the opportunity to introduce different measures with a view to driving owners' compliance with the requirements of the Ordinance on their own initiative. Relevant measures include increasing the penalties for non-compliance with the Ordinance, introducing provisions preventing any person from obstructing an owners' corporation (OC) in complying with the requirements of the Ordinance, empowering EAs to register Fire Safety Directions issued against the involved buildings or their relevant parts in the Land Registry, etc.

"Considering that some owners may encounter financial difficulties, we will allow owners of eligible target buildings to apply for the Fire Safety Improvement Works Subsidy Scheme, so that they can use the subsidy to partially cover the costs of the defaulted works. We will also allow owners who cannot set up OCs because of special circumstances (for example, some owners are missing/untraceable) to apply for the aforementioned scheme for using the subsidy to partially cover the costs of the defaulted works. The subsidy can reach up to 60 per cent of the costs of works," the spokesperson

added.

The spokesperson emphasised, "It is the responsibility of owners to repair and properly maintain private buildings in a timely manner, including carrying out the required fire safety improvement works to enhance the fire safety standards of buildings according to the Ordinance. The Government would only, under exceptional circumstances, carry out defaulted works for buildings which do not comply with the Ordinance.

"The earlier No. 3 alarm fire incident at New Lucky House in Jordan has heightened public concern over fire safety of old buildings. We have purposely expedited our legislative amendment work and strive to introduce the Amendment Bill into the Legislative Council for scrutiny in July," the spokesperson added.

While proceeding with the work of perfecting the Ordinance, the Government will remain committed to improving fire safety standards of old buildings by providing financial, technical and co-ordination support, as well as taking enforcement actions and other various measures. By adopting this multipronged approach, the Government aspires to foster a safe living environment for the community.

The Government will introduce the Amendment Bill into the Legislative Council on July 10 for First Reading and Second Reading.

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## **Effective Exchange Rate Index**

The effective exchange rate index for the Hong Kong dollar on Wednesday, July 3, 2024 is 106.9 (same as yesterday's index).

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## **LCQ2: Management of private streets and footbridges**

Following is a question by Dr the Hon Chan Han-pan and a reply by the Secretary for Development, Ms Bernadette Linn, in the Legislative Council today (July 3):

Question:

It is learnt that many streets and footbridges in private housing courts

(private streets and footbridges) are open for public use, with minority owners bearing the related cleaning, repair and maintenance costs over the years, and the relevant expenditure for some private streets and footbridges has gone up with the development in the vicinity and higher people flow. In this connection, will the Government inform this Council:

(1) of the current number of private streets and footbridges in Hong Kong that are open for public use; whether the Government received request for resumption of such streets and footbridges in the past five years, and the outcome of the follow-up actions;

(2) whether it will consider, on the premise of public interest being involved, such as when the relevant private streets and footbridges are connected to public facilities or there are new developments in their vicinity, resuming such private streets and footbridges; if not, of the reasons for that, and whether there are new measures to assist the owners concerned in coping with the increasing maintenance responsibility and financial pressure, so as to ensure that such facilities are safe and in pristine condition; and

(3) as the Government will carry out the Extension of Footbridge Network in Tsuen Wan project in the vicinity of the private footbridge connecting to Discovery Park, and as Noah's Ark Hong Kong, Ma Wan Fire Station and Ma Wan Park Phase 2 have to be accessed via Pak Yan Road, whether the Government will accede to the requests of the residents concerned by bringing the footbridge and street in question under the Government's management and maintenance; if so, of the specific timetable; if not, the reasons for that?

Reply:

President,

To facilitate integrated design and utilise lot owners' resources to achieve early completion of certain public facilities to meet community needs, the Government may require, via land lease conditions, lot owners to provide and make available facilities for public use, such as footbridges and roads, in private commercial and residential development projects as appropriate.

Subject to the lease conditions, after the completion of these footbridges or roads, lot owners may be required to return such facilities to the relevant government departments upon the latter's request, or continue to manage and maintain these facilities. I understand that Dr the Hon Chan is concerned about the latter.

In requiring lot owners to continue to manage and maintain the relevant facilities, the Government in general will consider one or more of the following consideration(s):

(i) the main users of the relevant footbridge or road are the lot owners of the concerned private development project, their tenants and guests;

(ii) integrating the relevant footbridge or road into the private development project for consolidated design and management would render the design more coherent and their management more effective;

(iii) the Government's resources allocation may not align with the private development project's implementation timetable, and there is a need to leverage the lot owners' resources to manage the facilities more effectively; and/or

(iv) the lot owners proposed on their own initiative to the Town Planning Board (TPB) to provide and manage such public facilities as a planning gain, when applying for a change in land use or seeking a planning approval concerning their private development project.

For the different parts of the question, having consulted the Transport and Logistics Bureau and the Lands Department (LandsD), the Development Bureau's response is as follows:

(1) The LandsD indicates that currently there are about 230 footbridges available for public use that are constructed and managed by lot owners as required under lease. As for roads available for public use, about 240 roads on government land are constructed and managed by lot owners. As roads on private land available for public use may not be required by the relevant land lease, the LandsD currently does not have comprehensive figures.

In the past five years, the LandsD has received eight requests for the Government to take back some of the relevant footbridges and roads. The Government is processing two of these cases, while the remaining cases were not accepted after consulting relevant departments, including the Transport Department (TD) and the Highways Department (HyD).

(2) Lot owners should fulfil their obligation under the land lease to manage and maintain the relevant footbridges and roads if the lease so requires.

Lot owners (including flat owners who purchased individual units after completion of the development project) should also be aware of these responsibilities as included in the lease conditions and the deeds of mutual covenant of the building when they purchase the property.

As lot owner's expectation for the Government to take back relevant facilities is not only contrary to the land lease conditions, but also has implications on public resources, the Government would not accede to such requests as a matter of principle. If preliminarily there are sufficient grounds to justify individual applications, such as the usage of the facilities is significantly different from what was envisaged when the land lease was executed, or if there are environmental hygiene, traffic and road maintenance issues that far exceed what lot owners could handle, the Government would make a decision after considering relevant departments' resources and comments. Apart from that, if a road or footbridge was damaged or depilated to the detriment of user safety, the Government would consider conducting urgent repair works on the lot owners' behalf to ensure public safety, but would subsequently demand the lot owners to reimburse the relevant cost of works.

To avoid unforeseen disputes arising from more such cases in the future, for new development projects (such as those at planning or lease drafting stage), even when it is justified to request the lot owners to bear management responsibilities for the roads or footbridges, where feasible (for example, there is a reasonable size of commercial portion in the project), the Government's current practice is to stipulate that the management and maintenance responsibility of the relevant facilities be assigned to the lot owner(s) of the commercial portion of the development as far as possible, to avoid such responsibilities falling on the shoulders of individual flat owners of the residential portion.

(3) Regarding the two cases mentioned by the Member, the footbridge on Tai Chung Road adjacent to Discovery Park in Tsuen Wan was proposed to be erected by the lot owner of the project in 1991 to the TPB with a view to connecting its commercial and residential development project. Since the facility was proposed by the lot owner on its own accord, we do not consider it reasonable to now request the Government to relieve the lot owner from complying with the obligations under the land lease. The current usage of the footbridge is also consistent with the situation when the lease was executed, and the Government does not have any plans now to take it back.

As for Pak Lai Road and part of Pak Yan Road in Ma Wan, the TD and the HyD have assessed the situation in light of local residents' concerns, and consider that the roads are still mainly used by the residents of Park Island at present, which is consistent with the usage envisaged when the lease was executed. The Government does not have any plans to take back the relevant roads at this stage. However, in light of the on-going development, especially the Ma Wan Park Phase 2, as well as the long-term planning of Ma Wan, the Government will continuously monitor and assess the usage of the road, and consider whether to take back the relevant part as and when appropriate.

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## [LCQ19: Performing surgeries for cataract patients](#)

Following is a question by the Hon Luk Chung-hung and a written reply by the Secretary for Health, Professor Lo Chung-mau, in the Legislative Council today (July 3):

Question:

According to the latest statistics published by the Hospital Authority (HA), from April last year to March this year, the median waiting time of patients who had their cataract surgeries done in public hospitals was at

least 11 months. It is learnt that as cataract patients often have to wait for a considerably long time before a surgery can be arranged for them, their vision may have deteriorated before the surgery and become so blurred that their daily lives are significantly affected. In this connection, will the Government inform this Council:

(1) as some ophthalmologists have reportedly pointed out that if a patient does not undergo a surgery until his cataract has reached a very "mature" stage, his vision may be seriously impaired and it will take him a relatively long time to recover after the surgery, whether it knows if HA has stipulated clear criteria for determining whether a patient is suitable for undergoing a surgery; if so, of the specific details, such as how those criteria have been stipulated and put into practice;

(2) whether it knows the average waiting time for a cataract surgery in each hospital cluster in each month over the past five years; whether there are special circumstances which will affect the waiting time; of the specific measures put in place by the Government to reduce the waiting time;

(3) whether it knows (i) the average attendance receiving cataract surgeries in public hospitals, as well as the average attendance of (ii) new ophthalmic stable cases, (iii) new ophthalmic semi-urgent cases and (iv) new ophthalmic urgent cases receiving treatments in public hospitals in each of the past five years, and set out the breakdown by hospital cluster in the table below; and

Hospital cluster	(i)	(ii)	(iii)	(iv)

(4) given that HA provides subsidies under the Cataract Surgeries Programme to patients on HA clusters' routine cataract surgery waiting lists, so as to offer them options to undergo cataract surgeries by private ophthalmologists, whether it knows the total number of invitation letters issued by HA, the number of patients who accepted the invitations and joined the Programme, and among them, the percentage of Waiver Eligible Patients who did not need to pay any co-payment in the past five years?

Reply:

President,

In consultation with the Hospital Authority (HA), the consolidated reply to the question raised by the Hon Luk Chung-hung is as follows:

Cataract is a common eye disease, the prevalence of which increases with age. It is expected that the demand for cataract surgery will continue to grow with the ageing population.

Having regard to the above, the Eye Specialist Out-patient Clinics (SOPCs) under the HA have implemented arrangements since 2009 to ensure patients with conditions requiring early intervention are treated with

priority. Patients waiting for cataract surgery are triaged into Priority 1 (urgent), Priority 2 (semi-urgent) and Routine (stable) categories according to the urgency of their situations and clinical conditions. Surgeries will be arranged as early as practicable for those triaged as priority cases.

Specifically, Priority 1 (urgent) category includes patients with mature cataract in both eyes or severe visual impairment, who will generally be arranged to undergo surgeries in less than two months. Priority 2 (semi-urgent) category includes patients with special occupational needs or very poor vision in one eye. In general, they will be arranged to undergo surgeries within 12 months. Routine (stable) category includes patients with stable clinical conditions and relatively better vision. They will be arranged to attend follow-up consultations at Eye SOPCs for regular monitoring of their conditions and will undergo surgeries at an appropriate time.

The HA and its Coordinating Committee in Ophthalmology also regularly review the scheduling for cataract surgery, taking into account data on the waiting time for various clusters.

The number of new cases in Eye SOPCs, waiting time for cataract surgery and number of cases with cataract surgery performed in each hospital cluster of the HA from 2019-20 to 2023-24 are set out at the Annex.

The HA launched the Cataract Surgeries Programme (the Programme) in February 2008. Under the public-private partnership model, general patients in the waiting list who are suitable for local anaesthetic surgery will be invited to receive cataract surgeries performed by designated private ophthalmologists. The HA provides a fixed subsidy of \$8,000 for participating patients who are subject to a co-payment of not more than \$8,000. Waiver eligible patients (Note) are entitled to the fee waiver arrangement under the Programme. In the past five years, the HA issued over 50 000 invitation letters under the Programme. More than 12 600 patients participated in the Programme, including about 25 per cent of whom are waiver eligible patients.

The HA will continue to proactively shorten the waiting time for cataract surgery through various measures. Apart from the above public-private partnership programme, the HA has also launched a special scheme for cataract surgery under which allowances are provided to serving doctors to perform surgeries for patients outside their working hours, with a view to enhancing the capacity of relevant services. In addition, the HA has implemented a number of measures to attract, train and retain talents. These include enhancing recruitment of local graduates, re-hiring retired staff and recruiting non-locally trained doctors and part-time staff, while enhancing training and promotion opportunities as well as launching the Enhanced Home Loan Interest Subsidy Scheme. The healthcare personnel coming to Hong Kong under the Greater Bay Area Healthcare Talents Visiting Programmes also include ophthalmologists, helping alleviate the pressure of manpower shortage.

Note: Including recipients of the Comprehensive Social Security Assistance, certificate holders for Full Waiver of Medical Charges, Old Age Living

Allowance recipients aged 75 or above, as well as voucher holders at Level 0 under the Residential Care Service Voucher Scheme for the Elderly

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## Inspection of aquatic products imported from Japan

In response to the Japanese Government's plan to discharge nuclear-contaminated water at the Fukushima Nuclear Power Station, the Director of Food and Environmental Hygiene issued a Food Safety Order which prohibits all aquatic products, sea salt and seaweeds originating from the 10 metropolis/prefectures, namely Tokyo, Fukushima, Ibaraki, Miyagi, Chiba, Gunma, Tochigi, Niigata, Nagano and Saitama, from being imported into and supplied in Hong Kong.

For other Japanese aquatic products, sea salt and seaweeds that are not prohibited from being imported into Hong Kong, the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department will conduct comprehensive radiological tests to verify that the radiation levels of these products do not exceed the guideline levels before they are allowed to be supplied in the market.

As the discharge of nuclear-contaminated water is unprecedented and will continue for 30 years or more, the Government will closely monitor and step up the testing arrangements. Should anomalies be detected, the Government does not preclude further tightening the scope of the import ban.

From noon on July 2 to noon today (July 3), the CFS conducted tests on the radiological levels of 196 food samples imported from Japan, which were of the "aquatic and related products, seaweeds and sea salt" category. No sample was found to have exceeded the safety limit. Details can be found on the CFS's thematic website titled "Control Measures on Foods Imported from Japan" ([www.cfs.gov.hk/english/programme/programme\\_rafs/programme\\_rafs\\_fc\\_01\\_30\\_Nuclear\\_Event\\_and\\_Food\\_Safety.html](http://www.cfs.gov.hk/english/programme/programme_rafs/programme_rafs_fc_01_30_Nuclear_Event_and_Food_Safety.html)).

In parallel, the Agriculture, Fisheries and Conservation Department (AFCD) has also tested 50 samples of local catch for radiological levels. All the samples passed the tests. Details can be found on the AFCD's website ([www.afcd.gov.hk/english/fisheries/Radiological\\_testing/Radiological\\_Test.html](http://www.afcd.gov.hk/english/fisheries/Radiological_testing/Radiological_Test.html)).

The Hong Kong Observatory (HKO) has also enhanced the environmental monitoring of the local waters. No anomaly has been detected so far. For details, please refer to the HKO's website ([www.hko.gov.hk/en/radiation/monitoring/seawater.html](http://www.hko.gov.hk/en/radiation/monitoring/seawater.html)).



From August 24 to noon today, the CFS and the AFCD have conducted tests on the radiological levels of 64 112 samples of food imported from Japan (including 41 537 samples of aquatic and related products, seaweeds and sea salt) and 15 592 samples of local catch respectively. All the samples passed the tests.