

LCQ10: Measures to enhance fire safety in buildings

Following is a question by the Hon Shiu Ka-chun and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (February 27):

Question:

The Fire Safety (Buildings) Ordinance (Cap 572) (the Ordinance), which came into operation on July 1, 2007, requires that the fire safety measures of composite and domestic buildings which were constructed, or with their plans of the building works first submitted for approval, on or before March 1, 1987, be enhanced to a level that meets the current fire safety standards. The Fire Services Department and the Buildings Department will, after inspecting the buildings, issue Fire Safety Directions (Directions) to owners or occupiers to specify the required fire safety improvement works. However, some owners of buildings aged above 50 years and built without lifts in Yau Tsim Mong District have relayed to me that they have encountered quite a number of difficulties in complying with the Directions, including the inability of owners who are retirees to pay the huge costs of works and the absence of owners' corporations (OCs) to coordinate the relevant works. On assisting owners of such old buildings in carrying out fire safety improvement works, will the Government inform this Council:

(1) of the number of old buildings which currently do not meet the fire safety requirements and the categories to which they belong (i.e. composite or domestic buildings) and, among them, (i) the percentage of those with OCs established and (ii) the number of those located in Yau Tsim Mong District;

(2) of the number of old buildings whose owners have been issued the Directions by the authorities since the Ordinance came into operation, with a breakdown by the required fire safety improvement works;

(3) of the respective current numbers of old buildings, with a breakdown by the category to which they belong, for which the required fire safety improvement works (i) are being carried out and (ii) have been completed; and

(4) as some owners refuse to share the costs of works and some old buildings do not have an OC to coordinate the relevant works, of the authorities' new measures to assist the owners concerned in complying with the Directions?

Reply:

President,

The Fire Safety (Buildings) Ordinance (Cap 572) (the Ordinance) stipulates that composite and domestic buildings which were constructed on or

before March 1, 1987, or with the plans of the building works first submitted for approval on or before that day (target buildings), must be enhanced to meet modern fire protection requirements. The Ordinance is enforced by the Fire Services Department (FSD) and the Buildings Department (BD). The FSD is responsible for fire service installations and equipment (FSIs), while the BD is responsible for fire safety measures in relation to planning, design and construction of buildings. The FSD and the BD will issue Fire Safety Directions (Directions) to owners and/or occupiers with regard to fire safety measures of the relevant buildings and specify the required fire safety improvement works.

Before issuing any Directions, the FSD and the BD will deploy officers to conduct a joint inspection of the target building. Direction(s) will be issued to owners and/or occupiers in light of the actual condition of the building and in accordance with the Ordinance, requiring them to provide appropriate FSIs and/or carry out works in relation to fire safety construction, with a view to enhancing the fire safety of their building.

We appreciate that individual old buildings may not be able to fully comply with the requirements of the Directions due to their structural or spatial constraints. As such, the FSD and the BD have been adopting a flexible and pragmatic approach in handling each case, on the premise of not compromising basic fire safety. Having regard to the condition of individual buildings and/or information provided by the authorised persons in relation to the execution of the Directions (for instance, the building structure, and whether there are spatial constraints), the departments will consider enforcing certain requirements flexibly or accepting alternative proposals put forward by the owners. Case officers of the FSD and the BD are prepared to meet with the owners and their appointed authorised persons, registered structural engineers, consultants or registered fire service installation contractors, to explain to them the substance of the Directions and assist them in solving potential problems concerning the works.

Having consulted the relevant departments, my reply to Hon Shiu's question is as follows:

(1) to (3) Based on BD's information, about 13 500 target buildings are regulated under the Ordinance. The FSD and the BD conduct joint inspections for these buildings in two stages: about 10 500 target composite buildings (TCBs) will be inspected in the first stage, after which about 3 000 target domestic buildings (TDBs) will be inspected in the second stage.

The two departments are now conducting the first stage of inspections. As at January 31, 2019, the two departments have inspected 8 953 TCBs. The second stage of inspecting TDBs will commence upon completion of the first-stage inspection.

As at January 31, 2019, the FSD and the BD have issued Directions to the owners and occupiers of 7 298 TCBs. Among the TCBs issued with Directions, around half of them have set up owners' corporations (OCs). As far as Yau Tsim Mong District is concerned, Directions have been issued to 1 544 TCBs.

Among the TCBs with Directions issued, 195 have complied with the Directions on FSIs issued by the FSD and 154 have complied with Directions on fire safety construction in relation to planning, design and construction of buildings issued by the BD. Among these TCBs, 44 have complied with the Directions of both the FSD and the BD. The remaining TCBs have yet to comply with the Directions (i.e. they are still carrying out or planning for the fire safety improvement works as required under the Directions, or have not taken any follow-up action yet). The FSD and the BD do not keep any breakdown of the number of buildings which are carrying out fire safety improvement works.

As stated above, before issuing any Direction on improvement works in relation to FSIs or fire safety construction, the FSD and the BD will deploy officers to conduct a joint inspection of a target building, with a view to issuing Direction(s) to owners and/or occupiers in light of the actual condition of the buildings and in accordance with the requirements of the Ordinance. Hence, the fire safety improvement works required for each target building may vary. The FSD and the BD do not keep any breakdown of the types of fire safety improvement works required of target buildings.

(4) We are aware that in complying with the requirements under the Ordinance, some owners may encounter financial difficulties and problems in coordination amongst owners/occupants of the buildings. As such, the FSD and the BD have been maintaining close liaison with the Home Affairs Department (HAD), the Hong Kong Housing Society (HKHS) and the Urban Renewal Authority (URA), and have also been taking an active part in offering professional advice to owners of old buildings in relation to financial support and owners/occupants' coordination, with a view to assisting the owners to comply with the Directions as soon as practicable.

Regarding financial assistance, in order to assist owners of private buildings in conducting maintenance and repair works for their buildings, the Government, the HKHS and the URA have been operating various financial assistance schemes for owners in need. Those schemes include the Building Safety Loan Scheme, the Common Area Repair Works Subsidy and the Building Maintenance Grant Scheme for Elderly Owners, all of which have been consolidated into the Integrated Building Rehabilitation Assistance Scheme (IBRAS) launched by the URA. Fire safety improvement works pertaining to the Ordinance have been incorporated into the list of works eligible for subsidies or loans under these schemes. Besides, an information leaflet about the IBRAS is attached to the Directions for eligible persons' reference and application of subsidies (if in need).

To further assist owners of old buildings, the Government has devoted about \$2 billion to launch the Fire Safety Improvement Works Subsidy Scheme (FSWS) in 2018 for subsidising owners of TCBs for complying with the fire safety improvement requirements under the Ordinance. The FSWS is administered by the URA, and subsidised buildings may be granted up to 60 per cent of the works costs and the consultancy fees. We hope that through the FSWS, further financial support can be provided to owners of old buildings, so that they

may commence works as soon as possible to comply with the requirements under the Ordinance and enhance the fire safety standards of these old buildings.

Besides, we understand that the so-called "three-nil" buildings (i.e. buildings without OCs, residents' organisations or property management companies), or target buildings without OCs but with other residents' organisations (such as owners' committees or mutual aid committees (MACs)), may encounter difficulties in coordinating fire safety improvement works. Therefore, the FSD and the BD will refer the list of such target buildings without OCs to the HAD so that the latter can assist the owners of the buildings concerned in establishing OCs.

To strengthen the provision of free professional advice and support services to old buildings and enhance building management and maintenance works, the HAD has since 2011 implemented the Building Management Professional Advisory Service Scheme. The scheme engages professional property management companies to provide owners of old buildings with one-stop professional support services, which include organising and assisting the owners in the establishment of OCs, helping them to apply for various subsidies or loan schemes for repair works, as well as following up on the repair works and tendering matters. Noting that some owners of old buildings are not residing therein and this may pose difficulties in OC formation and proper building management, the HAD has also launched the Resident Liaison Ambassador (RLA) Scheme to recruit owners/residents to serve as RLAs and unite the efforts of owners/residents to assist in improving the management and environment of the buildings, with the long-term goal of promoting the formation of OCs in such buildings through the RLAs or other residents' organisations.

To further assist owners, OCs, owners' committees and MACs in handling issues related to building management and large-scale maintenance projects, the HAD launched the Central Platform on Building Management in September 2018 which conducts regular briefings for owners, OCs, owners' committees and MACs, and invites relevant government departments and organisations, (including the BD, the FSD, the Electrical and Mechanical Services Department, the Hong Kong Police Force, the Independent Commission Against Corruption, the URA and the Competition Commission) to introduce various services and schemes on building management and maintenance. Owners, OCs and owners' committees participating in these one-stop briefings can learn more about the details and application procedures of related services and schemes, as well as the means of contact for future enquiries. Representatives from the BD and the FSD will attend the briefings to explain to participants the Ordinance and relevant requirements.

Upon issuing Directions to "three-nil" buildings, the FSD will publicise the recruitment of Fire Safety Ambassadors and Building Fire Safety Envoys in these buildings in a timely manner, with a view to enhancing the residents' awareness of fire prevention and facilitating coordination of improvement works for FSIs in the future. The Social Services Team appointed by the BD will also provide further support if the need arises, including coordinating residents of the buildings in carrying out the related works, and aptly

assisting them in applying for suitable financial assistance schemes, etc. Case officers of the FSD and the BD will from time to time attend, upon invitation, the owners' meetings of target buildings to provide detailed responses to enquiries in relation to the Ordinance.

If the owners of target buildings need time to form an OC or require more time to prepare for and carry out the improvement works, the enforcement authorities will duly consider their applications for extending the compliance period of the Directions, in the light of the justifications provided and/or the scale of works involved and so forth.

The relevant departments will review the measures implemented from time to time and continue to explore various options, with a view to streamlining the procedures in conducting fire safety improvement works for old buildings and reducing the costs incurred by the owners, subject to basic fire safety not being compromised. We hope that these measures will enhance the fire safety level of the old buildings, strengthen the protection for people who work, live or carry out various activities in these places, and reduce the threat of fire.