

LCQ21: Fire safety of mini-storage facilities and old industrial buildings

Following is a question by the Hon CHAN Hak-kan and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (June 2):

Question:

After a major fire in a mini-storage facility (MSF) in Kowloon Bay which broke out in 2016 and claimed the lives of two firemen, the Government enacted legislation to enhance the fire safety of MSFs and the old industrial buildings (IBs) housing such MSFs, and has stepped up law enforcement efforts. It has been reported that there are still many MSFs not meeting the fire safety requirements. In this connection, will the Government inform this Council:

- (1) whether it knows the current number of MSFs in the territory and the number of operators involved; of a breakdown of the number of such MSFs by (i) the District Council district in which the IBs housing such MSFs are located and (ii) the year of completion of the IBs concerned;
- (2) of (i) the number of inspections of MSFs conducted and (ii) the number of Fire Hazard Abatement Notices (FHANs) issued to MSFs, by the Fire Services Department in each of the past five years, as well as a breakdown of the latter by the contravention involved (set out in a table); the number of MSFs which have been issued with a FHAN situated on a site the land lease of which does not include "godown" as one of the permitted uses;
- (3) of (i) the respective numbers of prosecutions and convictions in respect of MSF operators' violation of the relevant fire safety legislation, and the penalties imposed on the convicted persons, as well as (ii) the number of cases in which the Lands Department (LandsD) found the MSFs concerned had violated the permitted uses under the land leases and the details of the LandsD's follow-up actions, including the number of cases which involved the registration of warning letters at the Land Registry (commonly known as "imposing an encumbrance"), in each of the past five years;
- (4) of the latest progress of fire safety enhancements of old IBs since the Fire Safety (Industrial Buildings) Ordinance (Cap. 636) came into operation on June 19 last year, and the number of IBs which have implemented fire safety enhancements in accordance with the Ordinance; and
- (5) whether the Government will introduce a licensing regime to step up the regulation of the operation of MSFs; if so, of the details; if not, the reasons for that?

Reply:

President,

Since June 2016, relevant departments such as the Fire Services Department (FSD), Buildings Department (BD) and Lands Department (LandsD) have been taking enforcement actions under the current legislation against irregularities identified in mini-storage premises (MSPs) in the territory. The departments require MSP operators and owners to abate potential safety hazards as quickly as possible, in order to improve the safety level of MSPs.

After consulting the relevant departments, my reply to various parts of the question is as follows:

(1) As revealed from the inspections of relevant departments, there are currently 690 MSPs operated by around 130 companies.

The distribution of the location of the existing MSPs (by District Council district) is as follows:

| District Council district | Number of MSPs |
|-----------------------------|----------------|
| Central and Western | 38 |
| Eastern | 144 |
| Southern | 38 |
| Kowloon City | 35 |
| Kwun Tong | 76 |
| Sham Shui Po | 33 |
| Wong Tai Sin | 39 |
| Yau Tsim Mong | 20 |
| Kwai Tsing | 69 |
| North | 11 |
| Sha Tin | 57 |
| Tai Po | 14 |
| Tsuen Wan | 56 |
| Tuen Mun | 49 |
| Yuen Long | 11 |
| Wan Chai, Islands, Sai Kung | 0 |
| Total | 690 |

Information on the year of completion of the industrial buildings (IBs) in which the abovementioned MSPs are located (by year of completion) is as follows:

| Year of completion of IBs in which MSPs are located (Note 1) | Number of IBs involved (Note 2) |
|--------------------------------------------------------------|---------------------------------|
| Before 1973 | 96 |
| 1974 – 1987 | 123 |
| After 1987 | 30 |
| Total | 249 |

(2) From June 2016 to end-April 2021, the FSD has inspected a total of 1 166 MSPs (some of which have wound up), and issued 3 154 Fire Hazard Abatement Notices (FHANs) to 927 MSP operators under the Fire Services Ordinance (Cap. 95). The number of the FSD's inspection to MSPs, the number of FHANs issued and the types of fire hazards by year are as follows:

| | 2016 | 2017 (Note 3) | 2018 | 2019 | 2020 | 2021 (Note 4) |
|------------------------------|-------|------------------|-------|-------|-------|------------------|
| Number of inspection to MSPs | 1 654 | 6 910 | 2 729 | 2 730 | 1 505 | 544 |
| Number of FHANs issued | 994 | 1 845 | 135 | 103 | 51 | 26 |

| Types of fire hazards in MSPs covered by FHANs (Note 5) | 2016 | 2017 (Note 3) | 2018 | 2019 | 2020 | 2021 (Note 4) |
|-------------------------------------------------------------------------|------|------------------|------|------|------|------------------|
| 1. Potential safety risk of undesirable arrangement of storage cubicles | 271 | 524 | 38 | 25 | 20 | 5 |
| 1. Obstruction to/insufficient number of windows | 269 | 524 | 39 | 25 | 12 | 4 |
| 1. Insufficient coverage of hose reel system | 94 | 117 | 5 | 9 | 3 | 3 |
| 1. Insufficient exit signs and directional signs | 247 | 451 | 27 | 25 | 11 | 7 |
| 1. Escape doors locked or with undesirable types of locking devices | 113 | 229 | 26 | 19 | 5 | 7 |
| Total | 994 | 1 845 | 135 | 103 | 51 | 26 |

Furthermore, in the past five years, the operating locations of a total

of 186 MSPs which have received FHANs before are suspected to be in breach of relevant lease conditions, amongst which 90 MSPs have wound up.

(3) The FSD, BD and other related government departments have been taking enforcement actions under current legislation against irregularities identified in MSPs in the territory. For example, the FSD would issue FHANs to MSPs requiring the operators to abate fire hazards within specified periods. The BD would issue statutory orders under the Buildings Ordinance (Cap. 123) to owners of MSPs requiring them to comply with the orders within specified periods. In this regard, the FSD and BD would review the circumstances and progress of each individual case for considering whether extension of time for FHANs issued by the FSD and/or the statutory orders issued by the BD may be granted, in order to facilitate the MSPs operators and owners to complete the corresponding rectification works. The FSD and BD may also prosecute MSPs operators and owners who fail to comply with FHANs and/or the statutory orders without reasonable excuse.

In the past five years, the FSD has instigated prosecutions against 247 MSPs operators who failed to comply with FHANs. Amongst which, there were 37 conviction cases with a total fine of \$572,600. In respect of the BD, it has instigated prosecutions against the owners of 17 MSPs who failed to comply with the statutory orders. Amongst which, there were 9 conviction cases with a total fine of \$199,995. The relevant numbers of prosecutions, convictions and total amount of fines in the past five years are tabulated as follows:

Relevant figures on the prosecutions, convictions and fines for non-compliance with FHANs issued by the FSD

| | 2017 (Note 7) | 2018 | 2019 | 2020 | 2021 (Note 8) |
|--------------------------------|---------------|-----------|----------|-----------|---------------|
| Number of prosecutions | 3 | 69 | 96 | 69 | 10 |
| Number of convictions (Note 6) | 2 | 16 | 4 | 11 | 4 |
| Total amount of fines (Note 6) | \$40,000 | \$239,000 | \$95,000 | \$164,400 | \$34,200 |

Relevant figures on the prosecutions, convictions and fines for non-compliance with the statutory orders issued by the BD

| | 2017 (Note 10) | 2018 | 2019 | 2020 | 2021 (Note 11) |
|--------------------------------|----------------|------|------|------|----------------|
| Number of prosecutions | 0 | 0 | 1 | 10 | 6 |
| Number of convictions (Note 9) | 0 | 0 | 0 | 4 | 5 |

| | | | | | |
|--------------------------------|---|---|---|-----------|----------|
| Total amount of fines (Note 9) | 0 | 0 | 0 | \$127,170 | \$72,825 |
|--------------------------------|---|---|---|-----------|----------|

As for breach of uses as permitted in land lease by MSPs, from July 2016 (when the LandsD started to maintain the relevant statistics) to mid-March 2021, there were 238 cases of breach of uses specified in land lease by MSPs located in IBs. The LandsD has issued warning letters to the relevant owners, requiring them to rectify the breaches of uses, and rectification has been completed in 35 cases. For 202 cases, as the owners concerned failed to rectify the breaches by the deadline, the LandsD has sent the warning letters to the Land Registry for registration, and reserved the right to take further action. The LandsD is following up on the remaining one case.

(4) The Fire Safety (Industrial Buildings) Ordinance (Cap. 636) (the Ordinance) was gazetted for taking effect on June 19, 2020. The purpose of the Ordinance is to enhance the fire safety of IBs constructed or those with building plans first submitted to the Building Authority for approval on or before March 1, 1987, in order to provide better protection for the public. Under the Ordinance, the enforcement authority in relation to any fire service installations or equipment of IB is the Director of Fire Services; while the enforcement authority in relation to the planning, design and construction of IB is the Director of Buildings. The FSD and BD will issue Fire Safety Directions (Directions) to owners and/or occupiers with regard to fire safety measures of buildings under their respective purview and specify the required fire safety improvement works.

According to the records, about 1 100 target IBs are regulated by the Ordinance. The FSD and BD are implementing the Ordinance in two phases, starting with about 400 target IBs which were constructed in or before March 1973 in the first phase. The remaining about 700 target IBs would be included in the next phase.

The FSD and BD have commenced the relevant enforcement actions in the fourth quarter of 2020. As of end-April 2021, the departments have inspected 18 target IBs and issued Directions to the owners and occupiers of three target IBs, requesting the relevant parties to complete the improvement works within the specified time limit.

(5) The majority of MSPs are located in IBs. IBs are required to comply with the fire and building safety requirements applicable at the time of completion of the building. The operation of MSPs cannot be in breach of the requirements of the lease conditions as well. If a MSP is located in a commercial or composite building, it will also be subject to the corresponding legislation on fire and building safety. In respect of fire safety, the FSD would issue FHANs to operators for fire hazards in MSPs according to the Fire Services Ordinance (Cap. 95), requesting them to conduct improvement works to abate fire hazards. In respect of fire safety construction, the BD would issue statutory orders under the Buildings Ordinance (Cap. 123) to owners requiring them to carry out rectification

works for irregularities on the provisions of means of escape, fire-resisting construction, means of access for firefighting and rescue, etc. in the MSPs. The enforcement authorities may instigate prosecutions or take other enforcement actions according to relevant legislation in case of non-compliance.

On the basis of the abovementioned enforcement actions which have all along been taken under current legislation, many trade members have generally understood the relevant requirements. As at end-April 2021, among the operating MSPs, 216 of them have fully complied with all FHANs issued by the FSD, and 139 of them fully complied with all the statutory orders issued by the BD. Among which, 99 MSPs have complied with the requirements of both departments. With regard to those started up in recent years, there are 104 MSPs fully complying with the FSD's requirements and 99 fully complying with the BD's requirements. Among which, 68 MSPs have complied with the requirements of both departments. In overall terms, among the 690 existing MSPs in the territory, there are a total of 167 MSPs complying with both departments' requirements. Relevant government departments will continue to follow up on the requirements pending for compliance by the relevant MSPs, and to take enforcement actions against irregularities identified in the MSPs under current legislation.

Note 1: Before 1973, the Code of Practice for Minimum Fire Service Installations and Equipment (Code of Practice) of the FSD did not require all IBs to install sprinkler system. The FSD issued a circular letter in 1973, requiring the business areas (excluding common corridor and staircase) of all IBs with two storeys or above to install sprinklers. The Code of Practice was amended in 1987, requiring all IBs with more than 230 square metres of total gross floor area to install sprinkler covering also the staircases, common corridors and washrooms. The required standard is very similar to that in the current Code of Practice, and hence we suggest presenting the year of completion of the IBs in which MSPs are located into the three categories of the above table.

Note 2: There are more than one MSP in some of the IBs.

Note 3: Both the number of the FSD's inspections to MSPs and the number of fire hazards identified in 2017 were comparatively higher. It was because the FSD inspected around 800 MSPs across the territory from the second half of 2016 to the end of 2017.

Note 4: The figures are up to April 30.

Note 5: Each FHAN covers one type of fire hazard. FHANs re-issued due to extension of time for compliance would not be double-counted.

Note 6: The figures do not necessarily correspond to the prosecutions instigated in the same year.

Note 7: The inspection commenced since June 2016, and therefore there was no case of prosecution and conviction in 2016.

Note 8: The figures are up to April 30.

Note 9: The figures do not necessarily correspond to the prosecutions instigated in the same year.

Note 10: The inspection commenced since June 2016, and therefore there was no case of prosecution and conviction in 2016.

Note 11: The figures are up to April 30.