

LCQ9: Fire safety of buildings

Following is a question by the Hon Vincent Cheng and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (December 2):

Question:

It has been reported that on the 15th of last month, a fire broke out in a 69-year-old tenement building in Yau Ma Tei, resulting in more than 10 casualties. The building lacks fire safety measures that meet the current fire safety standards, and the fire doors on certain floors have been removed. The said building is one of those which have not formed an owners' corporation or any residents' organisation, and have not engaged any property management company ("three-nil" building). Regarding fire safety of buildings, will the Government inform this Council:

(1) of the current number of buildings in Hong Kong which do not meet the current fire safety standards and, among such buildings, the number of those whose owners or occupiers have failed to comply with the Fire Safety Directions issued by the Fire Services Department (FSD) and the Buildings Department (BD) to enhance the fire safety measures of their buildings to a level that conforms to the current fire safety standards (with a breakdown by District Council district);

(2) given that FSD and BD will, in the light of the fire incident, embark on a special exercise to inspect some 2 500 buildings aged 60 or above and will take law enforcement actions against contraventions (including instigating prosecutions against offenders), whether the Government will extend the scope of inspection to cover all of the buildings mentioned in (1); if so, of the details; if not, the reasons for that;

(3) as some members of the public have pointed out that the Government's current efforts in promoting improvement to the fire safety of old buildings (including "three-nil" buildings) are ineffective, whether BD will assign its social services teams to take the initiative to assist owners of old buildings in improving the management and the fire safety of their buildings; if so, of the details; if not, the reasons for that;

(4) given that application for the Fire Safety Improvement Works Subsidy Scheme closed in October this year, whether the Government will consider extending the Scheme and reopening it for application; if not, whether it will launch other subsidy schemes for improving fire safety of buildings;

(5) whether the Government will consider introducing measures to tackle fire hazards in old buildings, including making legislative amendments to enable relevant government departments to intervene by first carrying out the needed fire safety works for high-risk old buildings which do not meet the current fire safety standards and then recovering the costs from the owners

concerned; and

(6) in respect of short-term measures, whether the Government will consider launching a subsidy scheme to immediately provide basic fire safety equipment, commonly known as the "three treasures of firefighting tools" (i.e. fire extinguishers, fire blankets or fire sand), to owners or tenants of those old buildings which do not meet the current fire safety standards and are located in selected areas densely packed with subdivided units?

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. Under the Ordinance, the enforcement authority on fire safety measures in relation to planning, design and construction of buildings is the Director of Buildings; while the enforcement authority in relation to fire service installations and equipment (FSIs) is the Director of Fire Services. The Fire Services Department (FSD) and the Buildings Department (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.

Before issuing any Directions, FSD and BD will deploy officers to conduct joint inspection of the target buildings. 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 standards of their buildings.

In respect of building management, the Home Affairs Department (HAD) has been encouraging and assisting owners in forming appropriate residents' organisations, such as owners' corporations (OCs) for effective building management. In this connection, it is noteworthy that information reveals the tenement building in which the Yau Ma Tei fire incident occurred on November 15, 2020 is under single ownership, which does not involve the co-ordination problems encountered by owners or occupiers of "three-nil" buildings.

Having consulted the relevant bureau and departments, our consolidated reply to the Hon Cheng's question is as follows:

(1) There are about 13 500 target buildings regulated under the Ordinance. Since the Ordinance came into force in July 2007, FSD and BD have been conducting joint inspections on these target buildings in stages according to the plan. 10 500 old target composite buildings (TCBs) will be inspected in the first stage, and 3 000 target domestic buildings (TDBs) will be inspected in the second stage. The two departments are now conducting the first stage

of inspection. As at end of October 2020, the number of buildings, which have yet to comply with the Directions issued are tabulated by District Council districts distribution below –

Districts	No. of buildings which have yet to comply with the Directions issued by FSD	No. of buildings which have yet to comply with the Directions issued by BD
Islands	26	44
Central & Western	891	901
Wan Chai	684	680
Eastern	583	546
Southern	197	193
Kowloon City	925	888
Kwun Tong	211	189
Wong Tai Sin	258	262
Yau Tsim Mong	1 583	1 560
Sham Shui Po	1 186	1 158
Tsuen Wan	303	307
Kwai Tsing	131	133
Tuen Mun	124	128
Sha Tin	126	131
Sai Kung	18	15
Tai Po	219	216
North	291	289
Yuen Long	357	355
Total	8 113	7 995

In respect of the numbers of Directions issued to owners and/or occupiers, FSD has issued over 208 000 Directions to owners and/or occupiers. At present, over 84 000 Directions have been complied with by owners and/or occupiers or discharged (Note) (i.e. Directions which do not require follow-up actions), which makes up to 40 per cent; and a 27 per cent on the BD's side.

(2) In light of the risks exposed by the Yau Ma Tei fire incident on November 15, 2020, FSD and BD have embarked on a special exercise on November 23, 2020 with a target to complete the inspection of about 2 800 domestic or composite buildings that are of comparable age as the building concerned in the fire incident (namely, aged 60 or above) by the end of this year. The buildings targeted in the inspection are located across the territory, including Kowloon City, Yau Tsim Mong and Wan Chai districts where there are relatively

more old buildings.

FSD and BD will, depending on the inspection findings as well as information gathered, take appropriate enforcement actions according to the relevant legislation against contraventions, so as to ensure fire and building safety. FSD would pay special attention to the obstruction to means of escape or locking up of exits, damaged FSIs, over-storage of dangerous goods, etc. FSD will also take enforcement actions in accordance with the Fire Services Ordinance (Cap. 95) and the Dangerous Goods Ordinance (Cap. 295), including instituting prosecution or issuing Fire Hazard Abatement Notices. BD would pay special attention to conditions of the common escape route and whether there are fire hazards in the buildings. BD would also issue statutory orders under the Buildings Ordinance (Cap. 123) to the owner concerned, requiring the removal of unauthorised building works or rectification of irregularities within a specified timeframe.

At the same time, as regards to the target buildings as mentioned in part (1) above, which are regulated under the Ordinance, FSD and BD will continue their inspection of the remaining target buildings in light of the actual circumstances. The second stage of inspecting TDBs will commence upon completion of the first stage inspection.

(3) The Government understands that the owners of old buildings (whether they are "three-nil" buildings or not) may encounter difficulties in co-ordinating fire safety improvement works. Therefore, BD will arrange its in-house Social Services Teams to provide further support to those in need, including co-ordinating residents of the buildings in carrying out the required inspection and works, assisting them in applying for financial assistance schemes as appropriate, etc. After issuing the Directions, FSD will proactively promote and recruit Building Fire Safety Envoys and Fire Safety Ambassadors in "three-nil" buildings. The purpose is to enhance fire precaution awareness among residents and facilitate the co-ordination of future projects on the upgrading of FSIs in those buildings. Moreover, BD and FSD will refer the lists of target buildings without OCs to HAD so that the latter could assist the owners of the buildings in forming OCs and provide advice on the building management matters.

(4) The Government, in partnership with the Urban Renewal Authority (URA), implemented the \$2-billion Fire Safety Improvement Works Subsidy Scheme (FSWS) since 2018 to subsidise owners of eligible old TCBs in carrying out the required fire safety improvement works in complying with the requirements pursuant to the Ordinance. Subsequently, the Government has further injected \$3.5 billion to FSWS. It is anticipated that FSWS could benefit around 6 000 to 6 500 buildings. The new round of application commenced on July 2, 2020, and has ended on October 30, 2020. URA is now sorting and vetting the applications received. After the applications received are handled, depending on the actual demand, timely review will be conducted on the need to launch another round of application.

At the same time, the Government, the Hong Kong Housing Society and URA have been offering multiple financial subsidy schemes to owners in need, with

a view to assisting private building owners in maintaining and repairing their buildings. The subsidy schemes include the "Building Safety Loan Scheme", "Building Maintenance Grant Scheme for Needy Owners", etc. Fire safety improvement works pertaining to the Ordinance have been incorporated into the list of works eligible for subsidies or loans under those schemes.

(5) There is no provision in the Ordinance empowering FSD and BD to carry out works relating to improving fire safety measures for target buildings. Since undertaking fire safety improvement works would involve various feasible proposals and works arrangements (such as where the facilities or what alternative equipment should be installed), and the scale of the works and associated costs as well as the impacts to individual building owners would vary rather significantly depending on the proposals to be adopted, the owners of the buildings must discuss among themselves having regard to the building's circumstances and reach a consensus before the works are carried out. If the departments were to forcibly carry out the works, it could lead to many complicated disputes involving different owners or even litigation. In addition, fire safety improvement works would require subsequent maintenance. For instance, the owners of FSIs must, in accordance with the requirements of regulation 8 of the Fire Service (Installations and Equipment) Regulations (Cap. 95B), arrange annual inspection to ensure that the installations or equipment are in efficient working order.

Therefore, if the Government carries out the works on behalf of the owners, and subsequently recovers the cost of the works from the owners, the process will inevitably involve many legal and operational issues, for example, titles, protection of private property rights, use of public funds, subsequent repairing and maintenance of FSIs, etc.

The Government understands that, due to the lack of technical knowledge and/or ability to co-ordinate, some owners may face certain difficulties in complying with the requirements of the Ordinance. In response to the suggestion of having the Government to carry out the works on the owners' behalf, the Government will carefully examine in detail if there is room to overcome the issues mentioned above, etc. The Government will not rule out any possibilities at current stage. However, the Government has to emphasise that it is owners' responsibility to timely repair and properly maintain private buildings, including carrying out the required fire safety improvement works to enhance the fire safety standards of the buildings according to the Directions.

(6) From the fire safety perspective, it is conducive to enhancing fire safety at home by adding fire extinguisher and fire blanket at domestic units. Nevertheless, the Government would like to point out that these fire service equipment is not an alternative to enhancing fire safety of old buildings, and fire risk cannot be eliminated by adding fire extinguisher or fire blanket at home.

In the long term, improving FSIs and fire safety construction of old buildings, as well as raising fire precaution awareness of the public are conducive to enhancing fire safety standard in buildings in a sustainable

and effective way. This is also the Government's policy objective. However, the Government understands that it takes time to attain so. As such, if there is opinion in the community that the provision of fire extinguisher or fire blanket to residents in need is conducive to enhancing emergency preparedness at home, one of the possible options for consideration is to put forward the improvement measure through the District Fire Safety Committee (DFSC) of each district. As the situations of old buildings in each district are different, DFSC can, having regard to the local needs, formulate the target, the criteria and other relevant details on the distribution of fire extinguishers and fire blankets. During the process, FSD will provide professional advice on the equipment's standard, specification, etc. and also assist in providing relevant educational information on using and maintaining these equipment. We will examine with HAD on how to take forward this as the next step.

Note: Directions that are discharged include Directions related to demolished buildings, as well as buildings that have been approved to adopt facilitation measures, etc.