

香港特別行政區政府
消防處



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FIRE SERVICES DEPARTMENT
GOVERNMENT OF THE HONG KONG
SPECIAL ADMINISTRATIVE REGION

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31 December 2013

Ms Mary SO
Clerk to Public Account Committee
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Ms SO,

Public Accounts Committee
Consideration of Chapter 7 of the Director of Audit's Report No. 61
Government's efforts to enhance fire safety of old buildings

Thank you for your letter dated 20 December 2013. This Department's responses to the questions raised are set out in the Appendix to facilitate the Committee's consideration of the captioned Chapter of the Audit Report. The Chinese translation of our responses is also attached.

If you have any questions, please feel free to contact Mr. TSE Ping-ho, our Acting Assistant Director (Fire Safety), at 2170 9696.


(CHAN Chor-kam)
Director of Fire Services

c.c. Secretary for Financial Services and the Treasury (Fax : 2147 5239)
Secretary for Security (Fax : 2877 0636)
Director of Audit (Fax : 2583 9063)
FSD/CR 4-35/12C

Encl.

Public Accounts Committee
Consideration of Chapter 7 of the Director of Audit's Report No. 61
Government's efforts to enhance fire safety of old buildings

Response to Questions

<i>Implementation of fire safety improvement programmes</i>	
<i>(a)</i>	<p><i>Why the Fire Services Department (FSD) ceased to include both the annual compliance figures and cumulative compliance information in its Controlling Officer's Report from 2011-2012 onwards?</i></p>
	<p>The FSD ceased to provide the cumulative compliance information to supplement the annual compliance figures in the Controlling Officer's Report (COR) from 2011-12 onwards in an effort to simplify the presentation, taking also into account the common practice for the COR to contain only actual/estimate figures on a yearly basis for performance monitoring purpose instead of cumulative information. Though the presentation of cumulative figures has not been provided in the Report, the Department has maintained such information for internal reference.</p> <p>To enable stakeholders to have a better picture of the progress made in upgrading the fire safety provisions of Prescribed Commercial Premises/Specified Commercial Buildings/Target Composite Buildings, the Department is considering, in consultation with the Buildings Department (BD), the suitable means of promulgating the cumulative compliance information such as uploading relevant information onto the departmental website to be regularly updated for reference by members of the public.</p>
<i>(b)</i>	<p><i>What measures will be taken by the FSD to improve the compliance rate of directions issued by the FSD for Target Composite Buildings, including whether consideration would be given to setting a timetable for those Target Composite Buildings which have not yet complied with the directions to comply with the directions, and in the interim, assessing the risks posed by such non-compliance of directions. According to paragraph 2.16 of the Audit Report, the low compliance rates of direction issued for Target Composite Buildings by the FSD is a cause for concern, given that the Fire Safety (Buildings) Ordinance (Cap. 572) has been in operation for some six years?</i></p>
	<p>To the knowledge of the FSD, some building owners may have genuine difficulties in complying with certain fire service installation (FSI) requirements on account of the physical constraints and/or spatial problems of the buildings, as well as the lack of sufficient financial support. Without compromising basic fire safety, the FSD has been adopting a flexible and pragmatic approach in considering alternative proposals from the owners having regard to the merits of individual cases.</p> <p>The following measures will be taken to improve the compliance rates of directions issued by the FSD for Target Composite Buildings:-</p> <p>(i) <u>Paying more visits / inspections and issuing reminding letters / warning letters to the Incorporated Owners / owners / occupiers</u></p>

Case officers have been reminded to carry out periodic progress checks timely and issue reminding letters/warning letters if no active progress is noted. Quarterly checks of the Target Composite Buildings will be conducted after the initial issue of fire safety directions in the first year. As a general arrangement, reminding letters will be issued after the three-month and six-month checks respectively. Warning letters will be issued for the nine-month and 12-month checks respectively if no notable progress has been made. To better ensure compliance with the less complicated fire safety requirements such as emergency lighting and automatic cut-off devices for mechanical ventilating systems within six months, warning letters will be issued after the three-month and six-month progress checks right away.

For owners/occupiers of Target Composite Buildings granted 12-month extension of time (EOT) to comply with the directions for the first three times, periodic progress checks will be conducted nine months and 12 months after granting of EOT on each occasion, warning letters will be issued if no progress has been made. The FSD will contemplate prosecution action for cases without any progress upon the expiry of EOT.

As for cases warranting the grant of the EOT for the fourth time exceptionally, which will be considered and approved by a directorate officer, quarterly progress checks will be conducted to strengthen the monitoring of the fire safety improvement works underway.

(ii) Actively arranging meetings with the Incorporated Owners / owners / occupiers.

Thematic seminars will be arranged on a district / area basis for the concerned Incorporated Owners / owners / occupiers of Target Composite Buildings to help them better understand the Fire Safety (Buildings) Ordinance (Cap. 572 – FS(B)O).

(iii) Continuing to explore and apply flexible and pragmatic approach to help the Incorporated Owners / owners / occupiers to comply with the fire safety improvement measures.

As pledged during the legislative stage of the FS(B)O, the Administration has undertaken to adopt a flexible and pragmatic approach in enforcing the Ordinance. Relevant typical examples include:-

- Due to structural / spatial constraints, Fire Hydrant System may not be required for a target composite or domestic building with the overall building height not exceeding six storeys and direct vehicular access to the major face of the building is available.
- While the standard capacity of the Fire Service (FS) water tank for a Hose Reel (HR) system is 2 000 litres, reduction in FS tank capacity may be considered on a case-by-case basis. In exceptional circumstances where the provision of FS tank is not practicable, the entire HR system may be

	<p>replaced by the provision of portable fire extinguishers.</p> <p>➤ Due to spatial constraints, HR of reduced length or HR drums at high level positions may be accepted and FS inlet may be allowed to be installed at a location other than the principal face of a building.</p> <p>The FSD is now conducting a study on the scope of relaxing the water tank size of HR system to provide further flexibility to the owners / occupiers.</p> <p>The purpose of the FS(B)O is to provide <u>better protection</u> from the risk of fire for occupants and users of, and visitors to, the target composite and domestic buildings. As such, while the building FSI will be upgraded to the modern standard upon the implementation of improvement works under the Ordinance, the buildings concerned still maintain a certain level of protection with their existing fire safety provisions before completion of relevant improvement works and do not pose imminent danger. Nevertheless, the FSD aims at clearing the outstanding directions for Target Composite Buildings and is examining the implementation timetable as part of the overall review being conducted in conjunction with the BD.</p>
<i>Arrangements for inspections and issuing fire safety directions</i>	
(c)	<p><i>In respect of the Prescribed Commercial Premises inspection list, (i) what is the guidance or revised guidance, if any, for selecting Prescribed Commercial Premises for inclusion into the list; (ii) the progress of reviewing the list, in conjunction with the Buildings Department (BD), to see if there are inconsistency and omission in identifying Prescribed Commercial Premises; and (iii) the number of Prescribed Commercial Premises included into the list so far as a result of the review. According to paragraph 3.6 of the Audit Report, certain chain shops selling furniture and household items were included in the Prescribed Commercial Premises inspection list, whereas other chain shops selling similar products were not.</i></p>
	<p>(i) The FSD, in conjunction with the BD, has been selecting Prescribed Commercial Premises for inclusion into the inspection list with reference to the Fire Safety (Commercial Premises) Ordinance (Cap. 502 - FS(CP)O). Under the Ordinance, “Prescribed Commercial Premises” means a building, or a part of a building, for carrying on a commercial activity specified in its Schedule 1 with the total floor area of the building or part exceeding 230 square metres. For the purposes of the FS(CP)O, prescribed commercial activities cover:</p> <ul style="list-style-type: none"> (a) banking (other than merchant banking); (b) conduct of off-course betting; (c) conduct of a jewellery or goldsmith's business on premises that have a security area; (d) use as a supermarket, hypermarket or department store; (e) use as a shopping arcade. <p>whereas “department store” has been specifically defined as a shop where a wide variety of goods (for example, men’s and women’s clothing, furniture, electrical appliances and hardware) is sold in separate departments.</p>

	<p>To facilitate identification of Prescribed Commercial Premises for inclusion into the inspection list, the two departments have established relevant guidelines for reference by staff. For example, “supermarket or hypermarket” refers to a large self-service store selling foods, household goods which customers have to take the goods down from the racks and then pay at the cashier counter at the shop front; “jewellery or goldsmith’s business on premises that have a security area” means a jewellery shop which has a part of the premises that is segregated by a security partition, such as a bullet proof glass panel, from the part of the premises to which members of the public normally have access etc.</p> <p>The FSD is actively working with the BD in reviewing the existing guidelines with a view to updating it for reference by staff to facilitate their identification of Prescribed Commercial Premises in a more consistent and comprehensive manner.</p> <p>(ii) The FSD and the BD have set up a working group to take forward the reviewing of Prescribed Commercial Premises inspection list to ensure its accuracy and completeness.</p> <p>(iii) According to the work plan of the FSD/BD working group, a scouting exercise of Prescribed Commercial Premises would be conducted between December 2013 and May 2014. The type and number of Prescribed Commercial Premises that should be included in the list can be gauged after completion of this exercise.</p>
(d)	<p><i>What is the role(s) of the FSD in inspecting utilities buildings and taking follow-up actions on the deficiencies in their fire safety provisions (paragraph 3.10 of the Audit Report refers)?</i></p>
	<p>The purpose of FS(CP)O is to provide better protection from the risk of fire for occupants and users of, and visitors to, Prescribed Commercial Premises and Specified Commercial Buildings. Should a utility building be classified as a Specified Commercial Buildings, the FSD and the BD will jointly inspect that building and issue fire safety improvement directions to the building owners / occupiers on an agreed date, specifying the fire safety requirements to be improved. Should any fire hazards as defined under the Fire Services Ordinance (Cap 95) be spotted in the building during the initial and follow-up inspections, the FSD will take fire hazard abatement actions against the owners/occupiers of the utility building concerned.</p>
(e)	<p><i>What is the timing for completing the review of the Prescribed Commercial Premises inspection list, and whether consideration would be given to reporting the matter to the relevant committee of the Legislative Council for follow-up as deficiencies in the fire safety provisions pose imminent danger to life or property?</i></p>
	<p>The review of the PCP inspection list, including the scouting exercise mentioned in item (c)(iii) above, is expected to be completed around May 2014. For the avoidance of doubt, the purpose of FSI improvement works is to enhance the fire safety standards of the PCP to that stipulated in the FS(CP)O. It carries no suggestion that there is any</p>

	<p>imminent fire hazard in the premises concerned. As the occupiers / users / visitors of those premises are still under reasonable protection so long as the premises are clear of fire hazard and properly managed, the fire safety provisions of the PCP concerned are not considered to be posing any imminent danger to life or property which would warrant a report to the relevant committee of the Legislative Council.</p>
(f)	<p><i>In respect of the long time taken in issuing fire safety directions (paragraph 3.19 of the Audit Report refers), what is the progress or are the results of the overall review of the appropriate performance targets on issuing the fire safety directions, conducted in conjunction with the BD, and the timeframe for clearing the backlog of issuing the fire safety directions to target buildings / premises which were overdue?</i></p>
	<p>Working groups headed by directorate officers of the FSD and the BD have been set up to study and follow up on the observations and recommendations made by the Audit Commission. Joint discussions are in progress and different options to improve the timeliness in issuing fire safety directions and the timetable for clearing relevant backlog have been formulated for further consideration, having regard to the manpower and resources available in the two departments. It is expected that an improvement plan will be firmed up around May 2014.</p> <p>Besides the plan for improving the timeliness in issuing directions and clearing the backlog cases, the FSD will enhance the computer system (LIFIPS) to strengthen monitoring and control of the issuance of fire safety directions.</p>
<p><i>Administration of fire safety directions issued</i></p>	
(g)	<p><i>In respect of the computer system for case management and monitoring the follow-up actions on directions issued referred to in paragraph 4.5 of the Audit Report, (i) what is the progress of the FSD in enhancing the system; (ii) whether key information, i.e. dates of expiry of directions and details of extensions of time granted, will require manual input into the system; and (iii) whether the system is the “Integrated Licensing, Fire Safety and Prosecution System” referred to in Chapter 6 of the Audit Report on “ Fire protection and prevention work of the FSD?</i></p>
	<p>(i)&(iii)With the commissioning of the “Integrated Licensing, Fire Safety and Prosecution System” (LIFIPS) in 2012 (i.e. the same system as referred to in Chapter 6 of the Audit Report on “Fire protection and prevention work of the FSD”), its functionality can be enhanced to strengthen case management and monitoring of follow-up actions by incorporating the required “bring-up” features. While plan is in hand to enhance the system, key data including the dates of initial inspection, inspection report submission, issue of direction and its expiry as well as the periodic checks required as maintained in the rudimentary computer system previously in use need to be inputted into LIFIPS manually. The required data input is in progress and expected to be completed around February 2014. When the enhancement programme is completed, automated notification will be generated to alert the concerned case officer and his/her supervising officer if the case has not been timely handled by the case officer.</p>

	(ii) When the data input and the enhancement of LIFIPS have been completed, the system will automatically generate the key information (i.e. dates of expiry of directions and details of EOT granted) to facilitate case management.
(h)	<i>Whether actions have been / will be taken by the FSD to improve the functionality of its various computerized management information systems, such as the ability to maintain the latest updated information, and reduce the downtime of these systems; if so, what they are?</i>
	Case officers have been reminded to update the latest progress of the cases under their management in LIFIPS. In addition to close monitoring by FSD staff daily to reduce downtime of the system, a backup server has also been provided to ensure data resilience in case of system failure.
(i)	<i>What actions will be taken to prevent inadequate progress check on required works? According to Case 5 in paragraph 4.8 of the Audit Report, from 2002 to 2009, the FSD approved extension of time for complying with the required works on six occasions and conducted 25 progress checks. Of the 81 directions issued by the FSD, 73 were complied with by June 2009. For each of the remaining eight directions, the FSD issued a warning letter in mid-August 2009. Subsequently, the FSD approved extensions of time on three occasions from late August 2009 to August 2012, but conducted only one progress check in August 2012. Thereafter, the FSD had not conducted any progress check or taken any enforcement action although the eight directions had not been complied with for 11 months.</i>
	Case officers have been reminded to carry out periodic progress checks timely. As mentioned under item (g) (i)&(iii) above, the FSD will enhance the functionality of the LIFIPS to strengthen case management and monitoring of follow-up actions. The strengthened features will be put to use upon the completion of the required data input as well as system enhancement.
(j)	<i>In respect of Case 7 referred to in paragraphs 4.10-4.11 of the Audit Report, (i) what are the reasons for the long time taken by the FSD to instigate prosecution actions against the owner / occupier of the subject premises for not complying with directions issued without reasonable excuses and (ii) whether the delay in taking enforcement action involved staff negligence; and if so, whether any disciplinary action had been taken against the staff concerned or whether any improvement measures had been put in place to prevent the situation from recurring?</i>
	For the avoidance of doubt, the premises in question complied with the fire safety requirements prevailing at the time when they were constructed and hence maintain a certain level of fire safety protection before completion of the fire safety improvement works required by the directions. In respect of the case specified in the Audit Report:- It had not been timely followed up due to the limitations in the monitoring and bring-up functions of the rudimentary computer system in use at the time.

	<p>Having examined the circumstances of the case concerned, the Department considers that while there is room for improvement in its handling, there is no misconduct on the part of officers involved as to warrant the contemplation of disciplinary action. All case officers of the Department have been reminded to observe the procedural instructions on enforcement actions against non-compliant owners/occupiers. Supervising officers have also been reminded to tighten the relevant monitoring work. In addition, as mentioned under item (g) (i)&(iii) above, the FSD will further enhance LIFIPS to strengthen case management and monitoring of the progress of compliance with the fire safety directions issued to prevent the situation from recurring.</p>
(k)	<p><i>In respect of your response referred to in paragraph 4.15 (b)(ii) of the Audit Report, please provide details of the reasons for not strictly observing the FSD procedural instructions on enforcement actions against non-compliant owners / occupiers; and what improvement measures have been / will be taken to address the problem?</i></p>
	<p>The failure to strictly observe the procedural instructions in certain cases was mainly due to the limitations of the monitoring function and case management capabilities of the rudimentary computer system in use at that time. The replies under item (g) (i)&(iii) above are relevant.</p> <p>Other than reminding FSD case officers to strictly observe the procedural instructions in handling relevant cases, the Department has also reminded the supervising officers to tighten up their monitoring work.</p>
<p><i>Follow-up actions on unauthorized building works found during inspections</i></p>	
(l)	<p><i>Whether the FSD has a responsibility in assisting the BD in regulating unauthorized building works (“UBWs”); and if so, what it is?</i></p>
	<p>The BD is vested with the statutory power to take enforcement action against UBWs and structural alteration inside a building under the Buildings Ordinance (Cap. 123). Such enforcement work falls outside the FSD’s jurisdiction. When suspected UBWs and structural alteration are spotted by FSD staff during inspection or progress check, the case would be referred to the BD for action.</p>
(m)	<p><i>Referring to the Case 8 and Case 9 mentioned in paragraph 5.5 of the Audit Report, whether the FSD has a responsibility in assisting the BD in the follow-up actions on the UBWs; if so, what is the work of the FSD in this regard, if not, whether consideration would be given to working with the BD to solve the problems?</i></p>
	<p>As mentioned under item (l), the FSD would refer suspected UBWs and structural alteration to the BD for action. At the same time, the FSD would instigate enforcement action to abate any identified fire hazard as defined under the Fire Services Ordinance (Cap 95), such as obstruction of means of escape; locking of means of escape; wedged-open smoke stop door.</p> <p>In addition to these ongoing efforts, as the common parts of old-style domestic and</p>

<p>composite buildings, especially the common escape staircases, are more prone to the problems of poor management and maintenance, causing irregularities in fire-resisting construction and means of escape, and thereby adversely affecting the fire safety of the buildings, the BD and the FSD have commenced a one-year joint operation since April 2013 to inspect the common means of escape of about 6 500 old-style domestic and composite buildings. Based on the inspection results as well as the evidence collected, the two departments would take appropriate enforcement action against the irregularities in accordance with the relevant ordinances. Publicity leaflets would also be distributed during the inspection to enhance awareness of fire safety among residents in such old-style buildings.</p>
