

Legislative Council meeting of 16 November 2016
Motion on “Urging the Government to amend the
Fire Safety (Buildings) Ordinance”

Purpose

At the Legislative Council meeting of 16 November 2016, the motion on “Urging the Government to amend the Fire Safety (Buildings) Ordinance” moved by Dr Hon Priscilla LEUNG as amended by Hon CHAN Han-pan was passed. The wording of the motion is attached at **Annex**. This paper reports the progress of the relevant work.

Assistance Rendered to Owners by Government Departments

2. Since the implementation of the Fire Safety (Buildings) Ordinance (Cap. 572) (the Ordinance), the Fire Services Department (FSD), the Buildings Department (BD) and the Home Affairs Department (HAD) have been rendering assistance to owners on three fronts, including technical assistance, financial assistance and the formation of owners’ corporations (OCs), with a view to helping owners in meeting the requirements under the Ordinance and complying with the Fire Safety Directions (FS Directions) issued by the enforcement authority to improve the fire safety standards of the buildings concerned.

Technical Assistance

3. The Government is aware that some old building owners may not be able to fully comply with the requirements set out in the FS Directions due to structural or spatial constraints of their buildings. As such, the enforcement authorities have been, subject to basic fire safety not being compromised, adopting a flexible and pragmatic approach in handling individual cases. Having regard to the circumstances of individual buildings and/or information provided by the authorised persons in relation to the execution of the FS Directions, such as the structure of the buildings and whether there are spatial constraints and so forth, the enforcement authorities will enforce certain requirements with reasonable flexibility or consider accepting the alternative proposals put forward by the owners. Case officers of FSD and BD are prepared to meet with the owners and their appointed authorised persons, registered structural engineers or consultants, or registered fire service installation contractors (RFSICs) to explain to them the FS Directions and assist them in solving potential problems associated with the works. To facilitate owners of old buildings in understanding the requirements of fire service installation and equipment

(FSIs) for different types of buildings, FSD has prepared a “Guidebook for the Compliance of Fire Safety Directions issued by the Fire Services Department” for reference by the public.

Improvised Measures on Installation of Fire Service Water Tanks

4. In connection with the difficulties encountered by owners of old buildings in installing fire service water tanks, FSD has continuously explored and tried out improvised measures. For old buildings of three storeys or less, after evaluating the effectiveness of the “Pilot Scheme on Improvised Hose Reel System”, FSD and the Water Supplies Department have extended the improvised hose reel system to all suitable old composite buildings of three storeys or less, allowing owners to install improvised hose reel systems with direct water supply from government pipes (commonly known as town mains) on the ground floor of the buildings, thus being spared the installation of related FSIs such as fire service water tanks and pumps. This can help alleviate the technical difficulties and other problems relating to works costs, ownership and alike, thereby helping owners comply with the requirements of the Ordinance effectively.

5. For old buildings of four to six storeys, the FS Directions generally require owners to install fire service water tanks with capacity of 2 000 litres for supplying water to the hose reel. To assist owners in complying with the FS Directions more effectively, taking into account the response time of FSD in attending to building fire calls and past experience in the enforcement of the Ordinance, FSD has decided to lower the capacity requirements for fire service water tanks of most of the composite buildings of four to six storeys from 2 000 litres to 500 litres. Such significant reduction in the capacity of the water tanks makes it possible for the roofs of most of the old buildings to be able to support the tanks structurally. As for more remote areas with isolated developments, the fire service water tanks should have a greater capacity of about 750 litres to 1 500 litres because fire appliances may take a longer time to reach the scene of fire.

6. FSD estimates that over 3 300 buildings of six storeys or less in the territory will benefit from the above improvised measures relating to fire service water tanks.

Financial Assistance

7. In order to assist owners of private buildings in conducting maintenance and repair of their buildings (including the FSIs therein), the Government, the Hong Kong Housing Society (HKHS) and the Urban

Renewal Authority (URA) have been operating various financial assistance schemes for owners in need. Those schemes include the Building Safety Loan Scheme, the Integrated Building Maintenance Assistance Scheme (IBMAS) and the Building Maintenance Grant Scheme for Elderly Owners. Fire safety improvement works pertaining to the Ordinance have been incorporated into the list of works eligible for subsidies or loans under these schemes. The application procedures of these schemes have also been streamlined, such that the owners may apply for multiple schemes by completing a set of application forms under the IBMAS. HKHS and URA will provide professional advice and technical support to assist owners in carrying out fire safety improvement works. Furthermore, leaflets introducing the services and financial assistance under the IBMAS are attached to the FS Directions for reference or application by eligible persons.

Formation of OC

8. Old buildings commonly known as “three-nil” buildings may encounter difficulties in coordinating fire safety improvement works. As such, FSD and BD will refer a list of target buildings without OCs to HAD so that the latter may assist the owners in establishing OCs.

9. To strengthen the provision of free professional advice and support services to old buildings and enhance building management and maintenance works, 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 maintenance works, as well as following up on the 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, HAD has 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.

10. FSD has taken the initiative to publicise the recruitment of Building Fire Safety Envoys and Fire Safety Ambassadors when issuing FS Directions to “three-nil” buildings, with a view to enhancing the residents’ awareness of fire prevention and facilitating coordination of improvement works for FSIs in future. The Social Services Team appointed by BD

would also provide further support if the need arises, including coordinating residents of the buildings in carrying out the related works and assisting them in applying for financial assistance schemes as appropriate, etc.

Increasing Transparency of Tenders

11. Before commencement of the works to upgrade fire safety measures, the owners should appoint qualified persons to carry out inspection and assessment and to formulate works plans for their buildings to ensure that the structure of the buildings would not be affected. FSD and BD have uploaded a list of RFSICs and building professionals/contractors onto their websites for reference of the public and the owners concerned.

12. To help RFSICs better understand the requirements under the Ordinance and arouse their interests in undertaking the above works, FSD organised 13 technical seminars over the past two years to explain to them options acceptable to FSD. The seminars received overwhelming responses from the industry. FSD will continue its promotion efforts in this respect.

13. With regard to increasing the transparency of tenders, the government departments and organisations concerned have mechanisms in place to deal with possible malpractices in building maintenance works and during tendering procedures. The Government will continue to prevent and combat bid-rigging through law enforcement, publicity, education and offering support to owners, etc. In terms of support for owners, URA introduced the Smart Tender Building Rehabilitation Facilitation Services (Pilot Scheme) in May last year. Among other services, the Pilot Scheme arranges for independent professionals to provide technical advice and cost estimate of works to owners and provides an e-tendering platform for tendering of contractors. These measures help owners make decisions regarding building maintenance works with sufficient information on hand, with a view to reducing the risk of bid-rigging. URA has announced that the Smart Tender service will be extended to OCs of all private residential and residential/commercial buildings in the territory with no quota limitation on the number of applications each year so as to help more owners.

Suggestion for Government Departments to Conduct Fire Safety Improvement Works in Buildings

14. The minimum requirements of fire safety measures have been clearly set out in the FS Directions issued by FSD and BD. Before

commencement of the relevant improvement works, the owners should appoint qualified persons including authorised persons, registered structural engineers and/or RFSICs to carry out inspection and assessment and to formulate works plans for their buildings.

15. If government departments were to conduct certain works on the owners' behalf, particularly those works relating to private properties, the departments will face great difficulties. For instance, the owners or occupants concerned may not agree with the works proposals and the associated costs put forward by the departments. They may also disagree with the location of installing fire service water tanks or hose reel systems proposed by the departments due to title issues, spatial constraints and impact on the appearance of the buildings concerned. Since these types of works would involve various feasible proposals and works arrangements (such as the location where the facilities should be installed and the installation of various alternative equipment), and the associated costs would vary subject to the proposals to be adopted, the owners of the buildings must deliberate on the proposals and reach a consensus before the works are carried out. It is therefore not appropriate for the enforcement authorities to make such decisions or to carry out the works for the owners. If the departments were to carry out the works in the absence of owners' agreement, it could lead to litigation and delay the progress of the works.

Way Forward

16. 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 of the old buildings, strengthen the protection for people who work, recreate or live in these places, and reduce the threat of fire.

Security Bureau
January 2017

**Motion on “Urging the Government to amend the
Fire Safety (Buildings) Ordinance”
moved by Dr Hon Priscilla LEUNG
at the Council meeting of 16 November 2016**

Motion as amended by Hon CHAN Han-pan

That the Fire Safety (Buildings) Ordinance (‘Ordinance’) stipulates that the fire protection of composite and domestic buildings constructed on or before 1 March 1987 must be enhanced to better meet the requirements of the day; information shows that as at end of January 2016, the Administration has issued fire safety directions (‘directions’) to 5 453 buildings in total, among which only 339 buildings have fully complied with the directions or have been exempted from complying with the directions; persons who have received the directions indicated that, in their attempts to comply with the directions, they have encountered financial and engineering problems as well as operational problems of owners’ corporations of the buildings, etc., and with very limited support rendered by the Administration, they were fined or prosecuted for failing to comply with the directions; moreover, due to the shortage of contractors and relevant professional and technical personnel prepared to undertake fire safety works, tender prices of works are jacked up under a supply-demand imbalance, thereby increasing owners’ financial burden; in this connection, this Council urges the Administration to expeditiously amend the Ordinance to empower responsible persons of the Administration to, under urgent circumstances, carry out improvement works on fire service installations of buildings unable to comply with the directions and provide necessary assistance, enhance training for professional and technical personnel of fire safety works, and establish a ‘Building Management and Maintenance Authority’ to increase the transparency of tenders and attract more contractors to participate in bidding for fire safety works; moreover, as many buildings are ‘three-nil buildings’ which do not have owners’ corporations or residents’ organizations or are not managed by property management companies, and most of their owners and/or occupiers (including elderly and low-income persons) lack professional knowledge of property management and engineering techniques, the Administration should adopt the following measures to provide appropriate support to persons who are required to comply with the directions:

- (1) given that the existing Building Safety Loan Scheme, Integrated Building Maintenance Assistance Scheme, Building Maintenance Grant Scheme for Elderly Owners and Building Management Professional Advisory Service Scheme provide limited assistance to persons who are required to comply with the directions, the

Administration should, by making reference to the Operation Building Bright, launch an 'operation for fire safety improvement' to provide eligible persons with subsidies as well as professional advice and technical support on aspects of engineering techniques, property management, etc.; and

- (2) taken into account that the building design of quite a considerable number of old buildings has made it impossible to retrofit modern fire service facilities, such as the installation of standard water tanks for automatic sprinkler systems, and the improvement of fire service installations may involve the issue of ownership, the Administration should adopt a more flexible approach and exercise discretion in handling cases with practical difficulties, including enhancing the 'Pilot Scheme on Improvised Hose Reel System' to increase the number of scheme places, and where technically feasible, extending the coverage of the scheme from the current three-storey buildings to those of six or fewer storeys, so that the hose reel systems of more buildings may obtain water from town mains direct.