

LCQ11: Fire safety of old buildings

Following is a question by the Hon Lee Chun-keung and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (April 24):

Question:

It has been reported that a No. 3 alarm fire which broke out in a building in Yau Ma Tei earlier resulted in multiple casualties, arousing concerns about the fire safety of old buildings in urban areas, particularly those "three-nil buildings" that do not have owners' corporations or any form of residents' organisations, nor employ property management companies. In this connection, will the Government inform this Council:

(1) of the number of inspections conducted by the Hong Kong Fire Services Department (FSD) and the Buildings Department (BD) in respect of the fire safety of old buildings and three-nil buildings in urban areas in each of the past five years (with a breakdown by District Council district);

(2) given that when the relevant buildings are found not to comply with the requirements of the Fire Safety (Buildings) Ordinance (Cap. 572), FSD and BD will issue Fire Safety Directions (Directions) to the owners and/or occupiers of such buildings, requiring them to carry out the specified fire safety improvement works, of the total number of Directions issued in each of the past 10 years, as well as the status of compliance with such Directions;

(3) whether a mechanism has been put in place to ensure that the Directions are complied with at an appropriate time; if so, of the details, including whether the progress of compliance with the Directions is regularly reviewed so that follow-up actions can be taken in a timely manner; if there is no such mechanism, the reasons for that and how it ensures that the Directions will not ultimately sink like a stone;

(4) of the respective total numbers of applications received and approved under the third round of the Fire Safety Improvement Works Subsidy Scheme launched in 2023; and

(5) whether it has plans to assist owners or occupiers of old buildings in enhancing the fire safety of the buildings by making good use of technology; if so, of the details; if not, the reasons for that?

Reply:

President,

Fire safety in old buildings is a matter of great concern to the Government. It has been the goal of the Government to provide residents and the community at large better protection by enhancing fire safety in

buildings, especially the old ones. This also leads to the enactment of the Fire Safety (Buildings) Ordinance (Cap. 572) (the Ordinance) in the first place. The Ordinance stipulates that composite and domestic buildings constructed on or before March 1, 1987, or with the plans of the building works first submitted to the Buildings Department (BD) for approval on or before that day (target buildings) must be enhanced to meet modern fire protection requirements. Under the Ordinance, the enforcement authority (EA) on fire safety measures in relation to planning, design and construction of buildings is the Director of Buildings; while the EA in relation to fire service installations and equipment (FSIs) is the Director of Fire Services. The Fire Services Department (FSD) and the 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. The Ordinance aims to enhance the fire safety standards of target buildings, but this does not mean that these buildings are subject to imminent fire risks. In fact, these buildings were constructed in accordance with applicable construction and fire safety standards prevailing at the time when they were built, for meeting the relevant requirements at the time of their construction.

The EAs will deploy officers to conduct joint inspection of the target buildings. Then, in light of the actual condition of the building and in accordance with the requirements of the Ordinance, the EAs will issue Directions (Note) to owners and/or occupiers 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. There are about 14 000 target buildings regulated under the Ordinance. As of end February 2024, the FSD and the BD have inspected about 10 920 target buildings and issued a total of over 360 000 Directions. Among the Directions issued, about 40 per cent of them have been complied with or discharged (i.e. no follow-up action is required for those Directions), with the remaining some 60 per cent are being followed-up on, including cases with works under preparation/cases in progress. The EAs will comprehensively review those cases which are being followed-up on. Relevant owner and/or occupier, who fails to comply with a Direction/Fire Safety Compliance Order (FSCO) without reasonable excuse, is guilty of an offence. The EAs can take enforcement action accordingly. In fact, since the Ordinance has come into force (as of end-February 2024), there are more than 3 600 cases, which had failed to comply with Directions/FSCO without reasonable excuse, being successfully prosecuted.

In order to further enhance the fire safety standards of old buildings, the Government is expediting the relevant work on amending the Ordinance to empower the FSD and the BD to carry out fire safety improvement works for owners who have failed to comply with the requirements of the Ordinance (hereafter, defaulted works), and to recover the relevant fees from them upon completion of the defaulted works. The Government is stepping up the relevant work and will shorten the time required for submitting the proposed amendment bill by two to three months, with a view to submitting it to the Legislative Council for scrutiny as soon as possible.

Through providing financial, technical and co-ordination support, as well as taking enforcement actions and other various measures, the Government, by adopting multi-pronged approach, will continue to strive for raising the compliance rate of the Ordinance, effectively enhancing the fire safety standards of old buildings so as to meet the policy objective of the Government.

In consultation with the relevant bureau and departments, my reply to the question raised by the Hon Lee is as follows:

(1) The number of target buildings jointly inspected by the FSD and the BD in the past five years is tabulated below –

	2019	2020	2021	2022	2023
Number of target buildings jointly inspected by the FSD and the BD	400	400	400	406	402

With regard to the number of inspections of target buildings under the implementation of the Ordinance, the number of inspections conducted by the FSD in the past five years is tabulated below# –

	2019	2020	2021	2022	2023
Number of inspections of target buildings conducted by the FSD@	54 837	50 279	54 306	46 964	44 769

@ The FSD does not maintain breakdown on the above number of inspections by District Council districts.

The BD does not compile statistics on the number of inspections.

The EAs do not compile statistics on "three-nil" buildings regulated under the Ordinance.

(2) The number of Directions issued by the FSD and the BD and the compliance status in the past ten years are tabulated below –

	Number of Directions issued	Number of Directions complied with or discharged (i.e. no follow-up action required) in that year%
2014	22 007	8 280
2015	22 757	9 177
2016	17 499	9 016
2017	18 559	9 138
2018	25 712	9 739
2019	28 102	14 654
2020	17 022	12 391
2021	32 616	9 468

2022	22 300	9 606
2023	23 215	10 871
Total	229 789	102 340

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

(3) The EAs will take action to follow-up on the compliance status of Directions of relevant owners and/or occupiers after Directions were issued, with a view to ensuring the timely compliance of the Directions. Generally speaking, the EAs normally give building owners one year to comply with the Directions and, on the premise that basic fire safety will not be compromised, adopt a flexible and pragmatic approach in handling individual cases.

The FSD will carry out fire safety improvement works inspection to target buildings issued with Directions at least once per year, where the inspection includes reviewing whether fire safety improvement works has been commenced for the target building, or following up on the progress of works. If target building owners and/or occupiers need more time to prepare for and carry out the improvement works, the FSD will consider their applications for extending the compliance period of the Directions in the light of the justifications they provided and/or the scale of works involved, etc. For the BD, upon the expiry of the Directions, the Department will take follow-up actions in accordance with the situation of the cases. If target building owners and/or occupiers disregard the Directions, the BD will issue warning letter to the relevant owners and/or occupiers.

If owners and/or occupiers, without reasonable excuse, do not comply with the Directions, the EAs may apply to the Magistrate for a FSCO, ordering them to comply with the requirements of the FSCO. If the owners and/or occupiers of the target buildings do not comply with the Directions or the FSCOs without reasonable excuse, the EAs will consider instigating prosecution against the relevant owners and/or occupiers.

In addition, the FSD will take a risk-based approach in handling fire safety of old buildings and give priority to old buildings with relatively higher fire risk, such as those with higher building age, those without FSIs, building with single-staircase design, and "three-nil" building, etc. After Directions are issued to owners, the FSD will also render full assistance to owners for complying with the Directions, for example, sending representatives to attend owners' meetings to explain the requirements of the Ordinance, as well as proactively approaching works consultants or registered fire service installation contractors to render appropriate assistance and offer advice. If the owners do not comply with Directions proactively, the FSD will take resolute enforcement action and instigate prosecution against the relevant owners. On the other hand, the BD has all along improved the compliance status for Directions from various aspects. Taking prosecution as an example, the BD established the Fast Track Prosecution Unit in 2021

through internal redeployment of resources to step up prosecution effort against owners who had not complied with Directions. The BD will conduct inspection and will take enforcement actions resolutely if it is confirmed that there is non-compliance situation and the owners do not have reasonable excuse. The BD will re-prioritise its enforcement and prosecution actions, focus resources for handling high fire risk buildings such as single-staircase buildings, those with more guesthouses or subdivided units, and those with non-complied Mandatory Building Inspection Scheme notices and have yet to appoint a registered inspector, and streamline the procedures and deploy manpower to expedite prosecution work. The Security Bureau and the FSD will also join the collaboration platform established by the Development Bureau last year, members comprising the BD, the Home Affairs Department and the Urban Renewal Authority (URA). The aim is to pay more attention on assisting owners' corporations and owners in complying with Directions by strengthening co-ordination among all parties concerned in case management and enhancing public education on the district level.

In addition, as mentioned above, we are stepping up the work on amending the Ordinance to empower the FSD and the BD to carry out fire safety improvement works for owners who have failed to comply with the requirements of the Ordinance. On the premise of not compromising the principle that timely and proper maintenance of private buildings is the responsibility of owners, amending the Ordinance and putting forward the defaulted works mechanism will enable owners with genuine needs to obtain assistance from the Government for the timely compliance of the relevant Directions. Moreover, the legislative amendment proposals also include different elements, such as increasing the penalties for non-compliance with Directions or FSCO, introducing provisions preventing any person from obstructing an owners' corporation in complying with the requirements of the Ordinance, empowering the EAs to register Directions issued against the involved buildings or their relevant parts in the Land Registry, etc. The aforementioned elements will strengthen the deterrent effect, encourage owners to comply with the requirement of the Ordinance, so that the relevant Directions could be complied with in a timely manner.

On top of all of the above, the Government will continue to proactively provide various kinds of support (including support on financial, co-ordination among owners as well as technical (please refer to part 5 below for details) to assist owners in carrying out fire safety improvement works with a view to enhancing the compliance rate of the Ordinance.

(4) To assist owners of old buildings in complying with the requirements of the Ordinance, the Government, in partnership with the URA, implemented a \$2 billion Fire Safety Improvement Works Subsidy Scheme (FSWS) in 2018, providing subsidies for carrying out fire safety improvement works. Subsequently, the Government increased the funding for the FSWS to a total of \$5.5 billion. In 2018 and 2020, the URA rolled out 2 rounds of applications. Since then, the URA launched the third round of application from April to September 2023, to assist more owners in need to enhance the fire safety standard of their buildings.

There were 2 249 and 734 applications meeting the basic application requirements in the first and second rounds of the FSWS applications respectively. The URA issued letters of Approval-in-principle to the applicants of the above 2 983 applications, and contacted them about the commencement of fire safety improvement works. For the third round, the URA received 1 307 applications meeting the basic application requirements. The URA is processing the applications and will issue to the applicants letters of Approval-in-principle in due course.

(5) With the rapid development of technology, we will continue to make better use of technology, proactively exploring the use of technology in various aspects to enhance fire safety. For target buildings, the EAs understand that individual target buildings may encounter difficulties in complying with the requirements of Directions due to their structural or spatial constraints or other reasons. The FSD has been in close co-operation with the Water Services Department and have put in place an array of facilitation measures, including "improvised hose reel systems (direct-feed type)" which allows buildings of three or fewer storeys to have their fire services systems operating on direct water supply from government mains (commonly known as town mains). After that, in July 2023, the FSD further introduced the improvised hose reel system (direct pumping design) and improvised fire hydrant/hose reel system (direct pumping design) for which the connection of fixed fire pumps to government mains is allowed for target buildings of four storeys or more storeys so that the installation of fire service water tank is not required, subject to the conditions that no contamination will be caused to the fresh water supply system and measures against unlawful water consumption are in place. These measures aim to assist target buildings in overcoming difficulties arising from technical or spatial constraints.

The BD is planning to develop an electronic inspection platform for its staff to use tablets to conduct inspections and record the building conditions in real time, so as to simplify the process of preparation of inspection reports with a view to enhancing the effectiveness of enforcement action.

The EAs will continue to explore how to make use of technology to overcome difficulties encountered by target building owners in complying with the requirements of the Ordinance, so as to enhance the compliance rate of the Ordinance.

Note: If owners or occupiers do not comply with the Directions within a reasonable timeframe and fail to provide reasonable justifications, the EAs may apply to the Magistrate for a FSCO, ordering them to comply with the requirements of the FSCO. If they do not comply with the Directions or the FSCOs, they shall be guilty of an offence and are liable to a fine.