

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
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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.

[LAD 50th Anniversary Roving Exhibition to mark golden jubilee](#)

The first roving exhibition to commemorate the 50th anniversary of the Legal Aid Department (LAD) was unveiled today (June 2) to promote public understanding of the services and work of legal aid. The LAD has also produced a 50th anniversary commemorative publication to mark the golden jubilee, showcasing its contributions on legal aid services in the past half century.

Officiating at the launching ceremony of the "Legal Aid Department 50th Anniversary Roving Exhibition", the Director of Legal Aid, Mr Thomas Kwong, said the department has grown from a handful of employees 50 years ago to its present establishment of 560 staff. Last year, the LAD handled more than 11 000 civil and 3 500 criminal legal aid applications.

The LAD has developed in terms of scale and establishment. Over the years, the LAD has been moving with the times and has been continuously expanding its services to meet the needs of society.

"Hong Kong has one of the best legal aid systems in the world after half a century of development," Mr Kwong said. "Since its inception, the department's objective has always been to ensure that those with reasonable grounds for pursuing or defending a legal action in Hong Kong will not be denied access to justice because of a lack of means. Legal aid is available to everyone irrespective of nationality, ethnicity or religious beliefs. To date, the department has provided access to justice to more than 440,000 people in Hong Kong.

"In terms of scope, civil legal aid here covers almost all kinds of proceedings in the District Court and the courts above, and extends to a wide range of case types including personal injuries, wage claims, medical negligence, matrimonial, and immigration and public law matters. In some common law jurisdictions, personal injury claims are no longer covered by legal aid," Mr Kwong elaborated.

There will be three roving exhibitions, with the first being held at the Exhibition Hall, 1/F, Low Block, Hong Kong City Hall, from today till June 4. Exhibition items include panels and videos on the LAD's historical development and scope of services, as well as the operation of the various legal aid schemes. Furthermore, augmented reality (AR) game booths and a humanoid robot are specially set up to interact with visitors so as to enhance their legal aid knowledge.

At this milestone of 50 years, the LAD has also produced a commemorative publication summing up its evolution over the years, narrating the mission, historical development and the important role of the department in upholding the rule of law. Through notable legal aid cases and real life stories by aided persons, it reviews the rule of law, social, political and economic changes and challenges Hong Kong has faced over the years. The commemorative publication has been uploaded to the LAD's 50th Anniversary website for browsing.

At today's ceremony, a trailer of the television series "Legal Aid – a Gateway to Justice" co-produced by the LAD and Radio Television Hong Kong was shown. This series of six half-hour episodes on legal aid stories will be broadcast on television channel RTHK 31 starting from June 20 to July 25, 2021, at 9.30pm every Sunday. The series is a programme recording the department's efforts in serving the community and its contribution in upholding the rule of law over 50 years. After the television broadcast, the episodes can be reviewed at the LAD's 50th Anniversary website and RTHK's archives/mobile apps.

Also officiating at today's ceremony were the Chief Executive, Mrs Carrie Lam; the Chief Justice of the Court of Final Appeal, Mr Andrew Cheung Kui-nung; the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung; and the Chairman of the Legal Aid Services Council, Professor William Leung.

The second roving exhibition will be held at the atrium of Domain Mall in Yau Tong from June 25 to 27, and the third exhibition will be held in the New Territories in August. Visitors to the exhibition can test their knowledge on legal aid by interacting with the humanoid robot and by challenging themselves at the AR game booths. All participants will be awarded with attractive prizes.

[Hottest May in Hong Kong](#)

Due to the stronger than usual subtropical ridge over southern China, May 2021 was the hottest May in Hong Kong on record. The monthly mean temperature of 29.0 degrees and the monthly mean minimum temperature of 27.0 degrees were 2.7 degrees and 2.5 degrees above their corresponding normal figures (or 3.1 degrees and 2.9 degrees above their corresponding 1981-2010

normal figures), making both the highest on record for May. The mean maximum temperature of 32.1 degrees was 3.3 degrees above the normal figure (or 3.7 degrees above the 1981-2010 normal figure), making it the second highest on record for May. Together with the exceptionally warm weather in March and April 2021, Hong Kong experienced the warmest spring on record from March to May 2021. The mean temperature of 25.0 degrees, the mean minimum temperature of 23.2 degrees and the mean maximum temperature of 28.0 degrees from March to May 2021 were all the highest on record for the same period. There were 14 hot nights in the month, the highest number on record for May. The six consecutive hot nights that started from May 16 also set a record in terms of the number of consecutive hot nights for May. The month was much drier than usual with a total rainfall of only 65.0 millimetres, about 22 per cent of the normal of 290.6mm (or about 21 per cent of the 1981-2010 normal of 304.7mm). The accumulated rainfall recorded in the first five months of the year was 163.1mm, a decrease of about 72 per cent compared to the corresponding normal of 590.9mm (or about 75 per cent below the 1981-2010 normal of 640.8mm), making it the second lowest on record for the same period.

After a generally fine day on May 1, an upper-air disturbance brought a few showers and isolated thunderstorms to Hong Kong the next day. With the strengthening of an easterly airstream, local weather was mainly cloudy with a few showers on May 3. Affected by a southerly airstream, the weather became hot with sunny periods during the day on May 4. A thundery rainband associated with a trough of low pressure moved across the coastal areas of Guangdong that night and brought heavy showers and thunderstorms to Hong Kong. More than 30mm of rainfall were recorded over many places of the territory. The temperature recorded at the Hong Kong Observatory dropped to a minimum of 23.1 degrees under the rain, the lowest of the month.

With the departure of the trough of low pressure, weather improved during the day on May 5 with sunny periods. An easterly airstream picked up that night and local weather turned cloudy with a few rain patches. With the moderation of the easterly airstream and the thinning out of the cloud band over the coast of Guangdong, the weather of Hong Kong became generally fine during the day on May 6. Dominated by an anticyclone aloft, local weather remained generally fine and hot from May 7 to 10. Under the influence of a southerly airstream, the weather of Hong Kong was hot with sunny periods apart from some showers from May 11 to 14. There were also isolated thunderstorms from May 13 to 14. Showers were particularly heavy on the morning of May 14. More than 10mm of rainfall were recorded over many places in the western part of the territory, and rainfall even exceeded 70mm over Tuen Mun District.

Under the influence of the subtropical ridge, it was sunny and very hot in Hong Kong from May 15 to 16. Affected by a southerly airstream and an anticyclone aloft, apart from a few showers, fine and very hot weather persisted from May 17 to 23. The daily minimum temperature of 28.8 degrees on May 19 was the highest on record for the Buddha's Birthday. The daily minimum temperature on May 21 was 29.5 degrees, the highest on record for May. With plenty of sunshine, the temperature recorded at the Hong Kong Observatory

soared to a maximum of 36.1 degrees on the afternoon of May 23, the highest of the month, breaking the record of the highest maximum temperature for May. The daily mean temperature of 31.4 degrees on that day was also the highest on record for May. Moreover, a waterspout was reported near Lamma Island on the morning of May 20.

Affected by a trough of low pressure, the weather of Hong Kong became unsettled with more showers and thunderstorms from May 24 to 25. Showers were heavier in some areas of the territory on the morning of May 25. More than 70mm of rainfall were recorded over the northern part of the New Territories and Sai Kung. Under the influence of the anticyclone aloft over the northern part of the South China Sea, apart from isolated thunderstorms and a few showers on May 26, local weather turned generally fine and very hot again from May 26 to 28. Affected by a trough of low pressure over the coastal area of southern China, local weather turned cloudier with a few showers towards the end of the month. The weather of Hong Kong was more showery with a few thunderstorms on May 31. More than 10mm of rainfall were recorded over many places on that day.

Two tropical cyclones occurred over the South China Sea and the western North Pacific in May 2021.

Details of the issuance and cancellation of various warnings/signals in May are summarised in Table 1. Monthly meteorological figures and departures from normal for May are tabulated in Table 2.

Public hospitals daily update on COVID-19 cases

The following is issued on behalf of the Hospital Authority:

As at 9am today (June 2), one COVID-19 confirmed patient (case number: 11841) was discharged from hospital in the last 24 hours. So far, a total of 11 576 patients with confirmed or probable infection have been discharged.

At present, there are 619 negative pressure rooms in public hospitals with 1 130 negative pressure beds activated. A total of 32 confirmed patients are currently hospitalised in 13 public hospitals and the North Lantau Hospital Hong Kong Infection Control Centre, among which one patient (case number: 6794) is in critical condition, one (case number: 9907) is in serious condition and the remaining 30 patients are in stable condition.

The Hospital Authority will maintain close contact with the Centre for Health Protection to monitor the latest developments and to inform the public

and healthcare workers on the latest information in a timely manner.

LCQ11: Legal aid cases related to judicial review

Following is a question by the Hon Mrs Regina Ip and a written reply by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, in the Legislative Council today (June 2):

Question:

Some members of the legal sector have relayed that in recent years, quite a number of legal aid cases related to judicial review (JR) have not been assigned in accordance with the principle of fairness to counsels who are on the Legal Aid Panel (the Panel). Moreover, some of the cases involved exorbitant legal costs, which often amounted to several million dollars and had to be paid out of public coffers. In this connection, will the Government inform this Council:

(1) of the respective numbers of (i) counsels and (ii) solicitors who are currently on the Panel, and the respective numbers of counsel's chambers and solicitors firms from which they come;

(2) of the following information about the JR-related legal aid cases in each of the past three years (set out in tables):

(i) the number of counsel's chambers from which the counsels who were assigned such cases came; the respective numbers of cases taken up by the top five chambers whose counsels were assigned the highest numbers of such cases,

(ii) the longest, shortest and average years of experience of the counsels who were assigned such cases,

(iii) a breakdown of such cases by nature (e.g. those involving torture claims, human rights, and the Basic Law),

(iv) the average time taken for hearing each of such cases, and

(v) the average amount of legal aid expenditure incurred for each of such cases; and

(3) whether it has reviewed if JR-related legal aid cases have been assigned mostly to certain solicitors/counsels; if it has reviewed and the outcome is in the affirmative, whether it has any improvement measures in place; if so, of the details; if it does not have any improvement measures, the reasons for that?

Reply:

President,

The policy objective of legal aid is to ensure that no one with reasonable grounds for taking or defending a legal action is denied access to justice because of lack of means. The Legal Aid Ordinance (Cap. 91) (LAO) provides that legal aid will only be granted to applicants who have satisfied both the merits test and the means test. After legal aid is granted, the Director of Legal Aid (DLA) may act for an aided person through in-house professional lawyer of the Legal Aid Department (LAD) or assign any lawyer in private practice selected from the Legal Aid Panel (the Panel) by the DLA or the aided person. When an aided person nominates a lawyer according to the LAO by himself/herself, having regard to the interest of an aided person, the LAD normally gives weight to such a nomination. However, the LAD may also reject the nomination if the lawyer nominated by the aided person is considered not appropriate on grounds such as having previous records of unsatisfactory performance, disciplinary actions taken against the nominated lawyer by his/her regulatory body, or language requirements of the proceedings which are likely to undermine the aided person's interest in the proceedings; or the aided person has made repeated or late requests for change of lawyer without reasonable grounds.

A reply to each part of the question is as follows:

(1) As at March 2021, there were 2 485 solicitors involving 821 solicitors' firms and 1 171 counsel on the Panel. The LAD does not maintain information about the number of counsel's chambers involved.

(2) (i) The LAD does not maintain the number of legal aid cases assigned on the basis of counsel's chambers.

(ii) Information on the years of experience of the counsel who were assigned with legal aid cases related to judicial review (JR):

Year	The least years of experience	The most years of experience	The average years of experience (calculated on the basis of the total number of all JR-related legal aid cases)
2018	3	44	14.7
2019	3	36	15
2020	3	29	12.7

(iii) The breakdown of JR-related legal aid cases by category:

Year	Government policies and related matters	Immigration matters (including non-refoulement claims)	Decisions of the Government and other organisations
2018	18	39	3
2019	13	65	3
2020	13	62	7

(iv) As the time required for court hearing is subject to a number of factors, the LAD, after granting legal aid, will not set limitations on the time required for assigned lawyers to complete each case. As such, the LAD does not maintain information about the time taken for hearing of JR-related legal aid cases.

(v)

Financial year	The legal expenditure on JR-related legal aid cases (\$ million)
2018-19	29.5
2019-20	37.6
2020-21	34.0

â€‹The total annual legal expenditure on JR-related cases is the total relevant expenditure of the same year, including the expenditure on cases approved in the same and previous years. The LAD does not maintain the average amount of expenditure on JR-related legal aid cases.

(3) The LAD's assignment criteria set the limit on the number of assignments for each lawyer. Regarding the assignment of civil legal aid cases, the limits for each solicitor and counsel are 35 legal aid cases and 20 legal aid cases respectively in the past 12 months. As for JR-related legal aid cases, the numbers of solicitors and counsel assigned with such cases in the past three years are tabulated below:

Year	Number of JR-related legal aid cases	Number of solicitors assigned with legal aid cases	Number of counsel assigned with legal aid cases
2018	60	17	22
2019	81	22	27
2020	82	15	25

â€‹The LAD will closely monitor the work performance of the assigned counsel and solicitors and review the assignment limits set for each lawyer when appropriate.