

Report No. 43 of the Director of Audit — Chapter 11

UPGRADING OF FIRE SAFETY STANDARDS IN OLD BUILDINGS

Summary

1. Under the Buildings Ordinance, a building constructed at any time has to comply with the fire safety standards laid down in the Codes of Practices (COPs) in force at the time of construction. These COPs are issued by the Director of Fire Services and the Director of Buildings. The Fire Services Department (FSD) is concerned with the provision and maintenance of fire service installations and equipment (FSIs) of a building, and the Buildings Department (BD) is concerned with the fire safety construction requirements. As revisions to the COPs do not have retrospective effect, improved standards would only apply to buildings constructed after the effective dates of the revisions.

2. During 1994-1998, a number of serious fires occurred in Hong Kong. A territory-wide survey by the FSD in early 1998 indicated that the fire safety conditions of many old private buildings were not up to present-day standards. To improve the fire safety standards of certain types of premises and buildings, the Legislative Council enacted a series of ordinances from 1997 to 2003. Audit Commission (Audit) has recently conducted a review of the FSD's and the BD's efforts in enforcing the various fire safety upgrading ordinances.

Enactment of various fire safety upgrading ordinances

3. In May 1997, the Fire Safety (Commercial Premises) Ordinance (FS(CP)O, Cap. 502) was brought into operation. The gist of the Ordinance was to require owners and occupiers of certain kinds of commercial premises, termed as "Prescribed Commercial Premises" (PCP), to upgrade the fire safety standards, as far as possible, to present-day standards. In June 1998, the FS(CP)(Amendment) Ordinance 1998 was brought into operation. The gist of the amendment was to require owners and occupiers of pre-1987 commercial buildings, termed as "Specified Commercial Buildings" (SCBs), to upgrade the fire safety measures, as far as possible, to present-day standards.

4. In July 2002, the Fire Safety (Buildings) Ordinance (FS(B)O, Cap. 572) was enacted. Under the FS(B)O, owners and occupiers of pre-1987 composite buildings and pre-1987 domestic buildings were required to upgrade FSIs and the fire safety construction in their buildings to meet the present-day standards. However, as at July 2004, the FS(B)O had not yet been put into operation.

5. *Need to review the effectiveness of the improvement programmes. As the PCP and SCB improvement programmes have been implemented for over six years, Audit has recommended that the Director of Fire Services and the Director of Buildings should conduct a review of the improvement programmes to identify areas for improvement in the implementation of the two programmes and for future reference in the implementation of the FS(B)O on pre-1987 composite buildings and pre-1987 domestic buildings.*

Progress of upgrading the fire safety standards of prescribed commercial premises and specified commercial buildings

6. In the Controlling Officer's Reports (CORs), the FSD and the BD reported their progress of inspecting PCP and SCBs and of issuing directions/improvement directions. However, they did not report the actual number of PCP and SCBs which had their fire safety upgrading works completed. *In order to provide stakeholders with a clearer picture of the degree to which the fire risk has been reduced, Audit has recommended that the Director of Fire Services and the Director of Buildings should report the compliance positions of PCP and SCBs in the CORs.*

7. In the case of the SCBs, Audit's analyses indicated that as at 31 March 2004, six years after the FS(CP)(Amendment) Ordinance 1998 had become operational, only 23.2% of the SCBs inspected and issued with improvement directions had complied with the upgraded fire safety requirements. The result was less than satisfactory. *In order to upgrade the fire safety standards of pre-1987 commercial buildings as early as possible, Audit has recommended that the Director of Fire Services and the Director of Buildings should explore ways to improve the SCB compliance rates.*

Enforcement procedures for prescribed commercial premises and specified commercial buildings

8. Based on a survey conducted by the FSD in 2003 and Audit's case studies, Audit has identified scope for improvement in the FSD's and the BD's enforcement of the FS(CP)O in the following areas:

- (a) timely issue of directions;
- (b) lengthy upgrading process and owners' financial constraints in meeting the upgrading costs;
- (c) enhancing the enforcement mechanism to improve compliance; and
- (d) enforcing the upgrading requirements in SCBs with domestic occupancy.

Audit has recommended that the Director of Fire Services and the Director of Buildings should issue directions promptly, review the effectiveness of the Building Safety Loan Scheme in assisting owners to meet their fire safety improvement works under the FS(CP)O, tighten up the procedures for granting extensions of time allowed for compliance with directions, explore alternative enforcement tools before proceeding with prosecutions and expedite the enforcement actions on SCBs with domestic occupancy.

Efforts to prepare for upgrading fire safety standards in pre-1987 composite buildings and pre-1987 domestic buildings

9. In 2003, as the FS(B)O was not yet operational, the FSD and the BD agreed on a fallback plan to prepare for the enforcement of the FS(B)O. Under the fallback plan, the FSD and BD would conduct joint inspections of 900 composite buildings a year. During the joint inspections, they would enforce extant fire safety standards. In addition, they would issue fire safety advisory directions (which are not legally enforceable) on the scope of improvement works required under the FS(B)O. Since 1 January 2004, the FSD and the BD have begun to implement the fallback plan. *As the implementation of the fallback plan requires considerable resources, Audit has recommended that the Director of Fire Services and the Director of Buildings should set a timetable for conducting an interim review to examine the effectiveness of the fallback plan and should develop appropriate performance measures to evaluate the effectiveness of the fallback plan.*

Response from the Administration

10. The Administration has generally agreed with the audit recommendations. The Secretary for Security has pointed out the difficulties and Herculean effort required to modernise the fire safety standards and installations of old (pre-1987), private, multi-owner/occupier buildings built to plans and fire safety standards of decades ago.

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