

GOVERNMENT'S EFFORTS TO ENHANCE FIRE SAFETY OF OLD BUILDINGS

Executive Summary

1. The fire safety provisions in old buildings, though meeting the safety standards at the time of construction, may not be sufficient under the present-day standards. For better protection of lives and properties, the Fire Safety (Commercial Premises) Ordinance (Cap. 502 — FS(CP)O) and the Fire Safety (Buildings) Ordinance (Cap. 572 — FS(B)O) came into operation in 1997 and 2007 respectively and empowered the Buildings Department (BD) and Fire Services Department (FSD) to issue directions requiring the upgrading of fire safety provisions in certain premises and old buildings. The Fire Safety Section of the BD and the two Building Improvement Divisions of the FSD are responsible for enforcing the FS(CP)O and FS(B)O. As at 30 September 2013, they had an establishment of 129 staff and 177 staff respectively. For 2012-13, the total expenditure amounted to \$158 million. The Audit Commission (Audit) has recently conducted a review to examine the implementation of fire safety improvement programmes under the FS(CP)O and FS(B)O (paras. 1.2, 1.3, 1.6, 1.8 and 1.11).

Implementation of fire safety improvement programmes

2. *Progress in implementing the improvement programmes.* The Government has adopted a phased approach in implementing the fire safety improvement programmes. As at 30 June 2013, the BD and FSD had inspected 75% of the 3,035 Prescribed Commercial Premises (see Appendix A) and 88% of the 1,783 Specified Commercial Buildings (see Appendix B) under the scope of the FS(CP)O, and 72% of the 9,000 Target Composite Buildings (see Appendix C) under the scope of the FS(B)O. As regards directions issued for Prescribed Commercial Premises and Specified Commercial Buildings, the compliance rates were 58% and 74% respectively for those issued by the BD, and 88% and 90% respectively for those issued by the FSD. However, the compliance rates for Target Composite Buildings were only 16% and 27% for directions issued by the BD and FSD respectively, which are a cause for concern (paras. 2.2, 2.12, 2.13, 2.15 and 2.16).

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3. **Facilitation measures.** Experience in implementing the improvement programmes has shown that the existence of Owners' Corporations (OCs) could help coordinate the statutorily required works in the common parts of buildings. However, the Home Affairs Department (HAD)'s assistance was only sought for buildings without OCs after inspections. Consideration can be given to sharing the inspection plans with the HAD as early as practicable so that the HAD can better plan its liaison work for buildings without OCs. For the various financial assistance schemes and technical support that have been put in place to facilitate owners in complying with directions, there is merit to conduct a survey to find out whether these measures are meeting their needs (paras. 2.5, 2.20 and 2.22).

Arrangements for inspections and issuing fire safety directions

4. **Inspection arrangements.** Audit has found that: (a) certain chain shops selling furniture and household items were included in the Prescribed Commercial Premises inspection list drawn up by the FSD, but some other chain shops selling similar products were not; (b) some pre-war buildings had difficulties to comply with fire safety directions due to site constraints. To address the issue, the BD and FSD have commenced a pilot study which is targeted for completion in 2014. Given that 270 (54% of 502) pre-war buildings have not been inspected, there is a need to expedite actions; and (c) according to the FS(CP)O, a commercial building used exclusively as a utilities building would not be regarded as a Specified Commercial Building. While the BD decided in 2011 that the FS(CP)O should apply to some utilities buildings which had been partly used as offices, follow-up action had not yet been taken (paras. 3.6 and 3.8 to 3.10).

5. **Arrangements for issuing directions.** The BD and FSD have laid down guidelines that directions should be issued within four months after inspections. Audit has found that as at 30 June 2013 the four-month time target was not met for more than half of the directions issued. For 160 buildings/premises, the directions were issued three or more years after the lapse of the respective four-month periods. As regards directions yet to be issued, 91% for Prescribed Commercial Premises, 92% for Specified Commercial Buildings and 85% for Target Composite Buildings were overdue (averaging 36 months, 40 months and 18 months respectively). A long delay in issuing directions is unsatisfactory as the implementation of the fire safety improvement programmes would be prolonged. It is also possible that the conditions of the target buildings/premises may have changed and thus necessitate

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re-inspections. Case studies have revealed a need to improve the timelines in preparing inspection reports and determining the boundary of Prescribed Commercial Premises in accordance with the provisions of the FS(CP)O. There is also a need to review the inspection target to see if it is commensurate with the BD's and FSD's capacity in issuing directions for all inspected buildings within four months after inspection (paras. 3.17, 3.19 to 3.22 and 3.24).

Administration of fire safety directions issued

6. *Management information for monitoring follow-up actions.* Generally, the BD and FSD allow owners/occupiers 12 months to comply with the fire safety directions. They have laid down guidelines for their staff on follow-up actions in case of non-compliance. While the BD has maintained a computerised database for monitoring follow-up actions on directions issued, the FSD's computer system did not support case monitoring and statistical analysis of directions issued. The BD's database showed that as at 30 June 2013, 31,450 directions issued by the BD had remained outstanding for an average period of 34 months (paras. 4.2, 4.4 and 4.5).

7. *Case studies.* Audit examination of some long outstanding directions has revealed cases of inadequate check on works progress and delay in conducting compliance inspection of completed works. In one case, enforcement action was not taken by the BD against an owner who did not respond to repeated warnings although the direction had been outstanding since December 2001. To demonstrate the Government's commitment to improving the fire safety provisions of the target buildings/premises and to serve as deterrence, stringent enforcement action is warranted on long outstanding directions without reasonable excuses (paras. 4.6 to 4.8 and 4.11).

Follow-up actions on unauthorised building works found during inspections

8. Unauthorised building works (UBWs) that pose threat to fire safety may be found during inspections of target buildings under the FS(CP)O and FS(B)O. The BD has laid down guidelines on follow-up action to be taken on such UBWs. Case studies have revealed that UBWs and suspected sub-divided flats found during inspections of target buildings/premises had not been promptly followed up (paras. 5.5 to 5.7).

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Audit recommendations

9. Audit recommendations are made in the respective sections of this Audit Report. Only the key ones are highlighted in this Executive Summary. Audit has *recommended* that the Administration should:

Implementation of fire safety improvement programmes

- (a) step up efforts to improve the compliance rates of fire safety directions, especially those for Target Composite Buildings (para. 2.23(b));
- (b) share inspection plans with the HAD as early as practicable and conduct a survey to find out whether the existing facilitation measures are meeting the owners' need (para. 2.23(c) and (d));

Arrangements for inspections and issuing fire safety directions

- (c) provide adequate guidance to FSD staff for identifying Prescribed Commercial Premises and expedite actions on pre-war and utilities buildings (paras. 3.11(a) and 3.12);
- (d) take effective measures to improve the timeliness in issuing directions and to clear the backlog of directions overdue for issuing as soon as possible (para. 3.28(a));
- (e) review the current annual inspection target for Target Composite Buildings, to see if it is commensurate with the capacity in issuing directions within four months after inspections (para. 3.28(b));

Administration of fire safety directions issued

- (f) enhance the FSD's computer system for case management and monitoring the timeliness of enforcement actions (para. 3.29(a));

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- (g) **tighten controls to ensure that the laid down procedures on checking progress of works and completed works required in fire safety directions are strictly complied with (paras. 4.12(b) and 4.13(a));**
- (h) **step up enforcement actions against non-compliant owners/occupiers, instigating prosecution actions on long outstanding cases without reasonable excuses (paras. 4.12(c) and 4.13(c)); and**

Follow-up actions on unauthorised building works found during inspections

- (i) **take measures to ensure that UBWs with fire hazards found during inspections are promptly followed up (para. 5.8(a)).**

Response from the Administration

10. The Administration agrees with the audit recommendations.