

## **Executive Summary**

### **Direct Investigation into Problems Relating to Enforcement of Fire Safety (Buildings) Ordinance**

#### **Background**

In view of the serious fire incidents at old buildings in the 1990s, the Government enacted the Fire Safety (Buildings) Ordinance (“FS(B)O”), which came into effect in July 2007.

2. The FS(B)O stipulates that the fire safety measures of composite buildings or domestic buildings completed (or those with the building plans first submitted for approval) in or before March 1987 (collectively termed “Target Buildings”) should be enhanced to conform to modern fire safety standards. The FS(B)O is jointly enforced by the Fire Services Department (“FSD”) and the Buildings Department (“BD”). The two departments issue Fire Safety Directions (“FS Directions”) to the owners of Target Buildings, requiring them to upgrade the fire safety measures on their premises.

3. Some owners have indicated that they had encountered problems in complying with the FS Directions. For instance, allegedly limited by the structure of their buildings or other environmental constraints, some owners were unable to implement the required fire safety measures, and yet FSD and BD did not provide any assistance. In some other cases, the owners had completed the required fire safety installations, but BD asked for those installations to be removed as they were regarded as unauthorised building works (“UBW”). In this light, The Ombudsman has conducted a direct investigation to examine whether the two departments have provided adequate support to building owners to facilitate their smooth compliance with the FS Directions.

#### **Government’s Assistance Currently Available**

4. Our investigation has revealed that the Government currently provides assistance to building owners in three main areas, namely, technical support, financial assistance and coordination.

#### ***Technical Support***

5. Where building owners encounter technical problems in complying with the FS Directions, FSD and BD will offer assistance in a number of ways, including:

- (1) relaxing some of the requirements specified in the FS Directions and accepting alternative solutions or measures that are technically feasible;
- (2) liaising and having meetings with the Authorised Persons, registered

structural engineers or fire service installation contractors appointed by the owners, to provide them with professional advice; and

- (3) extending the deadline for compliance with the FS Directions, allowing the owners more time to solve the technical problems.

6. BD has also indicated that building owners can make a report to BD if they find UBW items at the building inhibiting their compliance with the FS Directions. BD will consider taking priority action against the UBW items.

### ***Financial Assistance***

7. To assist owners of private buildings in maintenance and repairs, the Government, the Hong Kong Housing Society and the Urban Renewal Authority have been offering various financial assistance schemes to those in need. Fire safety improvement works under the FS(B)O have been included as works eligible for subsidies or loans granted under those schemes. Building owners may apply for those various schemes simply by completing the application form under the Integrated Building Maintenance Assistance Scheme.

8. While FSD is not responsible for the above financial assistance schemes, it will, when issuing FS Directions, enclose the pamphlet on the Integrated Building Maintenance Assistance Scheme for owners' reference, thereby informing needy and eligible building owners of details of those schemes.

### ***Coordination***

9. Many of the Target Buildings are "Three Nils" buildings, i.e. having no owners' corporations ("OCs"), no residents' organisations, and no property management agencies. Since the owners of such buildings often encounter problems in coordinating their fire safety improvement works, FSD and BD provide the Home Affairs Department ("HAD") with lists of Target Buildings without OCs, so that HAD can give advice to the owners concerned and assist them to form OCs.

10. Furthermore, the case officers of FSD and BD would, upon invitation by building owners, attend owners' meetings together with officers from the local District Office ("DO"), with a view to providing assistance to the owners in forming OCs and explaining to them the requirements set out in the FS Directions and feasible proposals for compliance.

11. Besides, FSD has published a "Guidebook for the Compliance of Fire Safety Directions issued by the Fire Services Department". It has been distributed to all District Council ("DC") members for reference, so that more effective assistance could be provided to owners at the district level.

## **Our Findings**

12. After examining the relevant case files of FSD and BD, we have the following observations:

- (1) Regardless of the nature of problems that owners may encounter, FSD would normally approve extension of the deadline for compliance with the FS Directions by one year, so long as the owners can provide a reasonable explanation.
- (2) If building owners cannot comply with some requirements of the FS Directions owing to environmental or spatial constraints, etc, FSD would consider relaxing those requirements in light of the actual circumstances. For instance, the owners would be exempted from installing a fire service water tank and a hose reel, and instead be required to install portable fire extinguishers of an approved type and a manual fire alarm system at specified locations within the premises.
- (3) BD had, however, failed to take priority enforcement action in some cases of UBW items inhibiting building owners' compliance with the FS Directions.
- (4) When encountering problems in complying with the FS Directions, some building owners would, via DC members, seek assistance from FSD or the local DO. For example, they would ask the DC members to explain to FSD on their behalf the difficulties they encounter, or to seek DO's assistance in setting up an OC.

13. In sum, we find that FSD and BD have by and large made adequate arrangements and devised suitable and effective measures for providing technical support and financial assistance to building owners, as well as in helping them with coordination. However, in the actual implementation of these arrangements and measures, there is room for improvement in the following areas.

### ***Room for Improvement***

14. Regarding UBW items inhibiting building owners' compliance with FS Directions, there have been occasions where long delay in enforcement action is found on the part of BD. Such delays are unfair to those building owners who are keen to comply with FS Directions. Obstructions to fire safety improvement works might even jeopardise the safety of users of the buildings and that of the public. Improvement by BD in this respect is urgently called for.

15. We note that some elderly owners are worried about the costs of the fire safety improvement works. In fact, the Building Maintenance Grant Scheme for Elderly Owners under the Integrated Building Maintenance Assistance Scheme will give them

the help they need. FSD should, in conjunction with the relevant organisations, step up publicity on the financial assistance provided by the Government, so that elderly owners would know how and where to seek help.

16. Moreover, FSD can further strengthen its communication with DCs, so that more adequate assistance could be offered, through DC members, to building owners who are required to comply with FS Directions, especially owners of “Three Nils” buildings.

## **Recommendations**

17. In the light of the above, The Ombudsman has made the following recommendations:

### ***FSD***

- (1) to step up publicity in conjunction with the relevant organisations on the Government’s financial assistance for elderly owners;
- (2) to further strengthen its communication with DCs so that assistance could be offered, through DC members, to nearby building owners; and

### ***BD***

- (3) to monitor more closely cases involving UBW items that obstruct building owners’ fire safety improvement works, so that such cases will be handled without delay.

**Office of The Ombudsman  
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