

CONTROLLING OFFICER'S REPLY

DEVB(PL)306

(Question Serial No. 6189)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (HUI Siu-wai)
Director of Bureau: Secretary for Development

Question:

- (1) Regarding issuing statutory directions to individual old-style buildings to require owners to carry out specified fire safety repairs or works for improving basic fire safety measures, how many directions have not been complied with to date? Please list the numbers of cases where statutory directions have not been complied with for one to three years, four to six years, seven to nine years and ten years or above after the specified time and the respective numbers of prosecutions;
- (2) has the Department examined the reasons for non-compliance with the directions after the specified time? Will resources be redeployed to strengthen the assistance to owners in this connection; if so, what are the specific work plan and the estimated expenditure; if not, what are the reasons for that;
- (3) what were the numbers of requests for assistance or enquiries received by the Department last year in this connection? How many of the buildings concerned did not have owners' corporations; and
- (4) in 2014-15 and 2015-16, how many cases are there that the Buildings Department has engaged consultants or works contractors to carry out the necessary works for the defaulters? What were the expenditure per year and the progress of recovering the costs?

Asked by: Dr Hon Kenneth CHAN Ka-lok (Member Question No. 208)

Reply:

- (1) As of end-2015, statistics on the compliance status of fire safety directions and fire safety improvement directions issued by the Buildings Department (BD) under the Fire Safety (Buildings) Ordinance (FS(B)O) and the Fire Safety (Commercial Premises) Ordinance (FS(CP)O) are tabulated below -

Type of buildings/ premises	Total no. of directions not yet discharged ¹	No. of directions not yet discharged after expiry for				No. of total prosecutions instigated ²
		1 to 3 years	4 to 6 years	7 to 9 years	10 years or above	
Composite buildings	39 610	21 074	11 023	1 362	0	111
Specified commercial buildings	6 123	1 220	1 139	1 374	2 002	44
Prescribed commercial premises	1 380	514	250	218	119	1

Note¹ The number includes directions which have yet to expire.

Note² The number only includes prosecutions instigated in and after 2007 as the BD did not compile statistics on prosecutions instigated before then.

- (2) In the course of carrying out the relevant enforcement actions, some building owners have expressed difficulties in completing the fire safety improvement works and complying with the directions within the specified timeframe due to the following reasons -
- (a) they need more time to form owners' corporations (OCs) to co-ordinate the fire safety improvement works in the common parts of the buildings;
 - (b) the fire safety improvement works are being carried out in conjunction with other building maintenance works, and completion of the former is affected by the progress of the latter; and
 - (c) they need more time to prepare alternative proposals to overcome practical difficulties in carrying out the required fire safety improvement works.

In 2016-17, the BD will continue to take measures to encourage and render assistance to building owners in complying with the directions. These measures include -

- (a) working with the Home Affairs Department to assist building owners in forming OCs;
- (b) offering technical advice through meetings with the building owners and their appointed consultants;
- (c) carrying out joint inspections with building owner's appointed consultants to explore possible ways to overcome site constraints hindering compliance with the directions;
- (d) in collaboration with the Hong Kong Housing Society and the Urban Renewal Authority, providing technical and financial assistance to eligible building owners; and
- (e) supporting District Fire Safety Committees and other organisations in organising seminars and activities to enhance public awareness of the importance of fire safety in old buildings.

In 2016-17, the 104 professional and technical staff of the BD's Fire Safety Section will render assistance to building owners in complying with the directions as part of their overall duties. We are not able to provide a breakdown of the expenditure involved solely for the relevant work.

- (3) The BD does not compile statistics on requests for assistance or enquiries received concerning compliance with the aforesaid directions.
- (4) There is no provision in the FS(B)O and the FS(CP)O empowering the BD to carry out the required fire safety improvement works in the event of default by the building owners, and to recover the cost of works from the building owners. As such, no expenditure was involved in 2014-15 and 2015-16 in this regard.

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