

## **Meeting with Mini-storages Trade on 21.9.2016**

Date / Time : 21.9.2016 / 1030 hours

Venue : Room 601, South Wing, 6/F, Fire Services Headquarters  
Building, 1 Hong Chong Road, Tsimshatsui East

### Present

#### Government Representatives (10 persons)

*Fire Services Department*

*Buildings Department*

*Labour Department*

*Lands Department*

#### Mini-storages Trade Representatives

*Members of Self Storage Association Asia(SSAA) (9 persons)*

*Members of HK Storage Alliance (5 persons)*

## **Salient Points of the Meeting**

### **Introduction**

- Dr. LO of FSD welcomed all to the meeting, especially representatives from the SSAA and the HK Storage Alliance. He also gave a brief account on the items to be discussed.

### **Progress of Mini-storages Inspection and Enforcement**

- The fatal fire at Amoycan Industrial Centre on 21 June 2016 unveiled the serious safety risks associated with mini-storages.
- According to the result of desktop research, on-site inspection and information gathered, 756 mini-storages were identified so far.
- As at 18 September 2016, FSD had inspected 756 mini-storages (87 closed or not used as mini-storage) and issued 242 Fire Hazard Abatement Notices (FHANs) to the operators of 58 mini-storages with irregularities found. Enforcement work in respect of the inspected premises would continue.
- BD has, as at 18 September 2016, inspected 668 mini-storages (57 closed or not used as mini-storage) and issued 127 statutory orders to their owners under sections 24 and 26 of the Buildings Ordinance (BO) to 60 mini-storage premises without sprinklers.
- FSD and BD normally allowed two months for the operators / owners of the premises to comply with the FHANs / statutory orders. The compliance period for the first batch of FHANs / statutory orders issued on 15 July 2016 expired in mid-September. The Departments would monitor the compliance situation and take necessary follow-up actions.
- LandsD had completed checking of all the land leases of the lots of the 756 mini-storages identified by FSD as at 18 September 2016. Among them, the mini-storage uses on 215 premises were in breach of the user clause in the relevant land leases. LandsD had conducted inspection of 188 premises out of these 215 while arrangements were being made to obtain access to the other locked-up premises. For the inspected ones, LandsD had been issuing warning letters requiring the owners to purge the breach within 28 days. If the owners failed to do so, LandsD would register the warning letters at the Land Registry against the premises.
- As at 18 September 2016, LD had inspected a total of 750 mini-storages and issued 13 Improvement Notices to duty holders in accordance with the relevant occupational safety and health (“OSH”) legislation to direct mitigation/eradication of OSH risks to workers. In addition, LD would take 12 prosecutions against relevant employers in relation to non-compliance with fire precaution requirements provided for in the OSH Ordinance,

including exit obstruction and locked exits, in respect of these mini-storages. LD was taking follow-up actions on the Improvement Notices issued to ensure that improvement measures would be taken.

#### Problems Identified in the Inspections by Government Departments

- Replacement of entrance doors with inadequate fire resistant doors;
- Long travel distance to required staircases owing to extensive partitioning of cubicles;
- Inadequate width of means of escape caused by swung out cubicle doors;
- Insufficient coverage of hose reel system;
- Insufficient provision of exit signs and directional signs;
- Obstruction to exits by unsatisfactory locking device;
- Undesirable arrangement of storage cubicles;
- Provision of insufficient windows;
- Inadequate clearance (less than 1m) between the ceiling and the top of mini-storage cubicles or storage articles exceed the height of the storage cubicles and / or the height of storage articles is more than 2.35 m;
- Breach of the user clause in the relevant land leases; and
- Breach of the OSH Ordinance, including exit obstruction and locked exits, to safeguard employees at work.

#### Views of the Trade

- Reiterated their willingness to cooperate with the Government to enhance the safety of mini-storages.
- Pointed out the social demand of mini-storages facilities.
- Asked for sufficient and adequate consultation and communication with the trade if legislation was to be implemented in the future.
- Agreed to implement immediate management measures to uplift the safe operation of mini-storage with a view to re-building customers' confidence, e.g. some public outreach campaign.
- Appealed for more time to comply with the orders/FHANs for rectification works due to the need to notify affected clients.
- Expressed their concerns from business operational viewpoints and relevant difficulties encountered especially after the tragedy.
- Sought clarification on the international standards/guidelines to be adopted by the Government.
- Enquired the details of LD's enforcement action with regard to OSH legislation.
- Enquired the details and extent of the LandsD's recent risk-based enforcement arrangements against lease breaches in industrial buildings.

- Sought clarification on vesting action to be imposed for those mini-storages in breach of the user clause in the relevant land leases.
- Sought information on the premises issued with Licences for Manufacture and/or Storage of Dangerous Goods (here-in-after as “DGL”s) by FSD.
- Enquired the possibility for waiver / lease modification application.
- Requested a separate meeting with LandsD for further discussion of waiver / lease modification application issues.
- Requested a separate meeting with FSD for further discussion of technical issues.

#### Responses from the Government

- Government’s enforcement action would be based on the power conferred on Departments according to Laws of Hong Kong, and prime concern of the enforcement action was about public safety.
- Noted the practical difficulties of the operators, the time allowed for abatement action of the FHAN orders had been designed as 60 days, which was a relatively long period of time comparing to normal case.
- Both local and international standard/code had been adopted, e.g. Code of Practice for Minimum Fire Service Installations and Equipment of FSD, the Fire Code 2013 of Singapore Civil Defence Force and the LPC Rules for Automatic Sprinkler Installations incorporating BS EN 12845:2003. Nonetheless, FSD would also formulate requirements according to fire-fighting operational viewpoints and local situations.
- LD clarified that its prosecutions were related to exit obstruction and locked exits inside the mini-storages concerned.
- On 15 July 2016, the Government announced the risk-based enforcement arrangements against lease breaches in industrial buildings, targeting units in breach of the lease matching two conditions: (i) the uses attract the flow of people; and (ii) there are other premises in the same industrial building currently issued with the DGLs by the FSD. The LandsD would adopt a stringent approach and take measures to re-enter units in these cases which pose a higher risk, with a view to urging the parties concerned to rectify the breaches as soon as possible. The regulatory arrangements aim at protecting the safety of members of the public accessing the units because such conditions would pose an obvious risk to those accessing the industrial buildings but are unfamiliar with the setting.
- As for other categories of lease breaches in industrial buildings, LandsD would continue with its current arrangement: namely, DLOs would, in general, issue a warning letter to the owners requiring that the breach of uses be purged within 28 days. If the breach is not rectified upon expiry of the

warning period, DLOs would register the warning letter at the Land Registry (i.e. commonly known as “imposing an encumbrance”), and reserve the right to take further lease enforcement action in the future. In other words, the risk-based enforcement arrangements are by no means a stringent across-the-board measure for handling cases in breach of the lease by re-entering units. As long as the operation of the mini-storages remains not attracting the flow of people, they are not targeted for stringent enforcement action by LandsD, but the Government reserves the right to take further lease enforcement action in the future.

- The information of the premises issued with DGLs has been uploaded on the websites of the FSD and the LandsD.
- If the use of mini-storage is in breach of the land lease, the owner may apply to the respective DLO for a temporary waiver or lease modification permitted the intended use. In processing the waiver applications for existing mini-storage premises, DLOs would consult the relevant departments including the Planning Department, FSD and BD. If the intended use complies with the requirements of the town plans and/or obtains the necessary planning permission, and positive comments are received from FSD, BD and other relevant departments, a temporary waiver or lease modification to approve the use might be considered. That said, if any fire or building safety requirements and/or operation guidelines has not been implemented up to FSD or BD’s satisfaction, the application could not be further processed and would be rejected accordingly.
- FSD would arrange a separate meeting with the trade for further discussion of technical issue.