

SECOND READING SPEECH BY MR MASAGOS ZULKIFLI, SENIOR MINISTER OF STATE, MINISTRY FOR HOME AFFAIRS AND MINISTRY FOR FOREIGN AFFAIRS, ON THE FIRE SAFETY (AMENDMENT) BILL, IN PARLIAMENT, ON MONDAY, 8 APRIL 2013

Madam Speaker, I beg to move, "That the Bill be now read a second time."

Introduction

2 We last amended the Fire Safety Act in 2004 to implement a performance-based regulatory system for buildings and to extend regulatory control over non-petroleum based flammable materials. These amendments strengthened our fire safety regime, and contributed to Singapore's success in maintaining its good track record in fire incidence and fatalities. In fact, Singapore's fire fatality rate is lowest when compared to major cities such as Hong Kong, Tokyo, New York and London. We had 0.02 fire fatalities per 100,000 population in 2012.

3 We have recently completed a review of the fire safety enforcement framework, taking into account changes in our industrial structures and lessons and experiences from major incidents both locally and overseas. Arising from the review, we are introducing this Amendment Bill with the aims of strengthening the operational effectiveness of the SCDF and raising the fire safety standards of buildings and premises. SCDF will keep up its tempo of inspections and will take action against those who do not comply with fire safety regulations. We will also enhance measures against those who repeatedly flout the law.

4 One example is the People's Park fire on 21 April 2010. The fire occurred at the 5th level of the multi-storey car park. Post fire investigation revealed that there were extensive illegal fire safety works, with full height partitioning segregating part of the car park into storage facilities. Apart from contributing to the fire load with excessive storage of combustibles, the unauthorised partitioning covered up the original openings at the 5th level of the car park and impeded the natural ventilation. These resulted in a heavily smoke logged environment which made it very difficult for SCDF to put out the fire. Due to the severity of the fire safety violations and consequences, the management was brought to court and fined the maximum sum of \$60,000 on 2 charges involving unauthorised fire safety works and change of usage.

Key Amendments

5 Madam, let me now elaborate on the key amendments.

Strengthening the Enforcement Framework

6 Currently, Commissioner SCDF is empowered to order the owner or occupier to close the identified premises for a period not exceeding 72 hours if a previously issued Fire Hazard Abatement Notice (FHAN) has not been complied with. Two conditions have to be met for the closure to take effect:

- a. First, the fire hazard constitutes an immediate or substantial danger of fire within the premises, or if a fire breaks out in or on the premises, it is likely the fire hazard will increase the normal risk to life; and
- b. Second, the safety of persons within the premises cannot be reasonably ensured by any other means.

7 Clause 13 amends the second condition such that the Commissioner's Closure Order (CCO) may be issued when it is "necessary for the safety of persons that the premises should be closed immediately". This will allow the SCDF to act quickly and decisively to address fire safety violations.

8 Clause 13 gives SCDF additional powers to deal with recalcitrant offenders. Currently, the CCO has to be rescinded once the fire hazard is abated. However, there may be premise owners who continue to violate the fire safety requirements, such as permitting overcrowding, once SCDF's inspectors leave the site. Clause 13 gives the Commissioner the authority to effect the CCO for up to the full duration of 72 hours, even after the fire hazard has been abated. This will only apply to a small group of premise owners that have a poor track record and where SCDF deems it necessary for the safety of persons that the premises be closed immediately. The premise owner will be considered to have a poor track record if he has had 3 or more court convictions for fire hazard offences during the past 24 month-period. Imposing the CCO will send a strong signal to recalcitrant premise owners. However, I would like to assure all Members that the CCO will only be used as a last resort. As far as possible, SCDF will rely on other measures such as fines and court-imposed closure orders to compel premise owners to put in place the required abatement and mitigation measures.

9 Madam Speaker, in January this year, a fire broke out in a nightclub in Brazil resulted in more than 200 fatalities. This is indeed very tragic. Preliminary findings have revealed that the high death toll was due to numerous fire safety lapses such as faulty fire extinguishers,

absence of clear exit lights and overcrowding. This incident illustrates the importance of compliance with fire safety requirements, otherwise there could be dire consequences.

10 The Amendment Bill also proposes to increase the penalties for certain categories of fire safety offences and notices of composition. This is to align the penalties with similar offences under the Building Control Act and ensure that the penalties continue to have a deterrent effect. The fire safety offences affected include unauthorized fire safety works, failure to supervise fire safety works, non-compliance with closure orders and continuing offences. In particular, the penalties for serious offences such as unauthorized fire safety works and failure to supervise fire safety works will carry an increased fine of \$200,000 and/or 24 months imprisonment compared to the current fine of \$50,000 and/or 12 months imprisonment.

“Improving Fire Safety Provisions”

11 Clause 17 amends section 21, which deals with fire emergency plans, by renaming the “Fire Emergency Plan” required for designated premises as an “Emergency Response Plan (ERP)”. The intention is to require owners of designated premises to draw up plans to cater not only for fire emergencies, but also for fire-related emergencies, such as gas leaks and chemical spillages, that may cause injury or the loss of lives. The Emergency Response Plan will also require owners of designated buildings to notify the SCDF immediately in the event of a fire-related mass casualty incident, which is defined as having 10 or more casualties.

12 Clause 18 amends section 22 to require premise owners of designated buildings with Fire Safety Managers (FSMs) to also appoint Company Emergency Response Teams or CERTs for the premises. This will expand the coverage of the CERT scheme which has been implemented for the chemicals sector since 2008. The function of the CERT is to respond immediately to emergencies prior to SCDF’s arrival in an emergency situation. Time is of the essence in an emergency and the CERT provides a first line of defence in mitigating incidents. Having a competent and well-trained CERT minimises the risks to lives and property, and disruptions to operations. A good example is Exxon Mobil’s CERT team which was mobilised when a fire occurred at one of its pumps on Jurong Island in April 2011. The CERT was immediately activated to assist in the emergency. Because of the fast response rendered by the CERT prior to SCDF’s arrival, the fire was extinguished within 5 minutes, preventing further damage to other parts of the premises.

“Enhancing Investigative Powers”

13 Clause 10 inserts new sections 8B and 8C to enhance the investigative powers of SCDF officers. Currently, SCDF's fire investigators have the powers to collect samples of substances for analysis and evidence during fire investigations, only if the substances are petroleum or flammable materials. Fire investigators have to be empowered by the Police to collect other types of evidence. The proposed amendments will allow fire investigators to collect any samples required to test for fire resistance or flammability. They will also be able to retrieve any other materials to assist them in their investigations, or as evidence.

14 The scope of SCDF's investigative powers will also be extended to include means of transportation such as vehicles, vessels and aircraft. There are over 100 vehicle fires in Singapore per year, and it is important that SCDF officers have the powers to investigate such fires. SCDF will also be able to detain or impound vehicles and aircraft to establish the cause of fires.

"Control of Petroleum and Flammable Materials (P&FM)"

15 SCDF is the regulatory body for Petroleum and Flammable Materials or P&FM and it currently regulates the import, storage and transport of such materials. The current licensing regime authorises SCDF to stipulate control measures and carry out inspections, audit checks and enforcement actions. Clause 40 inserts a new section 36A into the Act, to extend this licensing regime to cover pipelines conveying P&FM. As more pipelines are developed, there is a need to ensure that they adhere to the relevant design, construction and maintenance standards. The pipeline owner is also required to formulate an Emergency Response Plan (ERP) and establish a Company Emergency Response Team (CERT) that will respond quickly should an incident occur. In accordance with the ERP, the CERT will provide an immediate first response to deal with any pipeline incident.

16 Clause 40 also inserts a new section 36B into the Act, which stipulates requirements for contractors who conduct earthworks in the vicinity of the licensed P&FM pipelines and the contractors will be required to inform the license holders of their intention to conduct earthworks. Prior to commencement of the works, the contractors will have to take precautionary measures such as marking out the pipelines and maintaining a safety distance from the pipelines. This is important so that earthworks do not endanger the lives of others in the vicinity of the pipelines.

17 To enable action to be taken against persons who wilfully or recklessly damage P&FM pipelines, Clause 40 inserts a new section

36C to create an offence and Clause 41 amends section 37 to stipulate penalties for that offence.

“Powers for Marine Fire-Fighting and Rescue (MFFR)”

18 Clause 10 inserts a new section 8A into the Act to give SCDF powers for marine fire-fighting and rescue. SCDF took over marine fire-fighting and rescue functions from the Maritime and Port Authority (MPA) on 1st April 2012. This allowed us to provide an integrated response to both land and sea emergencies. SCDF will also be given the powers to facilitate its operations such as obtaining information on layout plans of ships for the purpose of fire-fighting and rescue and to investigate fires on board vessels at sea, regardless of the country of registration of the vessel.

19 Clause 45 inserts a new section 43 into the Act to allow SCDF to continue MPA’s practice of imposing charges on vessel owners for extinguishing fires or protecting life and property in the event of fires on their vessels, whether in inland waters or at sea.

Conclusion

20 In summary, Madam Speaker, this Bill will ensure that we continue to have a comprehensive fire safety enforcement framework and that SCDF will have the necessary powers to carry out its mission to save and protect lives and property.

21 Madam Speaker, I beg to move.