

Deadly nightclub fire raises public safety concerns: An investigation into the right to life¹

The ALA PUB fire in Taichung City in the dawn of March 6, 2011 has left nine dead, twelve wounded and a gaping hole in public safety. Control Yuan Members launched an own-motion investigation into the incident and found muddled regulations that have resulted in inconsistencies between central and local authorities.

The investigation found that the Urban Development Bureau has failed to follow up on safety inspections and allowed ALA PUB to operate for years in a residential district in a complex without a use permit. In addition, the Bureau has turned a blind eye to the owner's secret supply of power and water after having been ordered by local authority to shut down the business as a penalty for inadequate egress. Also at fault is the Economic Development Bureau for dismissing police suggestion to investigate into the Pub's illegal utility supply and went on to grant business application for reasons that remain unknown today. In an attempt to shirk responsibilities, the Urban Development Bureau claimed that Business Registration Act does not ban such operation and made no effort to cancel the business registration. The investigation also identified negligence by Taichung Fire Department, which never reported back on the owner's secret utility supply, or provided guidance for improving emergency facilities during its inspections over ten times. Important public safety meetings held on a regular basis at the Taichung City Government have been found to be reduced to mere formalities. The investigation has also identified the Ministry of the Interior for failing to oversee the inspection of assembly occupancies, along with the Ministry of Economic Affairs for recklessly revoking "License Issuance for Profit-seeking Enterprises" on April 13, 2009, in spite of inspector shortage and non-existent supplementary measures.

In response to Control Yuan's redress, the Ministry of the Interior has amended and enacted specific laws governing the use and inspection of buildings, the interior design, and drafted safety regulations for open fire performances. The new regulations stipulate clear labeling of business complex with poor emergency facilities. The new regulations also expand the list of businesses barred from residential district to include "businesses that serve alcohols". On the other hand, Taichung City Government has urged its subordinate agencies to make the necessary improvement, including the Urban Development Bureau to deliver prompt notification to owners of unlicensed buildings; the Economic Development Bureau, Fire Department and local police to step up inspection efforts on businesses given suspension orders, force ongoing business operation to disconnect water and electricity supply upon the official order, refer them to the district court for investigation and, to subject seven types of businesses, including karaoke parlors and bars, to a new provision that mandates business

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license. From here on now, inspection teams will be jointly led by section chiefs from the Economic Development Bureau, Urban Development Bureau and Fire Department. Taichung City Government has also promised to strengthen the effects of joint-inspection by introducing an extra review unit into the public safety guidance meeting assembled by its Ethics Office.