

香港特別行政區政府
The Government of the Hong Kong Special Administrative Region

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14 March 2001

Mr Trevor Farnworth
Fax : 2591 5637

Dear Mr Farnworth

Building Safety and Timely Maintenance

Thank you for your letter of 8 March with views on our proposed strategy for building safety and timely maintenance. It is also kind of you to take the time to trace the historical developments over the years.

Our proposals aim to provide different solutions for different groups of private buildings according to both their age and condition. This multi-facet strategy comprises a package of proposals, viz:

- (a) enhanced Government support for owners in need;
- (b) a new, co-ordinated approach to enforcement;
- (c) devolution of authority to building professionals and contractors as partners in building control;
- (d) recourse to market forces and economic considerations;
- (e) community participation, especially District Councils; and
- (f) sustained public education for community awareness and attitude change.

We have endeavoured to be comprehensive, not piecemeal.

On 8 January, you witnessed only a part of our presentation to the Legislative Council. Earlier, in a series of three meetings, we had already put to Members other segments of the proposed strategy.

Like you, we appreciate the difficulties faced by property owners, particularly the elderly and lower-income owners in the older urban districts. In this context, we have proposed that Government should provide comprehensive support for owners:

- (a) financial assistance with broader coverage, more liberal eligibility criteria and simpler user-friendly procedures;
- (b) professional and technical guidance;
- (c) training and information; and
- (d) advisory and mediation services.

The object is to facilitate responsible owners in maintaining their property.

The prime concern of Government, and therefore the task force, is to ensure public safety and to remove risk. This is central to our package of proposals.

This has guided us in tackling unauthorised building works including illegal rooftop structures. We are well aware that the latter serve as homes for many unable to afford better alternative accommodation. We also share your view that illegal rooftop structures are a long-standing social problem, the solution to which involves both enforcement and rehousing. With single-staircase buildings, they create serious fire risk both to the rooftop occupants themselves and to the residents below. They also cause sanitation problems and environmental nuisance. In brief, they are unsafe and unsatisfactory homes. Meanwhile, in clearing such structures, Government is committed to ensuring that no one is thus made homeless and we have the Housing Department's undertaking to rehouse occupants in step with the Buildings Department's clearance operations.

We are grateful for your support for our proposal to introduce a category of "minor works" and a register for "minor works contractors". Buildings Department colleagues

will confer with building professionals to determine what works should come within this category.

However, on your suggestion that we have adopted an administrative argument in relation to unauthorised building works, I am duty-bound to point out that our view is neither administrative nor argumentative; it is a fact in law. The present definition of "building works" is extremely broad and that of "exempted works" vague. There is no scope for "tolerating" works without the Building Authority's prior approval of plans or his consent for commencement.

We appreciate your concern in raising the question of "regularising" certain works. Indeed, we have studied practices and experience in Australia, Singapore and the UK. However, this is not acceptable to our legislators. Our proposal for "minor works" is meant to provide an avenue for those property owners who wish to construct such amenity features as may not have been included in the original design of their building.

Many thanks again for taking interest in our work. With best wishes,

Yours sincerely



(AU Wing Hung)
for Head of Task Force
on Building Safety and Preventive Maintenance

cc Chairman
LegCo Panel on Planning, Lands and Works
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