

Legislative Council Panel on Housing

Management and Maintenance of Public Facilities for Home Ownership Scheme Courts

Purpose

This paper responds to some Legislative Members' concern about the management and maintenance responsibilities for public facilities in Home Ownership Scheme courts.

Background

2. After meetings with deputations from Tung Yan Court and Hing Tung Estate in Shau Kei Wan in 2001, some Legislative Council members expressed the concern that under the Deed of Mutual Covenant for the Home Ownership Scheme development of Tung Yan Court¹, flat owners are required to manage and maintain a footbridge and a lift tower connecting this Court to the nearby Home Ownership Scheme courts and public rental estate including Tung Lam Court and Hing Tung Estate.

3. The footbridge and lift tower were planned and designed as part of the Tung Yan Court to provide a convenient access for residents to go to the shopping centre in Hing Tung Estate. While residents of nearby courts/estate may also use these facilities for access to the Mass Transit Railway station and Sai Wan Ho area in general, those nearby residents are already provided with other pedestrian routes for reaching the same localities.

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4. It is a common condition under the land grants or the Deed of Mutual Covenant that lot owners are required to maintain facilities primarily serving the development which are also open to the general public. Such arrangement applies to private sector developments and Home Ownership Scheme courts alike. The owners, while enjoying the

¹ Deed of Mutual Covenant is a legal instrument setting out the respective rights and obligations of lot owners for a development. It is a binding document on all signatories, including flat owners and the Housing Authority in the case of Home Ownership Scheme courts.

benefit of usage, are required to bear the responsibilities for their maintenance in line with the user pays principle.

5. The fact that flat owners of Tung Yan Court are responsible for the maintenance and management of the footbridge and lift tower has been clearly spelt out in the Deed of Mutual Covenant concerned. The Deed has been drawn up in accordance with established principles and guidelines promulgated by the Legal Advisory and Conveyancing Office of the Lands Department and approved by the same in consultation with other government departments to ensure fair balance of the interests of all parties concerned. The Housing Authority, as owner of the non-domestic development in Tung Yan Court, also contributes to such expenses in accordance with the ratio of carparking spaces in Tung Yan Court reserved for use by residents of nearby estates. This has already taken into account possible shared use of these facilities by nearby residents and resulted in a greater share of costs to the Housing Authority than the usual means of using the relative management units it holds for Tung Yan Court or the ratio of gross floor area of the non-domestic development in the Court as the basis of sharing.

6. Owners' obligations in respect of the footbridge and lift tower were also detailed in the sales brochures. A copy of the Deed of Mutual Covenant for the Court providing information on the rights and obligations of future owners including the management and maintenance responsibilities of these public facilities was also made available to prospective buyers during the sale period. Housing Department staff have also explained the detailed rights and obligations of flat owners at meetings with the Owners' Corporation and discussions with interested owners.

Housing Department
December 2002