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22 October 2007

Ms Flora TAI  
Clerk to Subcommittee  
Legislative Council  
Legislative Council Building  
8 Jackson Road Central  
Hong Kong

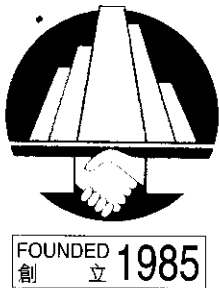
Dear Ms TAI,

**Legislative Council  
Subcommittee on Building Management  
(Third Party Risks Insurance) Regulation**

With reference to your letter under ref. CB2/SS/11/06 dated 15 October 2007, we have the following comments:

**For Para. 2 (a) & (b)**

Section	Comments
3(2)(d)	It is reasonable for a policy not to cover any items under Section 3(2)(d) as everyone knows of the extreme danger to include such items. It is an act of God for any event under items (v) and (vi) of Section 3(2). However, asbestos were allowable building materials many years ago but was then prohibited from use. Members of OC or owners would in most case not be aware of any asbestos being used by the developers in their buildings many years ago. If they were aware of it, they should have employed specialist contractor to remove it in accordance with the laws. We therefore consider that it would be unfair to the owners if a policy does not cover asbestos which is beyond the awareness of owners. Only when the owners, having known of existence of asbestos in their buildings and did not take any follow up action, the policy coverage might have no effect.



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Section 6(3)(i)	The assured corporation should only be required to exercise reasonable diligence to keep <b>the common part</b> of that building in good condition and maintenance.
Section 6(3)(ii)	The assured corporation should only be required to exercise reasonable diligence to ensure compliance with the DMC concerned in relation to the use of <b>the common part</b> of that building.
Section 6(3)(iii)	The assured corporation should only be required to exercise reasonable diligence to comply with any statutory instrument in relation to <b>the common part</b> of that building


For Para. 2(c)

In fact, an OC may not be aware of anything happening inside a private flat. The DMC therefore usually requires the OC to take care of the common parts of a building only. We suggest to amend Section 6(3)(a)(i), (ii) and (iii) as above accordingly.

We would be grateful if you would consider our comments in the Building Management (Third Party Risks Insurance) Regulation.

Yours sincerely,

For and on behalf of  
HONG KONG INSTITUTE OF  
REAL ESTATE ADMINISTRATION

  
Peter C.K. Ho  
President