



香港地產建設商會

THE REAL ESTATE DEVELOPERS ASSOCIATION OF HONG KONG

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7 May 2010

Clerk to the Bills Committee on
the Buildings (Amendment) Bill 2010
Legislative Council Secretariat
8 Jackson Road
Central
Hong Kong

Attention: Mr. Daniel Sin

Dear Mr. Sin

Buildings (Amendment) Bill 2010

Further to our letter of 8 March, we would like to offer our comments on the subject Bill as follows.

We support in principle the Mandatory Building Inspection Scheme and the Mandatory Window Inspection Scheme proposed under this Bill. We believe this is a step in the right direction in ensuring timely building maintenance for the safety of the public.

We wish to make a few specific comments on the implementation mechanism. Under these two Schemes, both the building managers and the individual owners will have various duties to fulfill under the law regarding the maintenance of buildings and it will inevitably bring up the issue of the onus of compliance. In this regard, we would recommend that the relevant provisions of the Bill should clearly indicate the responsibility of compliance. As it is envisaged that most of the burden of inspection and monitoring of repair work would fall on the building managers, adequate empowerment should be provided.

There is no stipulation in the Bill with regard to the timeframe for compliance with inspection or repair orders. We believe it is useful if consultation with industry and owners' groups is conducted before the implementation to ensure that the proposed timeframe will be practical and practicable.

On the general issues, we wish to highlight that the success of the proposed Schemes would hinge upon proactive education undertaken by the Government to enhance owners' awareness of the duty to manage their own properties, not only for their own



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living quality but also for the public safety. Where appropriate, assistance should be offered to owners, both financially and technically, in order that they may fulfill their duties under the law. We are supportive of the continuation of the various loan schemes under the URA and the HKHS in offering financial assistance to property owners.

Prior to the implementation of these two Schemes, the Government should ensure that the enabling infrastructure, such as registers of qualified contractors and supervising agents, are in place to facilitate owners to comply with their statutory duties. Checklists and general guidelines on the requirement of the Schemes, work procedures, charging scale for services and performance standards, etc, issued by the Government for the information of the public will be useful.

For the long term goal of timely building maintenance, we propose that all new buildings should be required to set up a maintenance reserve fund. This can be achieved by stipulating in the DMC that such fund should be set up and financed by taking out a certain percentage of the management fee. Completed buildings should also be encouraged to do so.

Yours sincerely

Louis Loong
Secretary General