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Panel on Development

Subcommittee on Building Safety and Related Issues

Meeting on 27 April 2010

Background brief on building safety

Purpose

This paper provides a summary of Members' concerns and views on building safety arising from the collapse incident in Ma Tau Wai on 29 January 2010.

Background

2. Building neglect has been a long-standing problem in Hong Kong. The presence of aging buildings lacking proper care and maintenance poses potential threats to residents and the public at large. Defects such as structural deterioration and concrete spalling pose safety hazards not only to the building occupants, but also to other building users and pedestrians nearby. The collapse incident has aroused the concern of the community over building safety.

3. Immediately after the collapse incident on 29 January 2010, the Buildings Department (BD) embarked on an urgent programme starting from 1 February 2010 to inspect some 4 000 buildings constructed in or before 1960 in Hong Kong. The objective is to ascertain the conditions of the buildings aged 50 years or above. The Administration inspected a total of 4 011 buildings. Based on the results of the inspection, Government contractors were engaged to conduct urgent rectification works for two buildings, and repair/investigation orders were issued for 1 030 buildings found to exhibit different extents of defects. For the remaining buildings inspected, minor or no apparent defects were found for 1 270 and 1 709 buildings respectively. The Administration has also conducted an investigation into the collapse incident with a view to finding the cause of the incident and to prevent similar incidents from recurring.

4. The Administration considers building safety a highly complex and multi-faceted issue. If not addressed early, the problem will only get more serious as Hong Kong's building stock continues to grow old. To tackle this problem, all concerned stakeholders must play their due roles. While the Administration will continue to provide support and assistance to owners in need and take enforcement against non-compliant cases, building owners must strengthen their effort in arresting the problem of deterioration of building conditions.

5. It is necessary for the Administration to work closely with building professionals, the industry, the Construction Industry Council, as well as other supporting non-governmental organisations, to jointly promote a building safety culture amongst building owners, occupants, contractors and workers. The Construction Industry Council could be in a position to take the lead to co-ordinate professional inputs on tackling building safety issues, setting fee standards, and giving advice on the scope of building inspections and the contents of the inspection reports.

6. To tackle the problem of building neglect in a sustainable manner, the Administration has adopted a multi-pronged approach covering four major areas, viz. legislation, enforcement, support and assistance, and publicity and public education.

Legislation

7. The legislative measures taken by the Administration to improve building safety include the introduction of minor works control system, mandatory building and window inspection schemes and compulsory land sale for redevelopment.

8. The minor works control system aims to provide a lawful, simple, safe as well as convenient means for building owners to carry out small-scale building works in order to improve safety standard of building works and facilitate compliance. In respect of minor works, the requirement to seek the Building Authority's prior approval for building plans and consent to commence works will be dispensed with. Building professionals and Registered Minor Works Contractors will be required to follow the new "simplified requirements", and have to notify the Building Authority, and submit records and certificates to the Building Authority for carrying out minor works. The simplified procedures will encourage compliance by building owners, and improve the safety standards of both the work procedures and resultant building works. Registration of minor works contractors commenced in late December 2009 and the Administration aims to fully launch the minor works control system within 2010.

9. The Administration introduced the Buildings (Amendment) Bill 2010 into the Legislative Council on 3 February 2010 for the implementation of a mandatory building inspection scheme (MBIS) and a mandatory window inspection scheme (MWIS). The Bills Committee on Buildings (Amendment) Bill 2010 was formed on 5 February 2010 to scrutinize the details of the bill. The Administration considers that MBIS and MWIS will arrest the building dilapidation problem in Hong Kong in a sustainable manner in the long run. With regular inspection and repair, the building stock will remain in a healthy state and their serviceable life prolonged.

10. The proposed MBIS covers private buildings aged 30 years or above, except domestic buildings not exceeding three storeys in height. Owners are required to carry out inspection and repair works in relation to the common parts, external walls and projections of buildings. The Administration intends to select around 2 000 target buildings for inspection each year, and each selected building, after the first inspection, will have to be inspected again once every ten years. The selection panel will comprise representatives from professional bodies, relevant non-governmental organizations, property management associations, District Council members and relevant Government departments.

11. The proposed MWIS covers private buildings aged ten years or above, except domestic buildings not exceeding three storeys in height. The Administration intends to select around 5 800 private buildings (involving approximately 200 000 households) for inspection each year. Owners are required to carry out inspection and repair works in relation to windows in common parts as well as individual premises of the buildings. The window inspection and repair cycle is repeated at five-year intervals.

Enforcement

12. The Administration has indicated that it has devoted significant resources and effort in taking inspection and enforcement actions to enhance building safety in Hong Kong. It launched two five-year special programmes to demolish unauthorised buildings works (UBWs) with a view to removing some 400 000 UBWs by March 2011. Upon completion of the ten year enforcement programme, the Administration will focus and devote its enforcement efforts to foster timely maintenance and repair. The Administration also launches special operations from time to time, such as the 12-month special operation launched in March 2009 to remove 5 000 abandoned signboards.

13. The Administration has advised that it will instigate more prosecution actions as appropriate to sanction owners who do not duly observe the statutory orders to protect building safety. For buildings lacking management and owners of which could not coordinate the repair works by themselves, the Administration will consider carrying out the repair works on behalf of owners and then charge them at a later stage. Nevertheless, the Administration emphasises that this

approach should only be used under special circumstances because building owners have the responsibility to properly maintain their properties.

14. According to section 22 of the Buildings Ordinance (Cap. 123), the Building Authority may enter any premises when he considers any structure is dangerous or liable to becoming dangerous. If necessary, officers of BD will enter into individual units to carry out inspections so as to ascertain the condition of the premises. If it is suspected from the inspection of common areas that there may be irregularities within individual units, the officers will seek to enter into such units to conduct further inspections.

Support and assistance

15. The Administration believes that a prerequisite for the successful implementation of various programmes is the availability of effective support and assistance measures for owners in need. The Administration and its partner organisations Hong Kong Housing Society (HKHS) and Urban Renewal Authority (URA) have technical and financial support measures to cater for the needs of owners' corporations (OCs) and building owners, including launching the \$2-billion Operation Building Bright to provide subsidies and one-stop technical assistance to help owners of old and dilapidated buildings to carry out repair and maintenance works. Under Operation Building Bright, the selection of buildings having difficulties in coordinating repair works, such as buildings without OCs, is jointly made by a steering committee comprising representatives of BD, HKHS and URA in consultation with the relevant District Councils.

16. The Administration has also established the \$1-billion Building Maintenance Grant Scheme for Elderly Owners to enhance financial assistance to elderly owner-occupiers to repair and maintain their self-occupied properties. Apart from general repair works at the common areas, the grant also covers works in individual premises, and allows eligible elderly owner-occupiers who have default repayments, or who are still making regular repayments, to repay their outstanding or default loans administered by BD, HKHS or URA.

17. Further financial assistance schemes administered by the Administration, HKHS and URA include BD's Comprehensive Building Safety Improvement Loan Scheme (which may provide interest-free loans to eligible owners), HKHS's Building Management and Maintenance Scheme as well as URA's Building Rehabilitation Materials Incentive Scheme and Building Rehabilitation Loan Scheme. The Administration is discussing with HKHS and URA on how to better coordinate the interface among these assistance schemes to make them more user-friendly. The Administration considers that promulgation of clear maintenance guidelines and the provision of one-stop technical support by a supporting organisation, such as HKHS and URA, will complement the owners' efforts in pursuing the repair works, especially for those owners and OCs with little prior knowledge or experience in coordinating large-scale building

maintenance works. To provide owners with an idea of the costs required for building inspections and repairs, professional bodies are considering providing indicative prices for various professional services and works items and developing a building maintenance cost index for different types of buildings of various age and conditions.

Publicity and public education

18. The Administration is of the view that maintaining building safety is the ultimate responsibility of building owners. The following themes will be covered in its future publicity programme --

- (a) extending the life span and enhancing the value of properties through proper building maintenance and management;
- (b) legal and building safety consequences arising from owners' negligence;
- (c) need for owners to treat statutory orders seriously and take immediate follow-up actions;
- (d) owners' understanding of the statutory regimes and their knowledge in engaging qualified personnel to conduct building works legally;
- (e) owners should organise themselves to manage and maintain their buildings; and
- (f) occupants should choose rental flats carefully and avoid premises that are unsafe.

The Administration will also consider the production of a simple layman's guide to educate owners and occupants on how to keep an eye on the conditions of their buildings and when they should consult professionals for safety inspections and repair.

19. For building professionals and members of the industry, the Administration will focus on the following key issues --

- (a) refraining from carrying out unauthorised building repair works, including in particular those affecting structural elements of buildings, even if requested by building owners;
- (b) refraining from conducting building works that they have not registered for or are not conversant with and understanding the consequences;

- (c) following all necessary safety procedures and taking precautions when carrying out building works; and
- (d) caretakers/security guards should be on alert and report to BD illegal alteration works.

20. The Administration will launch a large-scale public education campaign to foster a building safety culture in Hong Kong using traditional publicity avenues, such as television advertisements and posters, as well as tailor-made promotional tactics. The Administration will also consider incorporating building safety into the liberal studies curriculum of school education by producing teaching kits as appropriate.

Major concerns and views of Members

Deliberations of the Council

21. Following the collapse incident, the Council held an adjournment debate on 3 February 2010, during which Members expressed the following major concerns and views --

- (a) Members urged the Administration to tackle the management problems in old buildings without OCs, not taken care of by building management agents and without regular maintenance, so that the repair and maintenance works would not be neglected due to fragmented ownership or reluctance of owners. They pointed out that the Administration should actively assist owners of old building to form OCs through deploying additional manpower.
- (b) Members were concerned about the lack of co-ordination within the Administration in tackling management of old buildings. OCs were often ignored after the Home Affairs Department (HAD) had assisted with their formation, and the Administration was unable to motivate owners' of old buildings to carry out repairs and maintenance as some were awaiting acquisition by developers.
- (c) Some Members suggested that a co-ordinator should be designated to mobilize inter-bureau and inter-departmental efforts in examining building safety measures in a comprehensive manner. One Member suggested that an organization might be set up to co-ordinate the management of old tenement buildings aged 30 years or above. The organization should assist owners in forming OCs and engaging professional agents to undertake

building management duties, and it should have the authority to appoint a management company on behalf of the owners and recover the cost from them if they refused or failed to set up an OC. Some other Members suggested that social worker teams should be deployed to help organize owners to carry out building maintenance and repair, and help affected persons resolve difficulties arising from such works.

- (d) A Member pointed out that mandatory management was more important than mandatory building inspection. Some members suggested that the Secretary for Home Affairs (SHA) should, according to the hygiene or public safety conditions of an old building, exercise the power under the Building Management Ordinance (Cap. 344) and require a building to set up an OC, or appoint an administrator to exercise authority of an OC to manage the building. As some of the old buildings were usually scattered along one street or among a number of adjacent streets, Members suggested that a small district could be delineated within which the appointed administrator could undertake the management of the old buildings. Some Members suggested that a non-profit-making or non-governmental organization such as HKHS could be appointed as an administrator;
- (e) A Member suggested that a building affairs tribunal should be set up to provide residents with an easy channel to address the conflicts concerning buildings management and maintenance issues. Some Members suggested that the Administration should establish a registration system for property management companies so as to ensure that they could provide quality professional management services and protect the interests of small property owners.
- (f) Some Members suggested that loans for elderly people to effect building maintenance could be treated as a mortgage, and that a charge would be registered; the Government could recover the loan when the properties were sold. Elderly home-owners would not need to incur immediate cash payment. One Member suggested that the Administration should waive the interest of the loans and allow a longer repayment period. Such measures would offer higher incentives for owners to carry out repairs and maintenance.
- (g) One Member suggested that simple guidelines should be developed to inform property owners of how a preliminary assessment of their buildings could be conducted. In case owners spotted any potential structural danger, BD should be

informed immediately and professionals should be engaged to conduct inspections. A Member considered that the advisory service offered through the ten Property Management Advisory Centres of HKHS was inadequate. More efforts should be made to explain to owners their rights and how repair works should be conducted through OCs.

- (h) A Member suggested that Operation Building Bright should be expanded with increased funding, and that the scope should be extended to cover buildings with more than 400 households or those buildings without an OC but where 80% or more of the owners had agreed to take part. Another Member suggested that any building aged 50 years or above and was issued a repair order should be included automatically in Operation Building Bright.
- (i) Members pointed out that room partitioning and water leakage were the key problems affecting building safety. Alteration of access and doors could also create safety hazards. Some Members criticized that the Administration had done little in tackling such problems. A Member commented that the Buildings (Amendment) Bill 2010 could not address the problem as MBIS did not cover alteration works in the interior part of individual premises.
- (j) Some Members criticized that BD was only dealing with UBWs that posed imminent danger. Repair orders that were intended to rectify building defects took three to five years to execute. A Member suggested that records of UBWs should be computerized to facilitate monitoring of their removal. Another Member suggested that BD should computerize the information of the Hong Kong buildings conditions, and provide such information through the Internet, so that owners would avoid altering the structure of their buildings during renovation.
- (k) The Administration pledged to inspect some 4 000 old buildings within a month following the collapse incident in Ma Tau Wai. Inspections would, however, cover external areas of the buildings. Members doubted if such approach would be thorough enough to detect any potential danger, as many building safety problems were caused by internal alterations of individual premises. Members queried whether a building's structural problems could be detected without BD's inspectors entering individual units for investigation. Some Members commented that the Administration should allocate sufficient resources to enable BD staff to inspect the interior structures of individual units, and that repair or removal works were carried out expeditiously.

- (l) Members were concerned that more old buildings were at risk of collapsing in districts such as Sham Shui Po, Yau Tsim Mong and Wan Chai, especially when large-scale works were carried out. The Administration should assess the impact of these works on building structures. As for buildings that were already in danger, Members considered that the Administration should make arrangements for the affected owners and tenants to move out as soon as possible and solve their housing problems.
- (m) A Member urged the Administration to expedite registration of professionals to ensure effective monitoring of the professional parties involved in building inspections and repairs, and to ensure that they levy reasonable fees. The Administration should require owners to employ structural engineers to assess renovation works involving structural alteration before they were carried out. Some Members suggested that failing or refusing to comply with an order issued by the Building Authority should be made a criminal offence.
- (n) Members suggested that the Administration should step up publicity and public education efforts to raise owners' awareness of building maintenance, supervision of renovation works and how alteration of major building structures should be prevented. The community should also be informed through various mass media channels of the potential dangers of erecting illegal structures, mounting UBWs on external walls and improper alterations of internal partitioning. At the district level, District Councils could help publicize the importance of building safety by raising awareness of the general public, and explain various kinds of building structures to the public in their districts, so as to prevent them from tampering with these structures in the course of their repairs or decoration works.

Deliberations of the Panel on Development

22. The Panel on Development (the Panel) discussed with the Administration on 23 February 2010 measures to address the safety concerns about the aging buildings spread over the territory. Members have raised concerns on issues such as supervision of building maintenance and internal alteration works, enforcement against unauthorized building works, assistance to owners for undertaking building maintenance, and enhancing public awareness of building safety.

23. In summary, Panel members expressed the following major concerns and views at the meeting --

- (a) Panel members were concerned about UBWs and interior alteration works because they could cause building defects. As BD accorded priority to clearing UBWs that posed imminent danger, it might take several years before any action was taken for certain UBWs. The policy would only encourage proliferation of UBWs.
- (b) Panel members expected that BD would need to conduct more building inspections when the mandatory inspection schemes were implemented. They suggested that BD's establishment should be expanded to cope with the increasing workload. Some Panel members suggested that contract staff possessing relevant expertise and experience should be retained because they could contribute to promoting building safety.
- (c) Panel members also expected that piling and other construction works among old building clusters would increase. A Panel member was concerned about the extent to which old buildings could survive the vibration, and whether BD had imposed safeguards on piling activities to protect old buildings from damage.
- (d) As regards registration of minor works contractors, a Panel member suggested that the Administration could boost registration through collaboration with labour unions.
- (e) Panel members considered it desirable for one bureau to be responsible for policies on building management and building safety to achieve better work integration and co-ordination. Consideration should also be given to entrusting building management of individual or groups of old buildings to non-governmental organizations.
- (f) A Panel member held the view that formation of OCs or owners' committees should be made mandatory for all new buildings and suggested that if it was not practical to engage a management company for a building, one company, possibly with the assistance of HKHS, might be engaged to undertake the management of buildings in the whole street block.
- (g) A Panel member suggested that the Administration should keep a record of new advertisement signboards on buildings' external

walls, and that their installation should only be approved with the consent of the respective OCs.

- (h) Another Panel member suggested that the Administration should consider establishing a building maintenance fund so that property owners would bear greater responsibility towards the cost of building repairs. Owners would be more conscious in managing their properties in order to reduce maintenance expenses.

Relevant papers

- 24. A list of relevant papers with their hyperlinks is in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
26 April 2010

Building safety

List of relevant papers

Council/Committee	Date of meeting	Paper
Council	3 and 4 February 2010	<p>Hansard (p. 241 to 325) http://www.legco.gov.hk/yr09-10/english/counmtg/hansard/cm0203-translate-e.pdf</p> <p>Hansard (p. 5 to 38) http://www.legco.gov.hk/yr09-10/english/counmtg/hansard/cm0204-translate-e.pdf</p>
Panel on Development	23 February 2010	<p>Administration's paper on building safety (LC Paper No. CB(1)1157/09-10(05) http://www.legco.gov.hk/yr09-10/english/panels/dev/papers/dev0223cb1-1157-5-e.pdf</p> <p>Fact sheet on "A summary of local press reports on building safety concerns arising from the collapse incident at Ma Tau Wai Road from 30 January to 19 February 2010" prepared by the Research and Library Services Division http://www.legco.gov.hk/yr09-10/chinese/sec/library/0910fs11-c.pdf</p>