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27 September 2011

Clerk to Subcommittee on Building Safety and Related Issues
Room 1010, 10th floor
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attention: Ms Sharon Chung)

Dear Ms Chung,

**Legislative Council Panel on Development
Subcommittee on Building Safety and Related Issues
Follow-up to meeting on 26 August 2011**

I refer to your letter of 29 August 2011. In response to the list of follow-up actions attached to your letter, we are pleased to provide the information below as requested by Members.

(a) Flowchart for dealing with building defects / dangerous buildings with timeframe

The Building Authority (BA) issues various kinds of statutory orders against cases of building defect or dangerous buildings (namely repair orders, demolition orders and investigation orders). Pursuant to section 26 of the Buildings Ordinance (Cap. 123) (BO), where in the opinion of the BA any building has been rendered dangerous or liable to

become dangerous, the BA may by order in writing served on the owner declare such building to be dangerous or liable to become dangerous. Such order may, inter alia, require the **demolition** of the whole or part of such building (irrespective of its legal status, i.e. whether it is unauthorized building works or otherwise); require that the building **be made safe** generally; or specify work that must be done to make such building safe. Under section 26A of the BO, where, on inspection, the BA finds any dilapidation or defect in a building he may by order in writing served on the owner of such building require, inter alia, an authorized person to be appointed to carry out **investigation** in relation to the building as may be so specified; and the submission for approval by the BA of proposals for remedial work to be carried out as regards the dilapidation or defect based on the findings of the investigation.

A flowchart illustrating the procedure of the Buildings Department (BD) in dealing with building defects or dangerous buildings pursuant to the aforesaid provisions has been provided in the Administration's paper for the Subcommittee meeting on 26 August 2011 (LC Paper No. CB(1)2930/10-11(01)). We have simplified the flowchart (at **Annex**) for the inclusion of time allowed under the BD's established practice for the major steps during the enforcement actions.

To ensure building safety, the BD would not hesitate to take actions against building safety problems which would pose imminent danger to the general public and occupants in the buildings concerned. For emergency cases, BD may apply to the Court for a closure order and if necessary, deploy Government contractors to carry out necessary emergency works on behalf of owners and then recover the cost from them at a later stage. After the statutory orders have been issued, if BD staff identify any change in the condition of the building concerned during on-site inspection, the staff will take appropriate actions, including engaging Government consultant or contractor for emergency works as the circumstances require.

(b) Statistics on the number of statutory orders issued in respect of building defects / dangerous buildings

We provide below a table showing the relevant statistics regarding the number of investigation and repair/demolition orders issued and compliance of such orders between 1 January 2010 and 15 September 2011 -

	Number of orders issued	Number of orders which have been voluntarily complied with (up to 15 September 2011)	Investigation/ works carried out by BD contractors on behalf of owners
Investigation orders (issued under section 26A of the BO)	343	20	3
Repair / demolition orders (issued under section 26 of the BO)	1,589	177	51

Among the above orders, around 1,100 orders were issued as a result of the territory-wide inspection on buildings aged 50 or above conducted subsequent to the tragic collapse of the building at 45J Ma Tau Wai Road in early 2010.

Both the Development Bureau and Buildings Department are concerned about the apparently low voluntary compliance rate by the owners. However, it is not uncommon that the owners would have genuine difficulties in complying with the statutory orders within the period as set out in the orders such as:-

- technical difficulties encountered upon commencement of works;

- time needed for formation of Owners' Corporation (OC) or election of new management committee for those OCs which have become inactive to follow up the order;
- time needed for agreeing on the extent/scope of remedial proposal and resolving disputes amongst owners;
- time taken in collecting fund for repair works and in some cases re-tendering of works due to unsatisfactory response;
- repair works obstructed by unauthorized building works of individual flat units; and
- changes in ownership of some premises.

In view of the difficulties facing the owners in carrying out repair works to enhance the safety of their buildings, we have in recent years introduced various measures to help owners, in particular those of old buildings, to carry out the repair works. One of the most important measures is the launch of the Operation Building Bright (OBB), a one-off scheme to provide subsidies and one-stop technical support to assist owners of old buildings to, inter alia, comply with statutory orders through repair works. The OBB covers buildings whose owners have difficulties in coordinating repair works, such as buildings without OCs. For these buildings (known as "Category 2" buildings under the Operation), BD arranges consultants and contractors to carry out the necessary repair works in relation to the statutory orders. A large number of the orders mentioned in the table above were served on buildings covered under the OBB and hence we expect that a large number of such orders will be tackled under the OBB.

Members may also wish to note that apart from the OBB, other assistance is provided on a permanent basis to owners to facilitate their compliance of statutory orders. We consolidated the five financial assistance schemes administered by the Hong Kong Housing Society (HKHS) and Urban Renewal Authority (URA) into the Integrated Building Maintenance Assistant Scheme in April 2011 to streamline and consolidate the arrangements for the various schemes and enhance the support to the owners to maintain and repair their buildings. Information on the technical and financial assistance schemes is provided together with the covering letter of the order issued by the BD. The

HKHS and URA also provide support and advice to the owners who face difficulties in organizing other owners to carry out works.

BD is closely monitoring the situation of the outstanding orders. It would encourage owners to expedite their works in progress and take appropriate follow-up actions against those owners who intentionally ignore their statutory responsibility under the BO. BD will instigate prosecution actions more readily to sanction owners who do not duly observe the statutory orders to protect building safety.

We wish to reiterate that it is the basic responsibility of owners to upkeep the safety of their buildings and, for this purpose, to carry out regular inspection and timely maintenance and repair of their buildings. The purpose of BD's inspection of buildings is to monitor if the owners have properly discharged their responsibility to ensure safety of the buildings, and should not be taken as a substitute for the owners' responsibility.

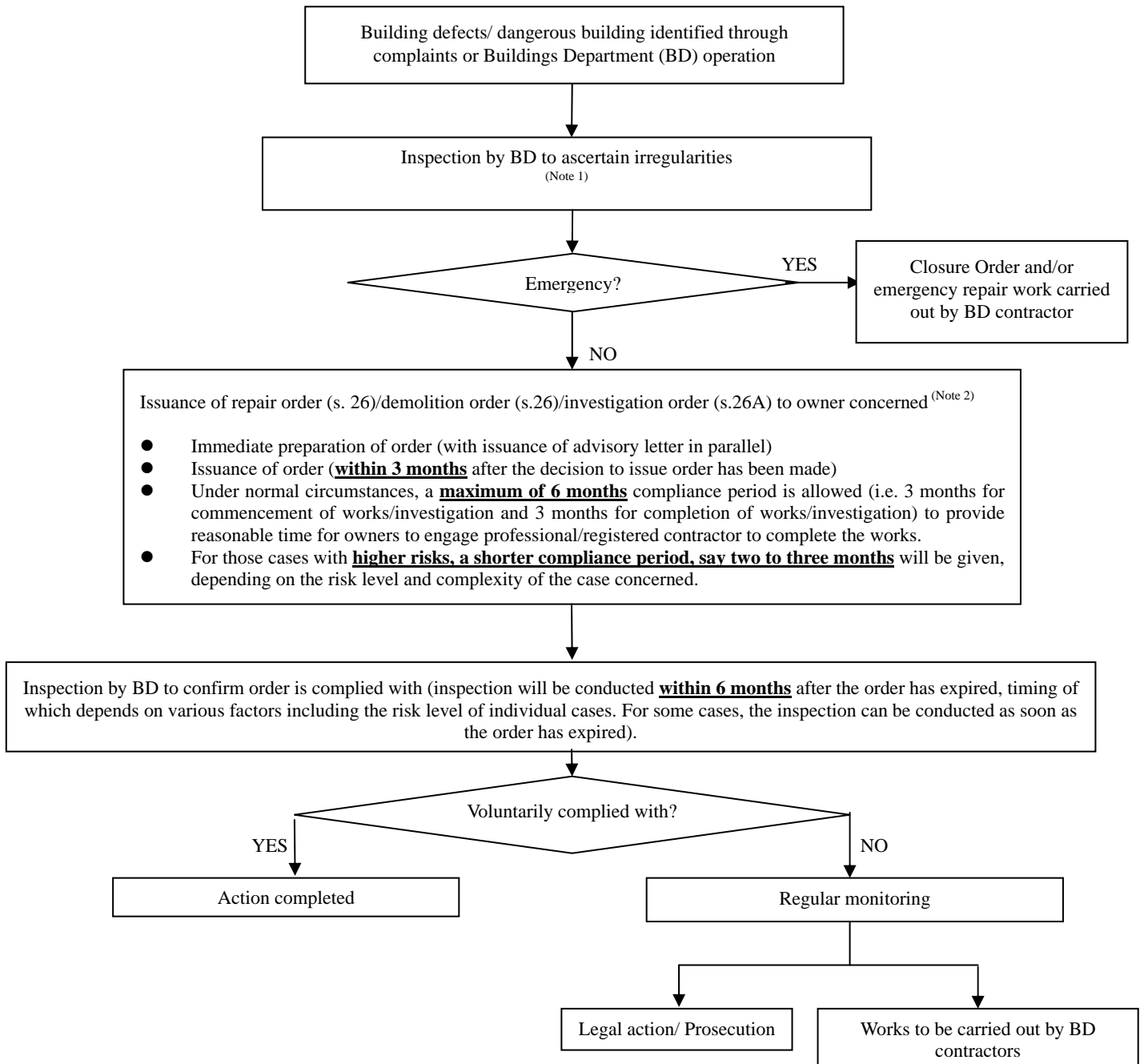
The Administration will continue to pursue the multi-pronged approach to ensure building safety, including promoting greater community awareness and instilling a culture among building owners to keep their buildings safe.

Yours sincerely,

(Daniel Fong)
for Secretary for Development

c.c.
Director of Buildings

Flowchart for Dealing with Building Defects/ Dangerous Buildings



Note 1

Service Pledges

- (a) A 24-hour service for emergencies relating to buildings, building works, signboards and slopes
 - during office hours

- in urban areas	Inspect within 1.5 hours
- in new town in NT	Inspect within 2 hours
- in other areas in NT	Inspect within 3 hours
 - outside office hours

- in urban areas & new towns in NT	Inspect within 2 hours
- in other areas in NT	Inspect within 3 hours
- (b) Non-emergency reports on dilapidation of buildings, signboards and slopes Inspect within 10 days

Note 2

Owners could apply for various assistance schemes for subsidies and one-stop technical assistance, including the Operation Building Bright and Integrated Building Maintenance Assistance Scheme, to assist them to comply with the statutory orders against their buildings through repair works (such as maintenance and investigation works in association with works in repair of building structure and external walls).