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Panel on Development

Meeting on 25 January 2011

**Continuation of work of the
Subcommittee on Building Safety and Related Issues**

Purpose

This paper seeks the endorsement of the Panel on Development (the Panel) for the Subcommittee on Building Safety and Related Issues (the Subcommittee) to continue with its work up to the end of the 2010-2011 legislative session.

Background

2. Prompted by the incident of the collapse of a building at 45J Ma Tau Wai Road, To Kwa Wan, Kowloon on 29 January 2010, the Subcommittee was set up under the Panel in February 2010 to monitor the Administration's work in enhancing building safety in Hong Kong. The Subcommittee has commenced its work since 25 March 2010. The membership list of the Subcommittee is at the **Annex**. Apart from addressing the Ma Tau Wai building collapse incident, the Subcommittee has also been tasked to tackle the following issues --

- (a) measures taken by the Administration to enhance building safety;
- (b) enforcement against unauthorized building works (UBWs);
- (c) enforcement to require owners to carry out repair works;
- (d) supervision of building maintenance works;
- (e) upgrading of the construction industry workforce;

- (f) providing support and assistance to owners in carrying out maintenance works;
- (g) promoting the importance of proper and prompt building maintenance works among owners; and
- (h) promoting a building safety culture among building owners, occupants, contractors, workers and the general public.

Work of the Subcommittee

3. Under the chairmanship of Prof Hon Patrick LAU Sau-shing, the Subcommittee has held four meetings on 25 March 2010, 27 April 2010, 27 July 2010 and 13 January 2011 to study the following major issues --

- (a) collapse of the building at 45J Ma Tau Wai Road, To Kwa Wan, Kowloon;
- (b) inspection of buildings aged 50 or above;
- (c) assistance for the implementation of the Fire Safety (Buildings) Ordinance (Cap. 572)
- (d) enforcement against unauthorized alteration works inside private premises; and
- (e) the Administration's proposed multi-pronged measures to enhance building safety¹.

4. The Subcommittee had discussed in length the building collapse incident at 45J Ma Tau Wai Road. Members expressed grave concern about the actual cause of the collapse and queried the Administration's failure to arrive at a solid conclusion, despite a three-month investigation, on the nature of the external forces causing the collapse of the building. There were calls from members that the Administration should provide copy of the statutory repair order issued on 13 January 2010 and enquiries as to why no enforcement actions were taken against non-compliance of previous statutory orders in respect of 45J Ma Tau Wai Road dating back to 2005. Members urged the

¹ The Administration briefed the Subcommittee on 13 January 2011 on a multi-pronged package of measures to enhance building safety. Details of the proposed measures are available in the Administration's paper, i.e. CB(1)681/10-11(01).

Administration to review its inspection and enforcement procedures, step up inspection of old buildings and heighten awareness of owners towards the importance of building safety. Members also suggested that the Administration provide information about assistance available for owners to comply with the latest fire safety requirements, and that the Subcommittee should look at issues pertaining to unlawful alterations within individual residential units in private buildings and priority of enforcement against UBWs in future meetings.

5. At the Subcommittee meeting on 13 January 2011, the Administration briefed the Subcommittee on the conditions of building in Hong Kong. The Subcommittee noted that private residential buildings in the territory were ageing rapidly. The Administration's inspection after the Ma Tau Wai Road incident had revealed that although buildings aged 50 years or above were structurally safe in general, 25.7% of them were having obvious defects in terms of maintenance and repair. The building conditions survey carried out by the Urban Renewal Authority of 7 000 buildings aged 30 years or above also showed that 20% of these buildings were in dilapidated conditions of various degrees.

6. At the same meeting, the Administration also briefed the Subcommittee on a multi-pronged plan to enhance building safety as follows --

- (a) on legislation aspect, apart from Minor Works Control System (MWCS) as well as Mandatory Building Inspection Scheme and Mandatory Window Inspection Scheme, the Administration intended to introduce control on signboards, surcharge for defaulted works and penalty for owners refusing to share cost of works and warrants for inspection of building interiors. It was also a plan to place works for subdivision of residential units under MWCS to achieve better control;
- (b) on enforcement aspect, the Administration planned to initiate vigorous enforcement actions against UBWs in that Buildings Department (BD) would deal with "actionable" UBWs immediately without subjecting them to further screening for structural hazards. In parallel, BD would conduct a territory-wide stock-taking exercise on all UBWs so that it could closely monitor the problem;
- (c) on support and assistance to owners, the Administration undertook to provide comprehensive "one-stop" assistance by devising afresh a unified and comprehensive scheme of both technical and financial assistance. The Administration was committed to

formulating long-term strategies to cope with water seepage problem; and

- (d) as regards publicity and public education, the Administration said that it was contemplating to launch a "community monitoring" scheme to mobilize members of the community to play a part in reporting building safety problems.

7. The Subcommittee found the comprehensive plan put forth by the Administration in arresting urban decay encouraging. While members supported the Administration's proposal to refer measures relating to the control of signboards to the Bills Committee on Buildings (Amendment) Bill 2010 for consideration, they shared the view that the Subcommittee would have a key role to play in monitoring the Administration's work in implementing its multi-pronged package of measures in enhancing building safety.

Need for continuation of work in the 2010-2011 legislative session

8. Against the above background, at the meeting on 13 January 2011, the Subcommittee agreed that it should continue its work up to the end of the 2010-2011 legislative session. Members anticipated that the Subcommittee would be heavily engaged in examining the following issues in the coming months --

- (a) full investigation report on the Ma Tau Wai building collapse incident;
- (b) enforcement against UBWs;
- (c) effects of Operation Building Bright;
- (d) long-term solution of the water seepage problem;
- (e) enforcement to require owners to carry out repair works;
- (f) supervision of building maintenance works;
- (g) upgrading of the construction industry workforce;
- (h) providing support and assistance to owners in carrying out maintenance works;

- (i) promoting the importance of proper and prompt building maintenance works among owners; and
- (j) promoting a building safety culture among building owners, occupants, contractors, workers and the general public.

Advice sought

9. Pursuant to rule 26(c) of the House Rules, members are invited to note the latest progress of work of the Subcommittee and endorse the proposal for the Subcommittee to continue with its work in the 2010-2011 legislative session. Subject to the endorsement of the Panel, a report on the justifications for the Subcommittee to continue with its work in the remainder of the 2010-2011 legislative session will be submitted to the House Committee for consideration at its meeting on 25 February 2011.

Council Business Division 1
Legislative Council Secretariat
19 January 2011

Panel on Development

Subcommittee on Building Safety and Related Issues

Membership list

Chairman Prof Hon Patrick LAU Sau-shing, SBS, JP

Deputy Chairman Hon KAM Nai-wai, MH

Members Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LEE Wing-tat
Hon CHEUNG Hok-ming, GBS, JP
Hon Starry LEE Wai-king, JP
Dr Hon Priscilla LEUNG Mei-fun
Hon IP Kwok-him, GBS, JP
Hon Alan LEONG Kah-kit, SC

(Total: 12 members)

Clerk Mr Stephen LAM

Legal Adviser Miss Winnie LO