

立法會
Legislative Council

LC Paper No. CB(1)132/11-12

Ref : CB1/PS/2/09

Paper for the House Committee meeting on 21 October 2011

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

Purpose

This paper invites members to note the progress of work of the Subcommittee on Building Safety and Related Issues ("the Subcommittee") and the need for the Subcommittee to continue its work in the 2011-2012 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 Ma Tau Wai Road Incident"), the Subcommittee was set up by the Panel on Development ("the Panel") in February 2010 to monitor the Administration's work in enhancing building safety in Hong Kong. The Subcommittee commenced work on 25 March 2010 and the membership list is in the **Annex**. Apart from addressing the Ma Tau Wai Road Incident, the Subcommittee has also been tasked to examine 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. From March 2010 to January 2011, the Subcommittee held four meetings with the Administration to discuss the following issues:

- (a) the Ma Tau Wai Road Incident, including the actual cause of the Incident and the immediate follow-up actions;
- (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 safety.

4. The Subcommittee discussed in length the Ma Tau Wai Road Incident and urged the Administration to review its inspection and enforcement procedures for building works, step up inspection of old buildings and enhance awareness of owners towards the importance of building safety. Subcommittee 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 examine issues pertaining to unlawful alterations within individual residential units in private buildings and priority of enforcement against UBWs.

5. The Administration briefed the Subcommittee in April 2010 that in the wake of the Ma Tau Wai Road Incident, it had conducted territory-wide inspection for aged buildings in Hong Kong, which revealed that there were obvious defects in terms of maintenance and repair in the conditions of the buildings. To enhance building safety, the Administration would introduce a multi-pronged package of measures covering four major areas namely, tightening legislation, stepping up enforcement actions against UBWs, enhancing support and assistance to building owners, and strengthening publicity and public education on building safety. The Subcommittee found the comprehensive plan put forth by the Administration in arresting urban decay encouraging, and considered that the Subcommittee had a key role to play in monitoring the Administration's work in implementing the multi-pronged package of measures in enhancing building safety. The Subcommittee also pressed the Administration to release the full investigation report on the Ma Tau Wai Road Incident.

6. In view of the foregoing, the Subcommittee agreed that it should continue its work in the 2010-2011 legislative session. This was supported by the Panel at its meeting on 14 October 2010 and endorsed by the House Committee at its meeting on 25 February 2011.

7. During the 2010-2011 session, the Subcommittee has held two meetings since March 2011 to deliberate the following issues:

- (a) re-organization of the Building Department ("BD") for implementation of the package of measures to enhance building safety;
- (b) consolidation of financial assistance schemes for building maintenance and repair; and
- (c) BD's initial response to the findings of the Coroner's inquest on the Ma Tau Wai Road Incident.

8. On the re-organization of BD to implement the new package of measures for enhancing building safety, while Subcommittee members supported the proposal in general, they expressed concern about the aggravation of conflicts between the Structural Engineer and Building Surveyor grades with the creation of "bi-disciplinary" directorate posts for steering the work of different divisions of the re-organized BD. Subcommittee members were worried that this would adversely affect the work relationship among staff members in the two disciplines in BD in future. As regards the adoption of the "Building Coordinators" approach, Subcommittee members urged BD to step up

efforts in tackling problems associated with UBWs and to strengthen assistance provided to building owners in these aspects. Some members suggested that building coordinators should assist in the establishment of a database of sub-division of flats units and improve services to building owners. The Subcommittee also stressed the need for the Administration to ensure adequate provision of manpower for BD to cope with increasing workload arising from enhanced enforcement actions against UBWs and implementation of the new building safety enhancement initiatives.

9. Following the release in August 2011 of the findings of the Coroner's Inquest that the death of four people in the Ma Tau Wai Road Incident was caused by accident, the Subcommittee held a meeting on 26 August 2011 to discuss with the Administration BD's initial response to the findings. At the meeting, members expressed concern about the efficiency of BD in following up cases of building defects and UBWs on which statutory orders for remedial works had been served. Subcommittee members urged the Administration to resolve the problem of conflicts between officers in the Building Surveyor and Structural Engineer disciplines in BD in carrying out duties relating to building safety. They further called on BD to seriously consider the Coroner's recommendations on strengthening its work to enhance safety of aged buildings. In this regard, members noted that the Administration had planned to conduct a comprehensive assessment of the performance of the officers concerned in handling the reports on the dilapidation of the subject building in the Ma Tau Wai Road Incident, and a comprehensive review on the building safety enforcement procedures and practices for staff to ensure that such guidelines are clear and can cater for the needs of present-day circumstances.

Need for continuation of work in the 2011-2012 legislative session

10. The Subcommittee has noted that a series of building problems happened in May and June 2011 involving incidents of fire in aged buildings and UBWs in multi-storey buildings as well as village houses in the New Territories. The Subcommittee considers that it should discuss with the Administration how these problems would be handled. Subcommittee members consider it necessary to follow up the outstanding issues relating to the Administration's initiatives to enhance the building safety regime.

11. Views from members of the Subcommittee on whether the Subcommittee should continue to work in the 2011-2012 session were sought in July 2011. All of the 12 members of the Subcommittee have agreed to the proposal for the Subcommittee to continue its work in the new session. In the 2011-2012 session, the Subcommittee will focus on the following issues:

- (a) the Administration's follow-up on issues relating to the Ma Tau Wai Road Incident;
- (b) the Administration's new multi-pronged approach in enhancing building safety;
- (c) policy and enforcement against UBWs in multi-storey buildings as well as village houses in the New Territories; and
- (d) control and enforcement on internal alternation works and subdivided flats.

12. At the meeting on 13 October 2011, the Panel agreed that the Subcommittee should continue its work in the new session.

Advice sought

13. Pursuant to Rule 26(c) of the House Rules, members are invited to note the progress of work of the Subcommittee and endorse the proposal for the Subcommittee to continue its work in the 2011-2012 legislative session.

Council Business Division 1
Legislative Council Secretariat
20 October 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 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, JP
Hon IP Kwok-him, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon Tanya CHAN

(Total: 13 members)

Clerk Ms Connie SZETO

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Date 20 October 2011