

**For discussion
on 27 April 2010**

**Legislative Council
Panel on Development**

Subcommittee on Building Safety and Related Issues

**Building Safety Concerns and Enhancement Measures Related
to the Ma Tau Wai Collapse Incident**

INTRODUCTION

This paper updates Members on the latest development of the follow-up actions concerning the building collapse incident at 45J Ma Tau Wai Road on 29 January 2010 and the Administration's proposed measures to enhance building safety.

PROGRESS OF INVESTIGATION AND INSPECTION

Investigation of Ma Tau Wai Building Collapse Incident

2. On 29 January 2010 at about 1:40pm, the front portion of the building at 45J Ma Tau Wai Road collapsed, causing four deaths and two injuries. Regarding the cause of the collapse, the Buildings Department (BD) has conducted investigation in three directions: first, to study the record of maintenance, addition and alteration works of the building concerned; second, to examine the evidence gathered at the scene and analyse specimen collected; and third, to obtain information from eyewitnesses. The Department is finalising the investigation report.

3. The demolition of the remnant part of the building at 45J and the adjacent buildings at 45G and H (the structure of which was badly damaged due to the collapse of 45J) was completed on 10 March 2010. The site was cleared on 12 March 2010. All neighbouring buildings have been reopened and residents are allowed to return home.

Inspection of Buildings Aged 50 or Above

4. On the day of the building collapse incident (i.e. 29 January 2010), the Administration announced that the BD, through setting up 40 professional teams, would launch a special operation to inspect about

4,000 buildings that are aged 50 or above. The purpose of the inspection is to determine whether these buildings are structurally safe. Each team comprised an experienced professional, who may be a building surveyor or a structural engineer, as well as a technical staff. The buildings were grouped into four categories according to their conditions and necessary follow-up actions would also be taken. The four categories are as follows:

- Category I: Buildings requiring emergency remedial works
- Category II: Buildings with obvious defects found
- Category III: Buildings with minor defects found
- Category IV: Buildings with no apparent defect

5. Inspections mainly focused on the common areas as well as the external walls and the areas outside the buildings. The inspection programme was completed in late February 2010.

Inspection Findings

6. A total of 4,011 buildings have been inspected in the operation. The results of inspection show that the buildings are structurally safe in general. There are two Category I cases in which Government contractors were engaged to conduct urgent rectification works¹. 1,030 buildings were found to exhibit different extents of defects which warrant the issue of repair/investigation orders (i.e. they belong to Category II). The conditions of the remaining buildings are generally acceptable. A breakdown of the categorisation of the buildings inspected is as follows:

	Number of Buildings (% of Total)
Category I	2 (0.05%)
Category II	1,030 (25.7%)
Category III	1,270 (31.7%)
Category IV	1,709 (42.6%)
TOTAL	4,011 (100%)

¹ The rectification action includes the removal of a loose window and loose rendering from the exterior of a building; and the installation of metal frames to the balcony with major cracks found in another building as temporary protective measure to await detailed investigation by an authorized person to be appointed by the owners concerned. Both buildings were structurally safe.

7. The districts with the most old buildings are Kowloon City (1,088), Yau Tsim Mong (645), Sham Shui Po (515), Central & Western (493) and Wan Chai (490). In terms of the need for building repair (i.e. Categories I and II), the top five districts are Kowloon City (320), Yau Tsim Mong (272), Sham Shui Po (149), Eastern (81) and Wan Chai (80).

8. The BD will continue with its follow-up actions, and send notification letters to owners/occupiers to inform them of the completion of the inspection, the findings and remind them of the importance of timely building maintenance. Issuance of repair/ investigation orders under the Buildings Ordinance (Cap. 123) (BO) will also follow for the Categories I and II buildings. In fact, for 293 buildings in this group, statutory orders had already been issued in the previous enforcement programmes undertaken by the BD. The Department will follow up with these orders to make sure that the owners concerned will properly repair their buildings. The BD will separately consider issuing statutory orders to the owners of the other 739 buildings. Eligible owners may apply for financial assistance under the existing financial assistance schemes administered by the BD, the Hong Kong Housing Society (HKHS) and the Urban Renewal Authority (URA). We will also consider including buildings the owners of which cannot organise themselves in conducting repair works and are with financial difficulties as Category 2 target buildings under the Operation Building Bright (OBB). In case such owners cannot carry out the repair works and comply with the statutory orders, the BD will conduct the works on behalf of the owners and recoup the cost from the owners concerned after deducting the grants provided under the Operation.

PROPOSED MEASURES TO ENHANCE BUILDING SAFETY

9. The Ma Tau Wai building collapse incident has reminded us that the whole community, including the Government, building owners, occupants, building professionals, the development industry as well as supporting non-governmental organisations, need to further enhance our concerted efforts towards building safety. To tackle the complicated problem of building neglect in a sustainable manner, we have to optimise available resources and maximise synergy amongst the various stakeholders involved in building management and maintenance. The approach should be multi-pronged, covering the following four major areas:-

- (a) legislation;
- (b) enforcement;
- (c) support and assistance; and
- (d) publicity and public education.

Legislation

10. To provide and maintain a modernised, efficient and user-friendly statutory building control regime to meet the development needs of Hong Kong, the Government has been taking progressive steps to update and refine the statute with a view to improving building safety. More recently, the action includes the introduction of the minor works control system and the proposed mandatory building and window inspection schemes.

11. The legislative process for the minor works control system was completed at the end of last year. The system aims to provide a lawful, simple, safe as well as convenient means for building owners to carry out small-scale building works so as to enhance the safety standards of minor building works and facilitate owners' compliance. We have started the registration for minor works contractors and are now running a large-scale publicity campaign to encourage minor works practitioners to register as soon as possible. Our target is to fully implement the minor works control system within 2010.

12. The Secretary for Development moved the second reading of the Buildings (Amendment) Bill 2010 (the Bill) on 3 February 2010 in the Legislative Council. The Bill proposes to introduce the Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window Inspection Scheme (MWIS). The MBIS will cover private buildings aged 30 years or above, except domestic buildings not exceeding three storeys. The BD will require building owners to carry out inspection (and repair works if necessary) in relation to the common parts, external walls and projections of the buildings once every ten years. Regarding the MWIS, it will cover private buildings aged ten years or above, except domestic buildings not exceeding three storeys. The BD will require building owners to carry out inspection (and repair works if necessary) in relation to windows in both common parts and individual premises of the buildings once every five years.

13. The 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. The Bills Committee has held four meetings so far. The Administration will provide full assistance to the Bills Committee, with a view to completing the scrutiny of the Bill as early as possible.

Enforcement

14. Our past enforcement efforts were mostly focused on the then most serious problem which was unauthorised building works (UBWs). With the ten-year UBW enforcement programme of the BD approaching its end next March, in order to dovetail with the proposed new legislative regime, in particular the MBIS and MWIS which encourage preventive maintenance, we plan to shift our focus and devote our enforcement efforts to foster timely maintenance and repair. The proposed legislation for the two mandatory schemes will enable the BD to require owners to conduct regular inspections. Under the existing BO, the BD may also issue repair orders to require owners to rectify any irregularities in their properties that may cause danger. The BD will step up inspections and enforcement, focusing on repair and maintenance requirements, with a view to improving the overall safety condition of buildings in Hong Kong. There are views that a tougher stance should be taken against non-compliant owners to create a stronger deterrent effect. The Department 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 BD will consider carrying out the repair works on behalf of owners and then charge them at a later stage. Nevertheless, we have to emphasise that this approach is not a sustainable solution in the long run and it should only be used under special circumstances. Building owners do have the responsibility to properly maintain their properties and should not be allowed to rely on the Government to fulfill their duties. We will also review our enforcement policy against building problems that are of a public concern, including the issues of "sub-divided units" and water seepage.

Support and Assistance

15. We are mindful that some building owners may not possess adequate knowledge or financial ability to carry out the necessary maintenance and repair works for their properties. In fact, we believe that a prerequisite for the successful implementation of our various programmes is the availability of effective support and assistance

measures for owners in need. On this, the Government and our partner organisations, including the HKHS and the URA, have a full range of technical and financial support measures to cater for the needs of different owners' corporations (OCs) and building owners. We are examining if there is room for further consolidation among the various financial support schemes so as to better meet the needs of the owners.

16. In particular, in the 2010-11 Budget, the Financial Secretary announced the injection of an additional funding of \$500 million into OBB to provide targeted assistance to owners of old buildings who cannot co-ordinate maintenance works on their own, including owners of buildings without OCs. We are reviewing the OBB, including the use of the additional funding of \$500 million and the remaining funding in the original \$2 billion, and will report to the Legislative Council Panel on Development around mid-2010 on our detailed plan for the next phase of the Operation.

17. Through the implementation of the OBB, the BD, HKHS and URA have further consolidated their partnership in promoting building safety. With BD focusing on its statutory role to take enforcement actions, and HKHS and URA on the provision of practical advice and technical support, the three organisations have created much synergy in taking forward their shared goal of improving building safety in Hong Kong. We will continue to nurture such modus operandi so developed and utilise the same in pursuing the Government's future policy initiatives to enhance building safety, in particular in the implementation of the MBIS and MWIS.

Publicity and Public Education

18. The Ma Tau Wai building collapse incident has revealed that the building safety awareness of the general public is still weak. Our long term objective is to foster a building safety culture in Hong Kong, so that all stakeholders involved (building owners, occupants, building professionals, contractors and workers) will possess the self-awareness to properly observe building safety. A safe built environment can only be sustained if all concerned in our community responsibly play their part.

19. Maintaining building safety is the ultimate responsibility of building owners. This will be the main message that we will drive home in our future public education programmes. We will put emphasis on owners' responsibility and merits of timely maintenance, risk from unsafe building works and liability from constructing/retaining UBWs. We

will mount a large-scale public education campaign with a view to fostering a building safety culture in Hong Kong. Our publicity campaign will continue to evolve, and we will continue to explore new methods to effectively disseminate building safety messages to all stakeholders.

ADVICE SOUGHT

20. Members are invited to note the progress of investigation and inspection regarding the Ma Tau Wai building collapse incident and provide comments on our proposed measures to enhance building safety.

Development Bureau
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