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17 August 2018

Clerk to the Panel on Home Affairs
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Ms Joanne Mak)

By Email

Dear Ms Mak,

**Revised Codes of Practice under the
Building Management Ordinance (Cap. 344)**

We briefed the Legislative Council Panel on Home Affairs (HA Panel) on the enhanced legislative proposals and administrative measures regarding the review of the Building Management Ordinance (Cap. 344) (BMO) in November 2017, and received general support from the Members of the HA Panel. As we mentioned in the discussion paper submitted to the HA Panel, in view of the time required for the legislative amendments, we will include those proposals not in contravention of the existing BMO into the Codes of Practice issued under the BMO or relevant administrative guidelines, so as to address public concerns as soon as practicable.

2. In this regard, we published on 17 August 2018 the following revised Codes of Practice –

- (a) Code of Practice on Procurement of Supplies, Goods and Services; and
- (b) Code of Practice on Building Management and Safety,

which will be effective from 1 September 2018. The revised Codes of Practice have been uploaded to the dedicated homepage on building management of the Home Affairs Department (link: https://www.buildingmgt.gov.hk/en/publications_and_useful_links/9_1_1.htm), and are enclosed for HA Panel Members' reference.

3. The revised Codes of Practice have incorporated relevant proposals which were presented to the HA Panel in November 2017 and do not contravene or exceed the requirements of the existing BMO. With a view to ensuring that the Codes of Practice keep pace with societal changes, the revisions cover such areas as –

- (a) the declaration of conflict of interests by agents and employees of the owners' corporation, preparation of invitation to tender, collection and opening of tenders, the timing of signing procurement contracts, etc. in the Code of Practice on Procurement of Supplies, Goods and Services; and
- (b) the financial arrangement of the owners' corporation, the management and maintenance of common parts, etc. in the Code of Practice on Building Management and Safety.

4. We will continue with the revision of the administrative guidelines, and will provide the revised administrative guidelines for HA Panel Members' reference when completed. We look forward to the continued support of the HA Panel Members on our work on the building management front.

Yours sincerely,



(Joey CHENG)
for Director of Home Affairs

Encl.

**Code of Practice on
Procurement of Supplies, Goods and
Services**

and

**Code of Practice on
Building Management and Safety**

**under the
Building Management Ordinance
(Cap. 344)**

(Revised Version)
Effective from 1 September, 2018

**Code of Practice on
Procurement of Supplies, Goods and Services**

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1.0 INTRODUCTION

- 1.1 This Code of Practice on Procurement of Supplies, Goods & Services (Code of Practice) is issued by the Secretary for Home Affairs, as the Authority under the Building Management Ordinance (Cap. 344) (BMO), under section 44(1)(a) of the Ordinance. This Code of Practice shall be read in conjunction with the relevant provisions in the BMO.
- 1.2 All owners' corporations (OCs) shall comply with this Code of Practice.
- 1.3 For buildings without an OC, pursuant to section 34E of the BMO, the provisions in Schedule 7 shall be impliedly incorporated into every Deed of Mutual Covenant (DMC) made before, on or after the material date as provided under section 34D of the BMO. The DMC manager or any other person who for the time being is, for the purposes of the DMC, managing the building, shall comply with Schedule 7 to the BMO and this Code of Practice in relation to the procurement of supplies, goods and services.
- 1.4 All OCs shall comply with section 20A of the BMO in relation to the procurement of supplies, goods and services. For the avoidance of doubt, all OCs shall comply with the requirements related to tendering in this Code of Practice if invitation to tender is required for the procurement of the supplies, goods or services under section 20A of and paragraph 5 of Schedule 7 to the BMO.

2.0 CODE OF CONDUCT

- 2.1 A Management Committee (MC) shall conduct a tender exercise in an open and fair manner.
- 2.2 In the exercise of his powers and the performance of his duties under the BMO, a member of the MC shall not solicit or accept any advantage from any supplier or contractor in

relation to the tender.

- 2.3 An agent¹ (including its employees) or employee of an OC is prohibited from soliciting or accepting any advantage arising from the performance of his duties. An agent or employee of an OC shall declare in writing any actual or potential conflict of interest arising from the performance of his duties in accordance with the guidelines issued by the Independent Commission Against Corruption (ICAC)².
- 2.4 An agent (including its employees) or employee of an OC should declare in writing whether he has any actual, potential or perceived conflict of interest at the start of preparation or deliberation of tender documents or as soon as he becomes aware of a potential conflict.
- 2.5 An agent (including its employees) or employee of an OC should take steps to avoid any conflict of interest with any prospective tenderer or tenderer by not putting himself in a position of obligation towards any of them, for example, by not accepting any favour or lavish or excessive entertainment, and not over-socialising with any of them.
- 2.6 A member of the MC shall disclose in writing to the MC any personal, business or pecuniary interest or any other relationship that he may have with the DMC Manager, Property Management Company, consultants or professional service providers for the OC, or in any of the tenders to be considered by the MC or the OC. An MC member who has indicated a personal, business or pecuniary interest in the tender shall withdraw from the meeting during the discussion concerned and abstain from voting on the selection of such

¹ For the purposes of this section, a manager or other professional trade or business firm or person retained and remunerated by the corporation and to carry out any of the duties or powers of the corporation under the BMO or the DMC (if any) pursuant to section 18(2)(c) of the BMO would be regarded as an agent.

² The guidelines in the Building Management Toolkit issued by the ICAC are accessible via the following link:
http://www.bm.icac.hk/en/education_and_publicity_materials/education_and_publicity_materials.aspx

tender at an MC meeting.

- 2.7 The DMC Manager or the Property Management Company (if any) and its employees shall be required to disclose in writing to the MC any personal, business or pecuniary interest that he may have with any MC member, consultants or professional service providers for the OC, or in any of the tenders to be considered by the MC or the OC. The DMC Manager or the Property Management Company (if any) and its employees who have indicated a personal, business or pecuniary interest in the tender shall refrain from participating in any tender assessment or negotiation.
- 2.8 Any declaration by a member of an MC/an agent (including its employees) or employee of an OC should be recorded in the minutes of relevant MC meetings or as part of the tender documents and should be kept for at least six years.

3.0 PREPARATION OF INVITATION TO TENDER

- 3.1 The MC shall prepare an invitation to tender setting out the types of supplies, goods or services required, the respective estimated costs, the period open for tender and other terms and conditions of the relevant contract. A copy of the invitation to tender shall be displayed in a prominent place in the building.
- 3.2 MCs are advised to as far as practicable, having regard to the nature of the procurement, adopt open tendering, such as putting advertisements on newspapers, to enhance tender competition and minimise the risks of tender collusion.
- 3.3 An MC shall not split a contract of procurement from a contract which should have been made for the procurement of greater value for the sole purpose of avoiding the compliance of requirements in section 20A of the BMO.
- 3.4 The closing date and time for acceptance of tenders shall be

clearly stated in the invitation to tender. Late submissions shall not be accepted.

3.5 MCs are advised to build in probity and anti-collusion clauses in the related tender documents. MCs may refer to the Building Management Toolkit³ issued by the ICAC for the sample probity and anti-collusion clauses.

3.6 If the tendering exercises involve mandatory works as stipulated in relevant statutory notice(s), order(s) or direction(s) issued by relevant government department(s) or authority(ies) (collectively referred to as government repair orders), such information should be made available to the owners –

(a) before the invitation to tender is prepared (e.g. posting the government repair orders in a conspicuous place of the building when received; making available a copy of the government repair orders at the management office for inspection by the owners); and

(b) before the resolution concerned is put to vote (e.g. attaching a copy of the government repair orders to the notice of meeting at which the tender is to be approved),

so as to facilitate the MC members/owners in understanding and making a well informed decision on the scope of the procurement.

4.0 NUMBER OF TENDERS TO BE INVITED

4.1 Where tender is required pursuant to section 20A of or paragraph 5 of Schedule 7 to the BMO, the minimum number of tenders to be invited shall be as follows –

³ The Building Management Toolkit can be accessed via the following link:
http://www.bm.icac.hk/en/education_and_publicity_materials/education_and_publicity_materials.aspx

- (a) three in the case of a contract for the procurement of supplies, goods or services the value of which exceeds \$10,000 but does not exceed \$200,000; or
- (b) five in the case of a contract for the procurement of supplies, goods or services the value of which exceeds \$200,000.

4.2 Where the number of valid tenders obtained is fewer than the number of tenders stipulated above, the MC shall pass a resolution to accept or reject the tender exercise.

5.0 COLLECTION AND OPENING OF TENDERS

5.1 A tender shall be in writing and be sealed and deposited in a strong double locked box marked “Tender-Box (投標箱)” provided for that purpose only and such box shall be securely located in a prominent place in the building. The two keys of the tender-box are to be separately kept by the chairman, secretary or treasurer.

5.2 Where it is impracticable or difficult to comply with the requirement under paragraph 5.1 above, the OC may, by a resolution passed at a general meeting of the OC, accept tenders handed in or sent by post to the registered office of the OC or to a specific venue as resolved at a general meeting. The tenders shall be properly acknowledged and kept safely.

5.3 All tenders shall be opened at the same time in the presence of at least three members of the MC who shall countersign and date each of the tenders.

5.4 Notwithstanding the requirements set out in this section, where any procurement of supplies, goods and services by an OC is conducted under any Rehabilitation Schemes operated by the Urban Renewal Authority (URA)⁴ the OC should

⁴ The Rehabilitation Schemes operated by the URA may be referred to via the following link: <https://www.ura.org.hk/>

comply with all relevant rules, guidelines and/or requirements relating to the conduct of the tender exercise adopted in such service/scheme instead.

6.0 CONSIDERATION AND DECISION ON ACCEPTANCE OF TENDERS⁵

6.1 For procurement of supplies, goods and services whose value does not exceed the sum stipulated in section 20A(2)(b) of the BMO, all tenders received shall be submitted to the MC for decision on acceptance at a meeting of the MC.

6.2 A tender which requires approval from a general meeting of the OC must be passed by majority votes. Where there are more than two alternatives and no option receives majority votes in the first round of voting, the general meeting of the OC will have to conduct a second round of voting in order to comply with the majority requirement. Some plausible methods of voting are –

(a) Progressive elimination – After the first round of voting, the general meeting of the OC may eliminate the option with the least number of votes and then carry out the second round of voting. If there is no option which receives majority votes, another round of voting will be carried out, with one more option being eliminated. If this goes on, only two options will be left in the final round of voting. Either one of the options will receive majority votes;

(b) Short-listing – After the first round of voting, the general meeting of the OC may short-list the two options which gain the greatest number of votes for a second round of voting. This also means that the ultimate choice fulfils the majority requirement;

(c) Confirmation – A second round of voting could be

⁵ Please also refer to section 20A of and paragraph 5 of Schedule 7 to the BMO.

carried out to confirm the option which has attained the greatest number of votes in the first round. This also ensures that majority votes are achieved.

- 6.3 After approving the award of consultancy agreement/works contract, MCs are advised to notify all tenderers, property owners and occupants in writing of the tender result.

7.0 KEEPING AND INSPECTION OF DOCUMENTS RELATING TO THE TENDER PROCESS⁶

- 7.1 The MC shall permit the Authority, the tenants' representative, an owner, a registered mortgagee or any other person authorised in writing by an owner or a registered mortgagee to inspect all tender documents, copies of contracts, accounts and invoices and any other documents in the possession of the OC and relating to the procurement of supplies, goods and services at any reasonable time. The MC shall on the payment of a reasonable charge, supply copies of the relevant documents.
- 7.2 The documents referred to in paragraph 7.1 shall contain sufficient information to enable the person doing inspection to calculate the financial liability (including any future financial liability) of the OC at the time of inspection.

8.0 TIMING OF SIGNING CONTRACTS

- 8.1 To reduce possible disputes arising from the signing of contracts between OCs and suppliers/contractors within a very short period of time after the passing of resolutions on certain major projects, for tenders whose value exceeds 20% of the annual budget of the OC, the OC concerned should consider, having regard to the circumstances of the case, signing the contract with suppliers/contractors at least one month after the passing of the relevant resolution at a general meeting of the OC.

⁶ Please also refer to section 20A of the BMO.

**Code of Practice on
Building Management and Safety**

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1.0 INTRODUCTION

- 1.1** This Code of Practice on Building Management and Safety (Code of Practice) is issued by the Secretary for Home Affairs, as the Authority under the Building Management Ordinance (Cap. 344) (BMO), under section 44(1)(b) of the BMO.
- 1.2** The purpose of this Code of Practice is to give guidance and direction as to the standards and practices of building management and safety that are to be observed and followed by an owners' corporation¹ (OC) including standards and practices relating to building management, building safety, fire safety, slope safety, lifts and escalators, tree safety and utilities and other installations in the common parts of a building. This Code of Practice shall be read in conjunction with the relevant provisions in the BMO. An OC shall also ensure compliance with all requirements under ordinances related to building safety and other matters or areas covered in this Code of Practice.
- 1.3** Any other persons/bodies (including owners' committees, managers, building management agents, property management companies (PMCs), etc. (if applicable)) with lawful authority or are lawfully authorised by the owners to maintain and manage the common parts of a building may also use this Code of Practice as guidance to achieve effective building management and safety.

2.0 BUILDING MANAGEMENT

2.1 Deed of Mutual Covenant (DMC)

- 2.1.1** A DMC is a document registered in the Land Registry which defines the rights, interests and obligations of owners among themselves.

¹ Section 2 of the BMO defines "corporation" as a corporation registered under section 8 of the BMO.

2.1.2 Owners shall be aware of the terms and conditions of the DMC of their building and shall perform the duties and exercise the rights as stipulated in the DMC.

2.1.3 It is advisable to make available a copy of the DMC for inspection by the owners of the building at the management office (if any) and for the making of copies by owners at their expense. If a Chinese/English translation of the original DMC is available, it is advisable to make available a copy of the translation of the original DMC for inspection by the owners of the building at the management office (if any) and for making of copies by owners at their expense. In case of doubt on the contents of the translation of the original DMC, the original DMC shall prevail.

2.2 Management Committee (MC) and OC

2.2.1 Subject to the compliance of the statutory requirements under the BMO, owners of a building may appoint an MC under Part II of the BMO and the appointed MC may apply for registration of the owners as a corporation under section 7 of the BMO. The duties and powers of an OC are set out in section 18 of the BMO.

2.2.2 An OC may employ a manager/DMC manager, building management agent or PMC to carry out the day-to-day management, control and administration of the common parts of the building.

2.3 Insurance

2.3.1 An OC shall have a valid insurance policy in force as required by the Employees' Compensation Ordinance (Cap. 282) in relation to any employee in any employment with the OC.

2.3.2 OCs should procure third party risks insurance in

accordance with Section 28 of the BMO².

2.4 Financial management³

2.4.1 An OC shall be prudent in its financial affairs.

2.4.2 The auditor's report should be posted in a conspicuous place of the building as and when such information is ready.

2.5 Communications amongst owners

2.5.1 The MC shall hold regular meetings with the manager, building management agent or PMC whom the OC has employed to carry out the day-to-day management, control and administration of the common parts of the building.

3.0 MANAGEMENT AND MAINTENANCE OF COMMON PARTS

3.1 All common parts of a building shall be maintained in a state of good and serviceable repair and clean condition, and any works ordered or required in respect of the common parts by any public officer or public body under any Ordinance shall be carried out.

3.2 An OC shall do all things reasonably necessary for the enforcement of the obligations contained in the DMC (if any) for the control, management and administration of the building.

3.3 Regular inspection and maintenance shall be carried out to the building service systems and other utilities installations in the common parts of a building to ensure that they are in

² Please also refer to section 28 of the BMO and the Building Management (Third Party Risks Insurance) Regulation (Cap. 344B).

³ Please also refer to section 27 of and Schedule 6 to the BMO.

good order and serviceable condition. Any emergency repair work as may be required shall be attended to promptly.

- 3.4** All common facilities and amenities including recreational and sports facilities shall be maintained in good and serviceable condition and in compliance with the Public Health and Municipal Services Ordinance (Cap. 132)⁴.
- 3.5** Any landscaping area shall be maintained in a good, safe and clean condition.
- 3.6** Any lighting installations in the common parts shall be maintained in a state of good and serviceable condition.

4.0 ENVIRONMENTAL HYGIENE

- 4.1** Refuse, garbage, junk and/or abandoned building materials (if any) in the common parts shall be collected on a daily basis and transported to a refuse collection point designated for disposal.
- 4.2** All staircases, corridors, lift lobbies, entrance lobbies/halls, passageways, lightwells and any refuse room/chamber including refuse chute and associated facilities shall be cleansed at least once every week.
- 4.3** Any water seepage or pipe leakage found in the common parts shall be investigated by a licensed plumber to identify the cause of seepage or leakage and be rectified as soon as possible.

5.0 SECURITY

- 5.1** Any provision of security and guarding services including

⁴ The Public Health and Municipal Services Ordinance (Cap. 132) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap132>

the employment of security personnel shall comply with the Security and Guarding Services Ordinance (Cap. 460)⁵.

6.0 WATER UTILITIES AND SUPPLY

- 6.1** Water pumps, tanks and associated pipeworks shall be maintained in a good and serviceable condition.
- 6.2** Fresh water storage tanks shall be cleansed at least once every three months or more frequently as and when necessary, whilst fresh water plumbing systems shall be inspected at least once every three months or more frequently as and when necessary.
- 6.3** Flushing water storage tanks shall be cleansed at least once every six months or more frequently as and when necessary, whilst flushing water plumbing systems shall be inspected at least once every three months or more frequently as and when necessary.

7.0 FIRE SAFETY⁶

- 7.1** For the purpose of this Code of Practice –

⁵ The Security and Guarding Services Ordinance (Cap. 460) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap460>

⁶ (a) The Director of Fire Services may, pursuant to sections 3, 14(1) and 15(1) of the Fire Services (Fire Hazard Abatement) Regulation (Cap. 95F) and Regulation 8 of the Fire Service (Installations and Equipment) Regulations (Cap. 95B), institute fire hazard abatement action or direct prosecution as appropriate against the owner, tenant, occupier or person in charge of the building who fails to comply with any of the requirements as mentioned above.

(b) Pursuant to sections 10(1), 10(2), 11 and 16(1) of the Fire Services (Fire Hazard Abatement) Regulation (Cap. 95F), the Director of Fire Services may further apply to a magistrate to make respectively –

- (i) a fire hazard order requiring a person to comply with the requirements specified in a Fire Hazard Abatement Notice;
- (ii) a prohibition order prohibiting the use of premises for specified purposes; and
- (iii) a removal order requiring the removal of an obstruction to the means of escape or the removal of an unsuitable locking device.

(c) Pursuant to the Fire Service (Installations and Equipment) Regulations (Cap. 95B), no person other than a registered fire service installation contractor shall maintain, inspect or repair any fire service installation or equipment which is installed in any premises.

7.1.1 A fire hazard has the same meaning as that defined under section 2 of the Fire Services Ordinance (Cap. 95)⁷, which means –

- (a) any removal from any building of any fire service installation or equipment which was provided in such building in accordance with plans certified by the Director of Fire Services for the purposes of section 16 of the Buildings Ordinance (Cap. 123)⁸;
- (b) the presence in any building of any fire service installation or equipment which, from lack of proper maintenance or any other reason, is not in efficient working order;
- (c) inadequate means of egress from any premises in a building to street level outside the building or using such means of egress for a purpose which gives rise to any circumstance described in (d) below;
- (d) any other matter or circumstance which materially increases the likelihood of fire or other calamity or the danger to life or property that would result from the outbreak of fire or the occurrence of any other calamity, or which would materially hamper the Fire Services Department in the discharge of its duties in the event of fire or other calamity.

7.1.2 Fire service installation or equipment means any installation or equipment manufactured, used or designed to be used for the purposes of –

- (a) extinguishing, attacking, preventing or limiting a fire;

⁷ The Fire Services Ordinance (Cap. 95) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap95>

⁸ The Buildings Ordinance (Cap. 123) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap123>

- (b) giving warning of a fire;
- (c) providing access to any premises or place for the purpose of extinguishing, attacking, preventing or limiting a fire;
- (d) facilitating the evacuation from any premises in case of fire;
- (e) providing a stand-by power supply to an installation or equipment the purposes of which are mentioned in (a) to (d) above in the event of the loss of normal power supply.

7.2 Abatement of fire hazards

- 7.2.1 All means of escape shall be free from obstruction at all times.
- 7.2.2 All gates/doors at the building entrance and the rooftop shall be readily opened from within the premises without the use of a key.
- 7.2.3 No metal gate or roller shutter shall be installed across any means of escape.
- 7.2.4 Smoke stop doors shall be in good working condition and properly closed at all times.
- 7.2.5 Emergency vehicular access shall be free from obstruction at all times.
- 7.2.6 Fire service installations or equipment provided in buildings shall not be removed or obstructed.
- 7.2.7 Fire service installations or equipment provided in buildings shall be maintained in efficient working order at all times.

- 7.2.8 Fire service installations or equipment shall be inspected by a registered fire service installation contractor at least once every 12 months.
- 7.2.9 All ventilating systems provided in buildings shall be kept in safe and efficient working order at all times.
- 7.2.10 Fire shutters and dampers shall be maintained in good working order.
- 7.2.11 Every damper, filter and precipitator in a ventilating system shall be inspected by a registered specialist contractor in the appropriate category at intervals not exceeding 12 months.

7.3 Storage of dangerous goods

- 7.3.1 “Dangerous goods” means any of the goods or substances, to which the Dangerous Goods Ordinance (Cap. 295)⁹ applies and are classified into the following categories –

Category 1: Explosives and blasting agents

Category 2: Compressed gases

Category 3: Corrosive substances

Category 4: Poisonous substances

Category 5: Substances giving off inflammable vapours

Category 6: Substances which become dangerous by interaction with water

Category 7: Strong supporters of combustion

Category 8: Readily combustible substances

Category 9: Substances liable to spontaneous combustion

Category 9A: Combustible goods exempted from section 6 to 11 of the Dangerous Goods Ordinance (Cap. 295)

Category 10: Other dangerous substances

⁹ The Dangerous Goods Ordinance (Cap. 295) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap295>

- 7.3.2 Except under and in accordance with a licence granted under the Dangerous Goods Ordinance (Cap. 295), no person shall manufacture, store, convey or use any dangerous goods pursuant to section 6 of the Dangerous Goods Ordinance (Cap. 295).
- 7.3.3 Regulations 74, 84, 92, 99, 139, 153, 159, 170 and 176 of the Dangerous Goods (General) Regulations (Cap. 295B)¹⁰ set out the exempt quantity (not applicable to manufacture) of Category 2 to Category 10 of dangerous goods respectively in which section 6 of the Dangerous Goods Ordinance (Cap. 295) shall not apply.

7.4 Regular inspection of fire safety provisions

- 7.4.1 The OC shall carry out routine inspections on fire safety provisions of the building in accordance with the Fire Safety Checklist¹¹ for buildings and irregularities identified shall be rectified as soon as possible. Pursuant to regulation 8(b) of the Fire Service (Installations and Equipment) Regulations (Cap. 95B)¹², the owner of any fire service installation or equipment (FSI) which is installed in any premises shall have such FSI inspected by a registered fire service installation contractor at least once in every 12 months.

¹⁰ The Dangerous Goods (General) Regulations (Cap. 295B) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap295B>

¹¹ The Fire Safety Checklist can be accessed via the following link: <https://www.hkfsd.gov.hk/eng/source/safety/efschlst.pdf>

¹² The Fire Service (Installations and Equipment) Regulations (Cap. 95B) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap95B>

8.0 BUILDING SAFETY¹³

8.1 Regular building inspections enable timely maintenance and repairs to common building defects. It is advisable for the OC to enlist the service of qualified building professionals (e.g. architect, engineer or surveyor) to assist them in planning and implementing a planned building maintenance programme. Structural repairs shall be carried out under the supervision of an Authorised Person and/or Registered Structural Engineer registered under the Buildings Ordinance (Cap. 123)¹⁴.

8.2 Structural elements

8.2.1 If there is cracking, spalling, bulging or deformation of structural elements (columns, beams, floor slabs, structural walls and cantilevered balconies/canopies) or exposing of reinforcement bars, the OC shall appoint an Authorised Person and/or Registered Structural Engineer registered under the Buildings Ordinance (Cap. 123) to check the condition and, if necessary, submit remedial proposals to the Building Authority for consideration.

¹³ (a) The guidelines set out in this part are provided for building management purposes. Please ensure full compliance with all other relevant legislation applicable to building and fire safety. In case of doubt, the OC shall seek professional advice on the technical standards and relevant legislation.

(b) In establishing the need for basic building maintenance and repair works, the extent and location of defects have to be taken into account. Under the Buildings Ordinance (Cap. 123), repair works may be carried out through the simplified requirements under the Minor Works Control System. Minor works should be carried out by a prescribed registered contractor. A prescribed building professional should also be appointed to prepare design and coordinate the works if the works are relatively more complex.

(c) Where a building is left in a state of disrepair or has been altered to such an extent as to generate concerns on public safety, the Building Authority may initiate enforcement action under the Buildings Ordinance (Cap. 123) and order the OC to carry out investigation, repair or reinstatement works as necessary.

(d) For technical standards relating to means of escape, means of access for firefighting and rescue and fire resisting construction, please refer to the codes of practices published by the Buildings Department.

(e) For standards on reinstatement of buildings or parts thereof affected by unauthorised building works, please refer to the plans approved by the Building Authority and/or the Buildings Ordinance (Cap. 123).

¹⁴ The Buildings Ordinance (Cap. 123) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap123>

8.3 External walls

- 8.3.1 Minor cracking, damage, spalling or bulging of cement rendering, concrete surface, wall tiles or other finishes and delaminated mosaic tiles shall be repaired, including the removal of the defective and loose parts.
- 8.3.2 Minor cracking, damage or spalling in window hoods, sills, fins, architectural features, air-conditioning platform or rusty racks shall be repaired, including the removal of the defective and loose parts.
- 8.3.3 Any dampness or water staining marks shall be traced for eliminating the source of dampness. The affected wall finishes shall be repaired, including the making good or replacement of the damaged wall finishes.
- 8.3.4 Defective protective barriers or railings shall be repaired or replaced.

8.4 Canopies and balconies

- 8.4.1 Canopies and balconies shall not be overloaded and misused. They shall be free of all attachments and shall not be used for stockpiling. They shall be kept in dry condition and properly drained.

8.5 Internal walls

- 8.5.1 Minor cracking, spalling or bulging of concrete surface, loose plaster or other finishes shall be repaired including the removal of the defective and loose parts.
- 8.5.2 Water seepage, staining marks or mould growth on wall surface shall be rectified. The source of dampness shall be traced and eliminated and the affected wall finishes shall be made good, repaired or replaced.

8.6 Floors and ceilings

- 8.6.1 Any minor cracking, spalling or bulging of concrete

ceiling slabs and loose plaster shall be repaired, including the removal of the defective and loose parts.

8.6.2 Any water seepage shall be rectified including the tracing and elimination of the source of dampness and making good, repairing or replacement of the affected finishes.

8.6.3 Any defective finishes of flooring including hollowness or lifting shall be repaired and made good, including the removal of the defective parts.

8.7 Roofs/flat roofs

8.7.1 Water ponding on the roof/flat roof shall be rectified including the repairing of the damaged roof/flat roof slab and laying finishes to ensure good drainage.

8.7.2 In respect of defective water proofing materials and/or movement joints, a specialist roofing contractor shall be appointed to rectify the defects, including the repairing or replacement of the defective materials.

8.7.3 Defective roof/flat roof railings, barriers or parapets shall be repaired or replaced.

8.7.4 Roofs/flat roofs shall not be overloaded and misused. They shall be free of significant attachments which adversely affect the structure of the building and shall not be used for stockpiling. They shall be kept in dry condition and properly drained.

8.8 Windows and doors

8.8.1 Distorted, rusty or defective windows and door frames shall be repaired or replaced.

8.8.2 Any water seepage around window and door openings shall be identified and rectified, including the resealing of gaps between the frame and wall opening if necessary.

- 8.8.3 Any defective glazing and louvres, including putty failure, broken/missing of glazing beads and broken glazing, shall be repaired or replaced.
- 8.8.4 Defective ironmongery including hinges, stays, fasteners, door closers and locks shall be repaired or replaced.

8.9 Drainage

- 8.9.1 The following defects of above-ground drains shall be repaired or rectified -
 - (a) Defective pipe fixing;
 - (b) Rusty pipes;
 - (c) Choking and unsanitary condition; and
 - (d) Vegetation growth.
- 8.9.2 Any choking or unsanitary condition of underground drains shall be cleared or rectified.
- 8.9.3 Defective manhole covers shall be repaired or replaced.
- 8.9.4 The cause of any water seepage of pipe ducts shall be established and rectified, including the making good of loose plaster.

If extensive or major defects are found in the building elements mentioned in 8.3 to 8.9 above, an OC shall appoint an Authorised Person and/or Registered Structural Engineer registered under the Buildings Ordinance (Cap. 123) to check the condition and, if necessary, submit remedial proposals to the Building Authority for consideration.

8.10 Unauthorised building works

- 8.10.1 Except for building works exempted under section 41 of the Buildings Ordinance (Cap. 123), or works falling within the designated minor works items and implemented through the simplified requirements under the Minor Works Control System (MWCS), no building

works shall be carried out without first obtaining approval and consent from the Buildings Department. If alteration and addition (A&A) works do not comply with the provisions of Buildings Ordinance (Cap. 123), or if A&A works which are not exempted works or minor works have been carried out without prior approval and consent from the Buildings Department, such works will become unauthorised building works and will be subject to enforcement actions under the Buildings Ordinance (Cap. 123). Owners and occupants are strongly advised to consult building professionals, registered contractors and, when necessary, authorised persons on the feasibility of the proposal for compliance with the Buildings Ordinance (Cap. 123) before the carrying out of A&A works, and to make submission in accordance with the simplified requirements under the MWCS or formal application for approval and consent from the Buildings Department as appropriate.

8.11 Management of smoke stop and fire doors

- 8.11.1 The doors of the protected lobby, fireman's lift lobby, staircase, switch room and rooms containing air-conditioning plant or similar hazardous installations shall be kept in good repair condition including the door hinges, glazed panels and door closers.
- 8.11.2 These doors shall be kept in a closed position.
- 8.11.3 These doors shall not be removed or replaced with doors having a lower fire resistance such as ordinary glass doors.

8.12 Management of means of escape

- 8.12.1 Doors or gates shall not swing out onto exit routes such as the common corridor, staircase and rear lane causing obstruction to the exit routes.
- 8.12.2 Doors or gates at common parts shall be readily opened from inside without the use of a key.

- 8.12.3 Doors giving access to the roof of a building shall be readily opened from inside without the use of a key.
- 8.12.4 Exhaust fans, air-conditioning units or similar installations shall not be installed in the protected lobby or staircase. No opening shall be formed in the protected lobby or staircase walls for such installations or for doors or windows.
- 8.12.5 Exit routes shall be free of any obstruction caused by unauthorised structures such as racks, shelves, cabinets and store rooms.
- 8.12.6 Adequate lighting shall be provided for the exit routes and shall be kept in good condition.

8.13 Management of fire resisting construction

- 8.13.1 The walls of switch rooms and rooms containing air-conditioning plant or similar hazardous installations shall be kept in good condition and free of unprotected openings.
- 8.13.2 All required staircases and their protected lobbies should not accommodate any services other than emergency services unless such services are enclosed by walls or fire barriers of adequate fire resistance rating. Such walls and fire barriers shall be kept in good condition. Any access panels thereto shall be kept in a closed position.

8.14 Management of access for firefighting and rescue

- 8.14.1 The walls of fireman's lift lobby shall be kept in good condition and free of unprotected openings.

8.15 Public telecommunications and broadcasting services installations

- 8.15.1 Cabling facilities (which include risers, ducts, conduits, cable trays, junction boxes, equipment rooms, etc.)

located in common parts of the building used for the installation of cables and equipment of public telecommunications and broadcasting services shall be maintained in good and serviceable condition and protected against any risk of fire, flooding and vandalism.

8.15.2 For the provision of access to, and use of the cabling facilities for telecommunications and broadcasting services, the developers and/or building management offices as well as OCs are strongly encouraged to follow the Code of Practice for the Provision of Access Facilities in Buildings for the Supply of Telecommunications and Broadcasting Services issued by the Communications Authority¹⁵ as far as practicable.

8.15.3 To facilitate the provision of competitive telecommunications and broadcasting services to the residents in a building, the OC as well as the manager, building management agent or PMC shall be aware of their duty in rendering assistance to service providers in the installation and maintenance of their in-building networks. Details can be found in the document entitled *“Information Note for Incorporated Owners and Building Management Office of Building Regarding Access to Buildings by Network Operators with section 14 Authorisation Granted by the Communications Authority under the Telecommunications Ordinance”* issued by the Office of the Communications Authority¹⁶.

9.0 SLOPE SAFETY

9.1 Any slope or retaining wall for which owners of the building

¹⁵ The Code of Practice for the Provision of Access Facilities in Buildings for the Supply of Telecommunications and Broadcasting Services can be accessed via the following link: <https://www.coms-auth.hk/filemanager/statement/en/upload/104/cop201201e.pdf>

¹⁶ The Information Note for Incorporated Owners and Building Management Office of Building Regarding Access to Buildings by Network Operators with section 14 Authorisation Granted by the Communications Authority under the Telecommunications Ordinance can be accessed via the following link: https://www.ofca.gov.hk/filemanager/ofca/common/Industry/telecom/inote0004_12e.pdf

are responsible shall be maintained in a state of good condition in accordance with “*Geoguide 5 – Guide to Slope Maintenance*” published by the Geotechnical Engineering Office of the Civil Engineering and Development Department¹⁷.

10.0 ELECTRICAL, GAS, LIFT AND ESCALATOR INSTALLATIONS¹⁸

10.1 Any electrical installations, gas installations, lifts and escalators in the common parts of a building shall be maintained in accordance with the relevant statutory requirements and Codes of Practice published or approved by the Director of Electrical and Mechanical Services.

10.1.1 Electrical installations

An electrical installation shall comply with the relevant requirements of the Electricity Ordinance (Cap. 406)¹⁹ and its subsidiary Electricity (Wiring) Regulations (Cap. 406E)²⁰, and the Code of Practice for the Electricity (Wiring) Regulations²¹. These include, but are not limited to, the following –

- (a) All electrical work including inspection, maintenance and repair on electrical installation shall only be carried out by an electrical contractor and electrical worker registered under the Electricity (Registration) Regulations (Cap. 406D)²².

¹⁷ The Geoguide 5 - Guide to Slope Maintenance can be accessed via the following link: <http://www.cedd.gov.hk/eng/publications/geo/doc/eg5.pdf>

¹⁸ The technical requirements set out in this part are mainly general guidelines for building management purposes, the compliance of which may not necessarily constitute full compliance with the Electricity Ordinance (Cap. 406) and other legislation applicable to electrical safety. The OC shall seek professional advice on the applicable technical standards and relevant legislation.

¹⁹ The Electricity Ordinance (Cap. 406) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap406>

²⁰ The Electricity (Wiring) Regulations (Cap. 406E) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap406E>

²¹ The Code of Practice for the Electricity (Wiring) Regulations can be accessed via the following link: https://www.emsd.gov.hk/filemanager/en/content_443/COP_E_2015.pdf

²² The Electricity (Registration) Regulations (Cap. 406D) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap406D>

- (b) The OC shall request the registered electrical worker/registered electrical contractor to confirm and certify the compliance with the requirements of the Electricity Ordinance (Cap. 406) after inspection and testing of completed electrical work. The certificate (EMSD Form WR1)²³ issued by the registered electrical worker shall be properly kept by the OC.
- (c) The OC, being the owner of the building electrical installation, shall not allow connection of power supply to any electrical installation that is likely to cause an electrical accident. If the electrical installation is likely to cause an electrical accident, the OC shall immediately arrange for necessary repair.
- (d) The OC shall maintain the installed standby generator, if any, in safe working order.
- (e) Pursuant to Regulation 20 of the Electricity (Wiring) Regulations (Cap. 406E), a fixed electrical installation in a building with an approved loading exceeding 100 Amperes shall be inspected, tested and certified at least once every five years. This is commonly known as the periodic inspection, testing and certification (PITC) of electrical installations. The OC shall submit the PITC certificate (EMSD Form WR2)²⁴ issued by the registered electrical worker/registered electrical contractor to the Electrical and Mechanical Services Department (EMSD) for endorsement within two weeks after the date of the certificate. After endorsement, the PITC certificate shall be properly kept by the OC and be

²³ The certificate (EMSD Form WR1) can be accessed via the following link:
https://www.emsd.gov.hk/filemanager/en/content_484/wr1.pdf?formref=EMS-F014

²⁴ The PITC certificate (EMSD Form WR2) can be accessed via the following link:
https://www.emsd.gov.hk/filemanager/en/content_485/wr2.pdf

made available for inspection by EMSD if requested.

- (f) The OC shall arrange another PITC work for the building's fixed electrical installation before the current PITC certificate expires (i.e. within five years from the date of the certificate).

10.1.2 Gas installations

The gas service pipes which include gas meter control valves and service valves shall comply with the following Ordinance and Regulations and should comply with the following Code of Practice where applicable –

- (a) Gas Safety Ordinance (Cap. 51)²⁵;
- (b) Gas Safety (Gas Supply) Regulations (Cap. 51B)²⁶;
- (c) Gas Safety (Installation and Use) Regulations (Cap. 51C)²⁷;
- (d) Gas Safety (Registration of Gas Installers and Gas Contractors) Regulations (Cap. 51D)²⁸;
- (e) Gas Safety (Miscellaneous) Regulations (Cap. 51F)²⁹;
- (f) Code of Practice GU06: LPG Installation for Catering Purposes in Commercial Premises³⁰;

²⁵ The Gas Safety Ordinance (Cap. 51) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap51>

²⁶ The Gas Safety (Gas Supply) Regulations (Cap. 51B) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap51B>

²⁷ The Gas Safety (Installation and Use) Regulations (Cap. 51C) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap51C>

²⁸ The Gas Safety (Registration of Gas Installers and Gas Contractors) Regulations (Cap. 51D) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap51D>

²⁹ The Gas Safety (Miscellaneous) Regulations (Cap. 51F) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap51F>

³⁰ The Code of Practice GU06: LPG Installation for Catering Purposes in Commercial Premises can be accessed via the following link: https://www.emsd.gov.hk/filemanager/en/content_286/gu06e.pdf

- (g) Code of Practice - Avoiding Danger from Gas Pipes³¹;
and
- (h) Code of Practice GU21 - Requirements for Town Gas Installations for Catering Purposes in Restaurants and Food Preparation Establishments³².

In particular, all gas installation work including fabrication, connection, disconnection, testing, commissioning, decommissioning, maintenance, repair or replacement of gas fittings shall only be carried out by registered gas installers employed by registered gas contractors.

An OC should arrange/facilitate regular safety inspection of indoor and outdoor gas service pipes, including gas meter control valves and service valves, at intervals not exceeding 18 months by a registered gas supply company/registered gas contractor to ensure that such installations are in order. An OC should also keep records of inspection and maintenance for a period of not less than two years after the gas installation work concerned has been carried out.

Pursuant to Regulation 27 of the Gas Safety (Installation and Use) Regulations (Cap. 51C), where suitable provision (wall aperture/flue opening) has been made for the installation of a room-sealed gas water heater to serve a bathroom in any part of the premises, the room-sealed gas water heater serving that bathroom must be installed by using that suitable provision.

³¹ The Code of Practice - Avoiding Danger from Gas Pipes can be accessed via the following link:
[https://www.emsd.gov.hk/filemanager/en/content_286/cop_gas_pipes\(english\).pdf](https://www.emsd.gov.hk/filemanager/en/content_286/cop_gas_pipes(english).pdf)

³² The Code of Practice GU 21 - Requirements for Town Gas Installations for Catering Purposes in Restaurants and Food Preparation Establishments can be accessed via the following link:
[https://www.emsd.gov.hk/filemanager/en/content_286/GU21%20\(English\)%20rev.3.pdf](https://www.emsd.gov.hk/filemanager/en/content_286/GU21%20(English)%20rev.3.pdf)

10.1.3 Lifts and escalators³³

The maintenance of lifts and escalators shall comply with the following Ordinance, Regulation and Code of Practice –

- (a) Lifts and Escalators Ordinance (Cap. 618)³⁴;
- (b) Lifts and Escalators (General) Regulation (Cap. 618A)³⁵;
- (c) Code of Practice on the Design and Construction of Lifts and Escalators³⁶; and
- (d) Code of Practice for Lift Works and Escalator Works³⁷.

According to the Lifts and Escalators Ordinance (Cap. 618) (the Ordinance), the responsible person for a lift/escalator is defined as the owner of the lift/escalator (such as the owners of a building or the OC); or any other person who has the management or control of the lift/escalator (such as the PMC).

Under the Ordinance, the duties of the responsible person for a lift/escalator include, but not limited to, the following –

- (1) To ensure that the lift/escalator and all its associated

³³ An OC is recommended to obtain comprehensive and updated information concerning the day-to-day management of lifts/escalators from the Responsible Persons' Corner under Lifts and Escalators Safety at EMSD's website.

³⁴ The Lifts and Escalators Ordinance (Cap. 618) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap618>

³⁵ The Lifts and Escalators (General) Regulation (Cap. 618A) can be accessed via the following link: <https://www.elegislation.gov.hk/hk/cap618A>

³⁶ The Code of Practice on the Design and Construction of Lifts and Escalators can be accessed via the following link: [https://www.emsd.gov.hk/filemanager/en/content_805/Design%20Code%20Addendum%20No%20DC02%20-%20Eng%20-%20Dec%202015%20\(Final\).pdf](https://www.emsd.gov.hk/filemanager/en/content_805/Design%20Code%20Addendum%20No%20DC02%20-%20Eng%20-%20Dec%202015%20(Final).pdf)

³⁷ The Code of Practice for Lift Works and Escalator Works can be accessed via the following link: https://www.emsd.gov.hk/filemanager/en/content_805/CoP_le_Works_with_appendices.pdf

equipment or machinery are kept in a proper state of repair and in safe working order.

- (2) To take all reasonable steps to ensure that the lift/escalator is not used where: –
 - (a) works concerning the installation, major alteration or demolition of the lift/escalator, or works that are likely to affect the safe operation of the lift/escalator are being carried out;
 - (b) the lift/escalator does not have a valid use permit; and
 - (c) no resumption permit has been issued for the lift/escalator after a major alteration has been carried out.
- (3) To ensure that works concerning the installation, major alteration and demolition of the lift/escalator, and works that are likely to affect the safe operation of the lift/escalator are undertaken by a registered lift/escalator contractor.
- (4) To ensure that the lift/escalator maintenance works are undertaken by a registered lift/escalator contractor, and that periodic maintenance works are carried out for the lift/escalator at intervals not exceeding one month.
- (5) To engage a registered lift/escalator engineer to conduct the following periodic examinations of the lift/escalator in accordance with the Ordinance to –
 - (a) thoroughly examine the lift and all its associated equipment or machinery (periodic examination) at intervals not exceeding 12 months;

- (b) thoroughly examine the lift with load and all its associated equipment or machinery (examination with load) at intervals not exceeding five years; and
 - (c) thoroughly examine the escalator and all its associated equipment or machinery (periodic examination) at intervals not exceeding six months.
- (6) To ensure that a valid use permit is displayed at all times in a conspicuous position inside the lift car, or adjacent to a landing of the escalator.
- (7) To notify EMSD in writing by using the specified form and the registered lift/escalator contractor currently undertaking the lift/escalator works of any serious lift/escalator incident within 24 hours of coming into knowledge of the incident. Serious incidents refer to any incident specified in Schedule 7 to the Ordinance, including, but not limited to, the death or injury of a person, failure of the main drive system of the lift/escalator, and failure of any brake, safety component or safety equipment of the lift/escalator.
- (8) To update the log-book for the lift/escalator and keep the relevant records for at least the past three years.

The OC shall also observe the guidelines set out in the Guidebook for Responsible Persons for Lifts³⁸ and the Guidebook for Responsible Persons for Escalators³⁹ published by EMSD on the day-to-day management of lifts/escalators.

³⁸ The Guidebook for Responsible Persons for Lifts can be accessed via the following link: https://www.emsd.gov.hk/filemanager/en/content_826/RP_Guidebook_Lift_Instltn.pdf

³⁹ The Guidebook for Responsible Persons for Escalators can be accessed via the following link: https://www.emsd.gov.hk/filemanager/en/content_826/RP_Guidebook_Escl_Instltn.pdf

11.0 TREE SAFETY

- 11.1** OCs, managers, building management agents or PMCs shall properly maintain the trees within the boundary of the building in accordance with the “*Handbook on Tree Management*” issued and updated from time to time by the Greening, Landscape and Tree Management Section of the Development Bureau⁴⁰.

⁴⁰ The Handbook on Tree Management can be accessed via the following link:
https://www.greening.gov.hk/en/tree_care/Handbook_on_Tree_Management.html