

香港特別行政區政府
The Government of the Hong Kong Special Administrative Region

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24 July 2018

Mr Derek LO
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Mr LO,

**Repair and Maintenance of Gas Pipes
in Common Areas of Tenants Purchase Scheme Estates**

Regarding the letters from Hon CHAN Chi-chuen and Hon HO Kai-ming to the Legislative Council Panel on Housing on 13 and 15 June 2018 respectively, our reply is at below.

2. Just like other private properties, the management of all Tenants Purchase Scheme (TPS) estates, regardless of the number of flats sold, is subject to requirements under the Building Management Ordinance (BMO) (Cap. 344), relevant land leases and Deed of Mutual Covenants (DMCs). Daily management issues of TPS estates are discussed and resolved at meetings of management committees or general meetings of Owners' Corporations (OCs) in accordance with the requirements under the BMO and DMCs. At present, all TPS estates have already formed their OCs, which have also appointed property management companies (PMCs) to undertake the management and maintenance work of common areas and facilities in the estates.

3. Regarding the repair and maintenance responsibilities for the gas pipes in common areas of TPS estates, same as other common facilities, the relevant OCs, and the PMCs they appointed, are required to repair and maintain the common fixtures and fittings in accordance with the BMO, DMCs, and terms and conditions of other relevant agreement(s).

4. Same as other private properties, the Manager¹ of an estate may reach an agreement with the Gas Company to transfer the ownership of the common gas pipes to such company. After signing such agreement, the Gas Company will be responsible for the pipes' repair and maintenance.

5. As far as the Hong Kong Housing Authority (HA) understands, all TPS estates have yet to transfer the ownership of their common gas pipes to the Gas Company as of now. Therefore, the relevant OCs/PMCs and owners (including HA) are required to maintain the common gas pipes in good repair according to the terms and requirements of the DMCs and BMO.

6. In fact, when putting the TPS estates up for sale, HA has provided relevant public rental housing tenants with a set of sales information, which covered the salient points of the land lease and the DMC, as well as the major rights and obligations after the buyers become owners. This is to ensure that buyers can have adequate information for consideration before purchasing a flat. Moreover, the DMCs have clearly stipulated that the owners are responsible for the management and maintenance of the common areas and facilities in the estates. According to the assignment deeds of TPS, buyers should observe and perform the terms and conditions of the DMCs.

7. To reduce the financial burden of TPS owners, apart from selling TPS flats at discounted prices, HA has also carried out comprehensive investigations and completed all necessary maintenance and repair works of the TPS estates prior to the sale, ensuring that flats in TPS estates are sold in good condition. Besides, HA has also provided a seven-year Structural Safety Guarantee for TPS estates, during which HA will undertake all structural repair and maintenance works of structural components, in order to ensure the overall structural safety of the buildings.

¹ Refers to the person who is specified in the Deed of Mutual Covenant (DMC) to manage the relevant building, or the person for the time being is, for the purposes of the DMC, managing the relevant building.

8. In addition, HA has also made a one-off injection equivalent to \$14,000 per residential unit to the Maintenance Fund (MF) for each TPS estate for repair expenses after sale. According to the provisions of DMCs, the MF can be used for the repair and replacement of gas pipes.

Yours sincerely,

(Original Signed)

(Jerry CHEUNG)

for Secretary for Transport and Housing