

(Translation)

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

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23 May 2019

Mr Derek LO
Clerk to Panel on Housing
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Mr Lo,

**The Management and Maintenance of Common Areas in
Tenants Purchase Scheme Estates**

Regarding the Hon KWOK Wai-keung's letter to the Legislative Council Panel on Housing on 4 April 2019, my reply is set out below.

2. Same as other private properties in general, all Tenants Purchase Scheme (TPS) estates, regardless of the percentage of ownership shares held by the Hong Kong Housing Authority (HA), are subject to the Building Management Ordinance (BMO) (Cap. 344), relevant land leases and Deeds of Mutual Covenant (DMCs) in terms of property management. Day-to-day estate management matters are discussed and resolved at meetings of management committees (MCs) or general meetings convened by Owners' Corporations (OCs) pursuant to the provisions of BMO and DMCs. At present, all TPS estates have already formed their OCs. OCs and the appointed property management companies (PMCs) are obliged to fulfill their responsibilities to carry out repair works in the common areas and for the facilities in accordance with the terms of DMCs, so as to maintain the facilities in good condition and repair, including replacement of such facilities as and when necessary.

3. In fact, HA has made a one-off injection equivalent to \$14,000 per residential unit to the Maintenance Fund for each TPS estate, which shall be able to meet the expenses of post-sale maintenance works, including repair and replacement of public facilities such as play equipment.

4. As at end-December 2018, HA holds about 24% of ownership shares in TPS estates. HA, as the owner of unsold flats in these estates, appoints representatives from the Housing Department (HD) to stand for elections in the MCs of the OCs. If elected, the representatives will take part in the management of the estates jointly with other MC members, including advising the OCs on day-to-day estate management, and the requirements of DMCs and relevant legislation. Also, HD's representatives encourage owners to put emphasis on the overall interests of the estates so as to safeguard the interests of all owners (including HA). They will also reflect the views of tenants of unsold flats on the management issues of estates' properties and public facilities to the OCs and PMCs, convey their maintenance requests, and encourage the OCs and PMCs to maintain communication with the tenants.

Yours sincerely,

(Original Signed)

(Jenny Y H CHAN)
for Secretary for Transport and Housing