

立法會
Legislative Council

LC Paper No. CB(2)1871/18-19

(These minutes have been
seen by the Administration)

Ref : CB2/PS/4/16

Panel on Development and Panel on Home Affairs

**Joint Subcommittee to Follow Up Issues Relating to the
Redevelopment, Maintenance and Management of Aged Buildings**

**Minutes of the third meeting
held on Monday, 24 June 2019, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon LAU Kwok-fan, MH (Chairman)
Hon KWOK Wai-keung, JP (Deputy Chairman)
Hon Claudia MO
Hon LEUNG Che-cheung, SBS, MH, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon LAM Cheuk-ting
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Hon Jeremy TAM Man-ho
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

Members absent : Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon CHAN Han-pan, BBS, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon SHIU Ka-chun
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP

Public Officers : Items I to II
attending

Miss Vega WONG, JP
Deputy Director of Home Affairs (2)
Home Affairs Department

Mr Alfred LEE
Assistant Director of Home Affairs (5)
Home Affairs Department

Mr Jack HO
Senior Administrative Officer (4)
Home Affairs Department

Clerk in : Ms Wendy JAN
attendance Chief Council Secretary (2) 4

Staff in : Mr Roger CHUNG
attendance Council Secretary (2) 4

Miss Alison HUI
Legislative Assistant (2) 4

Action

I. Work of the Home Affairs Department in building management and support measures for aged buildings
(LC Paper Nos. CB(2)1669/18-19(01) to (02))

The Joint Subcommittee deliberated (index of proceedings attached at **Annex**).

II. Support measures tailored for "three-nil" buildings provided by the Home Affairs Department
(LC Paper Nos. CB(2)1669/18-19(03) to (04))

2. The Joint Subcommittee deliberated (index of proceedings attached at **Annex**).

III. Any other business

3. There being no other business, the meeting ended at 12:26 pm.

Council Business Division 2
Legislative Council Secretariat
22 August 2019

**Proceedings of the third meeting of the
Joint Subcommittee to Follow Up Issues Relating to the
Redevelopment, Maintenance and Management of Aged Buildings
on Monday, 24 June 2019, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Work of the Home Affairs Department in building management and support measures for aged buildings</i>			
000526-002104	Chairman Administration	Briefing by the Administration on the work of the Home Affairs Department ("HAD") on building management, and the major features of HAD's support measures for building owners, including those provided for owners of aged buildings (LC Paper No. CB(2)1669/18-19(01)).	
002105-002549	Chairman Ir Dr LO Wai-kwok Administration	<p>Ir Dr LO Wai-kwok's concern that some elderly owners lacked the technical knowledge or financial resources to handle unauthorized building works in their buildings. His enquiry about whether HAD would provide dedicated support services for these owners.</p> <p>The Administration's response that:</p> <p>(a) HAD launched the Central Platform on Building Management ("Central Platform") to better assist owners of aged buildings who had received statutory notices under the Mandatory Building Inspection Scheme ("MBIS") and Mandatory Window Inspection Scheme ("MWIS"), repair orders issued by the Buildings Department ("BD") or Fire Safety Directions issued by the Fire Services Department and BD; and</p> <p>(b) regular briefing sessions were organized via the Central Platform, at which representatives from relevant government departments and organizations would provide information and introduce their services and schemes on building management and maintenance.</p>	
002550-003249	Chairman Mr Andrew WAN Administration	<p>Mr Andrew WAN's views that some staff members from HAD were unable to effectively assist owners' corporations ("OCs") in handling building management matters and legal issues at OC meetings, as they were not legal professionals. His enquiries regarding:</p> <p>(a) the manpower requirement and timetable for the provision of the Free Outreach Legal Service on Building Management ("FOLAS"); and</p> <p>(b) whether HAD would provide further legal support and financial assistance to OCs.</p>	

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		<p>The Administration's response that:</p> <ul style="list-style-type: none"> (a) HAD's staff members attending OC meetings upon invitation stood ready to give information about the Building Management Ordinance (Cap. 344) ("BMO"). However, they were not in a position to provide legal advice; (b) in collaboration with the Law Society of Hong Kong, HAD would launch FOLAS on a pilot basis for three years. FOLAS would be free for OCs. HAD would provide subsidy for lawyers to assist eligible OCs in conducting OC meetings and provide legal advice at those meetings. HAD would conduct a review of FOLAS after the three-year implementation period; and (c) HAD launched a two-year free pilot Building Management Dispute Resolution Service in April 2018, which was steered by retired Judges/Judicial Officers to assist relevant parties in identifying issues in building management disputes, exploring and generating options, with a view to reaching settlement of disputes. 	
003250-003923	Chairman Mr Wilson OR Administration	<p>Mr Wilson OR's views that the Administration had not provided adequate support services to address the needs of building owners, nor had it provided adequate training to enable frontline staff members to discharge their duties effectively. His enquiries regarding:</p> <ul style="list-style-type: none"> (a) the numbers of beneficiaries of various support measures provided by HAD for owners of aged buildings; (b) whether the Administration had studied the reasons behind the increase in the number of complaints involving disputes among OCs and owners; (c) how the Administration would encourage more professional organizations to provide assistance to owners on building management and maintenance matters; (d) whether the Administration would proactively provide OCs with information on the various schemes on building management; and (e) whether the Administration had collected owners' views on the support measures provided by HAD for aged buildings. <p>The Administration's response that:</p> <ul style="list-style-type: none"> (a) details of the numbers of beneficiaries of various support measures on building management provided by HAD were set out in the Administration's paper (LC Paper No. CB(2)1669/18-19(01)); 	

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		<p>(b) interviews were conducted with users and over 80% of them were generally satisfied with the relevant support measures provided by HAD in promoting more effective building management;</p> <p>(c) HAD had organized induction courses on the principles and practices of building management for newly-recruited Liaison Officers ("LOs"), and sharing sessions on the provisions of BMO and relevant court cases. HAD had also sponsored LOs to undertake master degree courses on building management;</p> <p>(d) HAD would further strengthen the training for LOs to encourage them to more proactively provide information to OCs; and</p> <p>(e) HAD had set up the Panel of Advisors on Building Management Disputes, which comprised professionals of various backgrounds, including lawyers, accountants, surveyors and property managers. In addition, HAD launched the Free Mediation Service Scheme for Building Management in collaboration with the Hong Kong Mediation Centre and the Hong Kong Mediation Council.</p>	
003924-004559	Chairman Mr Vincent CHENG Administration	<p>Mr Vincent CHENG's views that HAD might not possess adequate data related to MBIS and MWIS notices or Fire Safety Directions. Besides, HAD should capture statistics on the total number of beneficiaries of its support measures for owners of aged buildings so as to facilitate future planning. His enquiries regarding:</p> <p>(a) in view of the high turnover rate of LOs, whether HAD would increase the number of LOs and revamp the grade structure of the LO grade; and</p> <p>(b) whether HAD would enhance inter-departmental collaboration on the handling of building management matters.</p> <p>The Administration's response that:</p> <p>(a) there was an increase of approximately 20% in the manpower of LOs engaged in building management duties in the past four years. In the 2019-2020 financial year, the number of LOs engaged in building management duties would be increased from 138 to 144;</p> <p>(b) since the implementation of the Building Management Professional Advisory Service Scheme ("BMPASS") in November 2011, the property management companies ("PMCs") commissioned by HAD had reached out to about 3 800 buildings and made around 17 500 successful household visits. In this connection, 496 OCs had been formed/re-activated. PMCs had also assisted owners of 318 buildings to apply for various loan/subsidy schemes</p>	

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		<p>and owners of over 200 buildings to procure third party risks insurance;</p> <p>(c) over 4 000 Resident Liaison Ambassadors ("RLAs") had been recruited since the launch of the RLA Scheme; and</p> <p>(d) District Building Management Liaison Teams of HAD would refer building management issues to other relevant government departments for follow-up as appropriate. In addition, District Offices would coordinate with other government departments to provide necessary assistance to owners and OCs in need.</p>	
004600-005342	Chairman Mr LAM Cheuk-ting Administration	<p>Mr LAM Cheuk-ting's concern about the heavy workload and manpower shortage problem of LOs, as well as the inability of Temporary Community Organisers ("TCOs") of HAD to provide useful information on complicated building management matters during OC meetings. His suggestions that the Administration should strengthen the manpower of and the training to LOs.</p> <p>Mr LAM's enquiries regarding:</p> <p>(a) whether the Administration would provide financial assistance for owners to institute legal actions against OCs in case of building management disputes; and</p> <p>(b) the timetable for the Administration to introduce legislative amendments to BMO into the Legislative Council to improve the legal framework of building management.</p> <p>The Administration's response that:</p> <p>(a) HAD would equip LOs with the necessary knowledge and skills and would encourage them to provide information on building management matters during OC meetings;</p> <p>(b) around 70% of OC meetings were attended by LOs and the remaining 30% of OC meetings were attended by TCOs. More experienced LOs would attend OC meetings to assist relevant parties in resolving potential building management disputes;</p> <p>(c) the Legal Aid Services Council ("LASC") had conducted a review on, among others, whether the scope of the Supplementary Legal Aid Scheme should be expanded to cover claims against OCs of multi-storey buildings and reported to the Panel on Administration of Justice and Legal Services in April 2017. LASC would revisit the matter in the current review; and</p> <p>(d) HAD was consulting relevant Bureaux/Departments on the legal aspects of the various proposals in connection with the review of BMO as presented to the Panel on Home Affairs ("the Panel") in November 2017. HAD aimed to</p>	

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		<p>report the progress to the Panel in the latter half of 2019. In view of the time required for drafting the legislative amendments, HAD had included relevant legislative proposals in the revised Codes of Practice issued under BMO and the administrative guidelines.</p>	
005343-005843	Chairman Mr Jeremy TAM Administration	<p>Mr Jeremy TAM's concern that some LOs were unable to provide useful advice to owners on building management matters. His enquiry about the training provided to LOs in this regard. His suggestion that the Administration should draw up a list of frequently asked questions on building management and maintenance matters, and provide a platform for LOs to share their experience in discharging their building management duties.</p> <p>The Administration's response that HAD provided induction courses, training programmes and briefing sessions for LOs from time to time. HAD also engaged tertiary institutes to provide training courses for LOs responsible for building management duties. Besides, a list of frequently asked questions on building management had been made available to LOs.</p>	
005844-010336	Chairman Administration	<p>The Chairman's views that the performance of LOs was not up to owners' expectation and it was perceived that they were not able to proactively provide useful information to owners, such as the procedures for holding OC meetings. His suggestion that a specialized stream on building management should be created for the LO grade with a view to providing professional advice and assistance to owners and OCs in a timely manner.</p> <p>The Administration's response that:</p> <p>(a) LOs rendered assistance such as providing information on the requirements under BMO regarding the operation of OCs during OC meetings. They would recommend OCs to seek independent legal advice in case of disputes; and</p> <p>(b) the major job functions of the LO grade included building management, community building and networking, rural affairs, etc. LOs would be posted to take up different duties in various districts. The experience gained in these posts was conducive to the effective delivery of their duties in promoting proper building management.</p>	
010337-010744	Chairman Ir Dr LO Wai-kwok Administration	<p>Ir Dr LO Wai-kwok's dissatisfaction with the Administration's response to his enquiry about whether HAD would provide dedicated support services for elderly owners in handling unauthorized building works in their buildings.</p> <p>The Administration's response that HAD had set up the Panel of Advisors on Building Management Disputes to provide free professional advice to help owners resolve complicated building management disputes, including clarifying the responsibility in handling unauthorized building works in the</p>	

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		common areas of a building.	
<i>Agenda item II – Support measures tailored for "three-nil" buildings provided by the Home Affairs Department</i>			
010745-012113	Chairman Administration	Briefing by the Administration on the support measures provided by HAD for "three-nil" buildings (LC Paper No. CB(2)1699/18-19(03)).	
012114-012910	Chairman Mr Vincent CHENG Administration	<p>Mr Vincent CHENG's enquiries and views regarding:</p> <ul style="list-style-type: none"> (a) the effectiveness of BMPASS; (b) whether the Administration would enhance BMPASS and provide more incentives to encourage owners to form OCs; (c) the Administration should enhance its support services to assist owners of "three-nil" buildings in improving the environmental hygiene and fire safety of their buildings; and (d) in the light of the poor environmental hygiene conditions of some aged buildings, the Administration should provide one-off assistance to the owners therein to improve the hygiene condition. <p>The Administration's response that:</p> <ul style="list-style-type: none"> (a) BMPASS had generally been well-received by the owners of the target buildings and relevant members of the community. They considered that the Scheme had assisted owners of aged buildings in improving building management, living environment and building safety. Around 500 OCs had been formed/re-activated since the implementation of BMPASS in November 2011. In addition, the number of "three-nil" buildings had decreased gradually over the years, from about 6 600 in mid-2011 to about 5 300 in March 2019; (b) under BMPASS, PMCs acted as a bridge of communication between the Government and owners in "three-nil" buildings. For example, PMCs had assisted the Food and Environmental Hygiene Department in disseminating anti-mosquito and anti-rodent messages to OCs and RLAs, and drawing their attention to the importance of implementing anti-mosquito and anti-rodent measures; (c) HAD would review BMPASS and consider its way forward after the implementation of the third phase of the scheme; (d) some District Offices had provided one-off cleaning services to some "three-nil" buildings under the "District-led Actions Scheme", with a view to demonstrating the effectiveness of good building 	

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		<p>management and incentivizing residents' participation in building management related activities. In 2018 and 2019, about 300 aged buildings had benefited/would benefit from such one-off cleaning services; and</p> <p>(e) the Administration had launched a cleaning campaign across the territory to enhance public awareness and promote concerted efforts to improve environmental hygiene.</p>	
012911-013819	Chairman Administration	<p>The Chairman's concern about the small number of OCs formed/re-activated under BMPASS. His enquiries about:</p> <p>(a) whether the Administration would provide more incentives to encourage owners to form OCs;</p> <p>(b) whether the Administration would roll out more pilot schemes and provide support to demonstrate the benefits of forming OCs; and</p> <p>(c) whether the Secretary for Home Affairs (as the Authority of the BMO) would invoke sections 40B or 40C of BMO to order owners to appoint building management agents to manage their buildings.</p> <p>The Administration's response that:</p> <p>(a) it would continue to encourage owners to form OCs. In some buildings, owners might opt to form other types of owners' organizations, including owners' committees, mutual aid committees or residents' associations, having regard to their specific needs and preferences and the actual circumstances of the buildings;</p> <p>(b) to assist owners in better fulfilling the responsibilities in managing their buildings, the Administration would continue to provide assistance through the "District-led Actions Scheme" to improve the conditions of their buildings with a view to demonstrating the effectiveness of good building management;</p> <p>(c) the formation of OCs was one of the prerequisites for applying for certain financial assistance schemes offered by other Bureaux/Departments. The Administration considered that these schemes would provide extra incentives for the formation of OCs;</p> <p>(d) the threshold of invoking sections 40B and 40C of the BMO was high. To invoke the sections, it had to be established, among others, that there was a danger or risk of danger to the occupiers or owners of the building; and</p> <p>(e) it had proposed to remove the requirement of "danger or risk of danger to the occupiers or owners of the building" from section 40B of BMO to allow the Authority to</p>	

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		promptly deal with the situation where the MC of a building had failed substantially to perform the building management duties.	
<i>Agenda item III - Any other business</i>			
013820-013825	Chairman	Closing remarks	

Council Business Division 2
Legislative Council Secretariat
22 August 2019