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Panel on Development and Panel on Home Affairs

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

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 24 June 2019**

**Work of the Home Affairs Department in building management
and support measures for aged buildings**

Purpose

This paper gives a brief account of past discussions of the Panel on Home Affairs ("the Panel") on the work of the Home Affairs Department ("HAD") in building management and support measures for aged buildings.

Background

2 According to the Administration, HAD is responsible for promoting effective building management in private multi-storey buildings, assisting in the formation of owners' corporations ("OCs") and tackling management problems in such buildings. District Offices ("DOs") under HAD render advice to owners on building management matters, including the formation and operation of OCs under the Building Management Ordinance (Cap. 344) ("BMO"), as well as guidance on financial management, procurement of supplies, goods and services, etc.

3 DOs also handle enquiries and complaints relating to building management and help owners to resolve disputes among themselves in a constructive spirit. To provide outreach services and support for owners, HAD has set up District Building Management Liaison Teams ("DBMLTs") comprising Liaison Officers ("LOs") in the 18 DOs. DOs help refer owners in need to the Property Management Advisory Centres of the Hong Kong Housing Society for free appointments with professionals such as lawyers, surveyors and

housing managers.

4 To strengthen the support for owners of private buildings on building management and maintenance, HAD has since 2011 introduced a number of support services, with a view to enhancing their capability in dealing with daily building management issues and fostering a culture of building care. The key support services include:

- (a) Building Management Professional Advisory Service Scheme;
- (b) Resident Liaison Ambassador Scheme;
- (c) Subsidy for Owners' Corporations of Old Buildings under the Community Care Fund;
- (d) Free Mediation Service Scheme for Building Management;
- (e) Free Legal Advice Service on Building Management;
- (f) Panel of Advisors on Building Management Disputes;
- (g) Building Management Dispute Resolution Service;
- (h) Pre-Meeting Advisory Service for Owners' Corporations;
- (i) Pilot Scheme on Advisory Services to Owners' Corporations; and
- (j) Central Platform on Building Management.

Deliberations by members since the Fifth Legislative Council

5 At the Panel meeting on 28 May 2013, the Administration briefed members on the various building management initiatives implemented by HAD. The major deliberations are summarized in the ensuing paragraphs.

Assistance to owners' corporations and owners

6 Some members were of the view that, as OCs would not be granted legal aid, this had often deterred them from taking legal action against other parties concerned, e.g. large property management companies ("PMCs"), in case of building management disputes. They suggested that the Administration should consider setting up a trust fund to provide financial assistance to eligible OCs and owners in this regard. The Administration responded that it stood ready to provide assistance in arranging meetings with relevant stakeholders, such as PMCs, to discuss further improvements to building management services.

7 Members urged the Administration to enhance its support for owners of old single tenement buildings, who had difficulty in forming OCs or who lacked the knowledge and resources for maintaining their buildings. They also criticized the Administration for not providing adequate follow-up support to OCs after their formation.

8 The Administration advised that HAD implemented the Building Management Professional Advisory Service Scheme, which provided one-stop professional advisory and support to owners of buildings in preparing management audit reports for the fire services, electrical and other common facilities of the participating buildings, assisting them in forming OCs, applying for various subsidies or loan schemes, and following up on the maintenance works and matters relating to tenders. Structured training courses were also provided by tertiary institutions for members of management committees of OCs to enhance their knowledge and capabilities in building management.

9 Some members suggested that other than the "Smart Tender" Building Rehabilitation Facilitating Services of the Urban Renewal Authority, HAD should implement measures to raise owners' awareness of price collusion (commonly known as "bid-rigging"). The Administration advised that HAD provided various support services to owners and OCs in relation to building management to raise their awareness and help settle disputes, with a view to reducing opportunities for bid-rigging.

Role of the Home Affairs Department in dealing with building management disputes

10 Members considered that HAD should approach OCs regularly to identify potential problems and conflicts in their daily operation and offer them the required assistance, instead of passively providing mediation service after disputes had arisen. For example, HAD staff should attend meetings of OCs at least once a month. These members enquired about the legal assistance rendered by the Administration for handling such disputes, and its position on the introduction of a mediation mechanism for dealing with building management cases.

11 The Administration explained that conflicts in building management were often caused by a lack of communication among stakeholders (such as owners, tenants, OCs or other forms of residents' associations and PMCs), inadequate professional knowledge, limited organizing skills or lack of resources. The Government's policy had always been giving impetus to owners and residents' associations so that they could promote and foster the spirit of neighbours helping out one another. DOs under HAD would assist owners to manage their buildings by providing them with advice and assistance on building management matters. DOs' work included advising and assisting owners on the procedures of the formation of an OC and, after its formation, attending OC meetings upon invitation to provide advice and support on the operation of an OC. Besides, DOs also handled enquiries and complaints relating to building management and acted as a mediator to help resolve disputes among owners, OCs and PMCs.

Role and manpower of the District Building Management Liaison Teams

12. Members considered that the Administration should strengthen the role of and allocate more resources to increase the manpower of LOs, with a view to providing better support to owners in discharging their building management responsibilities.

13. The Administration advised that it had all along been assisting property owners to discharge their building management responsibilities through multi-pronged measures. LOs of DBMLTs in DOs made regular visits to all private buildings in Hong Kong to encourage owners of buildings that had not yet formed OCs to form OCs, and attended meetings upon invitation to advise owners on the procedures on OC formation. In 2019-2020, the number of LOs engaged in building management duties would increase from 138 to 144.

14. In response to members' view that LOs did not possess sufficient knowledge of BMO, the Administration advised that to equip LOs with the professional knowledge in discharging their building management duties effectively, HAD provided training programmes and briefing sessions for them on a regular and need basis. These included induction courses on the principles and practices of building management for newly-recruited LOs, as well as workshops and theme-talks on the provisions of BMO and judgments of related court cases for more experienced LOs. HAD had engaged a tertiary institute to provide tailor-made training courses for LOs responsible for building management duties, specially focusing on the legal aspect of multi-storey building management.

Relevant papers

15. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

**Relevant papers on
work of the Home Affairs Department in building management
and support measures for aged buildings**

Committee	Date of meeting	Paper
Panel on Home Affairs	28 May 2013 (Item V)	Agenda Minutes
	27 September 2018*	Letter from Director of Home Affairs on launch of Central Platform on Building Management by Home Affairs Department (LC Paper No. CB(2)2033/17-18(01))
Finance Committee	10 April 2019	Administration's replies to members' written questions in examining the Estimates of Expenditure 2019-2020 (Pages 344-346, 379-381, 388-390 and 400-404)

* Issue date

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