

**Minutes of the 11th Meeting of
Housing and Building Management Committee
Yau Tsim Mong District Council (2012-2015)**

Date: 27 March 2014 (Thursday)
Time: 2:30 p.m.
Venue: Yau Tsim Mong District Council Conference Room
4/F., Mong Kok Government Offices
30 Luen Wan Street
Mong Kok, Kowloon

Present:

Chairman

Mr CHONG Wing-charn, Francis

Vice-chairman

Ms Kwan Sau-ling

District Council Members

Mr CHUNG Kong-mo, JP	Mr HUI Tak-leung
Ms KO Po-ling, BBS, MH, JP	Mr LAU Pak-kei
Mr CHAN Wai-keung	Mr WONG Chung, John
Mr CHOI Siu-fung, Benjamin	Mr WONG Kin-san
Mr HAU Wing-cheong, BBS, MH	Ms WONG Shu-ming

Co-opted Members

Mr CHING Man-tai, Benny MH	Mr LEUNG Hang-fai
Mr CHIN Chun-wing	Mr LEE Chung-ming

Representatives of the Government

Mr CHU Yu-tin	Senior Structural Engineer/F2	Buildings Department
Ms TSO Pui-hing, Tammy	Housing Manager/Kowloon West 3	Housing Department
Mr CHAN Chi-ching, Thomas	Senior Liaison Officer (Building Management) Yau Tsim Mong District Office	Home Affairs Department

Secretary

Ms KWAN Ming-wai, Vivian	Executive Officer (District Council) 2 Yau Tsim Mong District Office	Home Affairs Department
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In Attendance:

Mr POON Yui-chau, William	Senior Professional Officer/Signboard Control	Buildings Department
Mr CHAN Sau-kwong	Acting Divisional Officer (Building Improvement) 2	Fire Services Department
Mr TANG Wing-wah	Assistant Divisional Officer (Building	Fire Services Department

Absent:

Mr HO Fei-chi, Stephen Co-opted Member

Opening Remarks

The Chairman welcomed all to the meeting of the 11th Housing and Building Management Committee (“HBMC”). He reported that Mr Stephen HO was absent due to other commitments.

2. The Chairman proposed that Members who had submitted papers be given two minutes to make supplementary remarks, and that each Member be allowed to speak twice on each item: three minutes for the first time and two minutes for the second time. There was no objection.

Item 1: Confirmation of Minutes of Last Meeting

3. Minutes of the last meeting were confirmed without amendment.

**Item 2: Progress Report on Handling of Signboards in Yau Tsim Mong District by Buildings Department
(YTMHBMC Paper No. 4/2014)**

4. The Chairman said that the progress report submitted by the Buildings Department (“BD”) had been distributed by email to Members for perusal before the meeting. He then welcomed Mr William POON, the Senior Professional Officer/Signboard Control of the BD.

5. The Chairman enquired that among the 28 000 illegal signboards, how many of them had posed danger and should be removed immediately.

6. Mr William POON briefly introduced the contents of the progress report. He said that if BD’s staff came across signboards with immediate danger during inspections, they would arrange government contractors to remove them.

7. The Vice-chairman said that with the efforts of the BD, the number of dangerous and abandoned signboards in the district had decreased sharply in 2011 and 2012. She hoped that the BD could remove the dangerous signboards as soon as possible to prevent them from falling and causing injuries to passers-by. Moreover, she said that the safety of those newly-built signboards were also worthy of our attention. She also stated that she had repeatedly asked the BD to monitor the large signboards in the district but the department had not taken any follow-up action so far.

8. Mr CHAN Wai-keung was concerned about how the BD would handle signboards posing no immediate danger. He also enquired whether the BD would issue “Dangerous Structure Removal Notice” (“Notice”) to the owners’ corporations (OCs) or private property owners if the owners of the abandoned signboards could not be identified. He reckoned that if the persons receiving the Notice were not the signboard owners, they might simply ignore it. The BD might have to handle those dangerous signboards later, thus facing greater difficulties and higher costs.

9. Mr William POON stated that the Notice would be issued to the signboard owners, not to the OCs or private property owners. If the deadline prescribed by the Notice had expired but nobody handled the signboards concerned, the BD would take the initiative to remove the dangerous signboards when necessary to eliminate the immediate or potential danger they posed to the public.

(Mr HUI Tak-leung joined the meeting at 2:40 p.m.)

10. The Chairman said that BD’s staff should take the initiative to carry out inspections and use their expertise to determine whether a signboard would pose danger or not. If signboards requiring immediate action were identified, the BD should handle them as soon as possible, not to wait until reports were received from the public.

11. Mr William POON said that the BD had worked out a comprehensive plan for the monitoring of signboards. He added that every year the BD would commission a consultant to carry out inspections in districts with a larger number of signboards. The consultant would inform the Police immediately if any abandoned signboard was found to be dangerous.

12. The Chairman said that Mr HUI Tak-leung had just informed the Secretariat of his application to join the HBMC this year. The Chairman then welcomed Mr HUI to the HBMC meeting.

13. Mr CHUNG Kong-mo said that the HBMC was very concerned about the progress of unauthorised signboard cases handled by the Authority in this district. As there was a large number of signboards in the district, Members worried that dangerous signboards which had not been removed promptly might fall down and cause accidents. He prodded the BD to handle dangerous signboards seriously. He also pointed out that some signboards might hurt passers-by if they were hanged too low. He hoped that the BD could pay attention to this situation and made improvement on it.

14. Mr John WONG asked whether the BD had any specific plans to speed up the removal of dangerous signboards in the district.

15. The Vice-chairman would like to know if there were any restrictions on the vertical clearance for signboards hanging on the roadside. She said that people might have their head bumped into these signboards when they walked under them.

(Mr HAU Wing-cheong and Mr Benjamin CHOI joined the meeting at 2:50 p.m.)

16. The Chairman said that according to the progress report of the BD, there were 28 000 illegal signboards in the district, including the ones with and without immediate danger. He wanted to know if the BD’s consultant reported the number of these two types of signboards

separately when carrying out inspections in the district.

(Mr CHIN Chun-wing joined the meeting at 2:52 p.m.)

17. Mr William POON responded as follows:

- (i) The consultant would carry out inspections at different time slots. When signboards with immediate danger were identified, it would call the Police immediately. The BD did not have any breakdown regarding the reports submitted by the consultant on abandoned signboards with and without immediate danger.
- (ii) Among those 28 000 signboards, most of them were of relatively smaller size and lower potential risks. Under the “Validation Scheme for Unauthorised Signboards”, owners of unauthorised signboards might submit information of their signboards to the BD for safety validation. Unauthorised signboards that have been validated could be retained for use. However, they were subject to safety validation every five years or else they would be removed.
- (iii) Signboards hanging too low over pedestrian walkways were not qualified for safety validation under the Scheme. Since these signboards could easily inflict injuries to passers-by and cause danger to the public, the BD would issue Notice to the owners concerned, requiring them to remove those signboards.

18. Mr Benny CHING said that the Government should have a well-established mechanism to handle signboards already existed, under construction and newly erected. He pointed out that the number of signboards under construction and newly erected was ever-increasing. The Government should devote resources and be resolute to handle these signboards. He proposed that the Government should stiffen the penalty for erecting illegal signboards. He also said that the OCs faced many difficulties when removing signboards within the areas of the buildings, including the high insurance fees and the complicated application procedures for road closure.

19. Mr CHUNG Kong-mo reckoned that the minimum vertical clearance of a signboard should be 3.5 metres. He wanted to know whether signboards with a lower vertical clearance would be classified as illegal signboards. If yes, he hoped that the BD would handle signboards which were hanging too close to the ground as soon as possible, especially those hanging less than 2.5 metres from the ground. He continued to say that as the rainy season was approaching, the umbrellas held up by passers-by might hit those signboards when they walked under them and got hurt. He proposed that the BD should count the number of signboards hanging too low and order the owners to remove them as soon as possible.

20. Mr William POON responded as follows:

- (i) If any person contravened the Building Ordinance by erecting a signboard at the external wall of a building, the BD would follow the current enforcement policy against unauthorised building works (“UBWs”) and issue removal orders to these signboard owners. If they failed to comply, the BD would remove the signboards first and then recover the costs from the owners as

appropriate. He said that the BD had different measures in store to enhance the deterrent effect on the erection of illegal signboards.

- (ii) If OCs wanted to apply for road closure for signboard removals within the area of their buildings, they could contact relevant departments such as the Transport Department, the Police and the District Office for application details.
- (iii) According to the current enforcement policy, illegal projecting signboards with a vertical clearance of less than 3.5 metres from pedestrian walkways were subject to enforcement action. The BD would issue removal order to those illegal signboards in accordance with the procedures. As for the proposal to speed up the handling of this type of signboards, the BD had to explore the feasibility of such proposal including counting the number of this type of signboards and evaluating the hazard level of signboards with different vertical clearances.

21. There being no further comments, the Chairman thanked the representative of government departments for attending the meeting and closed the discussion on this item.

Item 3: To Request Housing Department to Reintroduce Rent or Buy Option Scheme in Hoi Fu Court
(YTMHBMC Paper No. 5/2014)

22. The Chairman welcomed Ms Tammy TSO, the Housing Manager/Kowloon West 3 of the Housing Department (“HD”) to the meeting.

23. Mr CHAN Wai-keung supplemented the contents of the paper.

24. Ms Tammy TSO responded as follows:

- (i) The Buy or Rent Option (“BRO”) were one of the subsidised home ownership schemes launched by the Hong Kong Housing Authority (“HA”) in 1991 to allow prospective public rental tenants to buy newly built public rental housing (PRH) flats at discounted prices without entering the interim stage of public rental housing. The targets of the BRO were applicants on the Waiting List of PRH who were due for allocation. Besides, it was also applicable to tenants affected by redevelopment or estate clearance as well as junior civil servants eligible for the Civil Service Public Housing Quota Scheme. Under the BRO, the HA would provide a maximum mortgage subsidy of \$162,000 payable to them on a monthly basis over a period of 6 years.
- (ii) The Hoi Ning House of the Hoi Fu Court was put to the market under the BRO. However following the moratorium on the sale of Home Ownership Scheme (“HOS”) flats in 2002, the BRO had been put on hold. If the PRH tenants of Hoi Fu Court wanted to buy a flat, they could consider HOS ones available in the private market with premium not yet paid.
- (iii) The Government hoped that the average waiting time for applicants on the Waiting List (not including non-elderly one-person applicants) could be

maintained at about three years in general so as to provide PRH to low-income families which were unable to afford private rental accommodation.

- (iv) PRH flats recovered by the HD were an important source of PRH supply. If PRH flats were sold to tenants, the supply of recovered PRH flats as well as the target to maintain the three-year average waiting time for applicants on the Waiting List would be affected. Therefore, the Government would not consider resuming the sale of PRH flats and re-launching the BRO at this stage.
- (v) The Government would provide about 17 000 new flats in total under the Home Ownership Scheme in four years starting from 2016/17 for purchase of the public.

(Mr Benjamin CHOI left the meeting at 3:25 p.m.)

25. Ms KO Po-ling said that there were a number of options under the long-term housing policy study to help address different housing needs of the public. She reckoned that the BRO was one of the options which warranted re-consideration and hoped that the Government could make the flats of Hoi Fu Court the first batch of BRO flats. She continued to say that the residents of Hoi Fu Court had got familiarised with that district. They would have to move out and adapt to a new environment if they wanted to buy a flat because their PRH flats would not be available for sale.

26. The Vice-chairman said that since there was a dearth of supply of different types of flats in the housing market at present, the Government should consider re-launching the BRO so that better-off PRH tenants could buy the flats they were living in.

27. Mr HAU Wing-cheong understood that the Government had rolled out different housing policies to help the public solve the housing problem. However, he still hoped that the Government could consider putting the Hoi Fu Court on sale so that the residents did not have to move to other districts in case they wanted to buy a flat.

28. Ms Tammy TSO reiterated that the Government would not consider resuming the sale of PRH flats and re-launching the BRO at this stage. She said that the Government would strike a balance between the supply of PRH flats and the needs of homebuyers. She would reflect Members' views to the HD.

29. There being no further comments, the Chairman thanked the representative of government department and closed the discussion on this item.

**Item 4: What Can Be Done When Insurance Companies Refuse to Renew Third Party Risks Insurance Policies for Owners' Corporations ("OCs")?
Concern over Implementation of Mandatory Procurement of Third Party Risks Insurance by OCs.
(YTMHBMC Paper No. 6/2014)**

30. The Chairman said that the written responses (Annex 1 to 4) of the Home Affairs Department ("HAD"), the Yau Tsim Mong District Office ("YTMDO"), the Office of the

Commissioner of Insurance (“OCI”) and the Hong Kong Federation of Insurers (“HKFI”) were placed on the table for Members’ reference. He then welcomed Mr Thomas CHAN, Senior Liaison Officer (Building Management) of the YTMDO to the meeting in the department’s stead.

31. Mr WONG Kin-san would like to know why the written responses had to be placed on the table instead of sending them to Members by email before meeting for their perusal.

32. Ms Vivian KWAN indicated that according to the guidelines on the distribution of written responses of government departments, government departments had to submit their written responses to the Secretariat at or before 12 a.m. on Monday of the week the meeting was held for distribution. Late submission would only be placed on the table before meeting for attendees’ reference. She continued to say that any new arrangements for distribution of written responses worked out after Members’ review on HBMC’s current arrangements had to be implemented at the meetings of the DC as well as its Committees and Working Groups.

33. The Chairman said that to enable Members to get the written responses before the meeting and make preparation earlier, he proposed that the Secretariat should review HBMC’s current arrangements for the distribution of written responses of government departments. There was no objection.

34. Mr WONG Kin-san supplemented the contents of the paper.

35. Mr HUI Tak-leung was dissatisfied that other government departments and organisations invited had failed to send representatives to the meeting except the DO. He reckoned that since the issue was policy-related, high-ranked officers of the Home Affairs Bureau and the Home Affairs Department (“HAD”) should attend the meeting and answer enquiries. He said that the Director of Home Affairs had once said at a radio programme that any OCs in need could procure third party risks insurance policy through Shui On Properties Management Limited under the Building Management Professional Advisory Service Scheme (“BMPASS”). However, many OCs had still been turned away or declined renewal of their insurance policies. In view of this, the HAD should review the mandatory requirement for OCs to procure third party risks insurance policy. Besides, he demanded explanation from the HAD on how they would deal with buildings without OC. He also asked the department to send officers of higher ranking to attend HBMC’s meeting and discuss with Members on how to review the existing legislation concerned.

36. Mr CHUNG Kong-mo said that the legislative requirements for an OC to procure third party risks insurance policy aimed at safeguarding the interests of private property owners. If bodily injury to and/or the death of a third party occurred due to negligence of the building management, the insurance company would provide indemnity for compensation and associated legal costs against the insured. The private property owners concerned did not have to pay for the huge amount of compensation. However, private property owners had faced difficulties when procuring third party risks insurance policy. According to the written response of the HAD, only 148 OCs in Hong Kong had failed to procure the insurance as at January 2014. 48 of them came from the YTM District. He asked the DO to explain the figure concerned and would like to know how the HAD would help these OCs to procure the insurance.

37. The Vice-chairman casted doubt on the figure provided by the HAD. She reckoned that the information was incomplete as the figure only covered buildings with OC but failed to procure insurance, those with newly established OC as well as buildings which were declined renewal of their insurance policies were not included. She continued to say that some OCs had asked for her assistance after their renewals of insurance were declined owing to the fact that they were unable to comply with the fire safety compliance orders issued by government departments in accordance with the Fire Safety (Buildings) Ordinance (Cap. 572). She suggested that the Government should provide surety for buildings with difficulties procuring insurance to increase their chances of successful procurement. She also said that it was not a legal requirement for “three-nil” buildings (buildings with no OC, residents’ organisation and property management company) to procure third party risks insurance policy. She had reservation on HAD’s viewpoint that if insurance could not be procured after every effort had been expended, the owners could use this as a defence. She held that the owners could not be fully protected because if somebody had an accident within the building area, they still had to share the compensation amount incurred.

38. Mr HAU Wing-cheong indicated that many OCs in the district had failed to procure insurance. He said that a court case in which property owners had to shoulder huge compensation for a worker having accident during building maintenance works had prompted the Government to revise the Building Management Ordinance, stipulating that OCs must procure third party risks insurance policy. In response, the HAD encouraged buildings to set up OC and procure the insurance as soon as possible. However, since many buildings had received repair orders issued by different government departments, improvement works had to be carried out first before insurance could be procured successfully. And there were many stumbling blocks facing these buildings in their maintenance works. He continued to say that some OC members would like to quit for they feared that if their building could not be insured, they might be made liable personally for bodily injuries or deaths of a third party. The difficulties faced by the “three-nil” buildings were even greater. In view of this, the HAD should review the existing legislation.

39. Ms WONG Shu-ming proposed that parties which had submitted written response be invited to send their representatives to the next meeting to discuss this item.

40. Mr Thomas CHAN said that the DO had been closely liaising with the HAD. Meetings were also held with the HAD regularly to review the situation. He tried to address the enquiries raised by Members as follows:

- (i) Time was needed for newly established OCs to conduct routine work and procure insurance, so the figure provided in the paper only referred to buildings which had set up OC before the commencement of the Ordinance but failed to procure third party risks insurance policy successfully. The figure concerned excluded buildings which were acquired, redeveloped or with all their OC members unaccounted for. He explained that more often than not, OCs were established because property owners had to carry out building maintenance works under repair orders. The OCs concerned needed time to make preparation and carry out maintenance work. Generally speaking, newly established OCs would be subsidised by the HA or the Urban Renewal Authority (“URA”) for the procurement of third party risks insurance policy. The difficulties faced by them were relatively smaller and their chance of getting insured was much greater after the maintenance works was completed.

- (ii) Before the commencement of the Ordinance, there were about 200 OCs in the YTM District which had not yet procured any third party risks insurance policy. After years of work of OC members and the department, the number had dropped dramatically to 48. However, this figure did not include buildings awaiting acquisition or redevelopment as well as buildings with most of the OC members quitted their posts.
- (iii) The four reasons why OCs failed to procure third party risks insurance policy were: (1) the OC could no longer function properly; (2) the building had been served a maintenance order or was under maintenance so that the OC could only procure insurance after the works was completed; (3) the OC or owners had financial difficulties; and (4) insurance agents were unwilling to provide insurance coverage or asked for a very high premium due to some building conditions (for example the building was derelict or had too many UBWs). Other reasons included fund-raising problem, tepid owners, uncooperative OC members, buildings were acquired or ready for redeveloped etc.
- (iv) The Ordinance had clearly stipulated that if the offence of not procuring third party risks insurance was committed without the consent or connivance of the OC members; and the members had exercised all such due diligence to prevent the commission of the offence as he ought to have exercised in the circumstances, they could use this as a defence. He hoped that OC members could contact the DO if great effort had been expended in the procurement of third party risks insurance policy but still failed to get one. The officers of the DO would carefully analyse the situation and propose feasible and necessary measures for their adoption with a view to indicating that they had exercised all such due diligence to prevent the commission of the offence and the offence was not committed with their consent or connivance. The DO would document the efforts of the OC members.

41. Mr Benny CHING conceived that insurance practitioners should be invited to the meeting so that Members could enquire directly for the reasons why some buildings had failed to procure or renew third party risks insurance policy. He said that many private property owners previously living in those old or “three-nil” buildings had already moved out. Most of the people living there were tenants only. These buildings, together with those unable to carry out maintenance works according to the repair orders, were usually hard to procure or renew insurance policy successfully.

42. Mr WONG Kin-san opined that the discussion of this item should be continued at the next meeting, and relevant parties should be invited to the meeting to answer the questions raised by Members.

43. Ms KO Po-ling agreed to invite once again relevant parties to the meeting to continue the discussion on this item. She said that the item could be submitted to the meeting of the District Council for discussion if necessary.

44. Mr HUI Tak-leung agreed that the discussion of this item should be continued at the next meeting. He said that OCs had to face various problems when procuring insurance from insurance agents, for example the maintenance works was too complicated; the repair orders

could not be revoked since the OCs concerned had failed to reach the standards set by the enforcement departments etc. Even with the assistance of property management companies from the BMPASS, some of these cases were still declined by insurance agents. Because of this, some OCs were unable to procure an insurance policy. He pointed out that the Ordinance concerned had been implemented for several years, the Government should review its effectiveness and offer help to private property owners with difficulties in insurance procurement.

45. Mr CHUNG Kong-mo agreed that the discussion of this item should be continued at the next meeting. As for the proposal to submit the item for DC's discussion, he reckoned that the parties invited should attach importance to the meetings, be that DC or Committee ones. The level of the meeting should not be taken as the sole factor when they decided whether to attend the meeting or not. He proposed that the District Officer (Yau Tsim Mong) should contact the HAD and the Director of Home Affairs would then invite directly relevant parties (in particular the HKFI) to attend the YTMDO meetings or its Committee meetings to discuss the third party insurance issue.

46. Mr Thomas CHAN added that the HAD was always concerned about the problem of old buildings. Three schemes had been rolled out to help OCs or owners directly or indirectly to procure third party risks insurance policy including the BMPASS, the Community Care Fund - Subsidy for Owners' Corporations of Old Buildings ("SOCOB") and the "AP Easy" Building Maintenance Advisory Service Scheme ("AP Easy"). Through the provision of free professional advices and follow-up services on building management by property management companies engaged by the Government, the BMPASS enabled property owners of old buildings to have better understanding of their responsibilities to manage their own properties and solve the building dilapidation problem with a view to enhancing living quality. The management companies would also assist the owners to apply for various subsidy schemes. The SOCOB would provide subsidy on an accountable basis in respect of each stipulated item, including the premium of third party insurance. The "AP Easy" would provide professional advice to OCs intended to carry out large-scale building maintenance works without the support of property management companies so that they could carry out the works. With the improvements on the building conditions, the OC concerned would be much easier to procure third party insurance policy successfully. He also said that the HAD had set up a Review Committee on the Building Management Ordinance to review and improve the contents of the Ordinance. He continued to say that according to DO's records, they had referred three cases through the HAD to the HKFI/OCI. With the assistance provided, two of the OCs had succeeded in procuring third party risks insurance policy.

47. The Chairman agreed that the discussion of this item should be continued at the next meeting and asked the Secretariat to issued letters to invite representatives of the HAB, the HAD, the OCI and the HKFI to attend the next meeting. There was no objection to this. He then thanked the representatives from government departments for joining the meeting and closed the discussion on this item

(Post-meeting notes: The Chairman issued a letter to the HAB, the HAD, the OCI and the HKFI under the name of the HBMC on 24 April 2014 to relay Members' demands (Annex 5-8).)

Item 5: Urging Stronger Support for Old Buildings to Facilitate Residents' Compliance with Orders Issued Under Fire Safety (Buildings) Ordinance (Cap. 572) (YTMHBMC Paper No. 7/2014)

48. The Chairman said that the written responses of the YTMDO and the BD (Annex 9 and 10) were placed on the table for Members' reference. He then welcomed:

- (i) Mr CHAN Sau-kwong, Acting Divisional Officer (Building Improvement) 2 and Mr TANG Wing-wah, Assistant Divisional Officer (Building Improvement) 2 of the Fire Services Department ("FSD");
- (ii) Mr LEE Wai-hou, Truman, Senior Building Surveyor/Fire Safety 5 and Mr CHU Yu-tin, Senior Structural Engineer/F2 of the BD; and
- (iii) Mr Thomas CHAN, Senior Liaison Officer (Building Management) of DO, HAD.

49. Mr LAU Pak-kei supplemented the contents of the paper.

50. Mr HUI Tak-leung said that due to various reasons, many private property owners in the district had failed to comply with the "Fire Safety Directions" issued by government departments in accordance with the Fire Safety (Buildings) Ordinance (Cap. 572) within a stipulated period of time. He hoped that the FSD and the BD could exercise discretion when handling these cases. He continued to say that when paying inspections to buildings, the Authority should take into account the actual conditions of the building structures and exempt some of them from installing roof tanks and staircase hose reels on a case-to-case basis. Besides, he asked the FSD and the BD to consider jointly enforcing the above Ordinance so that owners would not receive different orders at different time from two law enforcement agencies.

(Ms WONG Shu-ming and Mr WONG Kin-san left the meeting at 4 p.m.)

51. Mr CHAN Sau-kwong responded as follows:

- (i) In the past two years, private property owners/OCs of two buildings in the district had been prosecuted by the FSD for their failure to comply with the "Fire Safety Directions" issued under the Fire Safety (Buildings) Ordinance without reasonable excuse. The court had issued "Fire Safety Compliance Order" upon FSD's application, requiring the parties concerned to improve the fire safety standard of the building within a specific period of time.
- (ii) For buildings with no OC, the FSD would inform the relevant DO so that assistance could be provided to the owners concerned for the establishment of OCs. If these buildings failed to set up an OC, it would be more difficult for the owners to reach a consensus on how their buildings should be maintained. The coordination of the project works would become even more difficult.
- (iii) The FSD would take into account the actual progress of the improvement works for fire safety installations and equipment as well as the owners' justifications when considering applications for delay on a case-to-case basis so

that the owners could comply with the “Fire Safety Directions” within a reasonable timeframe.

- (iv) The Government had proactively offered financial support to owners with economic difficulties, for example, the “Building Maintenance Grant Scheme for Elderly Owners” and the “Integrated Building Maintenance Assistance Scheme”, to help private property owners to carry out building maintenance and repair works.
- (v) The owners could employ qualified professionals to inspect their buildings and evaluate what fire safety works were needed before carrying out maintenance and repair works. If they had problems when going over the inspection and evaluation reports, FSD’s case officers would readily offer assistance.
- (vi) The FSD would continue to closely liaise with relevant departments to actively provide assistance to owners. The department hoped that owners could comply with the “Fire Safety Directions” as far as possible.

(Mr HAU Wing-cheong, Mr CHAN Wai-keung and Mr HUI Tak-leung left the meeting at 4:05 p.m.)

52. Mr Truman LEE said that at present the Fire Safety (Buildings) Ordinance did not empower BD’s officers to upgrade fire safety installations and equipment as well as carry out fire safety construction works for the target buildings first and then recover the cost upon completion of the works. This type of projects aimed to enable the target buildings to reach current fire safety standards. It did not mean that these buildings posed imminent or obvious fire hazards. Feasible options and works arrangements (i.e. the place where the equipment should be installed) of these projects must be discussed by private property owners/tenants so as to reach a consensus. It was not appropriate for the department to make the decision unilaterally. The departments concerned would review its implementation in a pragmatic and flexible manner and help the owners to comply with the “Fire Safety Directions” without compromising basic fire safety.

53. Mr John WONG said that the owners were much perplexed by the practice that “Fire Safety Directions” were issued separately by the law enforcement officers of FSD and BD in accordance with the Fire Safety (Buildings) Ordinance. He hoped that the two departments could jointly enforce this Ordinance to avoid owners receiving notices from two law enforcement agencies.

54. Mr CHUNG Kong-mo said that since fire safety issues of buildings fell within the purview of a number of government departments, they should coordinate with each other to provide more expertise to the residents. He also pointed out that it took time for “three-nil” buildings to form an OC. The owners concerned had to face even more difficulties when coordinating building improvement works. The FSD and the BD should help these owners to upgrade their fire safety installations and equipment. He also said that the law enforcement departments should take into account the actual conditions of the building structures and exempt some of them from installing roof tanks on a case-to-case basis. The Government could also consider working together with the Hong Kong Institution of Engineers (“HKIE”) so that HKIE’s members could provide project consultancy service to buildings, especially

“three-nil” buildings and old buildings. As for the consultancy fees involved, the Government could set up a fund to provide subsidies to owners.

55. The Vice-chairman said that many elderly owners had asked for her help, worrying that they might fail to carry out fire safety works projects according to the requirements of the Fire Safety (Buildings) Ordinance. They also feared that they would be liable if the “Fire Safety Directions” were not complied with before the deadline. She continued to say that there was no air conditioning in the corridors of some old buildings. To ensure adequate ventilation, the windows had to be opened invariably. However, the BD required owners to install sealed windows in the corridors and she deemed that unreasonable. She hoped that the department could handle these cases on a case-to-case basis.

56. Mr LAU Pak-kei said that many property owners of the “three-nil” buildings had already moved out and were hard to contact with. As a result, it was difficult for these buildings to set up OC, let alone to carry out fire safety improvement works by raising funds from every tenant. The property owners concerned could only apply to postpone the completion date for the fire safety works. These owners might be liable for that if their applications were rejected. He hoped that the enforcement departments could exercise discretion when handling this kind of cases.

57. Mr Benny CHING proposed that the FSD and the BD should propose feasible fire safety improvement options in light of the actual structural conditions of the buildings during inspections so that the buildings concerned could reach the current fire safety standards. Moreover, he also asked the FSD and the BD to jointly enforce the Fire Safety (Buildings) Ordinance to avoid owners receiving notices from two law enforcement agencies.

58. Ms KO Po-ling said that the structures of old buildings might not meet the current fire safety standards. However, due to different reasons, the owners concerned could not start the fire safety improvement works after a long period of time. Since these buildings had no imminent or obvious fire hazards, she hoped that the enforcement departments could take into account the situation of the owners and exercise discretion when handling these cases. Moreover, she supported the amendment of the Fire Safety (Buildings) Ordinance by the Department of Justice, adding a provision to provide greater power for the FSD and the BD to adopt a “works before payment” approach. In this way, they could arrange contractual project staff to carry out fire safety improvement works for these buildings and then recover the costs from tenants upon completion of the works, thus solving the problem of owners’ inability to carry out fire safety improvement works in the long run. She suggested that letters should be issued to the Legislative Council and the Chief Secretary for Administration, urging the legislature to consider amending the above Ordinance. She also proposed that the District Officer (Yau Tsim Mong) should launch a pilot scheme for this district and set up a working group with the participation of enforcement departments such as the FSD and the BD to follow up on cases with buildings failing to comply with the “Fire Safety Directions”.

59. Mr LAU Pak-kei hoped that the Authority could continue to exercise discretion when handling buildings which had failed to comply with the “Fire Safety Directions” in the district.

60. Mr TANG Wing-wah responded that as a frontline law enforcement officer, he understood the difficulties faced by owners in fulfilling the requirements of the “Fire Safety Directions”, for example, property owners of buildings with no OC might fail to reach a consensus on the projects concerned; financial problems; and inadequate technical expertise

etc. He said that government departments had been providing various kinds of support to help property owners to comply with the “Fire Safety Directions”. FSD’s case officers were also willing to carry out site visits with and offer their views to owners. At the same time, the FSD would handle some of the cases in a flexible and pragmatic manner, for example, to exempt buildings of less than six storeys from installing fire hydrants and allow buildings to installed hose reel water tanks with a capacity of only 2 000 litres etc.

(Ms KO Po-ling and Mr John WONG left the meeting at 4:33 p.m.)

61. In response, Mr Truman LEE pointed out that the FSD and the BD would implement “Fire Safety Directions” in a flexible and pragmatic manner. Taking into account the actual situation of each case, they would consider alternative proposals submitted by property owners which could achieve the same fire safety standards. He said that the BD aimed to encourage property owners or OCs to carry out fire safety improvement works. If owners did not comply with the “Fire Safety Directions” after a long period of time without reasonable excuse, they might face prosecution. He continued to say that the BD had been closely liaising with the FSD and was willing to take joint action with the FSD on cases failing to comply with the “Fire Safety Directions”. He welcomed property owners or OCs to make appointment with case officers of the two departments to discuss the improvement works on fire safety equipment and fire safety construction. The case officers would offer their views in the light of the actual situation of the buildings. Although they might not be able to decide on the spot the feasibility of the project proposals put forth by property owners or OCs, they could have better knowledge of the problems faced by owners and to keep working out solutions with them so that the standards stipulated by the Ordinance could be fulfilled.

62. The Chairman agreed that letters should be issued to the Chief Secretary for Administration and the departments concerned, in the hope that government departments would face up to Members’ views. Besides, he agreed to issue a letter to the District Officer (Yau Tsim Mong), proposing that the DO should set up an inter-departmental working group with the FSD and the BD to jointly handle buildings which had failed to comply with the “Fire Safety Directions” in the district. There was no objection.

63. There being no further comments, the Chairman closed the discussion on this item.

(Post-meeting notes: The Chairman issued letters (Annex 11 and 12) to the District Officer (Yau Tsim Mong), the Chief Secretary for Administration and the departments concerned under the name of the Committee to relay Members’ demands.)

Item 6: Any Other Business

64. There being no other business, the Chairman closed the meeting at 4:35 p.m. The next meeting would be held at 2:30 p.m. on 5 June 2014.

Yau Tsim Mong District Council Secretariat
May 2014

致：油尖旺區議會轄下
房屋事務及大廈管理委員會

無法續保 如何是好？
關注強制法團購買第三保法例的實施情況

就黃建新議員提出有關強制要求業主立案法團(法團)購買第三者風險保險事宜，本署謹回覆如下。

《建築物管理(第三者風險保險)規例》(規例)由 2011 年 1 月 1 日正式生效。政府一直鼓勵業主及法團投購第三者風險保險，以減少業主及法團對意外承擔的風險。

自規例正式實施後，絕大部分的法團均已成功投購第三者風險保險。截至 2014 年 1 月止，全港約 9,800 個法團中，未能投保的法團只有 148 個，油尖旺區佔 48 個。至於未能續保的法團數字，本署並無備存相關的紀錄。

據我們了解，在投保時會遇到困難的大廈，主要是一些樓齡高而未有妥善維修，或有違例建築物的大廈。為了協助這些大廈，本署轄下的地區民政事務處(民政處)一直積極協助逐一跟進，並按法團的個別情況及需要，提供適當的協助和支援，讓法團可盡快投購保險，例如：

- 協助法團召開會議商討購買保險事宜；
- 向法團介紹屋宇署、香港房屋協會及市區重建局的各項樓宇維修資助計劃；
- 向法團提供獲保險業監督授權承保這方面保險的保險公司名冊及保險顧問公司名單；

- 轉介在投購保險方面遇有極大困難或複雜的個案，予香港保險業聯會跟進；
- 透過「大廈管理專業顧問服務計劃」委聘的專業物業管理公司，按法團的情況及需要提供針對性的服務，包括協助法團補選委員空缺、使法團能正常運作、就如何改善大廈維修狀況提出建議及協助進行招標，以及協助法團申請政府和其他支援機構的各種貸款資助計劃等，以達致讓法團在合理的時間內成功購買保險的目標；以及
- 透過 2012 年 10 月推出的「關愛基金-舊樓業主立案法團津貼計劃」，為合資格的法團提供資助投購第三者風險保險，鼓勵和協助法團符合法例要求。

在各區民政處積極跟進下，大部分尚未能投購保險的法團都正進行維修或尋求報價，以期盡快投購保險。我們會繼續跟進相關個案，了解他們所面對的困難，並提供所需的協助。

為大廈購買第三者風險保險，是讓業主和第三者的利益得到最佳保障。法團管理委員會委員如能證明罪行既非在其同意亦非在其縱容下干犯，而他們已盡了一切努力去投購保險(包括為投購保險而積極進行維修工程)，即可以作為免責辯護。事實上，委員辭職或解散法團並不能解決一旦意外發生所有業主都要承擔賠償責任的問題。因此，我們呼籲法團委員盡力聯絡為大廈購買第三保，以減低一旦發生意外時所要承擔的風險。

民政事務總署

2014 年 3 月

Annex 2

油尖旺房屋事務及大廈管理委員會第 6 / 2014 號文件
書面回應(二)

房屋事務及大廈管理委員會 2014 年 3 月 27 日會議
-油尖旺民政事務書面回應文件

議員提問：

無法續保如何是好？關注強制法團購買第三保法例的實施情況

條例背景：

《建築物管理條例》（條例）修訂的第 28 條及《建築物管理（第三者風險保險）規例》（規例）已於 2011 年 1 月 1 日正式實施。（條例）規定法團必須就大廈的公用部分及法團的財產購買第三者風險保險（一般稱為“第三者責任保險”），並須保持有關保險單有效；（規例）則就法團購買第三者風險保險列明詳細的規定，根據規例，保單承保的第三者風險法律責任，須包括法團就大廈公用部分及法團財產而對第三 身體受傷或/及死亡所負的法律責任；而每份保單就每宗事故的承保額，不得少於一千萬元。

法團如未有按規定就大廈的公用部分及法團財產購買第三者風險保險，即屬違法。一經定罪，管理委員會的每名委員有可能被判處最高 5 萬元的罰款，除非他證明— (a) 該罪行既非在他同意亦非在他縱容下犯的；及 (b) 他已盡了在有關情況下應盡的一切努力以防止犯該罪行，即可以作為免責辯護。

政務處的協助：

- 法團未能購買第三者風險保險的主要困難可歸納為四大原因：(i) 管理委員會不能正常運作；(ii) 大廈正在維修；(iii) 財政困難及 (iv) 大廈狀況導致沒有保險公司承保或保費非常昂貴。其他原因包括集資問題、業主冷漠、委員不合作、大廈被收購或準備重建等等。

- 政府一直鼓勵業主及法團購買第三者風險保險，以減低業主及法團對意外承擔的風險。
- 自二零零九年初以來，民政處採取積極措施，主動逐一聯絡尚未購買保險的法團，鼓勵及協助他們投購保險，及向他們提供獲香港保險業聯會授權承保大廈第三保的保險公司的名冊，以及香港專業保險經紀協會所提供的保險顧問公司名單。
- 據了解，保險公司在接獲法團投保的要求後，一般會根據多項因素進行風險評估，例如樓齡、大廈維修保養狀況等。因此，保險公司是否承保，以及保費水平，是量化風險的指標，亦是一項商業決定，所以我們鼓勵法團進行維修，改善樓宇狀況，以較低保費投保。
- 我們知道一些樓齡高或有違例建築的大廈，法團可能遇到投保被拒或保費高的情況。針對這些個案，我們已積極向有關法團介紹各種樓宇維修貸款及資助計劃，鼓勵法團進行維修，改善樓宇的狀況，讓法團在進行所需的維修工程後，以較低的保費投保。
- 若法團已盡了能力，採取一切合理及適當的措措，但仍未能找到保險公司承保，我們可考慮把個案經由民政事務總署轉介予香港保險業聯會以提供協助。根據本處紀錄，本處曾透過總署轉介三個個案予保險業聯會/保險業監理處，其中兩個個案經協助後成功購得第三者風險保險。
- 本處明白法團委員的憂慮，委員擔心若法團最終未能購買法例規定的第三者風險保險便要承擔有關刑責，我們亦明白到法團未能購買第三者風險保險很多時都不是委員的意願，亦非因為他們的個人責任。條例中其實清楚列明，如果該罪行既非在委員同意亦非在他縱容下所犯，以及委員已盡了在有關情況下應盡的一切努力以防止犯該罪行，即可以此作為免責辯護。如果法團委員已盡了很大努力但仍未能為法團購買第三者風險保險，我們希望委員聯絡本處的同事，本處同事會和他們仔細分析情況，並會建議委員採取一些可行和必須的措施，以顯示委員已盡了最大努力，而有關罪行也不是在委員同意或縱容之下發生，本處會將委員的努力紀錄在案。其實民政事務總署不時會與各區民政事務處進行會議，以檢視法團未能購買第三者風險保險的情況和個案，我們會借會議的機會轉述委員的努力和困難。

民政事務總署提供的其他協助：

關愛基金——舊樓業主立案法團津貼計劃：

基金資助合資格的法團就大廈公用部分購買第三者風險保險的支出。三年推行期內，即二零一二年十月至二零一五年九月，以實報實銷方式，就指定的津貼項目（其中包括第三者風險保險保費）申請資助，上限為實際支出的 50%，而津貼總額不超過 20,000 元。

大廈管理專業顧問服務計劃

委聘物管公司，為有需要的舊樓業主免費提供一系列大廈管理專業意見及跟進服務。讓舊樓業主更清楚明白必須為自己的物業承擔責任，解決樓宇失修的問題，以提昇居住環境的質素。

推行期：2014年4月至2017年3月（全港1,200幢大廈約共24,000住宅單位）
油尖旺：280幢大廈（約5,600個單位）

“顧問易”大廈維修諮詢服務計劃

民政事務總署與香港測量師學會、香港工程師學會和香港建築師學會合作，推行為期一年（二零一四年四月至二零一五年三月）的試驗計劃，由大廈維修的專業人士（包括測量師、工程師和建築師），為有意進行樓宇大型維修工程但沒有物業管理公司支援的法團，提供深入、全面和度身訂造的專業諮詢服務，協助選出合適的工程顧問公司／認可人士，以便開展維修工作。專業學會的成員會組成多隊專家小組，參與的法團將獲編配一隊專家小組，跟進和協助他們聘請工程顧問公司／認可人士的工作。

油尖旺民政事務處
2014 年 3 月

保險業監理處
香港金鐘道六十六號
金鐘道政府合署二十一樓



只經電郵

OFFICE OF THE COMMISSIONER
OF INSURANCE

21st Floor,
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Hong Kong

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Annex 3

油尖旺房屋事務及大廈管理委員會第6 / 2014號文件
書面回應(三)

油尖旺區議會
油尖旺區議會房屋事務
及大廈管理委員會

主席：

關注強制法團購買第三保法例的實施情況

黃建新區議員提呈的文件收悉。本處現就黃議員提出的問題（2）回覆如下：

保險是一門以風險定價的行業。保險公司必須就個別風險作出評估後，才決定是否承保風險及為該風險定價。因此，它們是否承保某項風險或是否接受個別客戶的投保，均屬它們的商業決定。保險公司條例（香港法例第41章）並沒有賦予權力給本處干預它們的商業考慮或指令它們承保個別風險。

據本處了解，民政事務處過往均會就大廈業主立案法團（「法團」）在購買大廈第三者風險保險遇上困難的情況，與香港保險業聯會聯絡。香港保險業聯會會為法團提供協助，並向他們提供改善樓宇維修保養的建議，以期法團能夠在市場上購買適當的保險。

至於黃議員提出的問題（2），本處在過往三年，收到一宗涉及法團購買第三者風險保險時遇上困難的投訴，本處其後得悉事件已獲解決。

至於黃議員提出的另外三條問題，並不是本處的職權範圍。

保險業監理專員
(陳慎雄 陳慎雄 代行)

二零一四年三月二十五日

本函編號：Lv019/14

Annex 4

油尖旺房屋事務及大廈管理委員會第6 / 2014號文件
書面回應(四)

只經電郵

致：油尖旺區議會房屋事務
及大廈管理委員會
第十一次會議
主席

關注強制法團購買第三保法例的實施情況

貴會 2014 年 3 月 19 日之來函及黃建新議員提呈之文件收悉。現謹就黃議員提出的問題（2）回覆如下：

自強制法團購買第三者風險保險法例生效後，本會不時接獲法團（或經各區民政事務處轉介）因投保/續保困難而提出的查詢。

一般而言，保險公司在承保相關保險時，會因應個別大廈的情況，以評估受保風險，從而決定所須的保費及保單條款。當中的考慮因素會包括（但不限於）個別大廈的維修狀況及是否有僭建物及/或違例改建工程等。

本會在接獲法團求助時，會向法團解釋保險公司上述承保的原則，並在有需要時，與法團會面或轉介至兩家法定的保險顧問組織，提供專業保險意見，務求協助法團在市場上購買合適的保險計劃。大部份的個案經本會處理/轉介後，已能成功投保。

香港保險業聯會
一般保險總會主席



吳民輝 謹覆

2014 年 3 月 25 日

副本抄送：保險業監理專員蔡淑嫻太平紳士



油尖旺區議會

YAU TSIM MONG DISTRICT COUNCIL

Annex 5

檔號 : () in YTMDC 13/30/4/1 Pt.
電話 : 2399 2557
傳真 : 2722 7696

香港添馬
添美道 2 號
政府總部西翼 13 樓
民政事務局局長
曾德成先生, GBS, JP
(經辦人: 黃諾君女士)

郵寄及傳真
(傳真: 2591 6002)

曾局長:

正視大廈法團購買第三保的困難

油尖旺區議會房屋事務及大廈管理委員會(“房管會”)在 2014 年 3 月 27 日舉行第十一次會議,會上討論到舊式樓宇業主立案法團在投購或續購第三者風險保險(第三保)方面遇到的困難,委員認為情況嚴重及值得關注,促請部門及香港保險業聯會須正視有關問題。

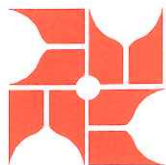
房管會通過,有關議題需有關部門及香港保險業聯會共同參與及出席討論,並議決在下次會議續議此事。本委員會現再次發信邀請貴局派員出席房管會第十二次會議,參與討論第三保事宜。房管會第十二次會議定於 **2014 年 6 月 5 日下午 2 時 30 分在九龍聯運街 30 號旺角政府合署 4 樓**舉行。謹此致函貴局,極期盼貴局能應邀派員出席,解答委員的查詢,共同商討解決問題的方案。

隨函夾附房管會第十一次會議記錄相關部分(草擬本)及會上的討論文件(附件一、二),以供參閱。

油尖旺區議會
房屋事務及大廈管理委員會主席

莊永燦

2014 年 4 月 24 日



油尖旺區議會

YAU TSIM MONG DISTRICT COUNCIL

Annex 6

檔號：() in YTMDC 13/30/4/1 Pt.

電話：2399 2557

傳真：2722 7696

香港灣仔軒尼詩道 130 號 353 號

修頓中心 30 樓

民政事務總署署長

陳甘美華女士, JP

郵寄及電郵

陳女士：

正視大廈法團購買第三保的困難

油尖旺區議會房屋事務及大廈管理委員會(“房管會”) 在 2014 年 3 月 27 日舉行第十一次會議，會上討論到舊式樓宇業主立案法團在投購或續購第三者風險保險(第三保)方面遇到的困難，委員認為情況嚴重及值得關注，促請部門及香港保險業聯會須正視有關問題。

房管會通過，有關議題需有關部門及香港保險業聯會共同參與及出席討論，並議決在下次會議續議此事。本委員會現再次發信邀請貴署派員出席房管會第十二次會議，參與討論第三保事宜。房管會第十二次會議定於 **2014 年 6 月 5 日下午 2 時 30 分在九龍聯運街 30 號旺角政府合署 4 樓**舉行。謹此致函貴署，極期盼貴署能應邀派員出席，解答委員的查詢，共同商討解決問題的方案。

隨函夾附房管會第十一次會議記錄相關部分(草擬本)及會上的討論文件(附件一、二)，以供參閱。

油尖旺區議會
房屋事務及大廈管理委員會主席
莊永燦

2014 年 4 月 24 日



油尖旺區議會

YAU TSIM MONG DISTRICT COUNCIL

檔號：() in YTMDC 13/30/4/1 Pt.
電話：2399 2557
傳真：2722 7696

香港金鐘道六十六號
金鐘道政府合署二十一樓
保險業監理專員
蔡淑嫻女士, JP
(經辦人：林家泰先生, JP)

郵寄及傳真
(傳真：2869 0252)

蔡女士：

正視大廈法團購買第三保的困難

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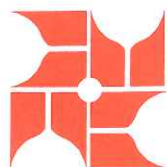
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油尖旺區議會
房屋事務及大廈管理委員會主席
莊永燦

2014 年 4 月 24 日

九龍聯運街三十號旺角政府合署四樓 電話：2399 2596 圖文傳真：2722 7696

4/F., Mong Kok Government Offices, 30 Luen Wan Street, Kowloon. Tel: 2399 2596 Fax: 2722 7696



油尖旺區議會

YAU TSIM MONG DISTRICT COUNCIL

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香港灣仔

駱克道 353 號

三湘大廈 29 樓

香港保險業聯會主席

李滿能先生

郵寄及傳真

(傳真：2520 1967)

李先生：

正視大廈法團購買第三保的困難

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油尖旺區議會
房屋事務及大廈管理委員會主席
莊永燦

2014 年 4 月 24 日

Annex 9

油尖旺房屋事務及大廈管理委員會第 7 / 2014 號文件
書面回應(一)

屋宇署就

強烈要求加強對舊式樓宇的支援

協助居民解決《消防安全(建築物)條例》(第 572 章)命令
所作的書面回應

1. 在過去兩年，油尖旺區有多少樓宇因未能執行 572 章命令被檢控？有多少為 50 戶以下之舊式大廈？在檢控後又有多少大廈最終順利解決命令？

答：在過去兩年，油尖旺區有一幢50戶以下的樓宇涉及2宗因有關業主未能遵從根據572章所發出的消防安全指示而被檢控及定罪的個案。本署將會繼續跟進有關個案。

2. 現時部門有甚麼方案支援上述樓宇的居民協助解決居民因管理、財政，以致因未能尋找專業意見而無法履行命令的個案？成效如何？業主在上庭被罰後依舊無法履行命令，部門又會作出甚麼支援？

答：屋宇署知悉一些樓宇業主在遵從某些消防安全建造規定時，遇到實際困難。這些困難可能源於建築物的實際限制及／或樓宇的結構問題，以及財政援助不足。屋宇署一向本着靈活務實的方針，在不削弱基本消防安全的大原則下，按每宗個案的情況考慮由業主提出能達到同等標準的替代方案。

屋宇署會繼續協助業主遵從指示。相關措施包括：

- 提供技術意見，以及與業主及其委聘顧問會面；
- 推行樓宇安全貸款計劃，提供財政援助；
- 與民政事務總署合作，協助業主成立業主立案法團；以及
- 參與地區防火委員會／防火安全嘉年華／地區防火講座，提倡改善消防安全的觀念。

為協助私人樓宇業主保養及維修其樓宇，屋宇署、香港房屋協會及市區重建局一直為有需要的業主提供財政支援計劃，包括「樓宇安全貸款計劃」、「樓宇維修綜合支援計劃」及「長者維修自住物業津貼計劃」。與《消防安全（建築物）條例》有關的消防安全措施改善工程，已列入這些計劃可獲資助或貸款的工程範圍內。申請這些計劃的程序亦已簡化，業主只須填妥「樓宇維修綜合支援計劃」的一套申請表格，便能作出多項申請。

3. 作為大廈業主實有責任確保樓宇各方面的安全，但現實的情況是單靠個別業主難以解決涉及整座大廈的問題，故要求部門加強支援的方案與力度，協助業主們解決問題。

答：屋宇署亦會從其他方面協助業主遵從指示，例如會把大廈沒有成立業主立案法團的個案轉介該區民政事務處，由該處協助成立業主立案法團，從而令統籌和協調改善工程更加暢順。

民政事務總署亦將於今年四月推出兩項新措施，包括「『顧問易』大廈維修諮詢服務計劃」和「大廈管理專業顧問服務計劃」，進一步為業主立案法團及舊樓業主提供免費的專業意見及支援服務，提升大廈管理及維修工作。前者會免費協助合資格的業主立案法團聘請工程顧問（包括草擬招標及合約文件等），以開展大廈維修工程。而後者則針對所謂「三無大廈」（即沒有法團、沒有居民組織及沒有聘用管理公司的樓宇）提供免費的樓宇管理及安全專業顧問服務，包括協助有關大廈成立業主立案法團、申請各種大廈維修資助計劃及貸款及提供大廈管理培訓等。

2014 年 3 月

Annex 10

油尖旺房屋事務及大廈管理委員會第 7 / 2014 號文件
書面回應(二)

房屋事務及大廈管理委員會 2014 年 3 月 27 日會議
-油尖旺民政事務處書面回應文件

議員提問：強烈要求加強對舊式樓宇的支援 協助居民解決消防安全(建築物條例)第 572 章命令

背景：

消防安全（建築物）條例（香港法例第 572 章）於 2007 年 7 月 1 日實施。法例第一期（即首 6 年）是處理 1973 年或之前的綜合用途建築物。第二期（即隨後的 4 年）是處理 1973 至 1987 年的綜合用途建築物。第三期（即最終階段）是處理餘下的住用建築物。

回應：

過去兩年（1-3-2012 至 28-2-2014），油尖旺民政事務處共收到 331 份由消防處或屋宇署發出的消防安全指示副本或通知公函，其中 159 份涉及有居民組織的大廈，而 172 份則涉及無居民組織的大廈（即三無大廈）。

當我們收到消防處或屋宇署的通知之後，本處會去信有關法團和居民組織，提醒他們須遵從部門的指示。另外，我們亦會去信三無大廈的業主和住客，除勸籲他們注意防火安全及遵從部門指示外，亦鼓勵他們成立法團。如業主和居民願意，我們會協助他們召開業主/居民會議商討協助成立業主立案法團（法團）及處理指示或命令的方法，包括講解法團的資料和成立的程序、提供免費業主名冊（如成立法團）等。應居民要求，我們亦會邀請相關部門的代表講解指示或者命令的內容。在過去兩年，本處曾向 331 座大廈就消防安全指示發出勸喻信。大部分三無大廈的居民反應普遍冷淡，我們收到的回覆不多，期間我們舉行過 63 次居民會議（其中 46 次有部門的代表出席），有 12 座大廈亦因此而成功成立法團。

民政事務總署提供的其他相關協助:

關愛基金-舊樓業主立案法團津貼計劃

- 法團就消防及電力設備例行檢查的支出(不包括安裝及維修的費用)
- 法團每年一次清理走火通道的支出(不包括清拆僭建物的費用)

三年推行期內，即二零一二年十月至二零一五年九月，以實報實銷方式，就指定的津貼項目申請資助，上限為實際支出的 50%，而津貼總額不超過 20,000 元。

大廈管理專業顧問服務計劃

委聘物管公司，為有需要的舊樓業主免費提供一系列大廈管理專業意見及跟進服務。讓舊樓業主更清楚明白必須為自己的物業承擔責任，解決樓宇失修的問題，以提昇居住環境的質素。

推行期: 2014年4月至2017年3月 (全港1,200幢大廈約共24,000住宅單位)
油尖旺: 280幢大廈(約5,600個單位)

“顧問易”大廈維修諮詢服務計劃

民政事務總署與香港測量師學會、香港工程師學會和香港建築師學會合作，推行為期一年(二零一四年四月至二零一五年三月)的試驗計劃，由大廈維修的專業人士(包括測量師、工程師和建築師)，為有意進行樓宇大型維修工程但沒有物業管理公司支援的法團，提供深入、全面和度身訂造的專業諮詢服務，協助選出合適的工程顧問公司／認可人士，以便開展維修工作。專業學會的成員會組成多隊專家小組。參與的法團將獲編配一隊專家小組，跟進和協助他們聘請工程顧問公司／認可人士。

油尖旺民政事務處
2014 年 3 月



油尖旺區議會

YAU TSIM MONG DISTRICT COUNCIL

檔號：() in YTMDC 13/30/4/1 Pt.

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九龍旺角

聯運街 30 號

旺角政府合署 6 樓

油尖旺民政事務專員

何小萍女士, JP

郵寄及傳真

(傳真：2574 8638)

何女士：

**成立跨部門工作小組跟進
區內大廈法團未能遵辦消防安全指示的個案**

油尖旺區議會房屋事務及大廈管理委員會(“房管會”)在 2014 年 3 月 27 日舉行第十一次會議，會有委員指出，區內不少大廈業主在遵辦政府部門根據《消防安全(建築物)》(第 572 章)發出的「消防安全指示」時，遇到不同的困難，以致未能如期完成消防改善工程。

會上通過請油尖旺民政事務專員引領消防處及屋宇署成立跨部門工作小組，共同跟進區內大廈無法遵辦「消防安全指示」的個案。

隨函夾附房管會第十一次會議記錄相關部分(草擬本)及會議討論文件(附件 I、II)，以供參閱。

油尖旺區議會
房屋事務及大廈管理委員會主席
莊永燦

2014 年 5 月 13 日



油尖旺區議會

YAU TSIM MONG DISTRICT COUNCIL

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香港添馬
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政府總部 25 樓
政務司司長
林鄭月娥女士, GBS, JP

郵寄及電郵

鄭司長：

正視《消防安全(建築物)條例》的執法問題

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會上委員建議致函政務司司長，要求司長正視問題，指示消防處和屋宇署聯合執行《消防安全(建築物)條例》，以免業主在不同時間收到不同執法單位的通知。此外，委員要求司長促請立法機構研究修訂法例，加入條文賦予該兩個執法部門更大權力，可按「先做後付」方式(即先安排政府合約工程人員在樓宇進行消防改善工程，再向業戶追回攤分的開支)，長遠解決業主未能開展消防改善工程的問題。特此來函，盼能正視及督導相關部門跟進委員上述的意見。

隨函夾附房管會第十一次會議記錄相關部分(草擬本)及會議討論文件(附件 I、II)，以供參閱。

油尖旺區議會
房屋事務及大廈管理委員會主席
莊永燦

副本送：消防處(經辦人：九龍南區指揮官陳瑞康先生
樓宇改善課 2 署理消防區長陳秀光先生
及助理消防區長鄧榮華先生)
屋宇署(經辦人：高級屋宇測量師/防火規格 5
李偉豪先生、高級結構工程師/F2 朱雨田先生
及高級結構工程師/F1 譚熹利先生)

2014 年 5 月 23 日