

**Minutes of the 12th Meeting of
Housing and Building Management Committee
Yau Tsim Mong District Council (2012-2015)**

Date: 5 June 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

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| 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 |
| Mr HUI Tak-leung | |

Co-opted Members

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| Mr HO Fei-chi, Stephen | Mr CHIN Chun-wing | Mr LEE Chung-ming |
| Mr CHING Man-tai, Benny, MH | Mr LEUNG Hang-fai | |

Representatives of the Government

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| Mr TAM A-ray, Albert | Senior Structural Engineer/F1 | 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

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

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| Ms CHENG Siu-ling, Katy | Senior Liaison Officer (Building Management) 3 | Home Affairs Department |
| Mr Cody HUI | Delegate of Accident Insurance Association | Hong Kong Federation of Insurers |
| Ms Mandy LO | Delegate of Accident Insurance Association | Hong Kong Federation of Insurers |
| Ms Jackie WONG | Delegate of Accident Insurance Association | Hong Kong Federation of Insurers |
| Ms Joanne WONG | Senior Manager | Hong Kong Federation of Insurers |
| Mr POON Yui-chau, William | Senior Professional Officer/Signboard Control | Buildings Department |
| Dr SO King-lung, Benny | Senior Environmental Protection Officer (Atg) | Environmental Protection Department |
| Ms DING Shuk-wah, Alice | Assistant District Social Welfare Officer (Kowloon City/Yau Tsim Mong) 1 | Social Welfare Department |
| Mr HO Hoo-yin, Danny | Senior Structural Engineer/F3 | Buildings Department |
| Mr CHAN Sui-hong | Divisional Commander (Kowloon South) | Fire Services Department |
| Mr TSE Tak-fai | Divisional Officer (Kowloon West) | Fire Services Department |
| Mr HO Chun-pong | Assistant Divisional Officer (Kowloon South) (Atg) | Fire Services Department |
| Mr HO Kwan-ho, Harry | Miscellaneous Enquiries Sub-Unit Commander (Mong Kok District) | Hong Kong Police Force |
| Mr TSANG Man-shing | Neighbourhood Police Co-ordinator, Police Community Relations Office | Hong Kong Police Force |
| Ms KONG Ha-sang | Sub-Unit Commander (Operations Support) (Yau Ma Tei Division) (Yau Tsim Police District) | Hong Kong Police Force |
| Mr LEUNG Yun-shing | Patrol Sub-Unit Commander (5) (Tsim Sha Tsui Division) | Hong Kong Police Force |
| Mr CHENG Chun-wai | Neighbourhood Police Co-ordinator, Police Community Relations Office | Hong Kong Police Force |
| Mr TANG Fuk-kin | Chief Health Inspector 1, Mong Kok District | Food and Environmental Hygiene Department |
| Mr LEE Chun-keung | Chief Health Inspector 1, Yau Tsim District (Atg) | Food and Environmental Hygiene Department |

Absent:

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| Mr CHUNG Kong-mo, JP | District Council Member |
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Opening Remarks

The Chairman welcomed all to the 12th meeting of the Housing and Building Management Committee (“HBMC”). He reported that Mr CHUNG Kong-mo was absent due to other commitments.

2. The Chairman proposed that Members who had submitted papers be given two minutes to make additional 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: Matter Arising:

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)

4. The Chairman said that the written response of the Office of the Commissioner of Insurance (Annex 1) had been emailed to Members for perusal before the meeting. He then welcomed the following representatives to the meeting:

- (i) Ms Katy CHENG, Senior Liaison Officer (Building Management) 3 of the Home Affairs Department (“HAD”) and Mr Thomas CHAN, Senior Liaison Officer (Building Management) of the Yau Tsim Mong District Office (“YTMDO”); and
- (ii) Mr Cody HUI, Ms Mandy LO and Ms Jackie WONG, Delegates of Accident Insurance Association and Ms Joanne WONG, Senior Manager of the Hong Kong Federation of Insurers (“HKFI”).

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

(Mr LAU Pak-kei and Mr LEUNG Hang-fai joined the meeting at 2:38 p.m.)

6. Mr Cody HUI said the HKFI received cases referred from the District Offices (“DOs”) of various districts from time to time that OCs could not procure or renew third party risks insurance. The HKFI would do its best to provide assistance to those OCs. In fact, a lot of OCs were able to procure third party risks insurance policy with the help of the HKFI. Some OCs failed to procure the insurance mainly because of the poor maintenance condition of the buildings or the existence of illegal structures, or failure to comply with the fire safety orders of the Fire Services Department (“FSD”) or the removal orders of the Buildings Department (“BD”). As long as the buildings were managed and maintained properly, OCs should be able to procure third party risks insurance. He continued that there was no monetary cap on the liability in respect of bodily injury to or death of a third party to be assumed by OCs under the common law. If the management of the building was held liable for the bodily injury to or the death of a third party arising from negligence, the insurance

company would provide indemnity for compensation and associated legal costs against the insured. However, if the amount of compensation exceeded the cap, the owners would have to ultimately bear the balance. He stressed that OCs should strengthen the management and maintenance of buildings to safeguard property owners.

(Mr HAU Wing-cheong and Mr John WONG joined the meeting at 2:42 p.m.)

7. The Chairman said that at present there were 148 OCs that could not procure third party risks insurance. Since the buildings in question were poorly maintained, insurance companies might refuse to accept applications for insurance of those buildings based on commercial consideration. He would like to know if the HKFI had any mechanism in place for insurance companies to assess the maintenance condition of buildings in order to decide whether to accept applications for insurance from OCs. He asked the HKFI if it had any policies to assist those OCs to procure insurance.

8. Mr Cody HUI said that the HKFI would try its best to help those OCs. For instance, it would refer relevant cases to its members, arrange meetings with the representatives of the OCs, or even visit the buildings and give advice on the maintenance condition so that OCs could make improvements to enhance the chance of being insured.

9. Mr WONG Kin-san reiterated that the current difficulty faced by OCs was that no insurance companies were willing to offer third party risks insurance required by the legislation to OCs. Some members wanted to resign from the OC as they were worried that they would be held liable after having failed in procuring third party risks insurance. There was even dissolution of OCs for this reason. He added that the OC mentioned in the paper sought his help in March and had sought help from the HKFI and the HAD. However, the OC was still unable to procure insurance to date. Some insurance companies had made a verbal quotation with an insurance premium as high as \$10,000 per annum, but the OC still had not received any official written quotations. He opined that the Government had to assist the OCs which could not procure insurance and to amend the relevant laws with a view to protecting the property owners without causing too much trouble to OC members.

10. Mr HUI Tak-leung pointed out that the Director of Home Affairs (“DHA”) had said on a radio programme that OCs could seek help from the HKFI in procuring third party risks insurance if necessary. However, the application for insurance of many OCs was still rejected due to different reasons. He understood that the HKFI could only try its best to offer help and the OCs should be responsible for improving the condition of the buildings as much as possible. However, before OCs could have the chance of procuring third party risks insurance, many buildings had already faced difficulties in maintenance. Some OCs had received removal orders from the BD for illegal structures in the common areas of the building. Since the OCs failed to comply with the removal order, they were unable to procure third party risks insurance. Besides, it was unfair that the legislation was only applicable to buildings with an OC. Some OC members chose to dissolve the OC to avoid criminal liability. He continued that according to the DHA, there was a review mechanism for the Building Management Ordinance (“BMO”). He would like to when the departments concerned would review the BMO; if there was no such a plan, he requested that the legislation be withdrawn.

11. Mr Benny CHING enquired if young buildings with structural integrity and no illegal structures could secure insurance. He hoped that the HKFI could provide advice to the OCs of old buildings in the district so that they could successfully procure insurance.

12. Ms WONG Shu-ming would like to know under what circumstances OCs' applications for insurance would be rejected. She opined that the insurance industry needed to provide clear guidelines to OCs on this issue. She understood that the HKFI had tried its best to refer insurance companies for OCs. She enquired whether the HKFI or insurance companies could issue a documentary proof of the OCs' effort to procure insurance in the event that there were still no insurance companies willing to accept OCs' application for insurance in the end.

13. Ms Mandy LO said that during the HAD's consultation with the insurance industry, the HKFI had revealed the possible problems encountered by the OCs to the HAD. At that time, the HAD said that there would be a review mechanism under which the HAD would review the legislation with the insurance industry in due course. She opined that what the Government stressed was whether OCs had made every effort to seek insurance companies to procure insurance. If the OCs had done so, the Government would not casually prosecute OC members.

(Ms KO Po-ling and Mr CHIN Chun-wing joined the meeting at 3:10 p.m.)

14. Ms Katy CHENG replied that according to the BMO, OCs had to maintain the common parts and the property of the corporation in a state of good and serviceable repair and clean condition. The OC and property owners of a building would be held civilly liable for the bodily injury to or death of a third party caused by an accident in the common areas of the building and had to be accountable for a colossal amount of compensation. The Government's legislative intent of introducing a law to require OCs to procure third party risks insurance in respect of their buildings was to reduce the financial risks of property owners in case of accidents. She continued that although private buildings without OCs or "three-nil" buildings were not required by the law to procure third party risks insurance, the property owners concerned still had to assume personal liability for the bodily injury or death of a third party in the event of accidents by paying huge compensation. Therefore, the Government asked all property owners of private buildings to procure third party risks insurance to protect their own interest. She added that according to her understanding, some buildings without OCs but were managed by property management companies had already procured insurance through their property management companies. She also said it had been prescribed in the BMO that it would be a defence for OCs if they could prove that the offence was committed without their consent or connivance, and that they had exercised all such due diligence to procure the third party risks insurance as they ought to have exercised in the circumstances. She asked the representatives of the HKFI under what circumstances OCs would fail to procure insurance so that the Government could provide timely assistance to those OCs in procuring insurance.

15. Mr Cody HUI said that the HKFI did not have a set of standard underwriting criteria. Whether member companies would provide insurance coverage for OCs was purely a commercial decision. The HKFI could not mandate them to provide insurance coverage for OCs. He stressed that some OCs could not procure insurance mainly due to the poor maintenance of buildings. He hoped the Government could try its utmost to assist OCs with difficulties procuring insurance to improve building conditions. Insurance companies were willing to provide insurance coverage for OCs as long as their buildings were properly managed and maintained.

16. Mr HUI Tak-leung opined that the HAD should not shift the responsibility of OCs' failure to procure insurance to insurance companies. He opined that the penalties under the existing legislation had scared off OC members from OCs out of worry they would be held personally liable for bodily injury to or death of a third party if their buildings were not

covered by insurance. He agreed that the Government should try its utmost to assist OCs with difficulties procuring insurance to improve building conditions. For example, the BD could mandate maintenance of buildings by OCs or adopt the approach of “cost recoupment” (i.e. to arrange government contract workers to implement building improvement works and then recoup the cost from owners for their share). Moreover, the HAD could also first procure third party risks insurance policy for OCs and recover the insurance fees from them later. He requested the HAD to review the existing legislation to better protect OCs’ interests.

17. The Vice-chairman said that the problem of failure to procure third party risks insurance was encountered by OCs in various districts. The major reason was that the maintenance condition of the buildings was so poor that no insurance company was willing to provide insurance coverage. Non-compliance with fire safety compliance orders issued by government departments under the Fire Safety (Buildings) Ordinance was another reason. She opined that the defence was only a stopgap measure to protect OC members from being held liable due to the lack of third party risks insurance. However, once accidents occurred within the building area, property owners still had to pay a huge compensation amount, which would be a heavy financial burden to them. She suggested the Government liaise with socially responsible insurance companies on its own initiative and arrange for them to provide insurance coverage for OCs with difficulties in procuring insurance. As the insurance premium for those OCs would be quite high, she also hoped that the HAD could be responsible for part of the premium to reduce the burden of OCs.

18. Ms WONG Shu-ming thanked the representatives of the HKFI for understanding the difficulties of OCs. She was dissatisfied with the HAD that it did not heed the views of the industry and OCs, nor did it consider reviewing the legislation. Moreover, she opined that the HAD had not followed up with the BD on the problem of OC’s failure to comply with removal orders, which had jeopardised their chance of procuring third party risks insurance. She suggested writing to the HAD, urging it to consider amending the relevant legislation as soon as possible and to pay heed to the views of the HKFI. It should then co-operate with the BD to assist OCs to comply with removal orders by handling the unauthorised building works (“UBWs”) of buildings, thereby placing OCs in a more favourable situation to procure third party risks insurance.

19. Mr Benny CHING said that many OCs had expended effort to procure third party risks insurance. He hoped the HKFI could formulate a set of criteria for OCs to follow in improving the condition of the buildings so that they could secure insurance after the standard was met.

20. Mr John WONG said that while he understood the legislative intent, the actual situation was that many buildings which could not procure insurance at present were old buildings or those that failed to comply with repair orders. Owners must share the huge compensation amount incurred should accidents occurred in those buildings. He further said that the HKFI was in no position to affect the commercial decisions of its member companies. Thus, the Government should not shift the responsibility of OCs’ failure to procure third party risks insurance to the HKFI.

21. Mr Benjamin CHOI said that OCs’ effort to abide by the law was in vain and they were actually forced to break the law. He opined that some OCs simply could not meet the basic requirements of the law, but there was nowhere to seek help. The HAD had an undeniable responsibility to provide assistance to those OCs. He hoped the HAD could review the relevant legislation.

22. The Chairman said that many OCs had been dissolved due to resignation of members. The top priority was to introduce an exemption mechanism to exempt OC members from criminal liability if they could prove that they had tried their best to procure third party risks insurance but in vain. As a result, owners could continue to be OC members without any worries. He thought that the proposal of subsidising the insurance premium by the Government should be studied in depth as huge expenditure was involved.

23. Ms Mandy LO said that she had visited Kwun Tong on behalf of the HKFI to listen to the difficulties of OC members in procuring third party risks insurance. She noted that the BD had a mechanism in place to remove UBWs by cost recoupment. As long as the removal order was complied with, the chance for OCs to procure third party risks insurance would be significantly higher.

24. Ms Katy CHENG responded as follows:

- (i) According to her knowledge, if a building was in poor condition, the BD would issue statutory repair orders to the OC and the property owners having regard to the actual situation of the building according to the BO. The BD and the HAD would try their best to help the OCs/owners perform the required maintenance works so as to comply with the order. If they ignored the statutory order, the BD might adopt the approach of cost recoupment to perform the required maintenance works for the property owners and recover the relevant costs from them later.
- (ii) The DOs under the HAD would help OCs/owners to hold meetings to discuss matters about maintenance works and purchase of third party risks insurance. The DOs would also explain to OCs/owners the various loans and subsidy schemes for building maintenance offered by the BD, Hong Kong Housing Society and the Urban Renewal Authority. In addition, the HAD had implemented three schemes to provide direct or indirect assistance to OCs/owners of old buildings in maintaining their buildings or procuring third party risks insurance as required by the law. The three schemes were:
 - (a) Building Management Professional Advisory Service Scheme – The professional property management companies appointed by the Government would provide property owners with a series of professional advice and follow-up services on building management for free. For example, they would advise on the ways to improve the maintenance condition of buildings, assist in the tendering process and help OCs to apply for various loans and subsidy schemes for building maintenance offered by the Government and other organisations;
 - (b) Community Care Fund - Subsidy for OCs of Old Buildings – Eligible OCs would be subsidised in respect of designated covered items (including the premium of third party risks insurance);
 - (c) “AP Easy” Building Maintenance Advisory Service Scheme – Three professional institutes would provide free professional advice and support to those OCs which intended to carry out building maintenance works but were not supported by property management companies. It could facilitate OCs to commence the building maintenance works.

(iii) She would convey the comments of Members to the HAD.

25. The Chairman agreed to write to the HAD, urging it to consider legislative amendments as soon as possible.

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

(Post-meeting note: The Chairman wrote to the DHA in the name of Members on 1 August 2014 to convey their appeals (Annex 2).)

Item 3: Progress Report on Handling of Signboards in Yau Tsim Mong District by the BD (YTMHBMC Paper No. 8/2014)

27. The Chairman welcomed Mr William POON, Senior Professional Officer/Signboard Control of the BD to the meeting. He said that the progress report on the captioned item submitted by the BD had been uploaded to the DC website earlier.

28. The Chairman suggested the BD consider establishing a dangerous signboards detection mechanism. He opined that the staff of the BD should take the initiative to inspect the signboards and to decide whether the signboards were dangerous by using their expertise. If there were any dangerous signboards which needed immediate attention, the BD should take action promptly instead of waiting for reports from the public.

29. Mr William POON responded as follows:

- (i) The BD would not solely rely on reports from the public to handle dangerous and abandoned signboards. It would appoint consultants every year to regularly inspect districts with a relatively large number of signboards and would conduct inspection in target districts.
- (ii) Signboard owners who were served with the Dangerous Structure Removal Notices (“DSRN”) in 2013 had progressively taken care of the dangerous or abandoned signboards. The BD would follow up the pending cases in the next quarter. The number of non-compliance cases was expected to decrease.
- (iii) In the large scale operation (“LSO”) against unauthorised signboards in 2013 - 2014, the BD issued a total of 68 removal orders in the YTM District and removed 43 large unauthorised signboards.
- (iv) Reports from the public were very useful to the BD in handling dangerous and abandoned signboards. He encouraged the public to continue to provide information regarding problematic signboards to the BD.

(Mr CHAN Wai-keung left the meeting at 3:35 p.m.)

30. Mr HUI Tak-leung enquired about the number of unhandled cases of the BD regarding problematic signboards upon receipt of reports. He asked the BD how long it would take to handle a case of problematic signboard upon receipt of report from the public. He said that he had reported several problematic signboards to the BD three years before but they were still not removed.

31. Mr Stephen HO said that although the BD encouraged Members of the HBMC to report dangerous or abandoned signboards and those signboards would be handled in the LSOs, he doubted the effectiveness of handling problematic signboards under the LSOs.

32. The Vice-chairman noted that the BD had issued 68 removal orders in the YTM District in total and removed 43 large unauthorised signboards. She would like to know if the 43 signboards were handled by the BD after the removal orders were issued. She continued that she had repeatedly reported to the BD the unauthorised signboards on the external walls of the buildings near Oriental Centre in Tsim Sha Tsui, but no follow-up action had been taken by the BD to date. In addition, she urged the BD to handle the signboards with insufficient ground clearance (especially those less than 2.5 metres) as soon as possible. She pointed out that as the rainy season was coming, pedestrians would hold umbrellas and might get hurt when the umbrellas bumped against the signboards that were too low.

33. Mr John WONG hoped that the BD could attach importance to Members' opinion and seriously handle the problematic signboards. He asked how the BD would deal with non-compliance cases of the DSRN.

(Mr Benjamin CHOI left the meeting at 3:54 p.m.)

34. Mr William POON responded as follows:

- (i) The LSOs against large unauthorised signboards were conducted across the territory. The BD would set an operation target every year. If actionable large signboards were discovered, the BD would issue removal orders to the signboard owners requesting them to remove the signboards. The BD would prosecute the owners who did not comply with the orders.
- (ii) During the LSOs against large unauthorised signboards in 2013-2014, the BD issued a total of 68 removal orders in the YTM District and 43 large signboards had been handled.
- (iii) Members could inform the BD if they discovered any unauthorised signboards in the district. The BD would consider handling those signboards in the LSOs, depending on their size.
- (iv) The BD was willing to follow up the individual cases raised by Members, but handling of signboards was time-consuming. For example, the BD needed to identify the signboard owners. After the removal orders were issued to the signboard owners, the BD had to give them reasonable time to arrange signboard removals.
- (v) The 32 non-compliance cases mainly involved abandoned signboards. If the signboard owners could not be identified, the BD would arrange for government contractors to remove the signboards.
- (vi) According to the existing law enforcement policy, projecting signboards with a vertical ground clearance less than 3.5 metres were categorised as actionable. The BD would issue removal orders to the owners of such unauthorised signboards in sequence. In respect of signboards with too small ground clearance that would pose potential risks to pedestrians, the BD would study how to accelerate the handling process, including considering to handle them in the LSOs.

(Mr Benny CHING left the meeting at 4:05 p.m.)

35. Mr Stephen HO enquired about the current manpower of the BD for handling signboards. Furthermore, he would like to know how long the whole process would be from issuing removal orders to initiating official prosecution.

36. Mr William POON said that the BD had increased manpower to follow up the unauthorised signboards in the current year. They were also responsible for the “Validation Scheme for Unauthorised Signboards” implemented since September last year. The BD would generally issue removal orders first to the owners of unauthorised signboards requesting them to remove the unauthorised signboards within two months. If the signboard owners still failed to comply with the orders upon expiry of the period, the BD would issue warning letters to require the relevant persons to remove the signboards as soon as possible. If the owners still refuse to observe the orders, the BD would consider prosecution.

37. Ms KO Po-ling understood that time was needed to handle problematic signboards. She would like to know if the time required for prosecuting signboard owners was the same as that of other UBWs. She considered that the BD had to speed up the entire prosecution procedure.

38. The Chairman asked the BD if there was any difference in the procedures for handling unauthorised signboards and abandoned signboards.

39. Mr William POON said that in the case of unauthorised signboards, the BD would require the signboard owners to remove the signboards within two months. In the case of dangerous or abandoned signboards, the BD would issue a DSRN, ordering the signboard owners to remove the signboards within 14 days. In the case of abandoned signboards, the BD would track down the information of the signboard owners and issue a DSRN to the persons, ordering them to remove the signboards. The notices would be posted at the sites at the same time. If the signboard owners still did not remove the signboards, the BD would arrange to remove the signboards by way of “cost recoupment” (i.e. arranging for government contractors to conduct the necessary removal works first and recover the expenses from the relevant persons later).

40. The Chairman said that according to the progress report of the BD, the department received five reports concerning dangerous or abandoned signboards in the YTM District in 2014 (as at April). He would like to know whether the department had issued DSRNs for three of the cases.

41. Mr William POON said that immediate action was required for some signboards in those five cases and thus the BD had yet to issue DSRNs. The DSRNs issued in 2014 did not only cover new cases in 2014.

42. The Chairman said that the number of reports concerning problematic signboards received in 2014 had decreased significantly. It was necessary for the BD to study the effectiveness of the reporting mechanism. Moreover, he hoped that the BD could provide the number of signboards handled by staff of the consultant firm engaged by the BD.

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

Item 4: Where Should Rooftop Residents Go When Government Keeps Demolishing Illegal Roof Structures?
(YTMHBMC Paper No. 9/2014)

44. The Chairman said that the written responses of the Environmental Protection Department (“EPD”) and the Social Welfare Department (“SWD”) (Annexes 3 and 4) had been e-mailed to Members for perusal before the meeting. He then welcomed the following representatives to the meeting:

- (i) Mr Albert TAM, Senior Structural Engineer/F1 of the BD;
- (ii) Dr Benny SO, Senior Environmental Protection Officer (Atg) of the EPD; and
- (iii) Ms Alice DING, Assistant District Social Welfare Officer (Kowloon City/Yau Tsim Mong) 1 of the SWD.

45. Ms WONG Shu-ming supplemented the contents of the paper. She said that she had invited the BD, EPD and SWD to respond to her questions in the paper but only the EPD and SWD submitted written responses. She asked whether the BD would respond to her questions one by one. She further said that she hoped to know the workflow of the BD in issuing removal orders against UBWs and what the department would do if rooftop residents seek its assistance in relocation.

46. Mr Albert TAM responded as follows:

- (i) The BD thought that the aim of the discussion paper was to learn about the general procedures of the department in removing illegal rooftop structures. As the procedure was quite complicated and involved other departments, it intended to talk about the whole procedure in issuing removal orders and to respond to the questions at the meeting. Thus the BD did not submit a written response.
- (ii) In handling illegal rooftop structures, the BD would issue removal orders to owners of rooftop structures according to the Buildings Ordinance (“BO”) while the EPD would take action according to the Air Pollution Control Ordinance. The EPD would issue Asbestos Abatement Notices (“AANs”) to owners of rooftop structures containing asbestos materials to remind owners of the requirements of using and handling asbestos.
- (iii) The BD had launched a series of LSOs since April 2011 and extended the scope of prioritisation to rooftop, podium and yard structures. The department would issue removal orders against those illegal structures in sequence.
- (iv) It would be more effective to request owners to remove UBWs by means of LSOs given the large number of UBWs. The BD would notify the EPD according to the agreed handling procedures as soon as possible after pinning down target buildings. Upon receipt of relevant information, the EPD would inspect the target buildings. If the UBWs were found to contain asbestos

materials, the BD would notify owners concerned in writing of the appropriate ways of handling.

- (v) The BD would also deploy staff to conduct preliminary investigations at target buildings. Should UBWs be found, the department would identify the relevant units and determine the date of issuing removal orders and would notify the EPD of such decisions. If the EPD had to issue AANs against the UBWs of target buildings, the BD would recommend the EPD to inform the owners concerned in writing in ten days so that owners could take action according to the removal orders of the BD and AANs of the EPD concurrently.
- (vi) If asbestos-containing materials were found at the UBWs to be demolished, owners should receive AANs from the EPD only after receiving removal orders from the BD. They would not receive AANs without receiving removal orders under general circumstances.

47. Dr Benny SO responded as below:

- (i) The EPD was mainly concerned about how owners handled the asbestos-containing materials of structures.
- (ii) If suspected asbestos-containing materials were found, the EPD would write to the owners concerned to remind them of the statutory requirements of using, handling, removing and disposing of asbestos-containing materials.
- (iii) The letters issued by the EPD were not removal orders and no deadline was specified. By writing to owners, the EPD aimed to remind them that they had to hire registered asbestos contractors to take care of canopies or structures containing asbestos according to the requirements of the Air Pollution Control Ordinance and that they should notify the EPD in writing before works commencement.

48. Mr Albert TAM responded as follows:

- (i) After the BD had issued removal orders in respect of rooftop structures, rooftop dwellers could seek help from the BD on rehousing. The department would first arrange its social service support teams to conduct home visits to find out their actual situation.
- (ii) If rooftop dwellers needed government rehousing assistance, the BD would write to the SWD and the Housing Department as soon as possible to arrange for accommodation in interim housings or waiting for public rental housings.
- (iii) It was the Government's policy that no one would become homeless as a result of its actions.
- (iv) If rooftop dwellers were unwilling to observe the removal order even being prosecuted, the BD would consider asking the resident to move out and then apply to the court for a closure order four to five months later. Rooftop dwellers should have adequate time to look for a new residence.

49. Ms Alice DING responded as follows:

- (i) The BD and its social service support team would provide assistance to the people affected by removal and those in need. The team also had close contact and cooperation with the integrated family service centres in the district. They would provide appropriate services to the affected people having regard to individual situation.
- (ii) In regard to the cases mentioned in the discussion paper, the SWD contacted the integrated family service centres in the district immediately upon receipt of Ms WONG Shu-ming's referral and provided appropriate assistance to those in need.

50. Ms WONG Shu-ming noted that the law enforcement departments would allow rooftop dwellers adequate time for relocation. She said that one subject in the rooftop structure cases she had received said that he had not received a removal order from the BD. While she understood that removal orders would be sent to the owners of the rooftop structures and the OCs, she suggested the BD inform the Councillors of the constituency concerned of the target streets where LSOs were to be carried out. She pointed out that since Councillors had received a number of rooftop structure cases, they could help to co-ordinate if the Councillors of the constituency concerned were informed by the BD of the target streets in advance. She further indicated that some residents had no way to seek assistance because their removal cases were not followed up by the social service support teams. Finally, she hoped that the SWD could arrange for admission to temporary shelters/transit centres in the same district for the residents affected by removal. She said that some residents in Kowloon were relocated to transit centres in Wan Chai which were far away from where they used to live. She urged improvement to the rehousing arrangement.

51. Mr Albert TAM responded that statutory removal orders would be issued to the owners of UBWs by registered post and would also be posted at the site by the BD. Notices of Intention to Apply for a Closure Order and closure orders would also be handled in the same way. He would reflect Councillors' opinion to the BD in regard to the suggestion of informing the Councillors of the constituency concerned of the target streets/buildings.

52. Ms Alice DING agreed that the SWD should be notified of the cases of households being affected by removal as soon as possible, so that the SWD could have adequate time to provide assistance to those in need.

53. The Chairman asked if the rooftop structures on the target buildings under the LSOs were UBWs of "imminent danger". He further enquired about the number of target buildings in the current year and the number of inspected buildings.

54. Mr Albert TAM said that since April 2011, over 2 000 target buildings with rooftop structures had been included in the LSOs. The number of new target buildings in the current year was 600. Apart from rooftop structures, UBWs inside the buildings were also targets of LSOs. Regarding the issue that some OCs could not procure third party risks insurance due to UBWs discussed earlier at the meeting, he opined that those cases could be reported to the BD for consideration of listing such buildings as target buildings so that the OCs and owners were able to know which UBWs in the buildings must be removed. It was expected that it was easier for the OCs to procure third party risks insurance after the UBWs were removed.

(Ms WONG Shu-ming left the meeting at 4:25 p.m.)

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

Item 5: Is It Just to Sue OC for Illegal Structures Erected by Flat Owners of the Same Building?
(YTMHBMC Paper No. 10/2014)

56. The Chairman welcomed Mr Danny HO, Senior Structural Engineer/F3 of the BD to the meeting.

57. Mr HUI Tak-leung supplemented the contents of the paper.

58. Mr Danny HO responded as follows:

- (i) The building mentioned in the paper had been listed as a target building in the LSOs in 2008. The BD had issued a total of 102 removal orders to the OC or owners of the building, of which 96 were complied with. The BD would continue to follow up non-compliance cases with related persons.
- (ii) According to Section 24 of the BO, a removal order should be served on the owner of the land or premises on which the UBWs had been erected. If the UBWs were located in the common areas of buildings which were owned by OCs according to the records of the Land Registry, the BD would issue removal orders to the OCs. For buildings with no OC, the BD would issue orders to the co-owners, i.e. all owners, of the buildings.
- (iii) If the UBWs were located on the rooftop that was the common area of a building, the BD would issue a removal order to the OC according to the BO in case it could not identify the occupier of UBWs or there was no evidence that the occupier was an owner of the building.
- (iv) If the UBWs were located on government land, the Lands Department (“Lands D”) would take action in accordance with relevant legislation as government land was not governed by the BO.

(Mr HAU Wing-cheong left the meeting at 4:40 p.m.)

59. Mr HUI Tak-leung did not understand why it was difficult for the BD to identify the occupiers of UBWs of buildings. He took the view that the BD would only encourage the construction of UBWs by issuing removal orders in the said manner. Not only did the occupiers of UBWs need not assume liability, but could also sublet UBWs for making profits. He continued that although OCs were responsible for managing the common areas of buildings, they had to go through numerous procedures to recover areas which had been occupied for the construction of UBWs. The BD should therefore directly request occupiers to remove UBWs instead of issuing removal orders to OCs. The BD should also directly prosecute the owners of unauthorised signboards instead of making things difficult for OCs.

60. Mr Danny HO reiterated that under the existing legislation, the BD would issue removal orders to OCs in respect of UBWs in the common areas of buildings if the occupiers could not be identified. He continued that OCs could report to the BD upon finding any UBWs in progress in the common areas of buildings so that the BD could arrange for removal as soon as possible.

61. The Chairman asked whether the BD could directly prosecute the occupiers instead

of issuing removal orders to OCs in the event that there was evidence showing the identity of the occupiers of UBWs in the common areas of buildings.

62. Mr Danny HO responded that the BD could not verify the identity of the occupiers of UBWs in the common areas of buildings when there was insufficient evidence. If the UBWs were located in common areas and the removal orders were not complied with, the BD would institute criminal prosecutions against OCs.

63. The Chairman said that OCs were not empowered to order the occupiers to vacate the common areas of buildings. The BD should not institute criminal prosecutions against OC members.

64. Mr Steven HO indicated that it was difficult for the BD to remove newly constructed UBWs immediately. He suggested writing to the BD requesting for the review of legislation concerning the removal of UBWs.

65. Mr WONG Kin-san understood that there were established enforcement procedures for the BD to follow in handling UBWs. He pointed out that there were many problems concerning building management and housing affairs in Hong Kong, such as the difficulties encountered by OCs in procuring policies of third party risks insurance, the problems arising from operating guesthouse in buildings, UBWs in buildings. The Government requested OCs to resolve these problems on their own but it did not offer OCs with adequate support. OCs might even have to assume criminal liability. As a result, more and more owners were reluctant to join OCs. He was of the view that the Government had to review the relevant legislation to protect the interests of OC members.

66. Mr John WONG worried that the Government would leave more and more problems about building management to OCs. He pointed out that many OC members were elders who devoted their private time to OCs on a voluntary basis and might not be equipped with professional knowledge to handle the legal matters related to building management, but they had to bear significant responsibility or even criminal liability. This was unfair to OC members. He thought that the BD and YTMDO should examine the issue and should not leave all the problems about building management to OCs to resolve.

67. Mr HUI Tak-leung asked whether the BD was empowered to arrange for the removal of the UBWs with unidentified occupiers.

68. Mr Danny HO indicated that when the BD was unable to locate the occupier of UBWs in a building and if the UBWs had caused problems such as endangering the safety of the building or severely obstructing fire escapes, the BD would remove the UBWs by means of “cost recoupment” for the sake of safety. In accordance with the legislation, the BD would normally issue a removal order to the concerned parties before taking appropriate action.

69. The Chairman understood that the owner of the common areas of a building was the OC, but he drew the Government’s attention to the fact that the OC did not have the resources and power to force the occupiers of the common areas to remove the UBWs.

70. Mr Danny HO said that the BD should gather sufficient evidence before it could directly prosecute the occupiers of UBWs. He continued that OCs could discuss the management and use of the common areas of a building with the concerned owners in accordance with the deed of mutual covenant or BMO (Cap. 344). OC members or owners

could seek free legal advice co-organised by Hong Kong Housing Society and the Law Society of Hong Kong, if necessary.

71. The Chairman held that the Government should amend the legislation and directly prosecute the occupiers of UBWs.

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

Item 6: Concern over Fire Safety of Room Escape Game Venues and Their Supervision
(YTMHBMC Paper No.11/2014)

--- 73. The Chairman said that the written responses (Annexes 5 and 6) of the Electrical and Mechanical Services Department (“EMSD”) and the FSD had been emailed to Members for perusal before the meeting. He then welcomed the following representatives to the meeting:

- (i) Mr Albert TAM, Senior Structural Engineer/F1 of the BD;
- (ii) Mr CHAN Sui-hong, Divisional Commander (Kowloon South); Mr TSE Tak-fai, Divisional Officer (Kowloon West), and Mr HO Chun-pong, Assistant Divisional Officer (Kowloon South) (Atg) of the FSD;
- (iii) Mr Harry HO, Miscellaneous Enquiries Sub-Unit Commander (Mong Kok District); Mr TSANG Man-shing, Neighbourhood Police Co-ordinator, Police Community Relations Office; Ms KONG Ha-sang, Sub-Unit Commander (Operations Support) (Yau Ma Tei Division) (Yau Tsim Police District); Mr LEUNG Yun-shing, Patrol Sub-Unit Commander (5) (Tsim Sha Tsui Division), and Mr CHENG Chun-wai, Neighbourhood Police Co-ordinator, Police Community Relations Office, of the Hong Kong Police Force (“HKPF”);
- (iv) Mr TANG Fuk-kin, Chief Health Inspector 1, Mong Kok District and Mr LEE Chun-keung, Chief Health Inspector 1, Yau Tsim District (Atg) of the Food and Environmental Hygiene Department (“FEHD”).

74. Mr WONG Kin-san supplemented the contents of the paper. He explained that room escape game was an emerging problem-solving game which was generally held in commercial buildings or industrial buildings. Participants would stay in a simulated “closed room” and had to solve problems together within a specific period of time in order to unlock doors and escape from the “closed room”. He expressed his concern over the fire safety and regulation of such game venues.

75. Mr Harry HO said the Police’s record showed that there were four venues for room escape games in the Mong Kok Police District, which were located in tenement buildings, commercial buildings and commercial/residential buildings.

76. Mr LEUNG Yun-shing indicated that there were no such game venues in the Yau Tsim Police District at present.

77. Mr Harry HO indicated that there were some larger escape game venues in industrial buildings in other districts. There were usually several rooms in those premises. Participants had to unlock the door by locating the key items with the clues provided within a limited time or cooperate to complete some tasks in order to escape from the “closed room”.

78. Mr CHAN Sui-hong indicated that all buildings and premises should be installed with fire service equipment as required by the FSD's Code of Practice for Minimum Fire Service Installations and Equipment. Moreover, the responsible person of the premises should ensure that the means of escape was kept clear all the time and the fire equipment was in efficient working order. In accordance with the Fire Service (Installations and Equipment) Regulations, the responsible person of the premises should have such fire service installations and equipment inspected by a registered contractor at least once in every 12 months. He added that if any breaches of fire services related legislation (for example: Fire Services (Fire Hazard Abatement) Regulation, Fire Service (Installations and Equipment) Regulations or the Dangerous Goods Ordinance) were found during routine inspections, the FSD would definitely exercise the power conferred by such legislation to take enforcement action, including issuing fire hazard abatement notices or warning letters to, or initiating direct prosecution against the responsible persons. If any irregularities related to the purview of other departments were found in the course of inspection, the FSD would immediately relay them to the concerned departments for follow-up.

79. The Chairman asked whether the FSD had introduced a licensing system for room escape game venues to facilitate enforcement.

80. Mr CHAN Sui-hong responded that there was no established legislation or licensing mechanism for the FSD to inspect room escape game venues.

81. Mr Albert TAM indicated that the facilities and set-up of room escape game venues were not governed by any provisions of the BO. Upon receipt of reports on the alteration of the layout of premises, the BD would inspect whether the alteration was in compliance with the planning, design and construction requirements under the BO concerning fire safety, drainage works and structural safety. The BD would also verify whether the owners had employed a qualified contractor. The owners should employ a registered contractor to carry out the works if necessary. If such an alteration would cause danger, the BD would take enforcement action in respect of the works. He added that licensing matters were beyond the purview of the BD.

82. The Chairman said that with the increasing popularity of room escape games, the Government should learn more about the game and evaluate the safety of game venues. He estimated that the developers of room escape games would make the game more exciting to attract more participants. The Government should therefore closely monitor the safety of the game.

83. Mr Albert TAM explained that the means of escape should be kept clear under the legislation. If there were complaints that the doors of premises were still automatically locked in case of a fire, the BD would remove the installations in contravention of the legislation if substantiated. He added that some door locks on the market would automatically unlock if a fire was detected. He had no knowledge of whether such a device was used in room escape game venues.

84. Ms KO Po-ling was of the view that room escape game venues were more dangerous than sub-divided units and amusement game centres. Amusement game centres were governed by a licensing system, but room escape game venues were not under any monitoring mechanism for the time being. The Government should closely monitor the safety and development of room escape game venues. The concerned departments should otherwise shoulder the responsibility if any accidents occur in future. She considered that the Government should introduce a licensing system to strengthen the supervision of room escape

game venues as soon as possible so that the game could be carried out in a safe venue.

85. The Vice-chairman indicated that in the event of a fire, participants would be caught inside the venue if they could not unlock the door of a “closed room” with the clues and if the staff could not immediately open the door. Therefore, the FSD and BD should inspect room escape game venues to ensure that the set-up and structure of those venues had met the requirements of the BO and Fire Services Ordinance.

86. The Chairman asked whether the BD were aware of the presence of closed partitions when issuing the occupation permit. He opined that it was an offence if the responsible person of premises altered the layout, including enclosing any particular room, after obtaining the permit, and that the BD should look into the matter.

87. Mr WONG Kin-san urged the concerned departments to follow up the safety of room escape game venues and deploy officers to inspect the venues soon. He hoped that the Government would not face the problem and look into the cause of accidents only after the occurrence of accidents. He urged the Government to assess the safety of those venues. He supported the introduction of a licensing system to put those venues under regulation. In addition, he was disappointed that besides the four room escape game venues in the Mong Kok Police District, other departments concerned could not get hold of any information about such a popular game. He requested the FSD to take the initiative to locate such venues and deploy officers for inspection immediately. He doubted if there were more than four room escape game venues in the district. He hoped that the HBMC would follow up on the issue.

88. Mr Stephen HO proposed that the District Management Committee (“DMC”) should urge the BD and the FSD to establish an inter-departmental task force to follow up the issue.

89. The Chairman opined that it was necessary to consider prudently if it was feasible for the DMC to take the lead to establish a task force. He considered it more appropriate for the HBMC to follow up the issue.

90. Mr Thomas CHAN indicated that the terms of reference of the DMC were different from those of the YTMDC and other committees under the YTMDC. The DMC was usually responsible for district matters and the departments in attendance had clear delineation of duties. Room escape game venues might fall within the purview of policy bureaux. It was therefore necessary to consider whether it was appropriate to discuss and follow up the issue at DMC meetings.

91. Mr HUI Tak-leung indicated that as a number of Members expressed their concern over the safety of room escape game venues, the YTMDC had the responsibility to remind other concerned departments (especially the HKPF and the FSD) to step up inspection of such venues. He also suggested that the District Fight Crime Committee (Yau Tsim Mong District) and District Fire Safety Committee (Yau Tsim Mong District) should consider producing promotion leaflets to arouse the public’s attention on the safety of such venues.

92. Ms KO Po-ling said that according to the HKPF, there were also escape game venues in other districts, so the safety concern of such venues was not exclusive to the YTM District. She suggested the HBMC write to the Secretary for Home Affairs requesting for a study on the introduction of a licensing scheme to put room escape game venues under regulation. Besides, she agreed that the DMC should urge relevant departments to establish a task force following up the safety problem of room escape game venues.

(Post-meeting note: The Chairman and Mr WONG Kin-san expressed their concern on the fire safety and regulation of room escape game venues at the DMC meeting on 10 June 2014. Assistant District Officer (Yau Tsim Mong) wrote to the BD and the FSD conveying the concerns of Councillors on 16 June 2014. The BD replied on 7 August 2014 that inspection had been conducted on the relevant premises and would take appropriate action against premises in contravention of the BO.)

93. Mr TANG Fuk-kin said that room escape game was a group activity took place in an enclosed area. Such game venues were not currently under the regulation of the Places of Public Entertainment Ordinance, but the problems arisen from such venues deserved attention. He continued that the staff of the FEHD were ready to discuss any items related to environmental hygiene.

94. Mr Albert TAM said that during the inspection of room escape game venues, the BD staff were mainly concerned about whether the layout of the premises had breached the BO. As regards the mechanical devices of such a game, the BD had to determine whether they belonged to the category of building before it could decide the action to be taken.

95. Mr CHAN Sui-hong said that the FSD would conduct a site inspection upon receipt of complaints against room escape game venues for breaching the Fire Services Ordinance. He continued that during the inspection, the staff of the FSD would check whether the property owner or the owner of fire service installations or equipment ("FSI") had kept such FSI in efficient working order at all time, and had such FSI inspected by a registered fire service installation contractor at least once every 12 months. The problem faced by the FSD was that it was not empowered by the law to inspect private premises that were used as room escape game venues. There were also no law enforcing agencies responsible for regulating such venues. Consequently, the FSD could only provide fire safety advice to the responsible persons of such venues. If the relevant bureaux or departments decided to introduce a regulatory mechanism after consideration, the FSD would offer assistance according to the established procedures.

96. Mr Harry HO added that the areas of the four room escape game venues in Mong Kok ranged from 1 000 to 2 000 square feet, with each venue divided into four to eight rooms. Participants could take part in a 45-minute room escape game by a fee of \$120. The HKPF had consulted the Office of the Licensing Authority of the HAD ("Licensing Authority") and learned that those venues were not governed by the Miscellaneous Licenses Ordinance administered by the Licensing Authority. He continued that there were many rooms in those venues, but he was not clear about the number of door locks and if the doors were installed with electric locks.

97. Mr Thomas CHAN said that he had contacted the HAD Licensing Authority and noted that an amusement game centre referred to any place in which any machine or device was installed or placed for use or operation for the purpose of amusement, recreation or entertainment as stated in the Amusement Game Centres Ordinance. The focus was on the presence of machines or devices. The room escape game was mainly an activity or a competition for participants to join. Its nature was not related to electronic amusement game machines. Therefore, those venues were not regulated by the Amusement Game Centres Ordinance. Other entertainment licenses awarded by the Licensing Authority were mainly related to activities with gambling elements and also did not cover room escape game venues.

98. Ms KWAN Sau-ling suggested writing a letter to the HAD in the name of the HBMC, urging the HAD to follow up the safety issue of room escape games, and requesting the HAD

to study if such venues had contravened the deed of mutual covenant and if it was necessary to establish a licensing scheme for such venues. She continued that room escape game was still a newly introduced game and relevant departments might not be aware of the potential problems of the activity. She requested that room escape games be put under regulation and that the staff of the FSD and BD be empowered to inspect such venues to facilitate enforcement.

99. Mr WONG Kin-san hoped that the HKPF could pass the information of the four room escape game venues to relevant departments such as the FSD, the BD and the EMSD so that they could inspect those four venues according to the ordinance under their jurisdiction so as to ensure that the fire service installations, electrical devices, layout and fire escapes were complied with the legal requirement to safeguard the safety of participants. He also suggested a legislative amendment to put such game venues under the regulation of a licensing mechanism as soon as possible.

100. Mr LEE Chun-ming said that the area of the largest room escape game venues was as large as 2 000 square feet, occupying the entire floor of a tenement or commercial building. He estimated that the fire escape routes in such venues might be obstructed in the design of the layout. He continued that it was mentioned in the paper that there were electrical doors in such venues. He was worried that the power supply of tenement buildings was not adequate to provide the required electricity for those doors. The electrical doors would easily break down and trapped the participants of the game as a result.

101. The Chairman suggested writing to the Home Affairs Bureau, with a copy to the HAD, to seek legislative amendment by the departments concerned in order to deal with the safety problems of those venues more effectively by putting room escape game venues under regulation. There was no objection.

(Post-meeting note: The Chairman wrote to the Secretary for Home Affairs in the name of the HBMC on 1 August 2014 to relay Members' requests (Annex 7).)

102. Mr Stephen HO said that the present four room escape game venues in Mong Kok were quite large, so the FSD had the responsibility to inspect them to prevent participants and residents from being endangered in the event of a fire. In addition, he was dissatisfied with the HAD which claimed that the problem of those venues could not be followed up.

103. The Chairman said that room escape game venues were not governed by the existing legislation. He hoped that the staff of the relevant departments could be empowered to regulate such venues through legislative amendment.

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

Item 7: Using Concrete Platform Next to Exterior Wall of a Building as Business Area?
(YTMHBMC Paper No. 12/2014)

105. The Chairman welcomed Mr Danny HO, Senior Structural Engineer/F3 of the BD and Mr TANG Fuk-kin, Chief Health Inspector 1 of the FEHD to the meeting.

106. Ms WONG Shu-ming had left the meeting early due to other commitments. Mr WONG Kin-san supplemented the contents of the paper on behalf of Ms WONG Shu-ming. He said that the Lands D had not been invited to attend the meeting by the discussion paper,

but the FEHD and the BD could refer the case to the Lands D for follow-up if necessary.

107. Mr Danny HO responded as follows:

- (i) The BD had sent staff to inspect the site upon receipt of the discussion paper. According to the record of the BD, the concrete platform mentioned in the paper was located in the common area of the building which was not a part of the adjoining shop. Therefore, the owner of the shop did not have the right to use the area where the concrete platform was located.
- (ii) After inspection, the BD considered that the concrete platform was only used to cover the drains. Generally, movable risers, small platforms or wheelchair ramps on the ground were not building structures and therefore were not within the scope of regulation of the BO.
- (iii) According to the record of the BD, two orders had been issued to the shop and 13 orders had been issued to the owner of the building. The relevant owners had complied with all the orders.
- (iv) As the concrete platform was not a building structure, it was not regulated by the BO. In addition, as it did not affect the structure of its connected building or cause any obstruction to fire escape routes, the BD could not take any action in accordance with the legislation.

108. Mr TANG Fuk-kin said that after asking the Lands D, the FEHD learned that the concrete platform was located on private land, and therefore it could not take enforcement action in respect of the concrete platform. The FEHD would initiate prosecution if the shop owner had illegally occupied public area.

109. Mr WONG Kin-san and Ms KO Po-ling wished that the departments concerned could clarify if the concrete platform was located on a public or private land. If it was in public area, they would like to know if the relevant departments would consider referring the case to the Lands D for handling.

110. Mr TANG Fuk-kin said that the FEHD was informed by the Lands D that the concrete platform was located at a private rear lane. The FEHD had written to the Lands D to verify the ownership of the rear lane concerned. He restated that if the concrete platform was located in a public area, the FEHD would take enforcement action.

111. Mr Danny HO said that the objects placed at the rear lane by the shop were simply a pile of wooden boxes and cartons. Being non-building structures, they were not covered in the scope of regulation of the BO.

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

Item 8: Any Other Business

113. There being no other business, the Chairman closed the meeting at 5:35 p.m. The next meeting would be held at 2:30 p.m. on 28 August 2014.

Yau Tsim Mong District Council Secretariat
August 2014

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油尖旺區議會
油尖旺區議會房屋事務
及大廈管理委員會

主席先生：

正視大廈法團購買第三保的困難

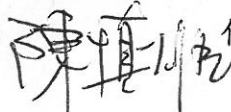
謝謝您二零一四年四月二十四日的來信。

保險業是一門根據風險評估而定價的行業，保險公司會因應意外發生率、賠償金額、過往意外記錄等多個因素決定是否承保有關風險及釐定保費水平。根據《保險公司條例》，保險業監理處並不能干預保險公司的商業決定。

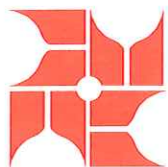
據本處了解，民政事務處過往在獲知大廈業主立案法團（「法團」）購買大廈第三者風險保險遇上困難時，均會協助有關法團聯絡香港保險業聯會（「保聯」），以幫助他們購買適當的保險。而在保聯的協助下，大部份的個案亦得到解決。因此，假如法團在購買第三者風險時遇上困難，應透過民政事務處向保聯尋求協助，皆因本處不能干預個別保險公司承保與否的商業決定。文件中提到向本處投訴，實非處理此問題之上策。

/...

本處得知保聯將會派代表出席房管會第十二次會議，參與討論大廈第三者風險保險之事宜。本處相信通過相關團體的討論及溝通，必能成功為法團解決購買相關保險的問題。

保險業監理專員
(陳慎雄  代行)

二零一四年五月二十九日



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

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民政事務總署

民政事務總署署長

陳甘美華女士, JP

郵寄及電郵

甘女士：

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 6 月 5 日舉行了第十二次會議，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，多名委員認為情況嚴重，值得關注，希望民政事務總署與香港保險業聯會及屋宇署協調，盡力協助大廈法團投保。

此外，多名委員促請當局盡快檢討現行有關法例，以便更有效保障業主，免於大廈範圍內發生意外時，業主須承擔巨額賠償，同時又不會令法團委員承擔過大的責任，影響業主投身法團委員工作的熱誠。

隨函夾附房管會第十二次會議記錄相關部分(草擬本)及會上的討論文件(附件 1 及 2)，以供參閱，希望民政事務總署能夠考慮委員所提出的意見。

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 8 月 1 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

Annex 3

油尖旺房屋事務及大廈管理委員會第 9 / 2014 號文件 書面回應(1)

油尖旺區議會房屋事務及大廈管理委員會 「天台僭建密密拆，居民搬去邊度住？」 討論文件（第 9/2014 號）

就上述文件所提出的問題 1 及 2，環境保護署的回應如下。

問 1 及 2

就天台僭建問題，有居民只收到環保署發出的清拆命令，有部份居民卻收到屋宇署的命令，請問環保署及屋宇署就相關問題如何分工？分別角色及立場為何？請環保署及屋宇署提供由發出命令以至執行的整個過程。

答 1 及 2

在八十年代中或以前，含石棉物料在建築物的應用非常普遍，舊式樓宇內的簷篷或搭建物亦多使用石棉波紋水泥瓦片作遮擋及隔熱之用。

因應屋宇署展開的違例搭建物清拆行動，環境保護署(環保署)與屋宇署一直緊密合作，就被屋宇署納入為執法行動的目標樓宇，訂定目標單位作跟進調查是否含有石棉物料。若發現有懷疑石棉物料，環保署會去信相關業主，提醒他們有關使用、處理、拆卸及棄置石棉物料的法定要求，藉此減低因清拆石棉僭建物可能對公眾造成的風險。

由環保署發出的信件並不是清拆命令，也沒有指定期限。環保署發出該信件的主要目的是提醒業主在處理含石棉物料的簷篷或搭建物時，須按照《空氣污染管制條例》的要求聘請註冊石棉承辦商處理有關工程，並在工程展開前以書面方式通知環保署。若發現有違規的石棉工程，環保署會根據部門指引進行調查，並會按有關法例採取適當行動。

環境保護署

2014 年 5 月

為受清拆天台僭建物影響的人士所提供的支援

目的

本文件旨在回應黃舒明議員對區內受清拆天台僭建物影響的人士的關注，並簡述社會福利署(社署)為有關人士所提供的支援。

為受清拆天台僭建物影響人士提供的支援

2. 據了解，屋宇署的職員和駐該署的社會服務支援隊會向受清拆僭建物所影響和有需要的人士提供協助。如有需要，屋宇署會聯同房屋署(房署)、社署及民政事務總署協助住戶處理搬遷上遇到的問題。一般而言，房署會按受影響人士的情況及資格，作出相應的安置安排(包括臨時收容中心或中轉屋)。
3. 在清拆僭建天台屋行動中，社署一直擔當支援的角色。如有需要，社署或非政府機構的綜合家庭服務中心會與駐屋宇署的社會服務支援隊緊密聯繫和合作，並按個別情況及需要為受影響的人士提供適切的服務。負責處理有關個案的社工會考慮當事人可運用的資源，並就個案的特殊情況，為當事人作出適當的安排，包括提供短期經濟援助、轉介申請綜合社會保障援助計劃等。
4. 現時，社署資助非政府機構營辦五間市區單身人士宿舍和兩間臨時收容中心，共提供 202 個宿位。這些宿舍於 2013-14 年度(截至 2013 年 12 月底)的平均入住率約 84%。此外，現時還有其他非政府機構以自負盈虧方式營辦七間宿舍，提供共 397 個宿位，為有短期住宿需要人士(包括受清拆僭建天台屋影響並有特殊需要的人士)提供臨時居所。單身人士宿舍和臨時宿舍，住宿期一般不超過六個月。個案社工會因應個別服務使用者的需要，協助他們安排較長期的居所或延長住宿期。社署會繼續監察臨時收容中心／單身人士宿舍服務的供求情況。

總結

5. 請各委員備悉本文件的內容。

社會福利署
2014年5月