

**Minutes of the 14th Meeting of
Housing and Building Management Committee
Yau Tsim Mong District Council (2012-2015)**

Date : 13 November 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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|-----------------------------|---------------------|
| 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 | |

Co-opted Members

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

Representatives of the Government

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|---------------------------|---|-------------------------|
| Mr TAM A-ray, Albert | Senior Structural Engineer/F1 | Buildings Department |
| Ms TSE Yuen-man, Eliza | Housing Manager/KWH3 (Acting) | Housing Department |
| Mr CHAN Chi-ching, Thomas | Senior Liaison Officer (Building Management) | Home Affairs Department |
| | Yau Tsim Mong District Office | |

Secretary

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

In Attendance:

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|---------------------------|---|-------------------------|
| Mrs ARON Laura Liang, JP | District Officer (Yau Tsim Mong) | Home Affairs Department |
| Mr POON Yui-chau, William | Senior Professional Officer/Signboard Control 1 | Buildings Department |
| Mr WAN Chi-wai, Terry | Senior Building Surveyor/MBI(2) | Buildings Department |

Opening Remarks

The Chairman welcomed all to the meeting and introduced Mrs Laura ARON, District Officer (Yau Tsim Mong), who attended the meeting of the Housing and Building Management Committee (“HBMC”) for the first time.

Item 1: Confirmation of Minutes of Last Meeting

- 2. The Secretariat had received before the meeting the amendment proposal (Annex 1) from the Housing Department (“HD”) for the draft minutes of the last meeting. The amended minutes of the 13th meeting were confirmed.

**Item 2: Progress Report on Handling of Signboards in Yau Tsim Mong District by Buildings Department
(YTMHBMC Paper No. 15/2014)**

3. The Chairman welcomed Mr William POON, Senior Professional Officer/Signboard Control 1 of the Buildings Department (“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.

4. Mr William POON briefly introduced the contents of the progress report. He said that a new form for reporting dangerous or abandoned signboards in the district had been sent to the Councillors by the BD recently. Councillors could return the form by email or facsimile to facilitate follow-up actions by the BD. In addition, the BD would closely follow

up outstanding cases of “Dangerous Structure Removal Notice” (“DSRN”).

5. The Vice-chairman thanked the BD staff for their efforts in tackling problematic signboards in the district in the previous year. As regards the 76 outstanding cases of DSRN this year, she hoped that the BD would urge signboard owners to remove the signboards as soon as possible, thereby avoiding accidents caused by falling signboards due to delay in removal.

6. Mr HUI Tak-leung was glad to know that the BD had handled the three problematic signboards in Mong Kok he mentioned at the last meeting. He also asked the BD representative whether, under the approach of “works before payment” for handling abandoned signboards (whereby government contractors would be arranged to remove the signboards and the costs of removal would be recovered from the persons concerned afterwards), the BD would recover the costs of removal from the property owners or owners’ corporation (“OC”) of the building if the signboard owners could not be located in the end. He said that if signboard owners did not need to undertake liability for abandoning signboards, signboard owners would otherwise be connived to abandon signboards under the approach of “works before payment”. He proposed that the BD should consider introducing a signboard registration fee system in which signboard owners would be required to pay application fees before erecting signboards so as to cover the fees incurred in signboard removal.

7. Mr William POON responded as follows:

- (i) Among the 76 outstanding cases of DSRN, a number of them were recent cases. The BD would step up its efforts in urging signboard owners to remove the signboards as soon as possible. If signboard owners turned a blind eye, the BD would tackle the signboards under the approach of “works before payment”.
- (ii) Under the approach of “works before payment” for recovering removal costs, signboard owners would be required by the BD to bear the expenses incurred in signboard removal. If signboard owners could not be located, and the problematic signboards were not owned by the OC of the building, the Government would not recover the removal costs from the OC.

8. Ms KO Po-ling was glad to know that the BD would not recover removal costs from the OC for those dangerous signboards not owned by the OC on the external walls of a building. She would like to know when such an arrangement was put in place. She

suggested that approval from the OC of the building concerned should be sought by the Government before assessing an application for erecting signboards on the external walls of a building, so that the OC could directly urge signboard owners to repair or remove the signboards in the future. She heard that some OCs would collect regular rents from signboard owners for the signboards erected on the external walls of their buildings. If signboard owners ceased to make rent payment, OCs would know such signboards had been abandoned.

9. Mr WONG Kin-san said that the BD kept on following up on problematic signboards with positive result. He continued that the number of reported cases of problematic signboards this year was much lower than the average number between 2011 and 2013, and asked the BD what their measures were for encouraging the public to make reports. In addition, he requested the BD to state the target number of problematic signboards to be tackled in 2015.

(Mr Stephen HO joined the meeting at 2:45 p.m.)

10. Mr CHAN Wai-keung asked the BD representative to define what “signboards” were. He had recently found that 1-meter to 2-meter long banners were hung outside windows of the flats by the residents in the district. He would like to know whether such items would be classified as “signboards”. He continued that such vertical and horizontal banners, if falling down onto the road, might cause traffic chaos. In this regard, he asked the BD whether legislation was in place to exercise regulation over such items.

11. Mr William POON responded as follows:

- (i) Under the law, the BD would only recover removal costs from the persons concerned (i.e. signboard owners) after tackling the problematic signboards under the approach of “works before payment”.
- (ii) As regards the issue of whether signboard applicants were required to seek approval from the OC of the building concerned before erecting signboards on the external walls of the building, the OC could resolve the dispute in accordance with the provisions under the Deed of Mutual Covenant and the relevant legislation.
- (iii) The number of reported cases of dangerous/abandoned signboards in the district this year was much lower than the average number of cases between

2011 and 2013. The BD had reinforced its appeal to the public for reporting problematic signboards in the district and written to District Councils to request Councillors to report problematic signboards. In addition, the BD was considering the arrangement of student ambassadors to assist in reporting problematic signboards. The number of reports of signboards was expected to rise through the aforesaid measures.

- (iv) The BD had not yet promulgated the target number of problematic signboards to be tackled in 2015. The objective of the department was to urge signboard owners to remove dangerous signboards on their own initiative through stepping up inspections and issuing DSRNs.
- (v) According to the Buildings Ordinance (“BO”), “signboard” meant a hoarding, framework, scaffolding or other structure erected solely for the purpose of displaying any advertisement, making any announcement or notification, or displaying any visual image or other information. The banners hung by the public, if not attached to any aforesaid structure, would not fall within the definition of “signboard” set out in the BO.
- (vi) As regards banners falling outside the purview of the BD, the Government would decide which departments could take follow-up actions depending on the locations of such banners. For example, banners in public places would be handled by the Lands Department (“LandsD”) and the relevant departments. For banners in private places which might pose danger, consideration could be given to seeking assistance from the Police and the Fire Services Department.

(Mr CHUNG Kong-mo, Mr HAU Wing-cheong, Mr John WONG and Mr CHIN Chun-wing joined the meeting at 2:48 p.m.)

12. Mr CHUNG Kong-mo said that dangerous/abandoned signboards posed potential hazards in the district for years. The BD should actively tackle such signboards. He continued that there was a large advertisement stand extending from the external wall of the lower floor of a building at Sai Yeung Choi Street South to the roadside, with one end of the stand being supported by iron poles on the roadside obstructing passers-by. A number of members of the public had made reports of the advertisement stand to the BD, but no action was taken by the BD so far. He would like to know the progress of following up on that structure by the BD.

13. The Chairman asked the BD whether the cases of dangerous or abandoned

signboards reported in the district between 2011 and 2014 were all reported by the public, and whether such cases included the problematic signboards found during inspections in the district by consultants and the BD staff. He continued that only 33 cases of abandoned or dangerous signboards in the district were reported this year. The figure was lower than the average number between 2011 and 2013, and the outstanding cases of DSRN in 2013 and 2014 were 2 cases and 76 cases respectively. The BD should urge signboard owners to tackle problematic signboards as soon as possible.

14. Mr William POON responded that the BD staff were following up on the case of the large advertisement stand at Sai Yeung Choi Street South. Since no relevant information was in hand, he would report to the HBMC in due course.

15. Mr CHUNG Kong-mo opined that the progress of this case handled by the BD staff was slow. He said that the stand was supported by a number of iron poles which occupied the pavement, causing inconvenience to passers-by. He hoped that the BD would clarify whether this case fell within the purview of the BD or the LandsD.

16. Mr William POON responded that he would relay to the BD staff Councillors' opinions and ask the relevant staff to respond to the HBMC.

17. Ms KO Po-ling said that the iron poles supporting the signboard occupied the pavement, bringing about substantial impacts. At an earlier meeting of Yau Tsim Mong District Council ("YTMDC") which the Director of Lands attended, Mr CHOW Chun-fai had expressed his concern over this case to the Director. She would like to know whether Yau Tsim Mong District Office ("YTMDO") would need to urge both the BD and the LandsD to handle this case jointly.

(Post-meeting note: In the written reply from the BD to the YTMDO dated 18 November 2014, the BD served a removal order on the owner concerned in July 2014 in accordance with section 24 of the BO, demanding removal of the unauthorised structure (i.e. the large advertisement stand). In response to the removal order issued by the BD, the owner's representative made an appeal. The case had been referred to the Appeal Tribunal of the BD for handling. Subject to the determination of the appeal by the Appeal Tribunal, the BD would follow up this case based on the outcome of the determination.)

18. Mr William POON responded as follows:

- (i) The 33 cases of dangerous or abandoned signboards in the district received by the BD this year were all reported by members of the public. The problematic signboards identified by consultants and the BD staff during inspections were not included.
- (ii) All the 76 outstanding cases of DSRN within the year were cases with DSRNs issued recently. Since the BD had to give signboard owners a reasonable period for dealing with the signboards, he hoped that the number of cases would drop when the BD reported to the HBMC next time.
- (iii) If signboard owners ignored the DSRNs, the BD would arrange government contractors to remove the signboards concerned.

19. The Chairman thanked the BD representative for joining the discussion on this item.

Item 3: To Request BD to Strengthen Inspection of Old Buildings to Identify Risks of Falling Concrete
(YTMHBMC Paper No. 16/2014)

----- 20. The Chairman said that the written response from the BD (Annex 2) had been distributed to Members by email for information before the meeting. He then welcomed Mr Albert TAM, Senior Structural Engineer/F1 and Mr Terry WAN, Senior Building Surveyor/MBI(2) of the BD to the meeting.

21. The Chairman said that the written response from the BD showed that there were 77 cases of defective external walls of buildings in Yau Tsim Mong (“YTM”) District this year. He asked the BD how such cases came to their knowledge, and among the buildings involved, how many were the target buildings to which statutory notices for building inspection were issued under the Mandatory Building Inspection Scheme (“MBIS”).

22. Mr Albert TAM responded that he could not provide the number of target buildings to which statutory notices for building inspection were issued under the MBIS for the time being. He supplemented that some of such cases were found by the BD staff during inspections in the district, and some others were reported by members of the public. Among the 77 cases, the BD issued advisory letters/statutory orders in 29 cases, including four cases requiring emergency works by the BD.

23. Ms KO Po-ling would like to know the breakdown of the 29 cases by YTM's four district areas in which advisory letters/statutory orders were issued by the BD. She also asked the BD representative to explain whether the tunnel boring works of the Express Rail Link ("XRL") in Tai Kok Tsui would affect the structure of nearby buildings, resulting in concrete spalling from external walls of the buildings.

24. Mr Albert TAM responded as follows:

- (i) The buildings in respect of the 29 cases were dispersed in YTM's four district areas. He had no information in hand to check the number of buildings located in the vicinity of the XRL site in Tai Kok Tsui.
- (ii) If the BD staff found that imminent danger would be posed to a building during inspection, the BD would be notified to arrange contractors for emergency works to remove problematic external parts of the building.
- (iii) Since 2003, the BD had appointed consultants to regularly inspect roadside buildings on the streets with high pedestrian flow. The consultants would submit reports to the BD after inspections. The BD frontline staff would make on-site inspections based on the inspection reports of consultants, and take follow-up actions where necessary, including the issuance of repair orders.

25. The Vice-chairman would like to know whether the buildings involved in the 77 cases were all target buildings to which statutory notices were issued for building inspection under the MBIS. She also asked the BD whether the OC of a building would be notified if the external parts of the building were found to be defective.

26. Mr CHUNG Kong-mo pointed out that concrete spalling from external walls of buildings in the district was common. Passers-by might get hurt by spalling concrete pieces and the issue was worth paying attention to. He added that there was a case of concrete spalling from a building in Charming Garden in July this year, fortunately no one was injured. He hoped that the BD could enhance the inspection of old buildings in the district, and deploy more resources to deal with the issue of concrete spalling from external walls of buildings. He continued that an officer from the Tree Management Office ("TMO") under the Development Bureau ("DEVB") attended the monthly regular meeting between the Chairmen and Vice-chairmen of 18 District Councils and the Home Affairs Department ("HAD") last month. He was present at the meeting and reflected to the TMO representative that trees were established on the external walls or rooftops of some buildings with root anchorage,

which added loading to external walls and buildings in the district. He quoted the example of a large tree on the rooftop of a building at Temple Street which was left unattended so far. He urged the BD and other relevant departments to pay close attention to the issue.

27. Mr Albert TAM said that the BD had requested their frontline staff of YTM to take stock of the numbers and locations of rooftop trees in their respective areas, and would arrange the removal of rooftop trees which might pose imminent danger. He added that the BD had recently removed three rooftop trees in the district, including the large tree on the rooftop of a building at Temple Street. As regards the case of concrete spalling from the external wall of a building in Charming Garden, he would check the records to ascertain whether the BD had received such a report and taken follow-up action.

28. Mr Terry WAN responded as follows:

- (i) If the BD found that a building would pose imminent danger, emergency repair works would be arranged. If there was a building safety problem, the BD would issue a statutory repair order demanding the owner to complete specific repair works within a specified period.
- (ii) In achieving the objective of “prevention is better than cure”, the BD implemented the MBIS and the Mandatory Window Inspection Scheme (“MWIS”) to require owners or OCs to address the problems of ageing and dilapidation of buildings through preventive inspection and maintenance.
- (iii) Every year, the BD would select a certain number of buildings from private buildings aged 30 years or above for incorporation into the MBIS based on information such as building repair history, traffic and pedestrian flows around the buildings in the light of advice of the selection panel.

29. Mr Benny CHING would like to know how the BD would deal with the issue of concrete spalling from external walls of buildings. He pointed out that repair works only commenced not long ago for a building at Hamilton Street with concrete spalling from its external walls as long as three years ago and exposure of steel reinforcement for a long time. He also said that many of the owners of “three nil” buildings (i.e. buildings without OCs, residents’ organisations or property management companies) could not afford repair expenses. Even when building repair notices were served on them, they would have difficulties in complying with them. He considered that in protecting passers-by, it would be more effective for the BD to adopt the approach of “works before payment” under which external walls of buildings that pose potential danger would be properly repaired, rather than

repeatedly demanding the compliance of orders by owners. He also expressed his concern over the problems arising from the trees established on the external walls of some old buildings in the district.

30. Mr HUI Tak-leung asked the BD whether statistics on the age profiles of buildings in the district and information on those buildings unwilling to participate in the MBIS were available. In addition, he would like to know whether the BD had any measures in place to assist owners of “three nil” buildings to carry out building repair works. He said that owners of some old-age buildings were unwilling to pay building inspection and repair expenses. The BD should deploy more resources to enhance inspection of such buildings. He also asked the BD to clarify whether the BD had chosen not to adopt the approach of “works before payment” since September 2013 as far as possible for repair works of those buildings without imminent danger.

(Mr WONG Kin-san left the meeting at 3:30 p.m.)

31. Mr Albert TAM responded as follows:

- (i) As regards the case of Hamilton Street’s building, he considered that it was undesirable to carry out repair works after the external walls of the building had been in a defective state for three years. In future, where the BD was aware of similar cases of buildings in the district, the department would urge the owners concerned to commence repair works as soon as possible.
- (ii) As regards the issue of trees on external walls of buildings, in cases where external walls were unstable due to the leaning of trees on them, as a usual practice, the BD would serve repair orders on owners and demand the removal of such trees.
- (iii) There were approximately 3,000-plus private buildings in YTM District, two-thirds of which aged 30 years or above. Of the remaining one-third, several hundreds aged less than 10 years. In the light of an increasing number of old buildings throughout the territory, the BD implemented the MBIS and the MWIS two years ago to require owners of old buildings at a certain age to appoint registered inspectors for building and window inspections.
- (iv) If the BD found that any “three nil” buildings posed imminent danger, it would adopt the approach of “works before payment” to carry out emergency repair

works on the buildings.

32. Mr Terry WAN responded that the BD could arrange briefing sessions for owners of the selected target buildings to provide them with information on the procedures for the MBIS and the MWIS, and assist them in selecting suitable registered inspectors and qualified persons for building inspection and supervision of repair works. In addition, the Government operated different loan or subsidy schemes to provide owners with sufficient funding for payment of building and window inspection and repair expenses. The BD could also refer in-house social services teams to assist owners in arranging meetings. If, at last, the owners could not commence inspection and repair works by the said means, the BD could arrange contractors for repair under the approach of “works before payment”. Nevertheless, the repair works arranged by the Government might incur a higher fee than the fee of the works arranged by owners, thereby increasing the repair costs of owners.

33. Ms KO Po-ling said that there was a large number of buildings aged 30 years or above and “three nil” buildings was great in the district, and the Operation Building Bright (“OBB”) previously launched by the Government could effectively assist owners of old buildings in arranging repair works. She proposed that the HBMC should ask the DEVB to consider deploying resources to relaunch the OBB, so that building owners could apply for subsidies under the OBB to carry out repair works.

34. Mr HAU Wing-cheong asked whether charitable funds from the Government were available to subsidise owners of old buildings (in particular “three nil” buildings) to carry out repair works. He said that building owners were generally willing to take part in the MBIS but they might not be able to reach the persons concerned to convene a meeting, nor afford repair expenses.

35. Mr Terry WAN responded that, in case owners of “three nil” buildings experienced difficulties in reaching the persons concerned in the course of compliance of MBIS notices, the BD could refer in-house social services teams to assist them in arranging meetings. The elderly could also apply to the Building Maintenance Grant Scheme for Elderly Owners for subsidies. He continued that Councillors could refer to the BD cases in which individual owners had difficulties in affording repair expenses.

36. Mr Albert TAM introduced the information on OBB. He said that 195 buildings in YTM District under the OBB were still under supervision of the BD and undergoing repair works by government contractors. The OBB would come to a close late next year, by then a number of the participating buildings would have completed the repair works.

37. The Chairman thanked the BD representatives for joining the discussion on this item.

Item 4: Any Other Business

38. There being no other business, the Chairman closed the meeting at 3:45 p.m. The next meeting would be held at 2:30 p.m. on 29 January 2015.

Yau Tsim Mong District Council Secretariat
November 2014

**Proposed Amendment to the Draft Minutes of
the 13th Meeting of Housing and Building Management Committee
held on 28 August 2014
Yau Tsim Mong District Council (2012-2015)**

The proposed amendment of the HD is as follows:

Representatives of the Government on page 1 and in paragraph 33(i):

Original text: “Ms Tammy TSO, Housing Manager/Kowloon West 3 of the HD”

Proposed amendment: “Ms Tammy TSO, Housing Manager/KWH3 of the HD”

**2012-2015 年度
油尖旺區議會
房屋事務及大廈管理委員會
要求屋宇署加強巡查舊式樓宇石屎剝落情況**

屋宇署的回應

(提問一) 署方可否簡介現時巡查舊式樓宇時的程序，及署方所提供的措施。

樓宇欠缺妥善維修保養，會對居民和普羅大眾構成威脅。因此，有關業主必須定期檢查及妥善維修和保養其樓宇，確保樓宇安全。如因樓宇失修而發生意外，傷及他人，有關業主可能要負上法律責任。適時維修和保養樓宇是業主本身應有的持續責任。

本署接獲樓宇外牆出現欠妥的舉報後，會派遣專業人員到場視察，並進行專業結構評估，以目測方法檢查樓宇的情況，例如結構構件裂縫的位置和幅度、結構的變形狀況及混凝土的鋼筋銹漬狀況。一旦發現樓宇的安全出現問題，本署會根據《建築物條例》採取適當的跟進行動，包括發出法定維修命令，要求有關業主在指定限期內完成指定維修工程。如維修工程前須要進行勘測，本署亦會根據《建築物條例》發出法定勘測命令，要求有關業主委任一名認可人士，進行樓宇勘測並根據勘測結果提交補救工程的建議予屋宇署批准。倘若樓宇出現明顯危險時，本署會先行代業主進行緊急維修工程，然後向業主收回有關費用，以保障公眾安全。

現時，本署採用多管齊下的措施，透過立法、執法，對業主的支援，以及在宣傳和教育等方面加強樓宇安全。為了監察私人樓宇的狀況，本署會安排定期巡查全港各區，尤其是位於人流密集的地段的樓宇，不論樓齡，如發現樓宇外部有明顯欠妥之處，便會盡快作出跟進。此外，本署亦會透過大型行動，挑選目標樓宇，並根據視察結果採取適當的執法行動。為了達到「預防勝於治療」的目標，本署亦已實施強制驗樓計劃及強制驗窗計劃，透過定期的預防性檢驗及維修，處理樓宇老化及失修問題。

於二零一二年六月三十日，強制驗樓計劃規定樓齡達 30 年或以上的私人樓宇（不高於三層的住用樓宇除外）的業主，須委任一名註冊檢驗人員就樓宇的公用部分、外牆及伸出物或招牌進行訂明檢驗，並負責監督

檢驗後認為需要進行的訂明修葺工程。強制驗窗計劃則規定樓齡達 10 年或以上的私人樓宇（不高於三層的住用樓宇除外）的業主，須委任一名合資格人士就樓宇的所有窗戶進行訂明檢驗，並負責監督檢驗後認為需要進行的訂明修葺工程。本署會向這些樓宇的業主送達法定通知，規定他們進行訂明檢驗及檢驗後認為需要的訂明修葺。每年，屋宇署會選定一定數量的樓宇進行強制驗樓計劃及強制驗窗計劃。

然而，所有樓宇業主都有其基本責任，確保其擁有的物業的良好保養和安全狀況，包括為其物業進行定期檢驗和適時維修。除在接獲強制驗樓或驗窗的法定通知外，業主亦可隨時自願地安排為其樓宇／處所及其窗戶進行檢驗及修葺，但應按照強制驗樓計劃或強制驗窗計劃的標準和程序，進行訂明檢驗及訂明修葺，否則當有關樓宇被選定為實施強制驗樓計劃及／或強制驗窗計劃的目標樓宇時，本署仍可向業主發出強制驗樓或強制驗窗的法定通知。

為配合加強樓宇安全而實施的措施，屋宇署一直有按照政府既定機制爭取額外資源，並且不時檢討工作流程及優次，以在保障樓宇安全的前提下，達致更高的工作效率。

(提問二) 署方可否公佈本年巡查區內舊式樓宇的數目，而當中發現有多少幢樓宇出現石屎剝落的情況？

由本年 1 月至 10 月，本署在定期巡查油尖旺區內的樓宇時發現樓宇外部出現欠妥情況及接獲市民的舉報個案相關資料如下：

| 年份 | 樓宇外部欠妥的個案* | 需要屋宇署發出勸諭信/ 法定命令的個案 [#] |
|--------------------|------------|-------------------------------------|
| 2014 (截至 10 月底) | 77 | 29 |

* 包括外部結構構件(例如簷篷及露台)及外部批盪／飾面／紙皮石

[#] 包括 4 宗個案需要屋宇署進行緊急工程

屋宇署
2014 年 11 月