



Preface

Thank you for reading this Guidebook.

It has always been the vision of the Buildings Department to create and maintain a safe, healthy and pleasant built environment for our city. For new buildings we have introduced measures to promote innovative and environmentally friendly designs and methods of construction. For existing buildings we have been working hard to help owners repair their buildings and remove unauthorized structures. As we move into the new millennium, we have made record-breaking achievements in this respect.

Prevention is always better than cure. Building owners are well advised to carry out timely maintenance works to their buildings. It is indeed their **responsibility** to do so. A good knowledge in building maintenance and management is, however, essential if they are to fulfill their responsibilities. Unless and until owners recognize and know how to go about fulfilling their responsibilities, it will not be possible for us to inculcate a culture of building care in Hong Kong.

The purpose of this Guidebook is therefore clear. It is to provide building owners with essential information on building maintenance matters covering such diversified areas as statutory requirements, construction technology, project supervision and estate management. It includes most, if not all, of



the fundamentals of building maintenance and management. Tributes must be paid to all the building professionals, management experts, and colleagues of government departments concerned with the built environment for their valuable contributions to the compilation of this document. I sincerely hope that this Guidebook will help owners resolve the many maintenance problems they encounter, dispel misunderstanding amongst themselves, and avoid all the unnecessary disputes over maintenance related issues.

In the **Frequently Asked Questions** of this Guidebook, you will find concise answers to many of the problems often faced by building owners.

We would like to update and expand the contents of this Guidebook as we gain more experience in the years ahead. I would therefore suggest that you look up our web site at www.info.gov.hk/bd for the most up-to-date version. I hope you will find it informative and interesting.

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Director of Buildings
June 2002





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ACKNOWLEDGMENTS



Chapter 1

Chapter 1

INTRODUCTION

Introduction

Introduction

1.1 Fundamentals

Buildings in disrepair or unsanitary conditions, unauthorized building works and dilapidated signboards are potential hazards to the public. The responsibilities for maintaining and managing buildings in safe and sanitary conditions rest with owners.

Timely maintenance and proper management of buildings prevent their deterioration, keep them safe and tidy, provide a pleasant and comfortable living environment and uphold their value.

1.2 Purpose

This Guidebook consolidates the guidelines from the Buildings Department (BD) and other relevant sources for building owners, Owners' Corporations, Owners' Committees and personnel involved in building maintenance and management. Apart from identifying the legal responsibilities of owners and usual problems encountered, it also enhances readers' awareness of the existing conditions of buildings and facilitates the formulation of plans for rectification and improvement.

1.3 Overview

Chapter 2 briefly describes legislative backgrounds on the rights and responsibilities of building owners towards building maintenance and management.

Chapter 3 contains common problems encountered such as defects and unauthorized building works in buildings, as well as orders from the Government.

Chapter 4 provides guidelines on selecting the appropriate solutions to meet the needs and solve problems identified in Chapter 3. Though readers may resolve some situations by following the steps and guidelines suggested, they are always encouraged to seek the assistance of building professionals or parties possessing the necessary expertise to ensure the quality of the required works.

1.3 Overview

Chapter 5 gives a general view on the roles of the Government in facilitating the responsible owners for complying with requirements and in acting against those that are non-performing. It also lists out some of the Professional Bodies whose members can provide services to the readers on the issues.

"Frequently Asked Questions" have included guidance or answers to resolve 100 situations or problems which may be encountered by owners in building maintenance and management. Topics include compliance with relevant Government Orders, dealing with unauthorized building works and advertisement signboards, application for loans from the Buildings Department under Building Safety Loan Scheme (BSLS), repair of common defects in buildings, maintenance of slopes and retaining walls, alterations and additions in existing buildings, formation of Owners' Corporations, etc.

The **Appendices** provide some useful documents and listings which are mentioned in the preceding chapters.

The Guidebook offers general information on the maintenance and management of buildings, and it is not exhaustive on any matter in question. The Government of HKSAR does not warrant or guarantee the accuracy and suitability of the information contained in the Guidebook in any particular case.

The Government of HKSAR reserves the right to change, alter, add or delete, revise and update any information contained in the Guidebook at such time and in such manner as it considers appropriate. Notwithstanding anything herein contained, the Government of HKSAR is not obliged to and shall not be required to keep all the information contained in the Guidebook up-to-date.

The Buildings Department strongly advise any owner or reader to seek independent professional advice on the details of relevant legislation, Deed of Mutual Covenant, other matters relevant to their particular case and the accuracy and correctness of the information contained in the Guidebook.



RIGHTS & RESPONSIBILITIES

Chapter 2

Chapter 2

**THE RIGHTS AND RESPONSIBILITIES OF
BUILDING OWNERS**

2.1 Legal Provisions

2.1.1 Common Law

Under the Common Law, landlords or building owners have duties of care to their properties. Such duties normally include the maintenance and repair of the structures and finishes of the building as well as the facilities therein. The objective is to secure a safe and habitable environment.

2.1.2 Buildings Ordinance (Chapter 123)

Private buildings and private building works in Hong Kong come within the purview of the Buildings Ordinance (BO). It ensures that minimum safety and health standards are maintained in the design, construction, use and safety maintenance of buildings.

Through registration systems under the BO, the Building Authority (BA) regulates the standards of key personnel in building construction works, they are "Authorized Persons" (AP) who may be architects, engineers or surveyors, "Registered Structural Engineers" (RSE) and Registered (General Building or Specialist) Contractors (RC).

A building owner (or any person) who intends to carry out building works, whether or not resulting in a new building, should employ an AP and a RSE to submit proposals on his behalf to the BA for approval. Building works should be executed by the RC. Details of the registers are available from the web site of the Buildings Department (BD).

Matters involving the structural and fire safety of existing private buildings and their associated features also come under the jurisdiction of the BA. Statutory orders may be served on owners to rectify unsafe or undesirable situations such as dilapidation, drainage nuisance, dangerous slopes or earth-retaining structures, unauthorized building works, fire hazards and other nuisances. Such orders may also require owners to carry out investigation for an assessment of the required remedial measures.

2.1 Legal Provisions

2.1.3 Building Management Ordinance (Chapter 344)

The objectives of the Building Management Ordinance (BMO) are to facilitate the incorporation of owners of flats in buildings or groups of buildings, to provide for the management of buildings or groups of buildings and for matters incidental thereto or connected therewith.

In addition, the Secretary for Home Affairs (SHA) is empowered by the Ordinance to impose mandatory management on buildings that are not managed or not properly managed thus posing danger or risk of danger to the occupiers or owners.

2.1.4 Deed of Mutual Covenant

The Deed of Mutual Covenant (DMC) is a legal document binding the building owners registered in the Land Registry. It clearly sets out the rights, interests and obligations of the owners, occupiers, tenants and property management agents in respect of the control, administration, maintenance and management of private properties, common parts and facilities of buildings.

DMC usually covers the following information:

- lot number of the land where the building or buildings are sited;
- number of undivided shares and management shares of individual units as well as the total number of shares of the property;
- ownership of certain parts of the building (e.g. the roof and flat roof) that are reserved for owners' use and other exercisable rights (e.g. the installation of chimneys and signboards);
- the extent of common parts;
- rights and responsibilities of individual owners;
- appointment, powers and duties of property management agents;
- contributions of individual owners to the management expenses; and
- procedures and rules governing the formation of Owners' Committee.

Building owners should be conversant with the DMC of their buildings, and perform the duties and exercise their rights accordingly.

Copies of the DMC may be obtained from solicitors in the process of property transactions or from the Land Registry by paying a fee.

2.1 Legal Provisions

2.1.5 Other Relevant Legal Documents

Apart from the above, there are provisions in other legislations which contain specific requirements and restrictions relating to building maintenance and management. A more detailed summary of the related Ordinances and Codes of Practice is included in Appendix 3 with some of them quoted below for ease of reference:

Landlord and Tenant (Consolidation) Ordinance (Chapter 7) covers the rights and responsibilities between the landlords and the tenants.

Fire Services Ordinance (Chapter 95) governs the installation of fire fighting equipment in buildings, and the maintenance of them.

Waterworks Ordinance (Chapter 102) governs the water supply work for consumption purposes and for fire services installations in buildings.

Water Pollution Control Ordinance (Chapter 358) governs the achievement and maintenance of water quality.

Electricity Ordinance (Chapter 406) governs the electrical installations in buildings, and the requirements on periodic inspection and certification.

Gas Safety Ordinance (Chapter 51) governs the gas installations and use inside buildings.

Lifts and Escalators (Safety) Ordinance (Chapter 327) governs the design, construction, testing and maintenance of lifts and escalators.

Fire Safety (Commercial Premises) Ordinance (Chapter 502) is to provide better protection from the risk of fire for occupiers and users of certain kinds of commercial premises. It also covers the statutory requirements on certain kinds of old commercial premises to improve and upgrade the fire fighting equipment and installations.

Occupiers Liability Ordinance (Chapter 314) governs the obligations of occupiers of properties.

2.1 Legal Provisions

2.1.5 Other Relevant Legal Documents (continues)

Summary Offences Ordinance (Chapter 228) governs the offences against the public's good order such as obstruction of public places and objects dropped from buildings, etc.

Public Health and Municipal Services Ordinance (Chapter 132) governs the public hygiene and municipal services including public sewers, public drains, litter or waste, etc.

Prevention of Bribery Ordinance (Chapter 201) governs the offer of an advantage to or its acceptance by an agent in relation to building maintenance and management work.

The above list is not exhaustive. The legislations and this Guidebook can be purchased from the Government Publications Centre at Ground Floor, Low Block, Queensway Government Offices, 66 Queensway, Hong Kong, or downloaded from the Bilingual Laws Information System at Legal Department's Website. (Web Site : www.justice.gov.hk)

2.2 Rights of Building Owners

Usually, a person acquires the title of a property together with an undivided share of the land on which the property stands. Being secured by Deed of Mutual Covenant (DMC) or Building Management Ordinance (BMO), an owner may exercise the following rights:

- exclusive possession, use, occupation and free enjoyment of the property under his title and all benefits derived from it;
- freely sell, assign, let or permit the use by others his shares together with the rights and interests in the building;
- use freely, with other owners, the common parts of the building such as staircases, corridors, access, lifts, etc., and common facilities such as fire services installations, water supply and drainage, electricity supply, security system, recreational provisions, etc.; and
- vote in respect of management decisions.

2.3 Responsibilities of Building Owners

Building owners shall assume full responsibility to maintain and manage their own private properties and common parts jointly. Main areas of responsibilities include:

- pay his share of management fee and contributions to maintenance and management funds in accordance with the clauses in the Deed of Mutual Covenant (DMC);
- maintain the structural elements of the building, common parts and facilities as well as his own private property;
- pay tax and rates of the property under his title; and
- comply with the "House Rules" attached to the DMC or formulated by the Owners' Corporation (OC), Owners' Committee or property manager in accordance with the DMC.

2.4 General Advice for Maintenance & Management of Common Areas

It is always advisable for property owners to establish Owners' Corporation (OC), Owners' Committee or appoint a property manager in managing or maintaining the common parts of a building.

2.4.1 Frequent Patrol & Inspection

Effective building management should include frequent patrol and surveillance of the common parts of buildings such as staircases, lobbies, roof top, private access roads or lanes and most importantly, the areas that are not frequently used such as staircase leading to back lanes and other inconspicuous areas. Care must be exercised to prevent any trespasses, misuses, damages of essential installations or unauthorized extensions by individual owners or outsiders.

Regular inspection is necessary to reveal early symptoms of deterioration of the building fabric, service components and facilities, allowing more response time to plan and carry out rectifications. Periodic testing of vital equipment or installations is essential to ensure their proper performance especially in case of emergencies. Inspection and maintenance programs could be drawn up according to guidelines given in this Guidebook or professional advice. Timely maintenance and repair not only prevent sudden collapse of structures or finishes or breaking down of services which may lead to disastrous consequences but also can reduce the repair costs.

2.4 General Advice for Maintenance & Management of Common Areas

2.4.2 Records of Buildings

A complete set of building records is essential for effective maintenance and management and should therefore be kept by the OC, Owners' Committee or property manager. Examples of such records are:

- Building, structural, drainage, site formation, alterations and additions plans approved by the Building Authority (BA); documents associated with the approval such as calculations, undertakings, certificates, permits, etc.; and records on any change of use of certain parts of the building accepted by the BA
- Plumbing drawings accepted by the Water Supplies Department
- Fire Services Installation plans accepted by the Fire Services Department
- Layout plan for hidden utilities such as electricity cables, gas pipes, telephone lines, etc.
- History of maintenance including records of installations and replacements, certifications and statutory forms
- Testing, commissioning and operation manuals for building services, mechanical components and installations
- Certification for the performance of specific materials and components as well as warranties from specialist contractors or suppliers (e.g. on waterproofing materials and its installation work)
- Deed of Mutual Covenant

Developers, professionals or design consultants of the buildings should keep most, if not all of the above records. OC, Owners' Committee or the property manager should request for copies of such records to facilitate their future operation.

For buildings completed over a considerable period of time, such records might not be available from the parties involved with the development. OC, Owners' Committee or the property manager may approach the relevant Government departments for such records. Drawings approved by the BA after 1945 may be available from the BD for viewing and copying.

BD also keeps records of Occupation Permits issued to private buildings. Though the permit generally describes the subject building and its permitted uses, the latest approved building plans should always be referred to for the approved use of specific parts of a building. Obtaining copies of the approved plans and occupation permits requires payment of fees.



Chapter 3

Chapter 3

UNDERSTANDING BUILDING
MAINTENANCE & MANAGEMENT

3.1 General



Problems that building owners usually encounter in the maintenance or management of their properties, and their possible causes are described in this Chapter. Having acquired the relevant background knowledge, building owners can be in a better position to assess the conditions of their properties.

Solutions to some common problems described in this Chapter are provided in Chapter 4. Detailed steps, alternatives, rectification measures and methods have also been included. After reading through these two Chapters, building owners can gain a further insight on the concerned subject matters facilitating their selection of suitable rectification measures.

Maintenance and Management are two closely related issues. Building management, apart from covering the basic security and cleanliness aspects of buildings, should also coordinate or even include implementation of maintenance plans to ensure a safe and pleasant living environment. As explained in the coming sections of this chapter, surveillance can be strategically combined with inspection for maintenance. It would be beneficial to owners in engaging the same personnel in carrying out both duties.

3.2 Timely Maintenance

Prevention is better than cure. Defects create hazards leading to serious or fatal injuries. Most defects can, at their early stages, be discovered through visible or detectable symptoms. If not promptly rectified, minor defects can develop into serious ones, causing failure or sudden collapse, endangering lives and becoming more costly to rectify. While Chapter 3 gives readers some hints on preventing the problems and foreseeing the needs, Chapter 4 provides solutions for early actions or rectification, thus avoiding hazards and Government orders. This is the spirit of timely maintenance.

3.2 Timely Maintenance

3.2.1 Common Building Defects and Their Symptoms

(a) Background

Defects occur in various forms and to different extents in all types of buildings, irrespective of age. The followings all contribute to the occurrence of defects in buildings:

- the large varieties of building materials used that may not be well congruent with one another;
- construction techniques that may not be defect proof, inconsistent or sub-standard workmanship;
- use of unsuitable construction details;
- extreme site conditions undermining performance standards;
- natural deterioration;
- attacks by pollutants; and
- improper uses of the completed buildings.

(b) Defects in Buildings

Summary of common defects in the buildings:

(i) Defective concrete, spalling or loose plaster in ceilings

Symptoms/Phenomenon

- Surface with water/rust staining, water leakage
- Patterned cracking
- Bulging, falling off of concrete patches with reinforcement exposed, often rusty
- falling off of plaster/tiles



3.2 Timely Maintenance

(i) Defective concrete, spalling or loose plaster in ceilings (continues)

Possible Causes

Defective concrete as a result of ageing is commonly found in old buildings. Persistent water leakage may affect the steel reinforcement. Weak concrete caused by the use of salty water in concrete mix, or overloading are also common causes in spalling.



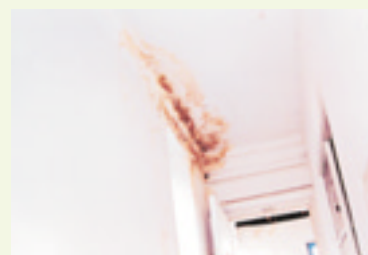
Relevant Section in Chapter 4

- 4.1.1(a)(i)

(ii) Water seepage from external wall, window, roof, or from ceiling

Symptoms/Phenomenon

- Water staining
- Peeling off of paint or wall paper
- Water dripping
- Growth of fungus
- Defective concrete, plaster or tiles
- Rust staining



Possible Causes

External water seepage could be due to a variety of reasons including cracks on external wall, honey comb concrete, defective sealant at window, defective waterproofing membrane at roof, defective external water and drainage pipes, etc.



Relevant Section in Chapter 4

- 4.1.3

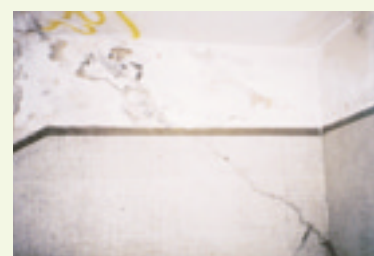
3.2 Timely Maintenance

3.2.1(b) Defects in Buildings (continues)

(iii) Structural cracks in walls

Symptoms/Phenomenon

- Cracks that penetrate through finishes into the concrete or bricks
- Long, continuous cracks across width of wall
- Diagonal cracks at corners of window or door
- Cracks with rust staining



Possible Causes

Structural cracks may be caused by many factors, e.g. excessive movement of the building structure, unwanted ground settlement, serious overloading, weaknesses caused by corrosion/deterioration of materials, or damage by accidents, or poor design/ construction, etc. Detailed investigation must be carried out to identify the cause(s) which must be removed or rectified before the cracks are repaired.*

Relevant Section in Chapter 4

- 4.1.1(a)(ii)

(iv) Structural cracks in columns & beams

Symptoms/Phenomenon

- Cracks that penetrate through finishes down to the concrete or bricks
- Spalling



Possible Causes

Same as item (iii) above.

3.2 Timely Maintenance

(v) Non-structural cracks (usually in plaster or other finishes with cement sand rendering as base)

Symptoms/Phenomenon

- Hairline cracks
- multi-directional cracks (shrinkage cracks)
- Cracks between panel walls and structural elements e.g. brick wall and beams/columns



Possible Causes

Cosmetic shrinkage cracks in plaster or other forms of finishes will affect the appearance only and do not pose any safety concern. They are small hairline cracks developed within the finishes layer not penetrating down to the reinforced concrete structure.



Relevant Section in Chapter 4

- 4.1.1(b)(ii)

(vi) Defective external wall finishes/mosaic tiles/ceramic tiles/stone cladding/curtain wall

Symptoms/Phenomenon

- Debonding of finishes/tiles from wall structure resulting in "hollow sound" when tapped with a hammer
- Cracking of wall surfaces
- Bulging with hollow base
- Falling off
- Cracks
- Loosening of parts



3.2 Timely Maintenance

3.2.1(b) Defects in Buildings (continues)

(vi) Defective external wall finishes/mosaic tiles/ceramic tiles/stone cladding/curtain wall (continues)

Possible Causes

The defects could be due to ageing, structural movements, defective workmanship during installation, thermal movement, defective or missing expansion joints, damage by external factors (e.g. falling objects during typhoon), ingress of water into the gap between the finishes or tiles and the structure, etc.



Relevant Section in Chapter 4

- 4.1.1(b)



For repairing the above defects, please refer to Chapter 4 Section 4.1.1 onwards.

* Structural cracks deserve immediate attention. They indicate that the structure of the building, or at least a part of it, is overstressed. A structure, when stressed beyond its capacity, may collapse without further warning signs. When such cracks suddenly develop, or appear to widen and/or spread, the findings must be reported immediately to the Buildings Department. A building professional such as a Registered Structural Engineer is usually required to investigate the cause(s) of the cracks, to assess their effects on the structure, to propose suitable rectification and remedial works, and supervise the carrying out of such works.

(c) Defects in Building Services Installation

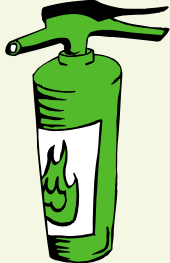

Most of the mechanical components of the building services installations have a relatively shorter life span than the building structure. Defects in the mechanical components usually lead to failure requiring repair or servicing. It is therefore necessary to have a planned schedule for foreseeable servicing and replacement for components. Avoid exhausting the designed life-span of such components can prevent sudden breakdown of services that causes undesirable or even disastrous consequences. For more detailed descriptions on building services installations and their maintenance, please refer to Chapter 4 Section 4.1.2. Common defects in building services installations are summarized as follows:

3.2 Timely Maintenance

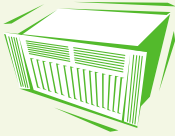
System	Symptoms/Phenomenon	Possible Causes
<p>Water Supply</p> 	<ul style="list-style-type: none"> • Insufficient water pressure or flows • Brownish water/grit and deposit • Stoppage of supply • Water seepage 	<ul style="list-style-type: none"> • Blockage or leakage of components of the supply system such as pipes or valves • Rusty pipes or dirty supply tanks • Pump failure, breakage of supply pipe • Defective water tanks, pipes (pipe joints) or valves
<p><i>Relevant Section in Chapter 4 :</i></p> <ul style="list-style-type: none"> • 4.1.2(d) 	<ul style="list-style-type: none"> • Unclean water, algae growth, dirt and deposit • Sudden rise in consumption • Noisy water pumps, noisy water inlets 	<ul style="list-style-type: none"> • Defective or missing water tank cover • Leakage in the system after water meters • Defective water pumps, undue water pressure
<p>Electricity Supply</p> 	<ul style="list-style-type: none"> • Stoppage of supply/system breakdown • Sudden or frequent fuse or circuit breaker cut off leading to stoppage • Heating of switches & wires • Sudden or frequent stoppage and larger power consumption 	<ul style="list-style-type: none"> • Failure of fuse or circuit breaker • Earth leakage, overloading • Overloading • Uneven distribution of phases
<p><i>Relevant Section in Chapter 4 :</i></p> <ul style="list-style-type: none"> • 4.1.2(a) 	<ul style="list-style-type: none"> • Electric sparks or shocks, electrocution 	<ul style="list-style-type: none"> • Inadequate earth bonding

3.2 Timely Maintenance

3.2.1(c) Defects in Building Services Installation (continues)

System	Symptoms/Phenomenon	Possible Causes
<p>Fire Services</p>  <p><i>Relevant Section in Chapter 4 :</i></p> <ul style="list-style-type: none"> • 4.1.2(b) 	<ul style="list-style-type: none"> • Inadequate water pressure • No water supply • Water leakage, rusty stains • Alarm not working (when tested), false alarm or warning lights on signal panels • Portable equipment lost or misplaced glass panels of alarm switch- box broken • Non-functioning of equipment 	<ul style="list-style-type: none"> • Blockage or leakage of components of the supply system such as pipes or valves • Failure of pump, breakage of the supply system • Damage, corrosion or failure of pipes, joints or valves • Alarm wiring defect, short circuit • Inadequate protection or poor management • Inadequate maintenance or servicing
<p>Lift and Escalator</p>  <p><i>Relevant Section in Chapter 4 :</i></p> <ul style="list-style-type: none"> • 4.1.2(c) 	<ul style="list-style-type: none"> • Stoppage, excessive noise during operation, indicator lamps off, unstable lifting, malfunction of buttons and indicator lamps • Occasional overrun • Doors not closing properly • Defective mechanical parts, frequent stoppage, alarm signals 	<ul style="list-style-type: none"> • Ageing of parts, mechanical failure • Landing misalignment • Parts ageing, mechanical failure, rubbish obstructing operation • Inadequate servicing

3.2 Timely Maintenance

System	Symptoms/Phenomenon	Possible Causes
Air Conditioning/ Heating 	<ul style="list-style-type: none"> • Not cool enough, not warm enough • Noisy, no air movement • Engines sound normal but no air movement • Noisy blowers or propellers movement • Poor indoor air quality • Dripping and substandard output of cool or warm air • Noisy blowers or propellers movement 	<ul style="list-style-type: none"> • Poor efficiency, leakage of refrigerant dust and dirt at heat transmission fins • Loosen parts, blowers or propellers breakage • Dust screens blocked, air ducts and grilles needs cleaning • Misalignment of motor shafts • Insufficient fresh air intake, mal-function of intake air filter • Insulation failure • Misalignment of motor shafts

Other building services installations that require regular checking and maintenance include gas supply, security system and alarm, radio, telephone and television signaling systems, etc.

(d) Defects in Slopes and Retaining Walls

- (i) Maintenance responsibility of slopes or soil retaining structures within private boundaries rests with the owners. However, it is not uncommon that the maintenance responsibility of slopes and retaining walls on Government land adjoining or in the vicinity of the lot is also placed on the land owners under lease.



3.2 Timely Maintenance

3.2.1(d) Defects in Slopes and Retaining Walls (continues)

- (ii) Natural, cut and man-made slopes should be regularly inspected to clear loose stones and boulders as well as undesirable vegetation that may damage the slope surface cover or drainage. Retaining walls should be monitored, in particular the integrity of structure and the performance of its drainage system. Some retaining walls may have monitoring devices installed which should be checked by competent persons regularly. Strengthening of slopes and retaining walls, if required, should be carried out promptly and whenever possible completed before the rainy seasons.



- (iii) Most slope or retaining wall failures are associated with water. Slopes adjoining water courses have to be more frequently monitored. Prolonged rainfall, blocked subsoil drainage, broken surface channels, deteriorated surface coverings, surge of ground water table are contributing factors to slope or retaining wall failure.

(iv) Defects of slopes or soil-retaining structures are:

- Accumulated debris in drainage channels
- Vegetation causing cracking of slope surface cover and drainage channels
- Missing or deteriorated pointing in masonry retaining walls



- Blockage of weepholes
- Cracked / damaged drainage channels or pavements along crest and toe of slopes and retaining walls
 - Cracked or damaged slope surface
 - Ground subsidence in slopes, retaining walls or in roads or pavements at the crest and toe of slopes and retaining walls



- Falling objects from slopes and retaining wall surface
- Excessive overflowing of water from weepholes or wall surface of slopes and retaining walls

(v) Signs of landslip danger

- Landslip debris on roads and footpaths
- New large cracks or ground subsidence in slopes, retaining walls or in roads or pavements at the crest or toe of slopes and retaining walls
- Mud, rocks, fragments of concrete/brick and uprooted vegetation, falling from slopes and retaining walls
- Sudden change in colour (from clear to muddy) of water flowing from slopes or retaining walls
- Water overflowing onto slopes and retaining walls

3.2 Timely Maintenance

3.2.1(d) Defects in Slopes and Retaining Walls (continues)

- Cement or concrete surface of slopes bulging or being dislodged or signs of soil erosion appearing
- Breaking of catchwaters, serious overflow from catchpits or drains
- Flooding of water in hilly areas
- Sudden increase in seepage over an extensive area of a slope or retaining wall

(vi) Preventive maintenance of slopes and soil retaining structures comprising the full process of investigation, analysis, monitoring and formulation of remedial proposals, requires the professional services of Geotechnical Engineers. There are also detailed geotechnical guidelines published by the Government. Appendix 7 of this Guidebook provides details on the maintenance responsibility and scope of maintenance in this regard. Timely maintenance not only helps save lives, but also save the repair costs in the long run.




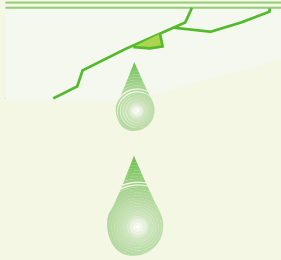
(e) Water Seepage and Drainage Nuisance

They are common defects in Hong Kong causing nuisances to occupiers across floors. Though it is obvious that water migrates downwards by gravity, it is sometimes very difficult to identify the source or cause of water seepage. An extensive investigation may be necessary with the use of special detectors or apparatus to track down the source of leakage. Colour dyes, samples collection for analysis, tests to the possible sources or the




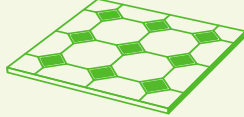
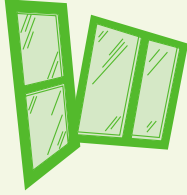
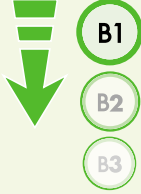
specific spots, etc., are usual means adopted in identifying the source. It can be a long and enduring process which requires patience and co-operation from all parties concerned. Some examples are listed as follows:

3.2 Timely Maintenance

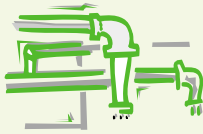
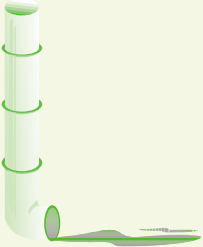
Location of Leakage or Seepage	Possible Causes
<p>Underside of roofs (such as flat roof, podium roofs) and bottom of light wells</p>  <p><i>Relevant Section in Chapter 4 :</i></p> <ul style="list-style-type: none"> • 4.1.3(a) 	<ul style="list-style-type: none"> • Damage or deterioration of waterproofing layer • Leakage at access doors or top hatch doors • Deterioration of corrugated steel roofing materials and joints • Defective enclosure for water tanks • Cracks of parapet walls affecting the waterproofing membrane • Inadequate protection/improper installation of sleeve around openings through roof slab • Excessive movements of construction joints
<p>Ceiling with internal areas above</p> 	<ul style="list-style-type: none"> • Leakage from bathroom or kitchen above usually caused by seepage from fittings, bathtubs, shower trays, buried pipes or drains due to improper construction of joints, installation of sealants or occurrence of cracks • Waterproof cement rendering underneath floor tiles for the floor above not installed/specified or such waterproofing features damaged by installation of sockets or conduits • mal-function of waterproofing in nearby external features such as balconies or external walls above

3.2 Timely Maintenance

3.2.1(e) Water Seepage and Drainage Nuisance (continues)

Location of Leakage or Seepage	Possible Causes
<p style="text-align: center;">Wall</p>  <p><i>Relevant Section in Chapter 4 :</i></p> <ul style="list-style-type: none"> • 4.1.3(c) 	<ul style="list-style-type: none"> • Water penetration through external wall defects such as cracks, joints, honeycombs, spalling, weak points, holes, punctures, leftovers of debris and movement of external wall components • Water penetration through defective external wall finishes such as loosened mosaic tiles, cracked ceramic tiles & paint surface; through poor cladding or curtain walls constructions; or weaknesses in water-resisting components • Water leakage through party walls between units of pre-fabricated elements, or between buildings
<p style="text-align: center;">Floor</p>  <p><i>Relevant Section in Chapter 4 :</i></p> <ul style="list-style-type: none"> • 4.1.3(e) 	<ul style="list-style-type: none"> • Seepage from defective pipeworks or sanitary fitments • Temporary floods and overflows • Defective bathroom fitments such as bathtubs, shower trays or hand wash basins, or the improper installation of pipeworks or necessary sealants
<p style="text-align: center;">Window</p>  <p><i>Relevant Section in Chapter 4 :</i></p> <ul style="list-style-type: none"> • 4.1.3(d) 	<ul style="list-style-type: none"> • Improper fillings around frames • Deformation of frame and sashes, defective gasket, sealant or putty for window glass setting or frames • Air conditioning box or platform tilting inwards • Insufficient sealant around air conditioning units
<p style="text-align: center;">Basement</p> 	<ul style="list-style-type: none"> • Inadequate or damaged waterproofing tanking (may be due to movements or punctures) • Deterioration of water stops at construction/ movement joints.

3.2 Timely Maintenance

Location of Leakage or Seepage	Possible Causes
<p>Buried or underground drains or pipes</p>  <p><i>Relevant Section in Chapter 4 :</i></p> <ul style="list-style-type: none"> • 4.1.3(b) & (g) 	<ul style="list-style-type: none"> • Seepage through defective joints or pipes caused by poor installation or differential movements/settlements, movement of building structures or ground or water table • Corrosion of pipes at junctions with floors or walls • Invasion of water into conduits and distribute throughout the network • Blockage leading to excessive pressure built up • Attack by rodents or roots of plants
<p>Exposed (or in pipe ducts) supply pipes or drains</p>  <p><i>Relevant Section in Chapter 4 :</i></p> <ul style="list-style-type: none"> • 4.1.3 (f) 	<ul style="list-style-type: none"> • Inadequacy in design of drains such as insufficient diameter of drains, bends being too sharp, etc. • Blockage of drains by rubbish/sand collected in the system especially in bends or traps • Insufficient number or deterioration of brackets leading to hammering and breakage of supply pipes • Blockage of open joints such as hoppers of down pipes by plants or rubbish • Unauthorized additions overloading the drainage system

Many different techniques for investigation and repair for the above defects are available in the market. Readers should consult a building professional especially when the cause of the problem is not obvious or cannot be easily identified.

Construction or repair of waterproofing components requires specialist materials and applicators. Normally, long-term warranty will be provided after application. Once the sources of the leakage are diagnosed, appropriate repair methods and suitable materials may be used to tackle the problem. Some typical situations are provided in Section 4.1.2(d) and Section 4.1.3 of Chapter 4.

3.2 Timely Maintenance

3.2.1 Common Building Defects and Their Symptoms (continues)

(f) Defects in Windows and External Appendages

(i) Common defects in windows

Windows are perhaps the most vulnerable building element in external building envelopes, and the need for some windows to be openable further aggravates the problem. Glass panels should always be replaced once cracks occur.

Common defects in traditional steel windows usually arise from rusty frames, and deterioration or loss of putty or sealant to hold the glass panels.



Aluminum windows have been widely used in new developments and as replacement of steel windows in existing buildings but recent incidents of their failure have aroused safety concerns.

Aluminum window system involves assembly of a certain number of components by rivets, screws, hinges and fixing anchors. These accessories, which are prone to failure, require regular servicing and maintenance to prevent failure. The friction slide hinges are delicate parts of the window which demand close attention to avoid accumulation of dirt that obstruct the sliding motion and mild lubrication to reduce friction of the moving parts. Without the required servicing and maintenance, hinges may become too tight to operate, rivets may loosen up and screws may be corroded that



shorten their life-span. When excessive forces are applied to operate such windows or when they are subject to wind load, distortion or dislodgement of the window sashes or even the frame may result, causing fatal or serious injuries to the public.

Details on the repair methods are provided in Section 4.1.1(c) of Chapter 4.

3.2 Timely Maintenance

(ii) Common defects in external appendages

External appendages are usually cantilevered structures which include eaves, mouldings, projections, architectural projecting features, air-conditioning hoods, canopies and balconies, drying racks, projecting panels and claddings. Although the structural designs of these elements have already



catered for their cantilevered performance, lack of maintenance and repair to combat natural weathering would attract development of defects, unduly shorten their life-span and eventually result in collapse. Worst still, such collapse might be sudden without prior obvious symptoms such as deflections leading to catastrophic consequences.

There are two main reasons why cantilevered structures demand close monitoring. Firstly, they are often exposed to weather attack or weakened by unauthorized building works. Secondly, unlike the conventional reinforced concrete structures that the main reinforcements are placed near the bottom to the element, reinforcements are placed near the top surface of such structures where cracks will also first start to develop. Therefore, if waterproofing at the top is inadequate or damaged by the cracks allowing ingress of water, corrosion of the reinforcements will result. The corrosion will reduce the effective cross-sectional area of the reinforcement bars resulting in sudden collapse.



Common defects are:

- Cracking at junctions
- Bulging (gaps occurring between finishes and parent wall) or peeling-off of finishes
- Spalling of concrete or uncovering of steel reinforcement

3.2 Timely Maintenance

3.2.1(f) *Defects in Windows and External Appendages (continues)*

- Rusting of metal parts
- Damage by fungus or vegetation growth
- Water seepage through the features
- Corrosion or loosening of attachments

Except for canopies which are mostly found in podium levels, other appendages are usually thin and small in sizes but large in numbers which are difficult to check and monitor. Therefore, adequate resources should be allocated for regular inspection and repair in order to prevent them from becoming falling hazards.

Windows and balconies of individual units usually provide vantage points for inspection of the defects in the exterior of the building. Owners spotting any defects in the exterior of the building should report to the property manager or the Owners' Corporation (OC) for their action, irrespective of whether the defects are at the exterior of their own units or other units.

3.2.2 Areas for Special Attention

(a) Storage of Dangerous Goods

(i) Proper handling and storage of dangerous goods

In accordance with the Dangerous Goods Ordinance, dangerous goods exceeding the exempted quantity should be stored in a licensed dangerous goods store. Common examples are spirit, some essential oils, LP gas and kerosene. Other examples involve mostly commercial and industrial usage.

Dangerous goods must be handled with extreme care. When they are being in use, no naked fire is allowed in the vicinity in order to avoid the outbreak of fire and explosion.

3.2 Timely Maintenance

(ii) Categories

In the Dangerous Goods Ordinance, dangerous goods are divided into categories. The following are some examples:

Category 1:	Explosives	(The Authority is the Commissioner of Mines.)	
Category 2:	Compressed Gases	C1.1 C1.2 C1.3	Permanent Gases Liquefied Gases Dissolved Gases
Category 3:	Corrosive Substances		
Category 4:	Poisonous Substances	C1.1 C1.2	Substances giving off poisonous gas or vapour Other poisonous substances
Category 5:	Substances giving off inflammable vapours	C1.1 C1.2 C1.3	Flash point below 23°C Flash point of or exceeding 23°C but not exceeding 66°C Flash point of or exceeding 66°C (applicable to diesel oils, furnace oils and other fuel oils only)
Category 6:	Substances which become dangerous by interaction with water		
Category 7:	Strong supporters of combustion		
Category 8:	Readily combustible substances		
Category 9:	Substances liable to spontaneous combustion		

(iii) Advice, complaints and enquiries

Queries on dangerous goods can be directed to Dangerous Goods Division of the Fire Services Department. Useful telephone contacts are provided at Appendix 2.

3.2 Timely Maintenance

3.2.2 Areas for Special Attention (continues)

(b) Buildings with Single Staircase

(i) General

Single staircase buildings are buildings that do not exceed 6 storeys in height and the level of the floor of the uppermost storey is not more than 17m above ground level at the staircase exit. Since there is only one staircase, the escape route is vital to the occupiers and deserves protection and maintenance in the highest order.



(ii) Use restrictions

Only domestic or office use may be permitted on the upper floors, and the ground storey may be used for the purposes of a shop or carparking. Other uses in the building will become incompatible uses, and may give rise to danger. If in doubt, advice from an Authorized Person (AP) should be sought.

(iii) Escape route requirements



Adequate access should be provided at ground level to enable a rescue ladder/appliance to reach at least one window of every different occupancy on each floor above the ground storey. Therefore, sub-division of a floor into separate units may become dangerous.

For buildings in which the level of the highest floor is more than 13m above ground level (about 4 storeys high):

- access to the staircase at each storey should be through a smoke lobby. Such lobby was provided and should be maintained as an integral part of the staircase, and it should not be removed or incorporated as part of any adjacent unit(s).
- the staircase should be continued to roof level; the roof should be available for refuge of persons of the building. Such roof should be accessible directly from the staircase, clear of any obstruction, and is readily accessible by fire fighters for rescue purposes.

3.2 Timely Maintenance

(iv) Unauthorized building works

There are many common types of unauthorized building works (UBW) associated with single staircase buildings. Apart from the usual external projections, many UBW actually affect the means of escape and jeopardize lives of occupiers. Common examples include:

- removing smoke lobby doors, or replacement of such doors with non fire-rated glazing doors;
- installing metal gates or doors at the smoke lobbies, staircase or landings obstructing the escape route;
- erecting roof top structures;



- locking access door to the roof; .
- adding cockloft to ground floor shops with new door opening(s) to the staircase; and
- forming other door openings at the staircase and landings for sub-division of units.

All the above, including other UBW and incompatible change in use to any floor or unit are prohibited. The Buildings Department (BD) may serve orders on these irregularities for rectifications by individual owners or all the co-owners as the case may be.

(c) Misuse, Change in Use and Licensing

(i) General

All parts of a building have their designated uses usually referred to as "approved use". They may be domestic units, offices, shops, classrooms, machine rooms, corridors, carparks, caretaker's offices, factories, warehouses, playgrounds, club houses, etc. Such uses are usually shown on the approved building plans. When a building is completed, the Building Authority (BA) issues an "Occupation Permit" which briefly describes the building and the permitted uses of its different areas as shown on the approved building plans kept by the BD.

3.2 Timely Maintenance

3.2.2(c) Misuse, Change in Use and Licensing (continues)

(ii) Permissible use

The permissible uses of any new building are usually governed by the Town Planning Ordinance through the Outline Zoning Plans (available at the Planning Department), the Government Lease Documents (can be obtained from the Land Registry filed under the lot numbers), the building plans approved by the BD. Occupation Permits issued by the Building Authority may be a convenient reference for brief description of the subject buildings and permitted uses. However, in case of doubt, readers should always refer to the approved building plans for details and confirmation on the approved uses of specific areas.

After completion of the building, occupiers may wish to change the use of certain parts of the building. Sometimes, only minor adjustments or alterations are required and the new uses are still permissible under current legislations and restrictions. However, some other cases may require applying for a license, specific indication of "no prohibition" to change in use or approval for alterations and additions. In some extreme cases, approval for demolition and redevelopment of the subject building may be required.

(iii) Misuse

Misuse of a part or the whole building may include an unauthorized change in use. Some commonly found examples of such unauthorized changes are:

- office to domestic use or vice versa;
- domestic use to restaurants or other commercial uses or vice versa;
- office or domestic uses to industrial or warehouse uses or vice versa;
- industrial use to office;
- flat roof to carpark, storage, office or domestic units; or
- canopy to accessible flat roof or balcony.



The changes in some cases would lead to the increase of fire risk, overloading of any floor or structural members, or overcrowding affecting the means of escape. Care should be taken in planning for such changes or increase of capacity above the maximum permissible for a place. In case of doubt, an Authorized Person (AP) should be consulted.

3.2 Timely Maintenance

(iv) Licensing

Licensed premises

There are certain uses or businesses that require a licence to operate. The most common examples are:

- restaurants and food businesses;
- hotels, guest houses and bedspace apartments;
- tuition class over a specified number of students and schools;
- entertainment businesses and bath houses;
- homes for the elderly, kindergartens and child care centres; or
- clubs.



Application for licences

The procedures for applying the required licences are laid down by the relevant licensing authorities. Whether the proposed new uses are permissible usually depends on the existing structural design and fire safety provisions or fire service installations of the subject buildings. It is advisable to consult building professionals who will, in the first instance, assess whether the proposed building or parts of the building are suitable for the intended use, and if any alterations or additions are required to be done. If readers are in a tight schedule to operate a certain business within the purview of the licensing authorities, it is advisable to select premises which have already been designed and approved for such uses or have already been granted the required licence. For more details on proposed alteration and addition works, please refer to Section 3.2.2(c)(vii) of this Chapter and Section 4.3 of Chapter 4.

3.2 Timely Maintenance

3.2.2(c) Misuse, Change in Use and Licensing (continues)

(v) Change in use

Even though there may be no physical alterations or additions works required for a proposed change in use, approval by the Building Authority and, if necessary, by other Government Departments for such proposal may still be required. Readers should engage building professionals to assess whether the existing design and construction of the premises are suitable for the proposed change based on the following considerations:

- permissible uses under the Town Planning Ordinance and relevant zoning or development plans;
- permissible uses under lease conditions;
- structural implications of the proposed uses;
- implications of the proposal on the provisions for the means of escape in case of fire;
- adequacy of sanitary fitment provisions;
- adequacy of fire service installations and fire resisting construction requirements; and
- whether the proposed use is incompatible with the current uses of its neighbour and design of the building and whether it would give rise to any danger or nuisance to the other occupiers.

(vi) Partial demolition, upgrading and improvements

Partial demolition

Partial Demolition means the demolition of a part of a building. It usually involves the demolition of structural members, e.g. floor slabs, beams or columns. Examples are removal of:

- canopies;
- floor slabs to create voids with high headroom;

3.2 Timely Maintenance

- part of a floor slab to install a new staircase, lift or escalator;
- one side of a building to allow for the integration of a new extension; or
- substantial UBW is also considered a partial demolition.

This kind of alteration works or removal of UBW may sometimes involve the removal of asbestos containing materials. More details are provided in Section 3.2.2(h) of this Chapter and Section 4.1.5 of Chapter 4 in this regard.

Both total and partial demolition of a building requires the submission of a demolition plan by an Authorized Person (AP) for the approval by the Building Authority. And the work has to be carried out by a Registered Specialist Contractor (Demolition Category), under stringent site safety supervisions.

Upgrading and improvements

Upgrading and improvements to buildings usually include face-lifting or replacement of finishes at external walls and common lobbies; replacement of worn-out or dilapidated services, machinery or installations, etc. Advice should always be sought from an AP to ascertain whether such works require the approval and consent by the Building Authority.

The works involved are similar to those for extensions, alterations and additions. Readers should refer to Section 4.3 of Chapter 4 for more details.



3.2 Timely Maintenance

3.2.2(c) *Misuse, Change in Use and Licensing (continues)*

(vii) Alterations and additions

Building works to modify existing buildings are usually referred as alterations and additions although such works may not necessarily result in "addition" of building areas.

Examples of alterations and additions works are:

- constructing a new extension block to an existing building;
- adding floors to an existing building, whether on the top or not;
- constructing a swimming pool;
- linking two or more floors by removal of parts of the floor slab and/or adding internal staircases;
- constructing cocklofts;
- combining two or more units into one by removing the partition walls;
- Installing cladding or curtain wall to the facade of existing building;
- subdividing a unit into smaller units; or
- adding water tanks, lifts, escalators, curtain walls, hoists, facilities for the disabled persons, canopies and shelters, structural frames for air-conditioning or other plant, structural supports for advertisement signboards, etc.

Hong Kong is one of the most congested cities in the world. Developable land is always a scarcity and building areas have been valuable assets. The permissible development potential of a piece of land is one of the major factors affecting its market value. Naturally, all developers or owners would try to develop their land lots to the maximum permissible. However, there are still cases that buildings are not developed to its full potential. In such circumstances, owners may apply for extensions of buildings after issuance of an occupation permit. Examples are usually found in purpose-built industrial or educational buildings.

Readers should note that having the ownership of or rights of access to adjacent flat roofs, canopies, roof tops, yards, light wells or ground floor areas does not automatically entitle one to erect structures on them. Reference should be made to the Deed of Mutual Covenant, approved building plans, lease conditions and, if in doubt, building professionals should always be consulted.

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Appointment of building professional

Owners who wish to carry out alterations and additions are always recommended to consult a building professional for advice. The professional will usually carry out a detailed study on the construction records of the subject building, lease documents, and the technical constraints associated with the proposal. If the proposal is feasible, the owner has to engage an Authorized Person (AP) (registered under the Buildings Ordinance(BO)) to prepare plans and to submit them on behalf of the owner to the Building Authority for approval. Section 4.3.4 of Chapter 4 gives more details on the required procedures.

(d) Swimming Pools

The Swimming Pools Regulation (Chapter 132) stipulates that any person who establishes or maintains a swimming pool must obtain a swimming pool licence from the Food and Environmental Hygiene Department (FEHD). Under the legislation, a swimming pool means any artificially constructed pool used for swimming or bathing and to which the public have access (whether on payment or otherwise) or which is managed by any club, institution, association or other organization. However, this regulation does not apply to a swimming pool serving not more than 20 residential units and to which the public have no access.



Proper maintenance of swimming pools will lengthen the life expectancy of pool decks and filtration plants. A pool left empty of water for a prolonged duration will suffer from tile cracks due to extreme temperatures.

Routine winter maintenance

- keep normal running of filtration plant, alternate duty pumps every other week.
- use floating diffuser to kill germ and moss.

3.2 Timely Maintenance

3.2.2(d) *Swimming Pools (continues)*

- clean down the pool surrounds and bottom once a week and keep free of moss growth.
- carry out inspections and mechanical maintenance every week.
- keep all entrances shut and display the notices signifying "Pool closed - no lifeguard on duty".

Readers should note that specialist contractors are required to carry out maintenance works to the pool structure and the filtration system.

(e) **Private Lanes, Road and Open Space**

Similar to all private buildings, private lanes, roads and open spaces are within the purview of the Buildings Ordinance. When building works are required in these areas, owners should engage an Authorized Person (AP).

(i) **Private lanes**

Lanes are mainly used for servicing purposes such as the laying of underground drainage, water supply, electricity and communication cables. Many urban service lanes are still used for collection and disposal of garbage as well. It is not uncommon to find staircases of buildings or exits for units at the ground floor discharging to service lanes. Service lanes in such circumstances may be regarded as part of the escape route. Lanes may be at the rear or sides of buildings. If a lane is under private ownership, owners have the responsibility to upkeep and maintain it. The following are areas of concern:

- illegal extensions by ground floor occupiers; trespasses and occupation by outsiders;
- obstructions at the lane or at the point of discharge from the building;



3.2 Timely Maintenance

- connections and maintenance of underground services;
- proper discharge of rain and surface water;
- maintenance of paving or ground surfaces; and
- lighting, cleanliness and tidiness.

(ii) Private roads



Private roads are roads or streets on private land, and include all estate roads, access roads, driveways with or without pavements and emergency vehicular access (EVA). There are, however, certain streets or roads in Hong Kong that vehicular access is not possible due to physical constraints, but they are still roads or streets by virtue of their construction. It is the owners' responsibility to upkeep and maintain private roads. Apart from those mentioned above for private lanes, the following are areas of concern:

- all vehicular accesses, carriageways and EVAs should be maintained at their original or minimum standards in terms of size, headroom, turning radius, gradients, surface loading and texture, and free of obstruction;
- no projection, encroachment, fixture, or furniture on the roads shall endanger the users;
- all traffic signs and road markings shall conform to the latest standards of Highways and Transport Departments;
- common facilities shall be maintained, such as planters and flower-beds, seatings, railings, drop kerbs and ramps, road humps, rubbish bins, storm and surface water drains and culverts, lighting, traffic signals and fire hydrants;
- the road structure may include the elevated ramp ways, flyovers, footbridges, slopes and retaining walls; and
- dealing with unauthorized car parking and hawkers are responsibilities of owners and their management representatives but not the Government.

3.2 Timely Maintenance

3.2.2(e) Private Lanes, Road and Open Space (continues)

(iii) Private open spaces

Private open spaces include gardens, rest areas, children playgrounds, parking or loading and unloading areas, turf areas or gentle slopes, drainage reserved areas, space near top or bottom of slopes or retaining walls, or any other areas within the private land which are not built upon.



These spaces are often left uncontrolled and open to the public. The owners' responsibility is to maintain all the facilities and conditions of the open spaces, and to prevent abuses or trespasses. The building management should arrange regular patrol and report on any irregularities spotted as soon as possible.

(f) Commonly Found Unauthorized Building Works (UBW)

(i) Unauthorized building works (UBW) under the Buildings Ordinance

The Buildings Ordinance stipulates that all building works in private buildings and lands require the submission of plans by an Authorized Person (AP) for the prior approval from the Building Authority. Any building, construction, alterations and additions to private buildings and lands without prior approval and consent by the Building Authority are regarded as UBW. They are illegal and subject to the action of removal orders. Any person who instigates or owns UBW will be ordered for their removal and reinstatement to the originally approved conditions and may face prosecution, fine or even imprisonment.

(ii) Types of UBW and Duties to Report to the Buildings Department (BD)

The following are examples of commonly found UBW:

- cages, canopies, metal flower racks, frames supporting air-conditioning units, etc. projecting from the external walls of buildings;
- canopies and structures projecting over Government land, pavement or lanes;



3.2 Timely Maintenance

- structures on the roof top, flat roof, yards and light wells;
- excavation for a basement or swimming pool unless otherwise approved;



- removal of smoke lobby doors (both at common areas or at entrances to units);



- changing the fire resisting door at entrance to a unit into a non-fire resisting glass door (usually found in offices or industrial units);

- metal gates built across the escape route, or opening outwards and obstructing the effective width of escape route;



- connection or diversion of wastewater drainpipes (above ground or underground) into storm water drainage system;

- metal supporting frames for air-conditioning plants and cooling towers;

- unsafe or excessive advertisement signboards (Readers should refer to guidelines issued by the BD in this regard from time to time, a sample of the current guideline is at Appendix 10);

- excavation into hillside or earth filling to form embankment or platform; and

- unauthorized construction or modifying the height of retaining wall.

The BD maintains a hotline (see Appendix 2) for the public to report on any UBW in progress. Priority action will be taken against such UBW.

(iii) Responsibilities of property owners or Owners' Corporations (OC)

Property owners or Owners' Corporations (OC) have the responsibility to maintain their buildings in a safe and healthy condition and ensure that their buildings are free from UBW. Where UBW are located within the confines of any unit under the title deed, it will be the owner of that particular unit (whether he built them or not) to bear the responsibility

3.2 Timely Maintenance

3.2.2(f) Commonly Found Unauthorized Building Works (UBW) (continues)

(iv) Exempted building works under the Buildings Ordinance

Building works that do not require the prior approval of the Buildings Authority are usually referred as "exempted works". Examples are:

- redecoration or minor fitting-out works not affecting the structure of a building;
- removal of non-structural and non-fire-resisting internal partitions;
- installation of light weight partitions such as dry walls or light weight concrete blocks;
- changing internal doors that are non-fire-resisting doors; or
- changing or relocating sanitary fittings without contravening requirements or causing nuisance to others.

If in doubt, owners are encouraged to consult an Authorized Person (AP) or the BD.

(v) Further details

Section 4.2 of Chapter 4 provides further details on dealing with the removal of UBW in a building.

(g) Advertisement Signboards

(i) Statutory control

Erection of an advertisement signboard and its supporting structures generally comes within the purview of the Buildings Ordinance. Carrying out such works requires prior approval and consent from the Building Authority. Otherwise, it may be classified as an UBW and



subject to an enforcement order for its removal. "The Guide on Erection & Maintenance of Advertising Signs" published by the BD (at Appendix 10) provides useful reference in this respect. In addition to the Buildings Ordinance, advertisement signboards are also controlled by other relevant departments including Electrical & Mechanical Services Department, Fire Services Department, Civil Aviation Department, Transport Department, Country and Marine Parks Authority, etc.

3.2 Timely Maintenance

(ii) Maintenance

Existing advertisement signboards on external walls should be inspected and maintained regularly to assure safety of the public. Any sign that is liable to cause danger to the public or the structure of its parent building may be subject to removal order under Section 24 of the Buildings Ordinance. Any abandoned advertisement signboards or their structures, when become dangerous or are liable to become dangerous, may also be removed under Section 105 of the Public Health and Municipal Services Ordinance.



(h) Asbestos and Noise

(i) Asbestos-containing material in buildings



Asbestos is a generic name given to a group of naturally occurring fibrous silicate materials which are recognized to be hazardous to health. In Hong Kong, asbestos-containing materials had been extensively used before the mid-1980s in buildings such as factories, hospitals, hotels, schools and some public facilities for fireproofing, thermal and electrical insulation, as well as sound absorption.

The more commonly found example of asbestos-containing materials is corrugated asbestos sheets for roofs and canopies (very often found in UBW). Others may include some floor tiles similar to plastic, false ceiling insulation tiles, acoustic plaster to ceiling, decorative concrete blocks for parapets or boundary walls, insulation blankets, fibre cement board; etc.

When these asbestos containing materials deteriorate or are broken, the asbestos fibres will be released and air-borne for a very long period of time. Inhaling these fibres might lead to chronic illnesses.

For more details in this subject, and for locating specialist consultants and contractors, readers may refer to "Asbestos Removal of Unauthorized Building Works" published by the Environmental Protection Department at Appendix 14 and Section 4.1.5 of Chapter 4 of this Guidebook.

3.2 Timely Maintenance

3.2.2(h) Asbestos and Noise (continues)

(ii) Noise from ventilating or pumping system

Ventilating and pumping systems are common noise sources in a building that cause nuisances to the occupiers.

The building management should put in place a regularly scheduled equipment maintenance program so that the building services equipment or installations in the building are properly maintained and serviced without generating excessive noise or vibration.



When the building management observes abnormal or excessive noise from ventilating or pumping systems, it should immediately identify the source and the cause for appropriate remedial measures.

The building management should realize that it is likely for a normally operated powerful ventilation fan or high capacity condenser to generate irritating noise. In such circumstances, additional noise abatement measures such as acoustic panels, enclosures, silencers or acoustic louvers should be installed as appropriate to reduce the noise.

Although water pumps are mostly placed inside plant rooms housed in pump chambers, vibration of the pumps usually transmits through the mountings to sensitive parts of the building such as domestic flats or classrooms.

The building management should ensure that the pumps and the water pipes are isolated from the plant room structures by the use of springs or rubber isolators. Pipes penetrating the floor slabs or walls should be isolated by shock-absorbing materials such as rubber sleeve or glass-fibre packing.

When alteration or replacement of a ventilating or pumping system is required, noise level of pumps or moving parts should be of equal bearing as their performance. Noisy systems should be located away from sensitive uses wherever possible or suitably screened or insulated.

3.2 Timely Maintenance

(i) Canopies and Balconies

Among the appendages, canopies and balconies are, in particular, susceptible to misuses.

Canopies are meant to protect the pedestrians from weather and falling objects. Balconies are for the leisure purpose of the residents. But they can collapse causing serious or fatal injuries if there is lack of maintenance/repair, misuse, addition of UBW above or below the canopies, material corrosion/deterioration, poor construction, etc. There are also cases where the collapsed canopy itself is an unauthorized addition. Overloading the approved balconies by using them for storage leading to eventual collapse have also been found.



The following are therefore of paramount importance:

- 1 avoid overloading of a canopy/balcony;
- 1 ensure the canopy/balcony is free from any unauthorized structure;
- 1 avoid ponding of water on a canopy/balcony;
- 1 ensure the drainage and any waterproofing system of the canopy/balcony are well maintained for proper protection of the structure; and
- 1 do not replace balcony parapets with glass panels unless the design has been carried out by an Authorised Person (AP) or a Registered Structural Engineer (RSE) and the installation carried out by a Registered General Building Contractor under the supervision of such AP or RSE.

Defects in canopies and balconies may not be revealed just by visual inspection. Whenever there is a concern about the safety of such features, the owner should engage a building professional to carry out an investigation. The Buildings Department (BD) may also issue orders to the registered owners of canopies/balconies requiring them to engage building professionals to investigate and make safe, where warranted, such structures.

The investigation usually includes the opening up of the key structural spots, examining the original construction material and details, testing material strength, and assessing the stability. The drainage and waterproofing aspects as well as any loose parts or attachments will also be dealt with.

If assessments by the building professionals reveal that the structures have become unsafe, remedial works such as additional strengthening, ultimately partial or even total demolition of the structures may be necessary.

For more details on the execution of the works, please refer to Section 4.2 and Section 4.3 of Chapter 4.

3.2 Timely Maintenance**3.2.2 Areas for Special Attention (continues)****(j) Defects Caused by Adjoining Building Works or Other External Factors****(i) Adjoining building works**

Defects in buildings can be caused by activities carried out in adjoining sites. Examples of such activities are excavation, piling, demolition and construction. Such works should be supervised by the Authorized Person (AP), Registered Structural Engineer (RSE) and registered contractor of the subject works. In the case of Public Works, such will be supervised by the relevant Government Departments or the building professionals and contractors employed from the private sector.

The Buildings Department (BD) and other relevant Government Departments will, from time to time, inspect and check on aspects such as safety, stability, noise, dust, and water pollution problems of such works. Even though safety precautionary measures might have been taken, there are chances that such works at the adjoining buildings are somehow affecting your building.

(ii) Other external factors

They include inclement weather, accidents, burglaries, or negligence of adjoining owners. Accidents may be due to car intrusion, fire, landslide, bursting of public pipes, or falling of objects from adjacent buildings.

(iii) Common defects

The common defects caused by adjoining building works or other external factors include:

- cracks at walls, windows, doors, ceilings, floors, etc. due to vibrations or soil movement or settlement;
- tilting or slanting of part of your building due to soil movement or settlement;
- partial collapse of a wall or roof;
- water seepage at your party wall after the adjoining building was demolished; and
- flooding or mud flow from the site, or indirectly caused by the site due to blockage of public drains.

3.2 Timely Maintenance

(iv) Shoring works

Situation may arise that shoring works are required to be carried out in a property in relation to works in an adjoining site. This is usually a precautionary measure for the safety of the building affected by the works. Or it may form a part of the remedial works required when certain defects are discovered.

The shoring or supporting works are meant to strengthen and protect the structure of a building. However, it might inevitably cause damage to the decorations and finishes, and inconvenience.



The initiating adjoining owners will have to seek consent to carrying out such works in the affected building. However, even if mutual agreement cannot be arrived at, the required works should still be implemented for the sake of safety and structural stability.

Normally, the shoring and supporting works will be removed after the completion of the adjoining works. In the case if the affected property has developed structural damage, the adjoining initiating owner will be required to carry out the necessary investigation, survey and repair to your building before removing the supporting structures.

Section 4.1.8 of Chapter 4 provides more guidelines in this regard.

3.3 Types of Statutory Orders

Should defects of buildings or related nuisance have developed to a stage that safety or health of the public would likely be compromised, the Government will intervene to expedite the rectification process.

3.3.1 Orders Issued by the Buildings Department

The Buildings Department (BD) may issue advisory/warning letters or even orders to private building owners to investigate and rectify defects or irregularities. Once an order is issued, the owners/Owners' Corporation (OC) should take the necessary action to comply with the requirements immediately. Otherwise, they may be liable to prosecution, fines and/or imprisonment. Furthermore, orders will be registered against the title of the property in the Land Registry and will come to the attention of potential property buyers before completing transactions. The following are examples of orders frequently issued by the BD to private building owners:



(a) Unauthorized Building Works - Removal Order under Section 24 of the Buildings Ordinance (Chapter 123)

It is served upon the registered owners of a property where UBW are located. The owners are required to remove the UBW and to reinstate the building in accordance with approved building plans. Deadlines for complying with the

issued orders usually do not exceed 60 days.

(b) Investigation - Order under Section 26A of the Buildings Ordinance

It is served upon building owners or OC where early signs of building defects are detected and requires detailed investigation to identify the extent and the nature of the dilapidation/defects.

Owners are required to engage an Authorized Person (AP) to carry out the investigation and to submit the remedial proposal to the BD for acceptance. The AP is also required



3.3 Types of Statutory Orders

(c) **Repair - Order under Section 26 of the Buildings Ordinance**

It requires building owners or OC of buildings which are found to bear serious defects likely to cause risk of injury or damage, to carry out the required repair works and to render the buildings safe.

Owners may be required to engage an AP to supervise the remedial works to the satisfaction of the BD. The time specified in the order for the owners to comply usually does not exceed 6 months.

(d) **Dangerous Hillside - Order under Section 27A and Investigation and Repair - Order on Water Pipes, Drains or Sewers Laid in Slopes under Section 27C of the Buildings Ordinance**

They are served on building owners or OC when the slopes and retaining walls are dangerous and likely to cause risk of injury or damage to adjoining property; or the drains or buried pipes behind the slopes or retaining walls are leaking and may result in landslip or collapse.

The Order may require the owners to carry out investigation and submit remedial proposals for approval, and to carry out the remedial works in a specified period of time. Owners are always required to engage the service of an AP in handling the investigation and remedial works



(e) **Drainage Repair - Order under Section 28 of the Buildings Ordinance**

It requires building owners or OC of buildings which are found to bear defective or inadequate drainage installations, or the drainage system of which is causing nuisance, to investigate and repair or rectify the situation.

The owners may be required to engage an AP to submit remedial proposal and to supervise the remedial works to the satisfaction of the BD. The order will also specify a period of time for compliance.



3.3 Types of Statutory Orders

3.3.1 Orders Issued by the Buildings Department (continues)

(f) Fire Safety Improvement Direction - under Fire Safety (Commercial Premises) Ordinance (Chapter 502)

These directions may be issued by the Buildings Department or the Fire Services Department.

Under the scope of the Ordinance, there are 2 kinds of commercial premises namely, prescribed commercial premises and specified commercial buildings.

Prescribed commercial premises include the following premises that have an area over 230m²:

- banks;
- off-course betting centers;
- premises requiring exceptionally high security measures for business such as jewelry or goldsmith;
- supermarkets and hypermarkets;
- department stores; and
- shops/shopping arcades.

Specified commercial buildings are those buildings which have been completed before 1st March 1987. Basically, these buildings are found to have inadequate fire service installations and may pose danger to the occupiers in case of fire when judged against the current standards.

The property owners and the occupiers will be served with the Fire Safety Improvement Directions requiring them to upgrade and improve the fire service installations (usually by adding sprinkler system) and carry out other necessary works. Examples of such required works are reinstatement or improvement of smoke lobby doors, fire resisting construction (walls and openings), and removal of obstructions in escape routes. Owners are required to engage an Authorized Person (AP) to carry out the investigation, to submit the remedial proposal to the Building Authority for acceptance, and to supervise the remedial works.



3.3 Types of Statutory Orders

(g) "Blitz Action - Clearance of Unauthorized Building Works (UBW)" and "Coordinated Maintenance of Buildings Scheme (CMBS)"

The BD has, since 1999, launched large scale UBW clearance operations called "Blitz" aiming to clear up UBW mainly on the external walls. Since November 2000, the BD has also launched a Coordinated Maintenance of Buildings Scheme (CMBS) in various districts to coordinate other relevant departments to survey the target buildings and determine the scope and nature of improvement works required so as to ensure efficiency and cost-effectiveness to owners and the OC. Besides BD, departments which have joined CMBS include Home Affairs Department, Fire Services Department, Electrical and Mechanical Services Department, Food and Environmental Hygiene Department and Water Supplies Department.

The owners or the OC are advised to comply with the orders, advisory or warning letters or directions voluntarily. To facilitate and assist owners in complying with the requirements, the Building Safety Loan Scheme has also been launched by the BD. Readers may refer to Section 4.2.1 of Chapter 4 and Appendix 6 of this Guidebook for details and guided procedures for complying with the orders. The BD is determined to instigate prosecutions against the non-complying owners.

3.3 Types of Statutory Orders

3.3.2 Notices or Directions Issued by Other Government Departments

(a) Water Authority (Water Supplies Department or WSD)

Notices may be served under **Section 16 of Waterworks Ordinance (Chapter 102)** in the following situations:

- unauthorized alteration of water works; or
- when the supplied water is wasted or polluted or if there is such a risk.

Section 4.2.3(a) of Chapter 4 suggests solutions to comply with notices from the WSD.

(b) Environmental Protection Department (EPD)

The following notices may be served by EPD:

- Under **Section 3 of Water Pollution Control Ordinance (Chapter 358)** in respect of drainage systems that are not properly discharged into the public sewage system.
- Under **Section 10 of Air Pollution Control Ordinance (Chapter 311)** in respect of emission of air pollutants which may cause deposit of dust/grit or affect public safety, etc.
- Under **Section 13 of the Noise Control Ordinance (Chapter 400)** requiring the owner or occupier to bring his noise emissions into a state of compliance by certain date.

Readers may refer to Section 4.2.3(b) of Chapter 4 for solutions to comply with such notices.

(c) Fire Services Department (FSD)

(i) Fire Safety Improvement Directions

Please see Section 3.3.1(f) above.

3.3 Types of Statutory Orders

(ii) Fire Hazard Abatement Notice

Notice may be served under **the Fire Services Ordinance (Chapter 95)** for the removal of identified fire hazards in buildings within a specified period of time. This notice may be served to the owner, tenant, occupier or person-in-charge where appropriate. Non-compliance with the notice may result in legal action or the application for court order. Section 4.2.3(c) provides suggestions on how to comply with such notices.

(d) Electrical and Mechanical Services Department (EMSD)

(i) Electrical installation

Notice may be served under **the Electricity Ordinance (Chapter 406)** for lack of repair, maintenance and test of electrical installation of building and improper wiring connection that may be in danger if fire and electrical fault are caused.

(ii) Gas installation

Notice may be served under **the Gas Safety Ordinance (Chapter 51)** for the lack of repair, maintenance and test of gas supply system, and to prohibit the excessive stock of LPG cylinders in order to ensure safe operation of the system.

(iii) Lift installation

Notice may be served under **the Lift and Escalator (Safety) Ordinance (Chapter 327)** for the lift installation of building not complying with the Regulations. The objective is to ensure the lifts meet safety standards and operate smoothly.

(e) Food & Environmental Hygiene Department (FEHD)

Notice may be served under the **Public Health and the Municipal Services Ordinance (Chapter 132)** for the repair of water leakage at drainage pipe, and the cleansing of private sewers to prevent nuisance to other owners, occupants or to the general public.

3.4 Need for Effective Maintenance & Management

After reading through the preceding sections of this Chapter, readers can appreciate the size and complexity of problems and the paramount importance of effective maintenance and management. Formulation of long-term maintenance as well as surveillance and control plans are initial steps to ensure a safe and pleasant living environment.

3.4.1 Principles of Long Term Maintenance

Effective maintenance of buildings not only improves the quality of living environment but is also a vital means to uphold or even raise the value of properties.

Maintenance in general can be classified into servicing, repair, replacement and upgrading. There is also a marked difference in terms of methods, management and the result of "breakdown maintenance" versus "planned or preventive maintenance".

Planned maintenance gives the owners and the property managers more time to prepare for the works and, more importantly, to secure the necessary funding. It usually starts out by a thorough condition survey to assess the current situations, identify the full extent of works required and lay down the level of expectation. Considerations include implementation programs, standard of performance and reliability, as well as maintenance strategy, budget, and life cycles of certain elements and facilities.

Daily maintenance of essential features such as cleaning of surface water channels to avoid blockage of drains, servicing of small components of equipment or easily wearable items such as children's play furniture are essential to ensure safe and smooth operation. A detailed plan for maintenance to be carried out everyday should be drawn up as per the equipment supplier's recommendations, needs and expectations of the owners and priority in allocation of resources.



Section 4.4 of Chapter 4 provides more details on this subject.

3.4 Need for Effective Maintenance & Management

3.4.2 Principles of Inspection, Surveillance and Control

(a) Inspections

(i) Day-to-Day inspection

The day-to-day inspection is to ensure the proper and safe functioning of different building elements, installations, services and facilities of a building. Examples of items that should be included in the checklist are:

- water pipes and pumps;
- gates and locks, fire doors and closers, intercoms and TV signaling, lights and fittings;
- hose reels, nozzle boxes and alarm glass;
- letter boxes and breakable panels;
- security TV and cameras, timer switches;
- surface water channels, drains, manholes covers, oil interceptors and grease traps;
- club facilities, flower beds and planters, playground equipment especially children's play furniture such as swings;
- staircases, windows, lobbies, false ceiling, sprinklers;
- air-conditioning units and pipes for coolants and condensate water; and
- building structures, external appendages and finishes.

Fire has taken many lives in the past. Readers' attention is drawn in particular to the importance of inspecting the provisions in fire service installations and means of escape as follows.

(ii) Special inspections

Means of escape

- Fire resisting doors, smoke lobby doors and staircase doors should be kept closed, and the door-closers should work effectively. All such doors shall bear appropriate signs reminding people that they should always be kept close.



3.4 Need for Effective Maintenance & Management

3.4.2(a) Inspections (continues)

- No alteration such as door or ventilation openings should be made to walls enclosing staircases, smoke lobbies and exit routes unless prior approval from the Buildings Department (BD) on these alterations has been obtained.
- Staircase windows and vent openings should not be blocked. Normally, the frames should be made of steel instead of aluminum in order to comply with the required fire resisting requirements.
- Artificial and emergency lighting in staircases and exit routes including battery operated exit signs should be maintained in working order.
- The swing of doors or gates should not encroach onto exit routes, such as common corridors, staircases and rear lanes, causing obstruction to escape.
- Doors or gates in common parts should be readily openable from the inside without the use of a key.
- Doors giving access to the roof of single-staircase buildings should be readily openable from the inside without the use of a key.
- Exit routes should be free of any obstructions such as racks, shelves, cabinets, storerooms, or rubbish.
- Access from one stairway to an alternative stairway via a common corridor should best be available on each floor.
- Exit stairs at ground floor level should be separated from the rest of the building, such as storerooms, ground floor shops or other uses.
- Exit doors should open in the direction of exit when the room capacity exceeds 30 persons.
- Doors or gates should be set back at ground floor exit where there is a drop in level or a step. When they open outwards, they should not obstruct the public pedestrian flow.



3.4 Need for Effective Maintenance & Management

Means of access for firefighting and rescue

- Fireman's lifts are used by firemen for rescue in the event of fire. Access to fireman's lift at ground level should be available directly from a street and free from obstructions.
- Fireman's lift lobbies protect the firemen in using the lift for rescue. No alteration should be made to the lobby walls and doors.
- Exit staircases are used by the firemen for both access and rescue purposes. They should be free from obstructions.

(iii) Inspecting fire resisting components and construction

Regular maintenance

Buildings are made up of different components. Some of them are designed to be fire-rated for resisting spread of fire. Building owners should keep these fire-resisting components under proper maintenance. Unauthorized alterations to such components may affect their fire-resisting ability and thus the fire safety of the building and its occupiers. If there is unauthorized alteration or defective fire-resisting component, the advice of an Authorized Person (AP) on the conditions and remedial proposals is necessary. This section introduces the common types and functions of fire-resisting components and construction in a building. They should not be altered without proper professional advice and the prior approval by the Building Authority.

Walls and Floors

Most of the walls and floors in buildings serve to prevent the spread of fire and smoke from one part of a building to other parts, or from one building to another. No unprotected opening should be made in such walls and floors. If in doubt, the building owners should seek advice from an AP.

Staircases

Other than the required fire-fighting equipment and artificial lighting installations, staircases should not normally accommodate electrical cables, air ducts or similar services. Otherwise, such installations have to be properly protected by appropriate fire resisting enclosures.



3.4 Need for Effective Maintenance & Management

3.4.2(a) Inspections (continues)

Fire-resisting door (Fire door or smoke door)

Fire-resisting doors prevent the spread of fire and smoke from one part of a building to others and therefore must not be removed. They should have adequate fire-resisting properties with self-closing device to keep them in a closed position. Replacement should be avoided unless with doors of the same performance. Usually, the main entrance door to a flat or unit is a fire-resisting door. The vision panel on a fire-resisting door, if found broken, should be replaced with suitable fire-resisting glass.



Other fire-resisting enclosures

Examples of fire-resisting enclosures include the enclosures to special hazard rooms such as commercial kitchens, dangerous goods stores, plant & machinery rooms, switch rooms, electric cable ducts, refuse chutes and refuse storage rooms. The enclosures, walls, floors and doors should be maintained as fire-resisting elements.

(iv) Fire service installations

The following are fire service installations and equipment commonly found in Hong Kong:

- Fire alarm system



- Fire/smoke detection system

- Fire hydrant/hose reel



3.4 Need for Effective Maintenance & Management

- Automatic sprinkler system



- Emergency lighting system

- Automatic gas extraction installation

- Exit sign



- Fireman's lift

- Fire extinguisher



- Dynamic smoke extraction system

- Fire dampers in ventilating/air-conditioning control system

3.4 Need for Effective Maintenance & Management

3.4.2(a) Inspections (continues)

Testing and routine maintenance requirements

To ensure that these essential installations work efficiently at all times, a registered fire service installation contractor should be employed by the building owners to inspect and maintain at least once every year.

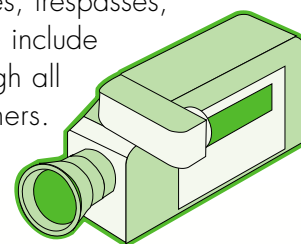
When the fire service installations are found to be not working properly or damaged, a registered fire service installation contractor should be employed immediately to inspect and repair as necessary.

If the owners have any doubt about the qualification of a contractor for fire service installations, they may consult the Fire Protection Command of the Fire Services Department. For more details on the execution of works, please refer to Section 4.3 of Chapter 4. For useful telephone contacts, please refer to Appendix 2.

(b) Surveillance

Surveillance serves to prevent or stop misuses, trespasses, theft or crime in the premises. The plan should include routes and frequencies of patrol going through all accessible common areas and hidden corners.

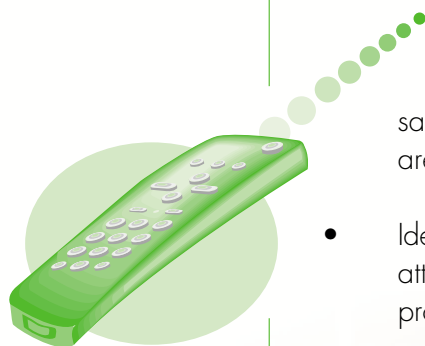
The patrol route should include staircases, roof tops, lobbies, open space, side and rear lanes, swimming pools, yards and podiums, machine rooms, switch rooms and ducts, refuse rooms and hidden corners.



(c) Control

The surveillance, checking and inspection carried out by the management personnel help all the owners to exercise control over the building for a safe, clean and pleasant living environment. Some areas requiring control are listed as follows:

- Identify all the malfunction and defective elements and facilities for immediate attention and repairs according to the agreed strategy and standard for proper functioning.
- Stop wedging open of fire doors to ensure proper protection of exit routes.
- Remove rubbish or obstructions from means of escape and other common parts and give warnings to occupiers who have caused the irregularities as described above or violated the house rules.



3.4 Need for Effective Maintenance & Management

- Prevent illegal extensions or misuses at the earliest possible time to prevent deterioration of environment.
- Stop any illegal connections of electricity, water, drainage, or signal cables for ensuring safety and proper functioning of utility supplies.
- Identify and prevent trespassers or any weak point in security which will lend itself to burglaries and trespasses.

3.4.3 Forming Organizations

(a) Functions

Effective surveillance, inspection and control depend on a reliable reporting and recording system so that defects/loopholes/irregularities can be rectified the soonest possible. The system should cover a detailed plan serving the following functions:

- care-taking, knowing the owners & occupiers, identifying the strangers;
- preventing burglaries and trespassers;
- cleaning, disposing garbage and discarded furniture items and articles;
- repairing and replacing minor wearing items, e.g. light bulbs;
- posting notices and warnings, arranging emergency attendance to tackle critical situations;
- arranging tradesmen and contractors to carry out periodic maintenance to the facilities and installations;
- collecting management fee and keeping expenses records; and
- implementing an internal auditing system for cross checking and performance measurement.

3.4 Need for Effective Maintenance & Management

3.4.3 Forming Organizations (continues)

(b) Types of Organizations

With the above basic understanding on the scope of responsibilities for ensuring effective maintenance and management, owners should be able to appreciate the size and complexity of the job. There should be someone to set up the system, plans, house rules and to execute them. This requires full time attention of a property manager, not just a caretaker. Furthermore, the owners should organize themselves and appoint representatives to audit check on the effectiveness and proper operation of the building management arrangements. There are several types of owners or occupiers organizations, namely:

(i) Mutual Aid Committee (MAC)

It involves not only the owners but also tenants/occupiers. Its formation is comparatively easier than the other alternatives but is not recognized as a legal body under statute.

(ii) Owners' Committee established under DMC

It involves only owners and is not recognized as a legal body under statute.

(iii) Owners' Corporation (OC)

It is a legal entity formed in accordance with the Building Management Ordinance (Chapter 344). For more details, please refer to Section 4.6 of Chapter 4.

3.4.4 Taking out Appropriate Insurance Policies

Insurance is a major topic that deserves special consideration in details.

(a) Reasons for Maintaining Building Insurance

Building insurance provides compensation for financial losses in the case of death, injury, destruction and damage accidentally incurred through management of buildings, thus lowering the liabilities to be borne by the owners or management body of a building.



3.4 Need for Effective Maintenance & Management

It is common for individual owners to exclude the above from the insurance coverage maintained for their units and personal properties. Insurance covering common parts and facilities such as lifts, staircases, fire service installation, etc., of the building should be taken up by the Owners' Corporation (OC) or the management body.

Without building insurance, owners will have to bear the loss, cost for repairing and compensation. In case if money has to be raised for such purposes among all the owners, delay in repairs and disputes may result. Even if the damage is due to negligence of the OC or management company, individual owners may still be held liable.

(b) Types of Building Insurance

In general, there are three types of building insurance:

Property-All-Risks Insurance (Non-mandatory)

Such insurance usually covers loss or damages to the common facilities/parts of the building due to fire, storm, flood, malicious act, etc.

Third Party Liability Insurance

It covers claims for compensation and associated legal costs against the insured, as a result of damage or personal injury to a third party caused by the negligence of the insured or his employee in managing the building. Readers may wish to note that the legislation requiring compulsory maintenance of this insurance will soon be effective and should always check with district offices or the web site of the Home Affairs Department for details.

Employees' Compensation Insurance (Mandatory)

It is also known as "Workmen's Compensation Insurance". If staff are involved in the building management, under the Employee Compensation Ordinance, their employer (i.e. OC, Mutual Aid Committee or property manager) is required to maintain such insurance policy to provide compensation for those injured or killed in the course of their employment.

(c) Insurance Policy

Information supplied to the insurance vendor for formulation of policy must be accurate and true. Failure to do so may be regarded as an offence under the law and invalidate the policy.



3.4 Need for Effective Maintenance & Management

3.4.4(c) Insurance Policy (continues)

Before adopting an insurance policy, attention should be paid to its coverage, terms and conditions. A reputable vendor/broker should be chosen. To attain the best value and secure the greatest insurance coverage with the most reasonable premium, quotations from a number of reliable insurance companies should be obtained for comparison before acceptance. If insurance is arranged by the property manager, the policy should be endorsed in the joint name of the OC (or Mutual Aid Committee) and the manager.

After the policy has come into effect, owners should obtain a copy from the property manager. Owners should also be extremely cautious in scrutinizing any revision of terms as proposed by the vendor.

Sufficient coverage and the amount insured for compensation should be maintained. Some guidelines are given below:

Types	Coverage
Property-All-Risks Insurance	<ul style="list-style-type: none"> The amount should be able to cover the current cost of repairing the common parts or replacing the common facilities of the building.
Third Party Liability Insurance	<ul style="list-style-type: none"> The amount is usually determined on the basis of the highest compensation payable for a single accident. Generally speaking, a larger building or a building with higher pedestrian flow warrants a larger amount of insurance coverage.
Employees' Compensation Insurance	<ul style="list-style-type: none"> The amount should be determined on the basis of the total annual income of all the employees, including salaries, double pay, bonus, allowance, cash award, etc. Readers should always refer to the latest legislation for reference.

The OC should review annually the terms and amount insured for various types of insurance for the building. Policies and relevant documents, such as receipts for payment of premium, should also be displayed for inspection by owners.

Should accident occurs, the insurance company should be informed immediately and in no case later than the time frame stipulated in the policy to secure a valid claim.



Chapter 4

Chapter 4

SELECTING THE APPROPRIATE

SOLUTIONS

Chapter 4

SELECTING THE APPROPRIATE SOLUTIONS

After understanding the size and nature of problems in building maintenance and management from Chapter 3, readers can find from this chapter principles and guidelines in selecting the appropriate solutions. While Section 4.1 to 4.4 of this Chapter concentrate on the maintenance aspects, Section 4.5 mainly covers more on management related issues such as the formation and operation of Owners' Corporation (OC).

4.1 Dealing With Building Defects & Nuisance

Methods and knowledge on the repair of common defects and removal of nuisance are provided in this Chapter for general reference. The repair or rectification process as described are technical in nature and in most cases require professional input. **Under no circumstances should this Guidebook be referred as a workman's manual or a "do it yourself" guide.** Building owners, Owners' Corporation (OC) or Owners' Committee should always engage the services of qualified building professionals as Project Consultants or Project Managers to advise, supervise and handle all the technical, contractual and legal matters in relation to the works and the required contracts. This Chapter is a very useful tool for their communication with the building professionals and contractors.

To exhaust all the available methods on every possible building defect or nuisance is not the intention of preparing this Guidebook. Readers should refer to other relevant sources if an in-depth knowledge in a particular area is considered necessary.

Precautionary measures for the safety of the public should be completed before the commencement of the repair works. Double scaffolding, protective screens, catch fans are usually required for repair of the external finishes/tiles of the buildings. Tight budget should never become an excuse to compromise public safety during the repair works.

4.1 Dealing With Building Defects & Nuisance

4.1.1 Building Defects

Section 3.2 of Chapter 3 gives a general picture of the common defects found in buildings. The following are some common methods in dealing with such defects. The methods listed below are not exhaustive. New materials and technology emerge in the market from time to time. Owners should seek advice from building professionals on the method, cost, durability and compatibility in selecting suitable materials for the repairs. In carrying out the repair works mentioned in paragraph (a) and (b) below, supervision of works by a qualified building professional is necessary.

(a) Structure

(i) Defective concrete/ concrete spalling

Patch repair

It is the most common repair method for minor concrete defects such as surface spalling. Damaged or defective concrete is to be hacked off down to sound substrate and patched up with appropriate repair mortars to protect the steel reinforcement from rusting. Two types of materials are commonly used for patching up by hand:

Cementitious mortars such as cement mortar and polyester-modified cementitious mortar or

Resin-based mortars such as epoxy resin mortar and polyester resin mortar

After all defective concrete has been hacked off, rusty reinforcement bars should be properly cleaned, and primed with suitable cement/epoxy based primer matching the mortar used for patching if the environment is particularly aggressive, before patching up. Only primers specially manufactured for the purpose can be used, otherwise, the bonding strength between concrete and steel bars will be impeded, totally nullifying the repair efforts. Furthermore, before patching up, the exposed concrete surfaces and the steel bars must be dust free to allow effective bonding with the new mortars.

Replacement of reinforcement bars

Should circumstances arise that the diameters of the reinforcement bars are found substantially less than their original sizes after the "rust shells" have been removed, addition or replacement of steel bars is required. The process involves identification of the type of existing steel bars, assessment on the required replacement/supplement of reinforcement bars and the required lapping of the new and old bars. Structural calculations may also be required.

4.1 Dealing With Building Defects & Nuisance

Partial/ complete demolition and replacement

When the defective concrete is extensive and penetrates beyond the steel bars, partial or complete demolition and re-casting of the affected members may be required. Under such circumstances, a building professional such as a Registered Structural Engineer is required to give advice on the details of the materials and construction methods, and supervise the works. Precautionary measures such as installation of temporary propping may be required.

(ii) Structural cracks

As mentioned in Chapter 3, structural cracks deserve immediate attention. Detailed investigation should be carried out first to identify the underlying cause of the cracks. The cause of the problem must be properly addressed before sealing up the structural cracks. Otherwise, the danger of sudden collapse will persist.

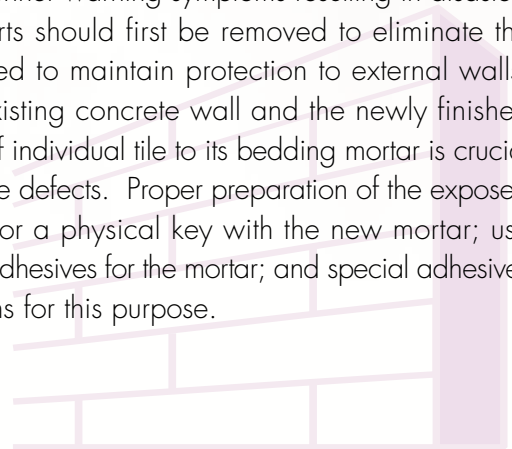
Identifying the cause of structural cracks should best be carried out by a structural engineer who should also advise on courses of action to remove the problem and the subsequent repair method. Such repair works should also be carried out by contractors registered under the Buildings Ordinance.

After identifying and addressing the problem causing the cracks, the repair of the cracks is usually done by pressure injection of non-shrinkage grout or epoxy resin or by open-up and refill/recast with concrete.

(b) External Walls

(i) Wall tiles/finishes

External wall tiles or panels of wall finishes insecurely fixed to external walls will likely fall off without any further warning symptoms resulting in disasters to pedestrians. All loose parts should first be removed to eliminate the imminent danger and replaced to maintain protection to external walls. A proper **key** between the existing concrete wall and the newly finished layer as well as the bonding of individual tile to its bedding mortar is crucial to avoid recurrence of the same defects. Proper preparation of the exposed surfaces of the existing wall for a physical key with the new mortar; use of suitable bonding agents or adhesives for the mortar; and special adhesives for the tiles are essential means for this purpose.



4.1 Dealing With Building Defects & Nuisance

4.1.1(b) External Walls (continues)

(ii) Cracks

Cracks should be repaired by injection of specially designed chemicals or through open-up and repair by mortar with the required key mentioned in Section 4.1.1(b)(i) above.

(iii) Loose concrete

After the external wall tiles or finishes have come off, loose concrete, honeycombing, spalling may be revealed. Loose parts should be thoroughly removed down to the sound concrete substrate. Then, suitable repair mortar should be applied in accordance with description in Section 4.1.1(a)(i) of this Chapter. Should the defects be found so extensive that replacement/addition of steel reinforcement bars, partial or demolition and re-casting of certain parts of concrete elements is considered necessary, readers should also refer to Section 4.1.1(a)(i) of this Chapter for details.

(iv) Claddings

Stone claddings used in the external walls, like other forms of cladding such as aluminium, are usually mounted on a system of hooks or angles anchored onto the external walls, commonly known as dry fixing. The components of such system are designed to resist weather attacks. However, pollution such as acid rain or other unexpected chemical attacks may shorten their life span, leading to failure. The whole system should be regularly inspected. Care should also be given in examining the requisite expansion/movement joints and sealant to ensure their proper functions.



Cracked or bulging panels should be removed immediately to avoid accident. Before replacement, the cause of the defect should be identified and eliminated to avoid recurrence of the same defect. Should the existing cladding system be identified to be not suitable for the building, it must be totally replaced. Although such decision may be difficult to make, it is the only effective means to extirpate chronic and recurrent defects. Examples of such drastic replacement in Hong Kong are not rare.

In any repair process for external stone cladding, dry fixing type stone cladding system should never be replaced by the traditional mortar wet fixing method which leads to disastrous results.

4.1 Dealing With Building Defects & Nuisance

(c) Windows

(i) Repair

Glass panes

Any broken or cracked glass panes should be replaced at once with the same type and thickness of glass.

Steel windows

Steel windows are subject to rusting and should be regularly re-painted with primers and re-finished. Putty for holding glass panes should be maintained. Hinges should be regularly lubricated and replaced if necessary to avoid dislodgment of sashes.



Aluminium windows

Bar hinges in aluminium window system is one of the most common sources of problem that leads to dislodgment of sashes. They should be regularly checked for any loose fixings, deformation, cleared of dust and dirt and lightly lubricated to avoid friction causing undue load on the fixing. Should any of the aluminium angle for securing the glass panes be found missing, replacement must be done at once to avoid falling of glass panes.

In the processing of replacing fixing components such as screws and rivets, measures against bi-metallic action leading to corrosion must be taken to avoid direct contact between two incompatible materials. A common example of bi-metallic action is between aluminium and stainless steel.

Locking devices

Locking devices of window sashes should be replaced if they cannot function properly. Otherwise, damage may result in typhoon.

(ii) Replacing major components

Deformed window sashes or frames, usually revealed after typhoon, are unstable and have to be replaced at once.

4.1 Dealing With Building Defects & Nuisance

4.1.1(c) Windows (continues)

Replacement of window frames is inevitable if:

- 1 the frames have deformed, become insecure, deteriorated to a considerable extent; and
- 1 the quality of the frame or its waterproofing materials filling the gap between the frame and the parent structure is in doubt, leading to constant leakage beyond repair.

In the process of installing the new window frames, readers may wish to note the following points:

- 1 window frames should be securely and rigidly fixed in place to window opening in walls by fixing lugs;
- 1 suitable waterproofing grouting should be properly applied between the window frame and the opening with an additional coat of waterproofing material around the frame;
- 1 for aluminium windows, joints in window frames and sections should be properly sealed with suitable sealant. The window frames should be suitably equipped with water bars at its sill to prevent entry of water. A continuous gasket of suitable materials should also be properly applied along the whole perimeter between the window frame and openable sashes; and
- 1 glass panels installed to protect against the danger of falling should be designed by an Authorised Person (AP) or Registered Structural Engineer (RSE) and the installation works carried out by a Registered General Building Contractor under the supervision of such AP or RSE.

4.1.2 Building Services Installation

(a) Electrical Installation

(i) Registered Electrical Contractors/workers

The repair and maintenance of electricity supply system should be undertaken by registered electrical contractors/workers. Name lists of registered electrical contractors/workers are available for reference at the Electrical and Mechanical Services Department's (EMSD) Customer Services Office and web site, as well as all District Offices.



4.1 Dealing With Building Defects & Nuisance

(ii) New installations, additions or alterations

New installations, additions or alterations of electrical installations should comply with the safety requirements of the Electricity Ordinance.

Before carrying out any addition or alteration:

- feasibility studies should be carried out by qualified building services engineer or registered electrical contractor, depending on the scale of the job;
- future electricity consumption requirements should be considered; and
- consent by the electricity supplier and the Owners' Corporation of the building must be obtained.

When the electrical work (including new installation, addition, alteration and repair) is completed, the qualified building services engineer and registered electrical contractor should inspect and test the electrical installations and certify that the installations are safe and comply with the safety requirements of the Electrical Ordinance in the Work Completion Certificate (Form WR1).

(iii) Periodic inspection

Owners should ensure that the power loading generated by the appliances and installations do not exceed the maximum loading approved by the electricity supply company. Qualified building services engineer or registered electrical contractor should be consulted if in doubt.

Electrical installations with an approved loading exceeding 100 amperes (A) in residential apartments, shops, offices and communal areas of the building should be inspected, tested and certified (Form VWR2) at least once every 5 years to ensure safety.

(iv) Other guidelines

- All electricity installations should be properly earthed.
- Concealed electrical wiring of new installations should have mechanical protection.
- Distribution boards should have identification labels to indicate the purpose of individual electrical circuits.
- Sufficient socket outlets should be installed for individual heavy-current electrical appliances.

4.1 Dealing With Building Defects & Nuisance

4.1.2(a) Electrical Installation (continues)

- Earth leakage circuit breakers must be installed for socket outlets.
- Socket outlets should be installed as far away as practicable from water taps, gas taps and cooking appliances to avoid danger of short circuits or fire risks.
- No socket outlet should be installed in a bathroom except for electric shavers.
- If an electric water heater is installed in a bathroom, the on/off switch should be installed outside the bathroom.
- Outdoor socket outlets or electric switches should be of weatherproof types.
- Use electrical appliances with safe 3-pin plugs.

If in doubt, consult the electricity supplier, qualified building services engineer or registered electrical contractor as appropriate.

(b) Fire Service Installations

Basic fire service installations in the building generally include hose reels, fire extinguishers, fire alarm systems or automatic sprinkler systems. These installations and equipment are for preventing spread of fire, giving alarms or extinguishing fire.

To ensure that these installations work efficiently at all times, a registered fire service installation contractor should be employed by the OC to maintain, inspect and certify the installations at least once every year. When the fire service installation is found not working properly or damaged, immediate repair should be carried out.



4.1 Dealing With Building Defects & Nuisance

(c) Lift and Escalator Installation

Reliable lift service not only enhance convenience to residents but can also save lives. A registered lift (and escalator) contractor should be appointed to carry out the following tasks:



- inspect, clean, lubricate and adjust the lift at least once a month;
- test and examine the safety equipment annually; and
- test the full load, overload device and the brake once every 5 years.

Apart from ensuring that the lift or escalator meets with the necessary safety standards, building owners should also monitor the following aspects, including:

- annual renewal of the permit to use and operate the lift;
- keeping and updating of records of work for EMSD inspection;
- inspecting to ensure that no dangerous gaps exist in escalators; and
- upkeeping the lift machine room and the lift pits in clean and tidy conditions.

(d) Water Supply System

(i) Components

The water supply system usually consists of incoming pipes and gate valves, upfeeding pumps, water tanks at various locations, downfeeding pipes, water meters, special valves and accessories.



4.1 Dealing With Building Defects & Nuisance

4.1.2(d) Water Supply System (continues)

(ii) Fresh water supply systems

Many old buildings still use galvanized iron (G.I.) pipes for the fresh water supply. As G.I. pipes are prone to corrosion over time, they are currently prohibited by the Water Authority. Maintenance works in these buildings should include the total replacement of the G.I. pipes by suitable approved materials such as copper pipes or PVC lined G.I. pipes.

(iii) Seawater flushing systems

Many places in Hong Kong are supplied with sea-water for flushing purposes. Therefore, the Water Authority requires that all flushing systems should be able to withstand the attack of sea water even in areas where fresh water is supplied for flushing. PVC pipes are commonly used for this purpose.

(iv) Licenced plumber

Readers are always encouraged to employ licenced plumbers in carrying out works related to the water supply system.

4.1.3 Water Leakage and Drainage Nuisance

(a) Roof

(i) Dealing with roof leakage problem

Total replacement of aged waterproofing construction is the most reliable method in dealing with roof leakage problems. Partial patch repair has some limitations, and will be discussed in detail at paragraph (vii) under this heading.



(ii) Types of waterproofing materials

The common waterproofing materials used in Hong Kong can be classified based on their application methods, namely, liquid-applied and membrane-applied. Some materials can be exposed to weather and sunlight but others require protection such as cement sand screeding or tile finishes. Some materials are more elastic and suitable for anticipated movements in the roof structure. Life spans of such materials range from 5 years to more than 20 years.

4.1 Dealing With Building Defects & Nuisance

(iii) Workmanship

Good workmanship is vital in waterproofing works. Areas of concern include:

- gradient of roof surfaces which should be laid to provide an adequate fall to avoid ponding;
- the thickness of the waterproofing materials applied;
- overlapping of the material at junctions ;
- upturns of the material at parapets and walls, protruding pipes and ducts, sharp corners are potential areas of problems;
- downturns of the material into drain holes; and
- prevention of excessive movement caused by equipment installed on top.

Effective waterproofing work also depends largely on whether their integrity will be damaged by pumps/condensers of air conditioning systems causing excessive movements, unauthorized building works (UBW), pipe supports, etc.

(iv) Testing

Nowadays, flooding/ponding tests and thermal scanning can be carried out after the laying of the materials to verify its waterproofing performance.

(v) Warranty

After completion of works, the contractor should give warranty in written forms for both materials and workmanship over an agreed period. The warranty should explicitly lay down the obligation of the contractor in respect of any leakage and to rectify consequential damage to finishes/fixtures occurred within the warranty period caused by the leakage.

(vi) Selecting contractors

Owners should be vigilant in choosing waterproofing contractors. Reputation and long experience in the field are important factors for consideration.

4.1 Dealing With Building Defects & Nuisance

4.1.3(a) Roof (continues)

(vii) Partial repair

Partial application of waterproofing materials may be effective provided that the source of leakage such as punctures can be accurately pin-pointed, and the repair material used is compatible with the existing one. The main concerns are the adequacy of overlapping and bonding between the new and old waterproofing materials. Sufficient fall of finished floor to prevent ponding should also be provided as far as possible. Inevitably, patch repair usually has a higher failure rate than total replacement of waterproofing construction.

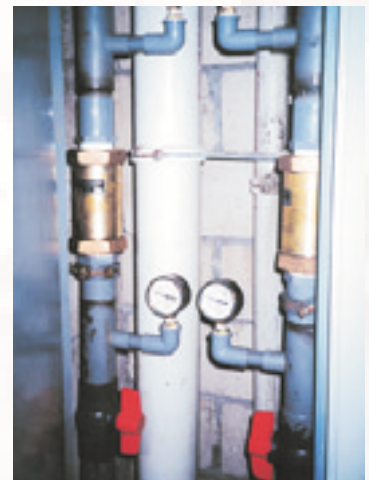
(viii) Other repair methods

There are other repair methods available in the market e.g. the use of chemical additives to existing concrete surfaces or chemical injection into the cracks and voids. Since they can be applied from the floor below to stop the leakage, they are recommended as a temporary measure when the upper floor or the roof owner is not co-operative in the repair work. However, the result may not sustain as water will still find its way down via other weak points.

(b) Buried Pipes

(i) Repair

In order to locate source of the leakage, the pipe works may need to be exposed for visual inspection. Alternatively, advanced instrument may be introduced to scan and identify the source. The whole component bearing the defect should be replaced as far as practicable for more durable results. In principle, repair works should not create further weak points for leakage. Pressure test should be carried out before covering up.



4.1 Dealing With Building Defects & Nuisance

(ii) Water supply pipes

Water pipes are often subject to high pressure and vibration. They therefore tend to be more problematic over time. Hot water pipes will be even more vulnerable due to thermal movements resulting from constant hot and cold cycles. If an overhaul of such system is considered, readers should consider relocating and exposing the pipes above ground as far as possible. Alternatively, the pipes can be installed in trenches or pipe ducts and made accessible by panels for inspection and repair. Readers may refer to the guidelines published by the Civil Engineering Department and the Works Bureau on the investigation and repair of buried water-carrying services as mentioned in Appendix 7.

(iii) Pipes sleeves

Pipes passing through walls or floors should be protected by sleeves. They would become weak points in resisting the invasion of water if the gap around the sleeve and the pipe has not been filled to their entire depth with suitable waterproofing materials. Depending on the nature of the pipes and the compartment they pass through, such filling materials should also be elastic or with fireproofing properties.

(c) External Walls

(i) Common sources of leakage

Apart from sleeves, common sources of leakage in external walls are:

- deep cracks/crevices penetrating the finishes and the body of the wall.
- defective concrete found in the wall.
- defective or loss of external finishes to protect the wall from direct attack of rain.



(ii) Common repair methods

- Cracks/crevices on external walls can either be repaired by chemical injection or opening up followed by repair with waterproofing mortar.
- Weak points in the wall such as holes, honeycombs, dirt and foreign matters should be removed and patched up by suitable waterproofing mortar.

4.1 Dealing With Building Defects & Nuisance

4.1.3(c) External Walls (continues)

The repair can be done internally or externally, depending on the location of the weak spot. Upon application of the repair mortar or chemical injection, the surface can be smoothed and plastered. The external wall should then be covered with finishes to match with existing ones. If considered necessary, special additives to the mortar or rendering on the external wall can be applied to improve its waterproofing abilities.

(d) Windows

If deformed windows or frames are causes of the water leakage, they should be replaced.

All sashes should be tightly fitted. If leakage occurs at the junction between the sash and the frame, the gasket around the sash should be checked and if necessary, replaced.

If leakage occurs at junction between members of the frame assembled together by rivets, the sealant for the junction gap should be checked and re-applied if necessary.

If leakage occurs at the filling materials between the frame and the wall, the following remedial measures can be used concurrently to ensure performance:

- The defective packing should be replaced with compacted waterproof cement sand grouting.
- External junction between the frame and the packing should be further protected by applying suitable mastic or silicon sealant along the perimeter of the frame.
- The window sill in the external wall should be graded to fall away from the window to avoid ponding. A groove in the external wall finishes at the top of the window opening should also be formed to drip-off the water carried from the external wall above.
- Internally, the cracks on the packing around the frame can be sealed by injection of suitable materials.

4.1 Dealing With Building Defects & Nuisance

(e) Bathrooms, Kitchens or Balcony Floors

(i) Sources of leakage

In bathrooms or kitchens, the source of the leakage must be identified before any repair works can be considered. If it is the loosening of components in the drainage system such as bottle traps under the sink, basin or bathtub, simple fixing can stop the leak. However, if defective water supply pipes are identified as the culprit, licensed plumbers should be engaged to replace the defective parts or overhaul the entire system.



A common cause is defective sealant around the bathtubs, basins, sinks or defective waterproofing system at the floor. This problem can be easily dealt with by replacement of sealant. However, if there is a "wet floor"



habit, the waterproofing system of the floor is put to test. Should the cause be identified as water spilled on to the floor, it is always advisable to reconstruct the entire waterproofing layer instead of patch repair.

In balconies where ponding may be frequent due to heavy rain or blockage of drain outlets by rubbish, the waterproofing system has to be sound in order not to create nuisance to the floor below.

(ii) Repair

Before reconstructing the waterproofing layer of a floor, all the sanitary fitments and finishes should be removed to allow the formation of a continuous waterproofing construction.

Waterproof cement sand screeding or other similar materials is commonly used. The screeding should be applied to have sufficient upturns at the base of the walls, and have an adequate fall to the floor drain to prevent water ponding.

Sanitary fitments are to be installed on top of the waterproofing layer without penetrating it. The floor surface under the bath tub or shower tray should be formed with a fall to avoid trapping water at their bases if water leakage ever occurs.

4.1 Dealing With Building Defects & Nuisance

4.1.3(e) Bathrooms, Kitchens or Balcony Floors (continues)

After applying the floor finishes, the joints between tiles should be grouted properly with waterproof cement mortar.

Junctions of wall finishes and bathtub or shower trays should be sealed with suitable silicon sealant. Wall tiles should be fully bedded with cement sand mortar and joints fully grouted with waterproofing cement. Gaps between marble tiles should be fixed with flexible waterproofing joint sealant to prevent long term minor movement giving rise to cracks for water penetration.

Should the source of leakage be identified from drains embedded in walls and floors, repair methods are similar as described in Section 4.1.3(b) of this Chapter. Readers should always consider changing an embedded drain to an exposed one to avoid future difficulty in maintenance.

(f) Common Drains

The defective section(s) should be replaced and securely fixed onto the external walls or floors. For old buildings, building professional should be appointed to assess whether it would be more economical to replace all the common drains in the long run.

The subdivision of a dwelling unit into smaller self-contained independent units usually includes the additional partitions, toilets and pipes embedded in a raised floor slab. Due to site constraints, such works usually result in contravention with provisions under the Buildings Ordinance and allied regulations. Furthermore, the embedded drains or supply pipes are hardly accessible for maintenance and repair. Should water leakage occur causing nuisance to the floor below and cannot be resolved with the owners/occupants above, readers may direct their complaints to the Food and Environmental Hygiene Department (FEHD).



(g) Underground Drains

(i) Manholes

Manholes should be readily accessible for regular maintenance. Access to them should not be obstructed by floor finishes, planters or furniture items.



4.1 Dealing With Building Defects & Nuisance

Foul air leaking from manholes could be stopped by repairing the edges of the manhole opening, cracks in the manhole and manhole cover or using a double-sealed type manhole cover.

Manholes and their covers may subside or may be damaged due to unforeseeable heavy traffic loads. Under such circumstances, the existing manhole should be replaced by a more heavy duty manhole with suitable designs.

(ii) Drains



Conditions of underground drains with diameter 100mm or more can be checked by close-circuit television (CCTV) camera. The scanning can reveal cracks, leakage or other defects along the full length of the drain. Replacement work can then be implemented accordingly.

(iii) Blockage

Minor blockage of drain can usually be cleared either by high-pressure water jet or rodding. In case of serious blockage by materials such as cement, the defective portion might have to be exposed and replaced.

4.1.4 Slopes and Retaining Walls

Typical Routine Maintenance Works for Slopes and Retaining Walls are as follows:

Features	Typical Maintenance Works Required
<p>(a) Surface Drainage System (e.g. drainage channels, catchpits and sand traps)</p> 	<ul style="list-style-type: none"> • Clear debris, undesirable vegetation and other obstructions. • Repair minor cracks with cement mortar or flexible sealing compound. • Rebuild severely cracked channels.
<p>(b) Weepholes and Surface Drainage Pipes</p> 	<ul style="list-style-type: none"> • Clear obstructions (e.g. weeds and debris) in weepholes and pipe ends. • Probe with rods for deeper obstructions.

4.1 Dealing With Building Defects & Nuisance

4.1.4 Slopes and Retaining Walls (continues)

Features	Typical Maintenance Works Required
<p>(c) 'Rigid' Surface Cover (e.g. chunam and shotcrete)</p> 	<ul style="list-style-type: none"> • Remove undesirable vegetation growth. • Repair cracks or spalling. • Regrade and repair eroded areas. • Replace surface cover which has separated from underlying soil.
<p>(d) Vegetated Surface Cover</p> 	<ul style="list-style-type: none"> • Regrade eroded areas with compacted soil followed by re-planting. • Replant vegetation in areas where the vegetated surfacing has died.
<p>(e) Rock Slopes and Boulders</p> 	<ul style="list-style-type: none"> • Seal up open joints or provide local surfacing to prevent ingress of water. • Remove loose rock debris. • Remove undesirable vegetation growth.
<p>(f) Structural Facings</p> 	<ul style="list-style-type: none"> • Re-point deteriorated mortar joints on masonry face. • Repair cracking or spalling of concrete surface and replace missing or deteriorated joint fillers and sealants.

Note : Safe and easy access should be designed and maintained for carrying out the maintenance works.

4.1 Dealing With Building Defects & Nuisance

4.1.5 Asbestos-containing Materials

(a) Statutory Control

Sections 69 to 79 of the Air Pollution Control Ordinance (Chapter 311) provides for the control of work involving asbestos in buildings. Only qualified asbestos consultants, contractors, supervisors and laboratories registered with the Environmental Protection Department (EPD) can undertake asbestos related activities.

(b) Appointment of Specialist

Building owners and occupiers should be cautious about the presence of asbestos materials in their living environment. If there are such materials, alterations and additions to their existing premises or demolition of UBW may release harmful fibre to the air, causing health hazard. In case of doubt, they should appoint a registered



asbestos consultant to carry out an investigation, suggest asbestos abatement plan and / or asbestos management plan if asbestos is found, and supervise the abatement work. All the removal work of asbestos containing materials should be done by a qualified contractor.

(c) Alternatives in Dealing with Asbestos-containing Materials



The common remedial method is either to completely remove such components or to encapsulate them properly by non-asbestos containing materials to prevent the release of such fibre.

4.1 Dealing With Building Defects & Nuisance

4.1.5 Asbestos-containing Materials (continues)

(d) Handling Asbestos-containing Materials

Extreme care must be exercised in removing asbestos-containing components to prevent the asbestos fibres from releasing into open air. The workers have to wear protective clothing and special masks with filters. The works area has to be contained with the quality of air carefully monitored.

(e) Disposal



Asbestos-containing components cannot be disposed like ordinary building debris. They should be isolated and contained in a controlled environment, collected and placed in approved containers for burial in a designated Government land fill.

4.1.6 Advertisement Signboards

Advertisement signboards on external walls should be inspected and maintained regularly to ensure their structural stability and integrity for the safety of the public. These signboards together with their supporting structures should be removed immediately if they:



- are abandoned or no longer in use;
- have adverse structural implications on the parent building structure;
- cause nuisance or create obstructions to the public or occupiers of the building; or
- become dangerous or is liable to become dangerous to the public.

4.1 Dealing With Building Defects & Nuisance

4.1.7 Dealing with Unauthorized Building Works (UBW)

Owners have the legal responsibility to voluntarily remove the UBW in their properties and reinstate the properties in accordance with the approved plans. Individual owners with financial difficulties in carrying out the rectification works may apply for the Building Safety Loan Scheme from the Buildings Department (BD).



OC can also institute civil proceedings against any individual owner under the DMC to stop or remove UBW in the common area. The BD takes priority action against UBW which are under construction to prevent their proliferation.



Section 4.2.2 (a) of this Chapter, provides some guidelines on how to comply with an UBW Removal Order issued by the BD.

4.1.8 Defects Caused by Third Parties

(a) Discovering Building Defects

When the owners or the management discover serious building defects in their buildings that are caused by third parties, activities at adjoining work site or an accident, they should report to the Buildings Department immediately.

In case of emergency, they should report to the Police who might have to arrange for temporary evacuation of parts or whole of the building. In addition, they may also engage a building professional to investigate the cause and extent of the damage and the condition of the building to ascertain whether it is still safe for occupation.

4.1 Dealing With Building Defects & Nuisance

4.1.8 Defects Caused by Third Parties (continues)

(b) Interim Remedial Works



After the investigation by the BD and/or the engaged building professional, they may specify temporary measures to be implemented for eliminating the immediate hazard before the long term remedial actions. Such measures may include temporary shoring or support to certain parts of the building, the removal of the dangerous part, and the closure of part or whole of the building. In case of emergency, the temporary safety measures may be carried out by the contractor of the BD instead of that from the adjoining works site or the affected owners to assure safety of the public.

(c) Liabilities

Liability should be identified with the help of building professionals and legal advisers. Insurers should be notified immediately of the incident because they may wish to be involved in the investigation process. If the liable party is identified and a prompt agreement on the repair works and compensation can be reached, the liable party should take immediate action to remove any hazard posed or rectify the defects caused.

In the event that the liable party cannot be identified or not willing to take up the responsibility of rectifying the defects, owners will have to take actions accordingly for their own sake. Should the repair works be considered urgent and taken up by the BD, owners shall be required to pay the costs incurred. The owners may recover such costs from the liable party, if necessary, through legal action.

(d) Relevant Sections

Section 4.3 of this Chapter provides more details on the implementation of the remedial works.

4.2 Complying with Statutory Orders

4.2.1 Guidelines

(a) Individual Owners

- (i) When an individual owner receives a statutory order, he should read its contents carefully.
- (ii) If the owner is in doubt of the works required to be carried out, he should seek clarification from the case officer of the relevant Government Departments. The name and telephone number of the case officer should either be indicated on the covering letter or the order.
- (iii) For extensive or complicated works, the owner is strongly recommended to appoint a building professional/specialist to advise on the necessary works required and to supervise such works even though such appointment might not be mandatory.

(b) Owners' Corporation

- (i) When the Owners' Corporation (OC) receives an order from a Government Department, the chairman should arrange a series of meetings with the owners to discuss and agree on the following items:
 - **Schedule of works.** The requisite repair works should have priority over other works relating to general upgrading and maintenance of the building. The expiry date of the order should be taken into account in programming the works.
 - **Appointment of a building professional** to prepare the necessary remedial proposal, provide cost estimates, advise on the employment of a registered contractor, and co-ordinate and supervise the works. Section 4.3.4 of this Chapter provides a detailed description on its implementation.
 - **Appointment of suitably licenced or registered contractors** to carry out the necessary repair and remedial works through appropriate procedures in accordance with Section 4.3.5 of this Chapter.



4.2 Complying with Statutory Orders

4.2.1(b) Owners' Corporation (continues)

- **Method of apportioning costs amongst co-owners.** For this purpose, the provisions in the Deed of Mutual Covenant (DMC) should take precedence. In some buildings where there is no DMC, the apportionment should be based on the proportion of the owners' shares in the building, either by prior agreement or by proportion of floor areas and ratable value of the property.
 - **Timing and method of collection of the apportioned costs** from the co-owners to finance the project.
 - **Method of managing the works program.** It is advisable to set up a special committee with experienced members and/or appoint a Project Consultant.
- (ii) Upon completion of the works, the building professional appointed shall submit his certification of completion to the OC and inform the relevant Departments.
- (iii) The OC can always approach relevant Government Departments and the District Offices concerned for advice on compliance with an order.

(c) Co-owners

- (i) Where a statutory order is served on the co-owners of a building, each owner on the list will be responsible for complying with the order. They may consider setting up an Owners' Corporation (OC) to be incorporated under Buildings Management Ordinance, Chapter 344 as soon as practicable. Co-owners can approach the District Offices for assistance on the establishment of an Owners' Corporation, or other owners' organizations or make reference to booklet "How to Form an Owners' Corporation and Achieve Effective Building Management" published by the Home Affairs Department (HAD). Section 4.6 of this Chapter provides details on the formation of OC.
- (ii) If certain urgent works need to be carried out at once to remove immediate dangers, such works may have to be carried out before the formation of OC, Co-owners should seek advice from building professionals or relevant Government Departments in this regard.
- (iii) If an OC cannot be formed, procedures and steps similar to Section 4.2.1(b) above should be adopted except that some representatives or an Owners' Committee should be elected to deal with the matters.

4.2 Complying with Statutory Orders

4.2.2 Orders from the Buildings Department

The following lists out the steps to be taken for complying with orders issued by the Buildings Department (BD).

(a) Unauthorized Building Works - Removal Order under Section 24 of Buildings Ordinance

- (i) If owners are in doubt on the approved layout of the premises before the carrying out of the UBW, they may apply for viewing the approved plans in the BD.
- (ii) If considered necessary, owners may clarify the contents of the order with the case officer as indicated on the cover letter.
- (iii) In order that the required removal works can be carried out safely, owners should ensure the contractor they have selected observes the requirements contained in:
 - "Guidelines for the Removal of Typical Unauthorized Buildings Works and General Maintenance of External Walls" (Appendix 11) on safety measures regarding external works and
 - "Asbestos Removal of Unauthorized Building Works" (Appendix 14).
- (iv) If the removal and reinstatement works are substantial or involve structural works, the BD may require owners to engage an Authorized Person (AP) in preparing remedial proposals and supervision of works. Registered Contractors should also be engaged to execute the works under the supervision of the AP.
- (v) After the completion of the removal and reinstatement works, owners or the AP should report to the BD for arranging a compliance inspection and subsequent issuance of compliance letter.



4.2 Complying with Statutory Orders

4.2.2 *Orders from the Buildings Department (continues)*

(b) Building or Drainage Works - Investigation Order under Section 26A or 28 of Buildings Ordinance

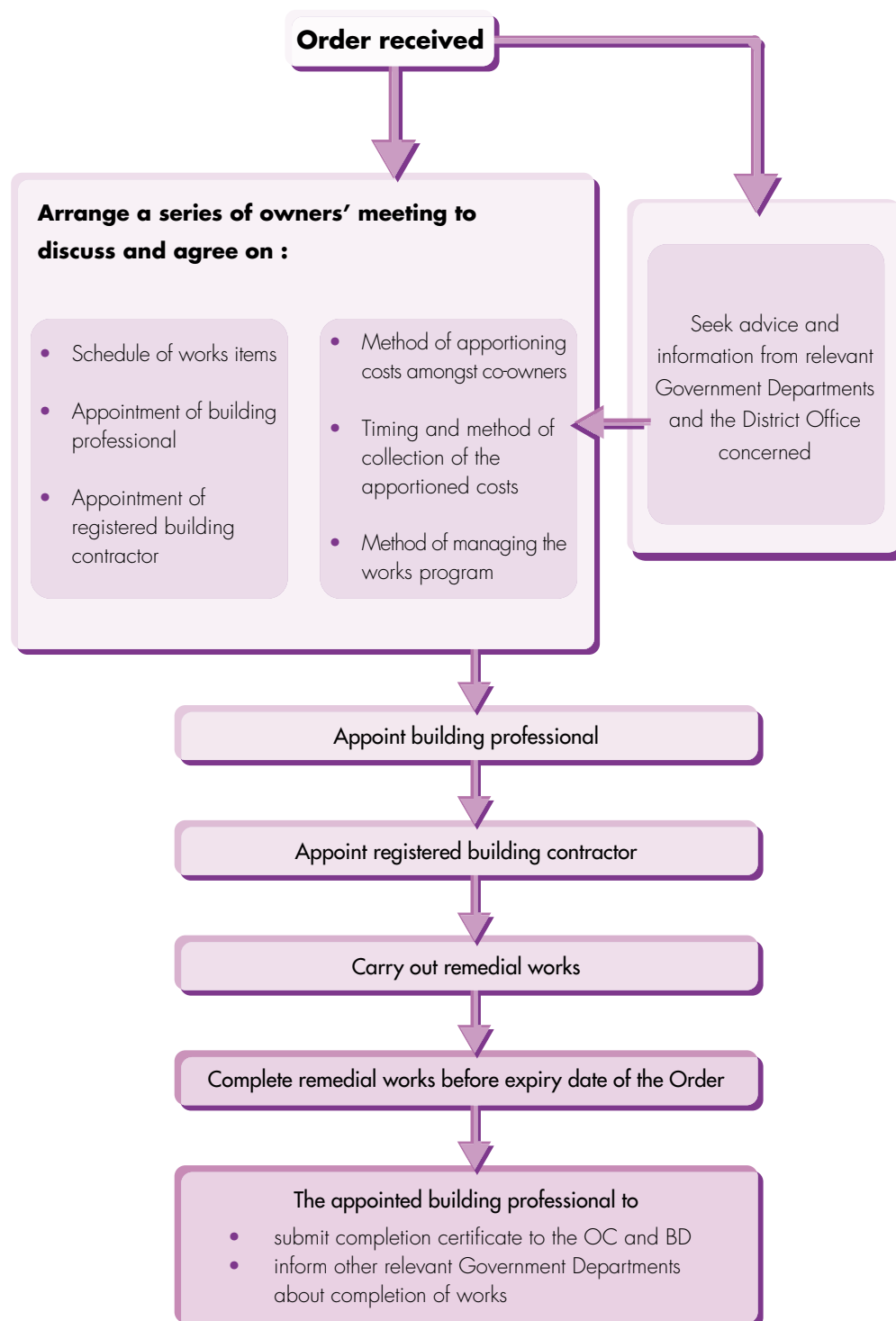
- (i) For investigation of dilapidated building or drainage works, an Authorized Person (AP) should be appointed to coordinate and carry out the investigation on the structural conditions and defects of the building or drainage system.
- (ii) The AP would submit to the BD an assessment report on the conditions of the building. He may include in his report the necessary remedial proposals for the approval of the Building Authority.
- (iii) If the proposed remedial works are approved, the BD may instruct the execution of the works through a letter or an order depending on the circumstances.

(c) Building or Drainage Works - Repair Order under Section 26 or 28 of Buildings Ordinance

- (i) The BD might require the appointment of an Authorized Person (AP) to coordinate and carry out the investigation on building and/or drainage system. (Usually required in large scale repair.)
- (ii) The AP might be required to submit remedial proposals for the approval of the BD.
- (iii) Owners should appoint contractors to carry out the remedial works. (For structural works, registered contractors are required.)
- (iv) The owners or AP should report the completion of remedial works to the BD for arranging a compliance inspection and subsequent issuance of compliance letter.

4.2 Complying with Statutory Orders

Procedures for Owners' Corporation to Comply with Statutory Order



4.2 Complying with Statutory Orders

4.2.2 Orders from the Buildings Department (continues)

(d) **Dangerous Hillside - Investigation and Repair Order under Section 27A of Buildings Ordinance**

- (i) Subject to the requirements specified on the order, an Authorized Person (AP), a Registered Structural Engineer (RSE) or a Registered Geotechnical Engineer (RGE) or any combination of them should be appointed by the owners to carry out the investigation.
- (ii) After the investigation, the AP/RSE/RGE should submit remedial proposals for the approval of the Building Authority.
- (iii) Based on the advice from the AP/RSE/RGE, a registered specialist contractor in the site formation works category or other appropriate categories should be appointed to carry out the remedial works under the supervision of the AP/RSE/RGE.
- (iv) After the completion of the remedial works, the AP/RSE/RGE should report the completion of remedial works to the Buildings Department (BD).
- (v) Appendix 7 provides further information on this subject.



(e) **Buried Services - Investigation and Repair Order under Section 27 C of Buildings Ordinance**

- (i) Defective water carrying buried services can cause settlement and even landslide. Water leaking into the subsoil washes away the soil particles subsequently changes the soil characteristics and creates hazards.
- (ii) An Authorized Person (AP) should always be appointed to coordinate the required works. A Registered Geotechnical Engineer, if necessary, should also be appointed to carry out the investigation.
- (iii) After the investigation, the AP should submit remedial proposals for the approval of the Building Authority.
- (iv) In the event that excavation to expose the pipeworks for repair is required, appropriate registered contractors should be appointed based on advice from the AP.
- (v) The AP should report the completion of remedial works to the BD for arranging a compliance inspection and subsequent issuance of compliance letter.

4.2 Complying with Statutory Orders

- (vi) Readers should refer to the guidelines published by the Civil Engineering Department and Works Bureau on investigation and repair of buried water-carrying services as mentioned in Appendix 7 which also provides further information on this subject.

(f) **Fire Safety Improvement Direction - by the Buildings Department and Fire Services Department under the Fire Safety (Commercial Premises) Ordinance (Chapter 502)**

- (i) Owners should appoint an Authorized Person (AP) to coordinate and carry out an investigation of the building.

- (ii) The AP should then submit improvement proposals for the approval of the Building Authority. If building works are required, a registered contractor in the appropriate category should be appointed to carry out the building works as per the advice of the AP.



- (iii) A Registered Fire Service Installation Contractor is also required to submit improvement proposal(s) for the approval of the Fire Services Department and carry out the improvement works on the existing fire service installations.

- (iv) The AP should report the completion of improvement works to the Buildings Department and Fire Services Department.

(g) **Large Scale Operations - "Blitz" and "Co-ordinated Maintenance of Buildings Scheme" (CMBS)**

Maintaining buildings in safe conditions and removal of unauthorized building works (UBW) are responsibilities of building owners. In order to facilitate and expedite building owners' compliance with requirements, the BD has from time to time organized large-scale operations such as "Blitz" and "CMBS".

4.2 Complying with Statutory Orders

4.2.2(g) Large Scale Operations (continues)

(i) Removal of UBW - Blitz

Owners with UBW in their premises and even the OC with UBW in the common areas may be served with orders for their removal. It would be more cost effective and convenient if the affected owners and OC can jointly engage building professionals and contractor in the UBW removal, reinstatement, repair or even improvement works together under a single works contract.

(ii) Building Maintenance - Coordinated Maintenance of Buildings Scheme (CMBS)

Owners in buildings that have been selected for the CMBS may be served with more than one order, advisory letter, notice or direction on different types of defects from the concerned departments. The purpose of the scheme is to coordinate actions from different authorities concerning safety of buildings. There are obvious advantages if the different kinds of requisite rectification or remedial works can be coordinated under one works contract to be supervised by one AP.



4.2.3 Orders from Other Government Departments

(a) Water Supplies Department (WSD) - Notice served by Water Authority under Section 16 of Waterworks Ordinance for Waterworks

Owners should appoint a licensed plumber to submit the repair or remedial proposals and carry out the necessary waterworks.

(b) Environmental Protection Department (EPD) - Notice served under Section 3 of Water Pollution Control Ordinance for Drainage System

- (i) Owners should appoint an Authorized Person (AP) and/or environmental consultant to submit remedial proposal to the Buildings Department and/or Drainage Services Department for approval;
- (ii) A competent contractor, or a registered contractor if building works are involved, should be appointed to carry out the works;
- (iii) Owners should obtain an acknowledgment of completion of the drainage works from the BD.
- (iv) Owners or AP should report to the Environmental Protection Department for the completion of the works.

4.2 Complying with Statutory Orders

(c) Fire Services Department (FSD) - Fire Hazard Abatement Notice

Owners should remove the stated fire hazard within the period as specified in the Notice and prevent recurrence of such as obstructions to exit routes.

(d) Electrical and Mechanical Services Department (EMSD)

Notice to provide Periodic Test Certificate served under Electricity Ordinance (Chapter 406), commonly known as Form VWR2.

- (i) Owners or the OC is required to engage a licenced electrician to test, check and rectify defects in the electricity installation.
- (ii) Upon completion of the testing and checking (may be with subsequent repair, if required), notice in the specified form by the licenced electrician should be submitted to EMSD.



- (iii) For residential buildings having a supply of 100A or more, the checking and testing have to be carried out every five years. The capacity of the supply is usually indicated on the main switch box inside the premises.

4.3 Carrying out Repair & Maintenance Works

4.3.1 Fundamentals

Advance and detailed planning are essential for the carrying out of works involving maintenance, repair, renovation, or alteration and addition. Assistance or advice from building professionals such as Authorized Persons and the selection of contractors with good reputation and appropriate experience for the works are also vital for quality results.

The procedures and considerations suggested in this section set out principles for maintenance and renovation works. They can be modified or simplified to cater for different situations encountered by readers.

4.3 Carrying out Repair & Maintenance Works

4.3.2 Project Planning and Financing

(a) Formation of Project Steering Committee

The planning, preparation, and overseeing of the implementation processes of maintenance works should be taken up by a working committee consisting of owners or their representatives preferably with experience in this field. This "Project Steering Committee" can be formed by owners in a building with or without Owners' Corporation (OC). To facilitate daily operation by the committee, it should be empowered by the owners to make decisions on issues of routine nature. However, the consent from the majority of owners should be obtained on major issues including:

- selecting the priority of repair items
- selecting materials
- budgeting and raising funds
- engaging consultants and contractors
- award of contracts
- monitoring progress and payments, and
- determining major issues e.g. variations, etc.

Section 4.6 of this Chapter as well as Appendix 18 give more details on the formation of OC.

(b) Planning in Advance

Although some repair and maintenance works may arise from emergencies, accidents or changing needs, a long-term maintenance plan would always help in financial planning, budgetary control and also minimize disputes among owners. Section 4.4 of this Chapter provides more details on this subject.

Short notices to building owners to raise fund for major maintenance works usually create conflicts. Advance consultation with owners should be regarded as a standard procedure for implementing large scale repairs or upgrading works. It will give owners more time to prepare for the financial commitment and understand the needs and solutions.

To help alleviate the financial burden on owners, the amount for an one-time contribution may be reduced by a subsidy from the central management reserve. The Building Management is advised to include in the monthly management fee a certain amount of reserve for this purpose or other contingency uses.

The Buildings Department operates a "**Building Safety Loan Scheme**" which offers loans to owners lacking cash in hand to finance the required works for improving building safety. Works to be carried out should be in the approved list and the loans can be repaid to the Government in installments at a low interest rate. Section 5.2.1 (c) and Appendix 6 provide more details on this subject.

4.3 Carrying out Repair & Maintenance Works

4.3.3 Insurance, Precautionary and Safety Measures

(a) Insurance

Insurance policies should be taken out before the commencement of works.

All works contracts should be covered by sufficient insurance on "Contractor's All Risks" with third party indemnity.

Contractors should have their own employees' compensation insurance.

The owners should have their own insurance on properties and, if applicable, employee compensation insurance on their personnel responsible to supervise the works should also be taken out.

(b) Precautionary Measures

All precautionary and protective measures should be completed before the commencement of works.

Special attention should be paid to the scaffolding. They should be specified with construction details to inhibit climbing by children and deter burglary.

Open parking lots and passageways affected by the works should be protected from falling objects by installation of screens or covered walkways. The protective measures should be appropriate and compatible to the nature of works.

In case of works involving temporary removal of lift doors, the lift shaft openings should be properly protected against the danger of falling and, more importantly, the spread of fire.



Transportation of materials and debris should be designated and properly specified. Extreme care must be exercised not to allow overloading of any structure or device such as lifts to avoid sudden collapse. In case the use of the passenger lifts is required for the works, the lift car finishes should be properly protected. The use must also be supervised by qualified personnel to avoid overloading.



4.3 Carrying out Repair & Maintenance Works

4.3.3(b) Precautionary Measures (continues)

For structural repair works, temporary supports for maintaining the structural integrity of the affected areas e.g. suitable props and bracing might have to be installed. In simple terms, repair made to rectify cracks in beams, large areas of ceiling, corners of columns, driveways and carparking floors, water tanks, etc., can be regarded as structural repairs.



(c) Fire Safety Measures

During the carrying out of renovation or maintenance works, fire hazards to buildings must be eliminated for safety reasons. Previous tragic incidents are no strangers to readers. A suggested checklist is:



Fire service installations should be kept in good working order at all stages of the works. In case of major works to be carried out to the internal common parts of the building, the existing fire service installations e.g. fire hydrant and hose reel, fire alarm, sprinkler system, etc, should be checked to ensure that they function properly prior to the commencement of the works.

Fire-resisting doors should not be left opened or missing. Replacement of fire doors, if necessary, should be done as quickly as possible to minimize the number of vulnerable points and the duration of such possible risks.

Staircases and means of escape should be maintained in proper conditions at all times, including the lighting, the effective widths and heights. No flammable items, building materials, rubbish or debris should be stored.

Lift shaft openings with lift doors removed should always be sealed with fire-resistant boarding to prevent the spread of smoke and fire. Lift well should not be used for storage of building debris or rubbish. Activities with high fire hazard such as welding should be avoided in lift shafts.

4.3 Carrying out Repair & Maintenance Works

4.3.4 Appointment of Building Professionals

(a) Statutory Requirements

(i) Engagement of suitable building professionals

Engagement of Authorized Persons (AP) would be necessary in the following situations:

- when required by statutory orders;
- when the works require prior approval and consent from the Building Authority; and
- the major repair or reinstatement of exit routes, approved layouts, common areas or the whole building are involved. Apart from the AP, the coordinator and supervisor should also have sufficient knowledge on the statutory requirements.

For other maintenance works, it is always advisable to engage a building professional.

(ii) Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers

Authorized Persons (AP) are qualified building professionals registered and recognized by the Building Authority to undertake the responsibilities and procedures laid down under the Buildings Ordinance. By Law, any person, who wants to erect a new building or initiate building works or alterations and additions, must appoint an AP to submit plans for approval, to co-ordinate the whole project, to work with other professionals such as Registered Structural Engineer (RSE) and Registered Geotechnical Engineer (RGE) to supervise the work and to certify completion.

(iii) Register of AP/RSE/RGE

An Authorized Person may be an architect, a structural engineer or a surveyor by profession. The Buildings Department (BD) keeps an up-to-date list of AP, RSE & RGE. The list is available at the BD's office and the BD web site www.bd.gov.hk. For AP, RSE & RGE who have previously indicated to the BD that they would like to offer professional services to the private sector on building safety aspects, there will be an "1, 2, 3 & 4" indicated alongside their names in the list and their contact telephone numbers published.

4.3 Carrying out Repair & Maintenance Works

4.3.4(a) Statutory Requirements (continues)

(iv) Building professionals

Building owners may also check with the relevant professional institutions for their updated list of qualified members. Not all qualified building professionals are registered as AP or RSE.

(v) Professional firms

Professional registration and qualification is on the basis of individuals. But practices are usually in the form of incorporations. In the selection process, readers should take into account whether an individual professional would be backed up by the professional firms he works for so that there could be better support in resources. The engagement of individuals working on part-time basis without the support of a proper professional firm should be carefully considered.

(b) Selection Process

This section provides some useful guidelines in the selection of AP, RSE or building professionals for different purposes.

(i) Stage 1 - Comprehensive condition survey

Quotation vs Comprehensive Condition Survey

Understanding the current conditions of a building is the first step to grasp the extent of the problem. Merely obtaining a quotation from a contractor for reference without a proper survey is not sufficient for the purpose. Neither could the quotation be used as a fair tender document later on. A survey by AP, RSE or building professionals is necessary.

Selection of professionals

OC can approach a number of AP or RSE from the list as mentioned in section 4.3.4 (a) (iii) of this chapter and invite 3 to 5 professional consultancy proposals. The owners may then make a decision based upon relevant experience in this type of work, their job reference, their professional fees, and the time required to complete the job. Referees of jobs quoted in the resume of the professionals may provide useful information on their past performances.



4.3 Carrying out Repair & Maintenance Works

For the purpose of inviting AP or other building professionals to carry out a comprehensive condition survey as a Stage 1 service for the owners, a sample of "Invitation Letter for Submission of Fee Proposal for Comprehensive Condition Survey" is provided at Appendix 22.

Comprehensive condition survey report

The comprehensive condition survey would give the owners a better picture on the defects found in common areas, external walls, roof, building services, etc. The AP, RSE or building professional might suggest the corresponding and other repair works and give a rough budgetary estimate for the proposed works.

The report of the survey should cover the conditions of the building with list of defects to be rectified and the priority in carrying out the corresponding rectification works. An estimation on the cost of repair for each item should also be given to facilitate decision-making. If the works are to be executed, the need to engage professionals such as architects, structural engineers, surveyors, building services engineers, landscape architects, Authorized Persons or Registered Structural Engineers should also be analyzed.

Decision making on the Scope of Works

After the completion of the survey report, the OC may conduct meetings to discuss the needs for repair and improvement works. If such works are required, OC may proceed to Stage 2 as described below.

The scope of works as recommended by the building professionals and/or, AP/RSE should be considered by the OC. It is important that works relating to building safety should not be omitted or delayed for safety reason. In fact, OC may consider upgrading work to be carried out together with the basic maintenance.

(ii) Stage 2 - Works

Appointment of Project Consultant

The first step in Stage 2 is to appoint an AP or building professional as the Project Consultant to take charge of all the design, tendering, organization and supervision of the maintenance and/or improvement works.

Although both Stage 1 and 2 involve professional services, the shortlisting or selection process could be independent. It is not until a comprehensive report on the conditions of the building is available and the OC agrees to the extent of works to be carried out that the scope of the professional service in Stage 2 can be defined. The professional carrying out the survey in Stage 1 may not necessarily be selected for the Stage 2 service.

4.3 Carrying out Repair & Maintenance Works

4.3.4(b) Selection Process (continues)

If a large contract sum is expected, competitive tendering for Stage 2 service is strongly recommended, i.e., 5 to 8 professional firms should be invited to tender for the Stage 2 services. A sample of the invitation letter for the Stage 2 services is shown at Appendix 23 for reference.

Appendix 21 gives an indication of the professional fees likely to be charged by an AP or building professional.

In case where a well-established property management consultant company supported by professional employees has already taken up the management services of the building, it may be advisable to appoint the management company as the Project Manager at a fee. This would release the pressure on the OC or the Project Steering Committee who may not afford the time and expertise to supervise the Project Consultant and contractor. Furthermore, the management company, being well acquainted with the subject building through daily management, can usually direct suitable focus on certain aspects of the works.

(iii) Terms

A Project Consultant employed by the OC is responsible in the planning, control, contract administration and supervision of the required works. He is usually an AP, RSE or building professional.

A Project Manager usually refers to the person employed by the client and, in this context, the OC to act on its behalf in supervising the performance of the Project Consultant and contractor. He is usually a building professional.

Although the above definitions on Project Manager and Project Consultant are commonly adopted in the building industry, they are not authoritative definitions. For example, apart from site agents, contractors may have their own Project Managers to deal with the OC and the Project Consultant; sometimes the Project Consultant is also called Project Manager or even Contract Manager.

4.3 Carrying out Repair & Maintenance Works

(iv) Number of consultants to be invited to tender

The minimum number of tenderers to be invited mentioned in item (i) and (ii) above is based on the statutory requirements of the Building Management Ordinance (BMO). It is quite common that the Stage 1 service fee mentioned above falls within the range of HK\$10,000 to HK\$100,000. Under such circumstances, the BMO requires a minimum of 3 tenderers.

The fee scale of Stage 2 is usually higher than HK\$100,000 and therefore a minimum of 5 tenderers are required. It is a good practice to carry out a detailed pre-qualification check for inclusion into the tenderers' list. Inviting more than the recommended maximum number of tenderers might mean more work on tender analysis and less environmentally friendly because of the bulk of paper used especially if electronic format is not adopted.

(c) Scope of Services by Project Consultant

(i) Duties of a Project Consultant

The Project Consultant, assisted by other professionals, if necessary, would normally carry out the following duties commencing from Stage 2:

- meet with the owners for giving professional advice, obtaining instructions and facilitating decisions;
- liaise with relevant Government Departments for complying with statutory requirements;
- prepare tender documents including drawings, specification of works;
- assist in formulating the list of tenderers;
- responsible for tendering procedures;
- analyze tenders and prepare report with recommendations;
- award of contract on behalf of the OC;
- supervise the progress and quality of the works;

4.3 Carrying out Repair & Maintenance Works

4.3.4(c) Scope of Services by Project Consultant (continues)

- administer the contract;
- certify stage completion of works, interim payments and claims from the contractor; and
- certify completion, and monitor defect rectification, etc.

(ii) Other Building Professionals

When the maintenance works involve specialized works, upgrading or improvement works, then the OC may have to engage professionals of appropriate disciplines to assist the Project Consultant for assuring quality. Examples are:

- **Registered Structural Engineer (RSE)** for major structural repairs or new additions of structures;
- **Registered Geotechnical Engineer (RGE)** to deal with problems relating to slope or retaining structures and geotechnical elements of building works, etc.
- **Quantity Surveyor** for complex and large scale maintenance works;
- **Building Services Engineer** for major works in air conditioning, fire service installations or lift repairs; or

They may either be included under the consultant's service or separately employed by the OC by independent agreements. Their appointment should be considered at the end of Stage 1 when owners have received the report on the conditions of the building and recommendations from the building professional on the scope of works and the need of further professional engagement.

(iii) Specialist Consultants

Specialists like termite and pest control consultants, underground drain survey specialists, asbestos consultants, swimming pool design consultants, etc., may also be required.

4.3 Carrying out Repair & Maintenance Works

4.3.5 Appointment of Contractors

Contractors are the parties to execute the works. A competent contractor regulates himself in employing skilled workers and qualified supervisors for **continuous supervision** assuring quality works. Project Consultant can usually offer **regular and periodic supervision**. The most they can do in dealing with consistently non-performing contractors is to reveal the problem at an early stage and recommend termination of the works contract. Readers should therefore always be cautious and give detailed consideration in selecting contractors for the works.

(a) Statutory Requirements

(i) Registered Contractors under Buildings Ordinance

In carrying out maintenance works, the engagement of a Registered General Building Contractor (RGBC) would be required under most circumstances, particularly when dealing with approved works, structural works and large-scale maintenance works. The Building Authority under the Buildings Ordinance maintains registers on the Registered General Building Contractors and other Registered Specialist Contractors for different categories of specialized works. Contractors have to meet established standards and assessed by the registration committee before they can be considered for inclusion in the relevant registers. Registered contractors who expressed interest in carrying out works in relation to building safety are marked with an "*" on the list published on the BD web site: www.info.gov.hk/bd.

(ii) Other Registered or Licensed Contractors

Plumbing, electrical and fire service installation works all require licensed or registered contractors under the Water Supplies Department, Fire Services Department and Electrical & Mechanical Services Department respectively to carry out.

(b) Shortlisting of Tenderers

Works contracts usually involve large sums of money and could easily become subjects of claims, disputes and even lawsuits. Selection of an experienced and competent contractor under the supervision of an independent building professional help facilitate a smooth progress to complete the contract successfully.

4.3 Carrying out Repair & Maintenance Works

4.3.5(b) Shortlisting of Tenderers (continues)

The exercise of compiling the list of tenderers for the works is the first and most important step. Only competent contractors should be included. Unscrupulous contractors can do the tricks by submitting an extremely low price to procure the contract and then purposely look for variations at the works stage to make up the loss, thus causing a lot of disputes and delays later on.

(i) Shortlisting criteria

Past experience and records of performance of the contractor should be given due weight in shortlisting. Apart from the reference letters given by the clients of the contractors of similar works, the OC or the Project Consultant should discuss with the referees for a better understanding in this regard.

Adequacy of management structure and financial situations should also be taken into account. Contractors with experienced building professionals employed as supervisors will certainly communicate more easily with the Project Consultant and the OC.

Labour safety records of the tenderers should also be considered. Bad safety records reflect the bad management of the contractor in safety aspect which may impose unnecessary liability on the OC and inevitably delay the completion significantly.

Do not include any contractor in the list of tenderers if its performance is in doubt.

(ii) Pre-qualification exercise

Pre-qualification is a preliminary exercise conducted by the Project Consultant to set minimum qualifying requirements for any party interested in submitting a tender. Those requirements can include the past experience, job reference, previous employers' recommendations, size, capability and financial strength. This exercise may also include the discussion with referees and an interview with the interested contractors.

Readers should bear in mind that by shortlisting a contractor in the list of tenderers, the OC has indirectly implied that the contractor is considered capable and suitable to carry the works subject to the tender sum.

4.3 Carrying out Repair & Maintenance Works

(iii) Deposits

It is not worthwhile to impose non-refundable deposits from tenderers as this practice may deter good contractors from submitting a bid for the job.

(c) Selection Methods

(i) Common selection methods

There are several methods to procure a works contract. The more commonly adopted ones are open tender, selective tender and negotiated tender.

Open tender

Usually an advertisement is put up to invite publicly for an expression of interest to submit a tender. The difficulties to predict the number of respondents add uncertainty to the work flow. If there are many interested tenderers, an enormous waste of vetting efforts by the Project Consultant and resources in preparation of tender documents and to check the quality of the tenderers is expected.

Selective tender

Invitations are sent to a selected list of tenderers formulated by pre-qualification, recommendations through building professionals and other building owners, etc. It is advisable to include in the list only those who are interested and those OC is prepared to accept. Unnecessarily long list of tenderers will indirectly affect the quality of the submitted tender. OC is therefore, where competition is required, recommended to adopt selective rather than open tendering with the maximum number of tenderers limited to five or six.

Negotiation

If only minor repair works are involved and the owners know some good contractors, selection of the contractor by negotiation may be a relatively simple solution. However, this method is usually not recommended for large-scale maintenance works of multi-ownership buildings because it is not considered as a fair process and may easily attract complaint on bribery.

4.3 Carrying out Repair & Maintenance Works

4.3.5(c) Selection Methods (continues)

(ii) Package Deal

"Package deal" usually refers to the kind of contract which the contractor provides the full scope of works including that of the Project Consultant. OC will find this kind of arrangement more convenient with less party to deal with in the process. However, the Project Consultant being under the control of the contractor cannot become an independent party to act impartially on behalf of the owners for supervising the contractor. If the package deal is offered by the Project Consultant, there is also a conflict of interest between the consultant and the contractor which may prevent the consultant from making a fair assessment on the performance of the contractor.

Package deal is more suitable for extremely specialized works where the Project Consultant's involvement is minimal.

4.3.6 Tendering

(a) Tender Documents

Tender documents should consist of the following:

- A schedule of works;
- General and particular specifications;
- Terms & conditions of Contract;
- Form of tender;
- Drawings on floors, elevations, sections, and details for the intended works;
- Criteria of acceptance of tender;
- Terms of payments;
- Delay liabilities and Liquidated Damages;
- Warranties; and
- Defects liability period.

4.3 Carrying out Repair & Maintenance Works

Some forms of standard documents covering most of the details are provided at Appendix 20 of this Guidebook.

(b) Quantities of Works

The exact quantities of the required works may not be able to be indicated in the schedule of works or drawings by the Stage 1 survey. For example, the extent of loose tiles to be replaced cannot be revealed until all the loose finishes have been hacked off by the contractor. The schedule of rates is therefore important as the basis for arriving at the cost of the actual works done according to the final measurement of the extent of works.

On the other hand, if total replacement of finishes and fittings are specified instead of replacing only a defective portion, a more realistic price can be obtained through tendering. OC should balance the pros and cons of total replacement, taking into consideration of the advice from the Project Consultant. Although some parts of the existing finishes may still appear acceptable, they might have already reached the end of their life cycle, judging from the extensiveness of the defective areas and nature of the defects.

(c) Tendering Procedure

Normal tendering procedure includes the following steps:

- invitations to tender;
- distribution of tender documents;
- tender return and opening;
- tender analysis by Project Consultant;
- recommendation by Project Consultant and decision by OC; and
- award of contract.

4.3 Carrying out Repair & Maintenance Works

Tendering Procedure

1. Prepare tender documents

- schedule of works
- general specifications
- particular specifications
- terms & conditions of Contract
- form of tender
- floor plans
- elevations
- sections
- details for the intended works, etc.

2. Select tender methods

Open Tender

Selective Tender

Negotiation

3. Invite tenderers

Estimated Cost of Works

HK\$10,000 ~ HK\$100,000

Over HK\$100,000

Over HK\$200,000 / 45%
of the annual budget of the OC,
whichever is the less

Minimum No. of Tenders

At least 3 tenders

At least 5 tenders

At least 5 tenders and decision to accept
or reject the tenders has to be passed
in a general meeting of the OC

4. Collection of tenders

Tenders should be deposited into a double-locked tender box with keys separately held by two members of the management committee

5. Opening of tenders

- as soon as possible after the deadline of submission
- in the presence of at least 3 management committee members
- sign the tender opening record and against any essential amendments found
- keep tenders in safe custody before tender evaluation
- *late tenders should not be accepted*

6. Evaluation of tenders

- if the lowest bid is not selected, full written justifications should be recorded for owners' information
- name and tender price of the successful tenderer can be disclosed to all unsuccessful tenderers as a matter of courtesy
- all tender documents, contracts and receipts, etc. should be properly kept for at least 6 years and made available to authorized personnel such as the owners or authorized officers of the Home Affairs Department

7. Notification of the tender result to owners/occupiers

4.3 Carrying out Repair & Maintenance Works

(d) Number of Tenders to be Invited

The estimated cost of the maintenance works should be considered when determining the number of tenders to be invited. Reference should be made to the "Code of Practice on Building Management and Maintenance" published by the Home Affairs Department (HAD).

Estimates	No. of tenders
Between \$10,000 and \$100,000	At least three tenders should be sought
Over \$100,000	At least five tenders should be sought

If the tender price exceeds \$200,000 or 45% of the annual budget of the OC, whichever is the less, the decision to accept or reject the tenders has to be passed in a general meeting of the OC.

(e) Tender Notice

A copy of the invitation to tender should be posted at a prominent location in the building during the tender period.

(f) Tender Record

A record of invitation for tenders and a record of returned tenders should be properly kept on file.

(g) Collection of Tenders

Tenders should be returned to the OC and deposited in a double-locked tender box with keys separately held by two members of the Management Committee.

For small buildings without a proper management office, the tender return time can be limited to say within two hours during which the tender box can be guarded by relevant parties. Alternatively, the tender box can be sited at the Project Consultant's office.

4.3 Carrying out Repair & Maintenance Works4.3.6 *Tendering (continues)***(h) Opening of Tenders**

Tenders should be opened as soon as possible after the deadline of submission and in the presence of at least three Management Committee members. These members should sign the tender opening record and against any essential amendments found in the tenders such as the price offered. Tenders should be kept in safe custody pending a meeting of the members of the Project Steering Committee to evaluate the tenders with the Project Consultant. Late tenders, especially after the opening, should not be accepted.

(i) Evaluation of Tenders

Usually the essential parts of the tenders received are passed to the Project Consultant for a detailed analysis and a recommendation which would then report to the OC for a final decision.

Members of the Project Steering Committee should declare to the Secretary of the OC any conflict of interest and withdraw from the evaluation of tenders and future monitoring work. The Secretary would then report the case to the Chairman. The usual but not necessary the recommended practice is to select the lowest bid. If the lowest bid is not selected, full written justifications should be recorded for owners' information.

The name and tender price of the successful tenderer can be disclosed to all unsuccessful tenderers as a matter of courtesy. All tender documents, contracts and receipts, etc., should be properly kept for at least six years and made available for inspection by authorized personnel such as the owners or authorized officers of the Home Affairs Department.

(j) Notification to Owners/Occupiers

Owners/occupiers should be notified in writing of the tender result.

(k) Program

Though the contractor's program may be submitted after the award of the contract. It is more advisable for OC and Project Consultant to consider such before the award of contract so that factors which might be overlooked by the Project Consultant could be rectified at an early stage without contractual obligations.

4.3 Carrying out Repair & Maintenance Works

(l) **Contract Period**

In preparing the tender documents, the Project Consultant and the OC should carefully discuss and agree the realistic time for the contractor to complete the required works. Specifying an unrealistically short contract period would either boost up the tender price, end up in a lot of disputes or deter responsible contractors to submit a tender.

If the Project Consultant is not too certain about the reasonable time required to complete the works especially when certain specialized works are to be carried out, alternative contract periods can be incorporated for the tenderers to quote prices. The OC and the Project Consultant can then consider whether the additional financial implications are worthwhile against a longer period of works hence the inconvenience caused by the works.

(m) **Liquidated Damages**

It is common that the contractor has to compensate the OC for loss and damages caused by the delay in the completion of works. A daily rate is usually indicated in the contract. However, if the delay can be justified as genuinely beyond the control of the contractor such as inclement weather, accident, fire, etc, the Project Consultant will issue extension of time certificates for the appropriate durations.

Disputes on this issue are common in the building and maintenance contracts. Readers should adopt the following attitudes to avoid unnecessary disputes or to deal with the issue without prejudice:

- In preparing the tender documents, a reasonable program required for the works should be worked out with the Project Consultant. Factors like Chinese New Year Holidays, delivery of special components e.g. lift or other materials from overseas, inclement weather, etc., should always be taken into account.
- An unrealistic figure as the daily liquidated damages for compensation giving false expectations to the owners should not be inserted in the contract documents. Liquidated damages should be regarded as compensation rather than a penalty. The damages in monetary terms have to be justifiable in court.
- OC should take a proactive role in working out the program with the prospective contractor before the contract is awarded.
- Factors pointed out by the tenderers which have been overlooked by the Project Consultant and OC should be considered seriously. Changing of the contract completion period after opening of tender is not desirable and unfair. Should situation require, re-tendering may be necessary to arrive at a reasonable time for completion of the contract at a fair price.

4.3 Carrying out Repair & Maintenance Works

4.3.7 Post Contract Management

(a) Project Planning

The contractor, and subcontractors where applicable, should submit program of the required works to demonstrate how the Contract targets and stages in between can be met, if such has not been agreed before the award of contract.

(b) Regular Reviews on the Progress of Works and Quality Check

(i) Supervision personnel

Contractors have the duty to supervise their workers continuously for safety and quality work. The duty of periodic supervision by the Project Consultant is usually included in the service but it is advisable to have clear and detailed agreement on the scope and frequency of the supervision. The Project Steering Committee usually assign one or two members experienced in the field to assist in the quality check.

For small to medium size projects, the Project Consultant usually takes up all the duty of supervision such as the quality of workmanship, the correct materials used on site. For major jobs, the Project Consultant usually recommend to the OC to employ a full time clerk of works to carry out the day-to-day quality check.

For large or complex projects, OC may consider employing an experienced professional as the Project Manager to manage the parties in the building team.

(ii) Regular reviews and progress meetings

Members of the Project Steering Committee supervising the project should conduct regular reviews with the Project Consultant and the Contractor on progress and quality of work in accordance with the contract terms. Progress meetings with details on date of evaluation, work progress, irregularities detected and time for remedial action agreed by the contractor should be well minuted for future monitoring. Owners should be informed of any project items lagging behind schedule, with explanation and improvement measures taken.

(c) Payment

Interim payments should be made in accordance with the provisions of contract upon the issuance of interim certificate of completion by the Project Consultant. When works or part of the works carried out is found to be not in accordance with the contract specifications, the Project Consultant would advise OC accordingly and payment for the non-complying or defective parts should be withheld.

4.3 Carrying out Repair & Maintenance Works

In complicated projects, a quantity surveyor may be employed to assess the quantity of works done for interim payments while the Project Consultant would certify on the overall acceptance including workmanship of the works carried out.

(d) **Quality Inspection for Acceptance**

(i) **Inspection of the completed works**

When the project is approaching completion, the Project Steering Committee, the Project Consultant and the Contractor should jointly conduct a quality inspection of the completed works and if found necessary, identify action for any required rectification works. Further inspection may be necessary to ensure that all outstanding works stipulated in the contract have been carried out.

(ii) **Involvement of the Government Departments**

If the works or part of the works is carried out for complying with an order issued by a Government Department such as the Buildings Department (BD), the Project Consultant should arrange a joint site inspection with officers of the Department upon completion of the relevant works. Compliance letters from the Departments are usually milestones in the contract and therefore should be obtained in time to avoid undue delay to the program.

(e) **Variations**

They are changes made to the schedule of works or specifications after the award of contract. Variations should be kept to a minimum to avoid unexpected financial implications both to OC and the contractor. If unavoidable, variation items should be limited to those that the contractor has given a unit rate in the schedule of rates. Substantial variations for new items may become unfair to the unsuccessful tenderers, unless a new tender is invited for such new works.

(f) **Incomplete or Sub-standard Works**

Contractors should not be permitted to omit certain works at its own accord even the consequential price reduction based on the contract rates seems reasonable or attractive. This would again be unfair to the unsuccessful tenderers. Works done not according to specifications should not be accepted. Submission of alternative materials with the same specifications as stated in the contract may be acceptable subject to clearance by both the Project Consultant and OC. Price reduction should not be a reason for accepting sub-standard works.

4.3 Carrying out Repair & Maintenance Works

4.3.7 *Post Contract Management (continues)*

(g) **Practical Completion**

The Certificate of Practical Completion should not be issued by the Project Consultant until all the works have been carried out in accordance with specification and schedule of works. Certifying partial completion excluding outstanding or defective works is not recommended as the contractor would tend to leave out such works after practical completion.

However, for large projects involving many building blocks, completion certificate can be issued on a block by block basis.

(h) **Defects Liability Period**

Upon issuance of the Certificate of Practical Completion, the work sites will be handed-over to the owners/OC and the tenants. During the defects liability period which usually lasts for six months to one year after certified completion of the works, the contractor must rectify all defects that appear. When all rectification works are satisfactorily completed, the Final Certificate would be issued by the Project Consultant. This would trigger the release of the retention money. Subject to the settlement of the Final Accounts, the works contract can be regarded as completed.

4.3.8 **Management Aspects During the Progress of Works**

Repair and maintenance works can cause nuisance and interfere with the normal daily activities of the occupiers. All occupiers and their properties may be exposed to risks during the works. Therefore, the OC should focus their managing efforts to tackle the problems and set targets in the correct priority. Some suggestions are given below:

(a) **Engagement of a Project Manager**

It is a common practice that a Project Steering Committee with members experienced in the field would represent owners to supervise the due performance of the Project Manager and contractor. As such service of the committee members are usually on voluntary and part-time basis, the role of supervision and management can hardly be carried out effectively especially for complicated or large projects. An outside Project Manager should always be considered to work under such Committee to release the burden of members.

4.3 Carrying out Repair & Maintenance Works

(b) Security

More security guards, patrols and stringent security measures are usually necessary. Suitable lighting has to be provided at nights on the erected scaffolding and covered walkways.

(c) Various Nuisances

In general, for carrying out repair, maintenance and construction works, the OC should, after consulting the concerned occupiers as necessary, specify appropriate requirement for minimizing various nuisances in the contract documents. After the award of contract prior to commencement of works, the OC should discuss with the contractor and the Project Consultant proposals on the use of powered tools and measures of minimizing noise, dust, waste water and building debris during the course of the work. This will include method statements of the required preventive and protective works, the use of noise reduction installations and the engagement of experienced personnel with suitable training to ensure that the proposed methods are properly implemented.

(i) Noise

Under the Noise Control Ordinance, the contractor may only work between 7 am and 7 pm during weekdays, not being general holidays, without a construction noise permit. The contractor shall, when considered necessary and agreeable to the owners, apply for a construction noise permit from the Environmental Protection Department in accordance with the Noise Control (General) Regulations prior to the commencement of works at restricted period. The OC or Project Consultant should consider not to allow any construction work inside the building at relatively sensitive hours, say, before 9 am or after 6 pm. Other occupants should also be notified in advance of the duration and time period of the construction work.

The contractor should adopt construction methods and tools which will cause least disturbance to the occupiers. Effective noise reduction can be achieved by means of silencers, mufflers, acoustic linings or shields, acoustic sheds or screens, etc. The use of heavy tool, say, handheld breakers or powerful electric drills, should be avoided or restricted to specific hours in a day.

The OC or Project Consultant as well as the contractor should realize that a construction noise permit would generally not be issued to construction works in a building, where the noise generated would be transmitted primarily through the structural elements of the building to adjoining noise sensitive uses, such as domestic flats or classrooms. Only in rare cases that the noise from the work would not disturb the neighbouring noise sensitive uses will a construction noise permit be issued. Such permit shall impose stringent conditions and be displayed at the work site.

4.3 Carrying out Repair & Maintenance Works

4.3.8(c) Various Nuisances (continues)

(ii) Dust

The methods of controlling dust include providing adequate screen such as plastic screens at the hacking locations and spraying water to reduce the fine particles etc.



(iii) Waste water

To minimize pollution, the contractor should provide filters and silt depositors at the waste water discharge point, and avoid discharging waste water into a storm water system.

(iv) Building debris

Clearing of building debris includes designating a place for collection, providing suitable and adequate screening, and disposing the debris from the site regularly and promptly.

4.3.9 Site Safety Supervision Plans (SSSP)

(a) Site Safety Supervision Plans

Site Safety Supervision Plans (SSSP) are required for some building works under the Building Ordinance. Before the commencement of such works, the AP, RSE and the Registered Contractor (RC) should submit a Site Safety Supervision Plan (SSSP) to the Buildings Department (BD) for acceptance. The staff of the BD would carry out inspections to audit check the works in progress on site, all the relevant details of the supervision and the provisions on site safety aspects.

SSSP is usually not necessary for simple maintenance and repair works or most of the works for complying with statutory orders. However, slope repair and ground investigation usually requires such. Readers should consult AP and RSE the need to submit such plans in each case.

4.3 Carrying out Repair & Maintenance Works

(b) Technically Competent Persons

When SSSP is required, Technically Competent Persons (TCP) have to be employed to carry out the safety supervisions. These TCP are required from the AP, RSE and Registered Contractor. Depending on the nature and size of works, the levels of required supervision are different. Advice from the Stage 1 building professional should be sought in order that the tender for Project Consultant and Contractor in Stage 2 can accommodate such requirements.

4.3.10 Prevention of Bribery

(a) Offence

People involved in building maintenance and management work should be aware that it is an offence under the Prevention of Bribery Ordinance for an agent (e.g. employee of a property management company or Management Committee member of an Owners' Corporation) without the permission of his principal (i.e. the company or Owners' Corporation) to solicit or accept any advantage (e.g. gift, loan, discount, rebate, etc.) for any act in relation to his principal's affairs or business (e.g. selection of contractors or supervision of work). The one who offers such advantage will also commit an offence.

(b) Common Problems

Common corruption and related malpractices in building maintenance and management work include:

(i) Selection of contractors

- Accepting illegal commission or advantage as a reward for showing favour or leaking tender price of other bidders or other crucial information to a certain tenderer;
- Splitting works contracts to circumvent normal tender requirements for private gains; or
- Procuring goods or services from companies owned by the staff or member responsible for the procurement or his close relatives; or setting up bogus companies to pocket price differences.

(ii) Supervision of works and services

- Practising nepotism or accepting advantages to connive at the contractors' substandard work and services.

4.3 Carrying out Repair & Maintenance Works

4.3.10 Prevention of Bribery (continues)

(c) Preventive Measures

To prevent the above problems, the following measures are proposed:

(i) Establishing policy and implementing guidelines on staff conduct

- Building management organizations including property management companies or Owners' Corporations should set standards for their employees or members and enforce rules on acceptance of advantages and conflict of interest; and
- Such policy and guidelines should be promulgated to all parties concerned including flat owners, members of the Management Committees, contractors and employees of property management companies, etc. so as to minimize corruption opportunities, avoid misunderstanding and inadvertent contraventions of the law.

(ii) Improving system and strengthening control

- Establishing criteria and procedures for inviting tenders and keeping tender documents for record and checking;
- Locking up tenders and related documents which are to be opened and assessed by several members of the Management Committee;
- Assessing tenders according to pre-determined criteria and compare them with market price;
- Avoiding and monitoring repeated acquisition of the same services or conducting of work projects of the same nature within a short span of time;
- Requesting those responsible for selection and supervision of contractors to declare any conflict of interest and conducting random check for verification;
- Setting up clear standards and requirements relating to acceptance of work or services; and
- Assigning different persons to conduct tender exercise and supervision of work and services so as to avoid collusion.

4.4 Long Term Maintenance Plan

This section provides the basic principles in planning for long term maintenance. Some topics though look theoretical, can give readers some ideas on the importance of planning ahead and carrying out preventive measures to minimize any possible danger to lives. Interested readers are encouraged to consult other text and publications for more in-depth understanding on the subject. With some background knowledge in the field, readers may find it easier to communicate with building professionals to device action plans for long term effective maintenance.

4.4.1 Maintenance in General

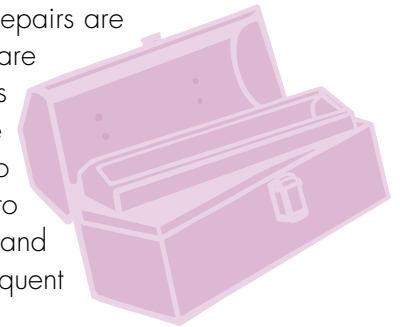
The following are aspects of maintenance that should be considered for formulating plans:

(a) Servicing

It includes periodic inspection, cleansing, oiling (mechanical parts) and adjustments. The objective is to minimize wear and tear, and to prevent breakdown.

(b) Repairs

Apart from regular servicing, building elements, installation and facilities require repairs from time to time. Repairs are usually on a need basis and in most cases are passive response. Good design, materials and workmanship together with proper use and regular maintenance can contribute to deferring the first major repairs. In addition to the above, regular and thorough inspection and regular repairs can also help defer the subsequent major repairs.



(c) Replacement

When a building element or part of a system reaches the end of its economic expected lifespan, repairs are not advisable. Replacement will be more cost effective.

(d) Upgrading

This might involve re-decoration, improvement and refurbishment, etc., to upgrade part or portion of the building to a higher standard.

4.4 Long Term Maintenance Plan

4.4.2 Planned Maintenance

Passive repairs upon breakdown usually cause inconvenience to users. They will also cost more as the extent of the worn out parts could usually be confined by regular inspections and minor repair. Planned Maintenance is therefore more cost effective and enhance a higher standard and level of performance of the facilities. Planned Maintenance can be divided into:

(a) Planned Preventive Maintenance

In order to ensure its continuous operation, maintenance work is carried out within the anticipated life cycle of a facility before symptoms of failure or breakdown are detected. This serves to prevent failure of a facility or a component.

(b) Planned Corrective Maintenance

Spare parts or components of installations are kept in stock. Sources of labour are also identified, secured or engaged. But maintenance work is not carried out until the service breaks down or the problem surfaces. Occupiers would have to tolerate temporary shutting down of services if this approach is adopted. As the required works may not be effectively scheduled, the labour cost of this approach might be higher than that of the preventive approach.

4.4.3 Survey of Existing Conditions

Before any maintenance works are carried out, a condition survey of the building is usually conducted. The purposes of a condition survey are to:

- understand current conditions and degree of deterioration of the building;
- identify the causes of deterioration so that appropriate repair methods can be specified;
- assess the extent of works, prepare for budget, plan the implementation priorities and program; and
- estimate the quantities of repair and maintenance works for the preparation of contracts.

Readers may refer to Section 4.3.4(b)(i) of this Chapter for details on selecting building professionals for carrying out the survey.

4.4 Long Term Maintenance Plan

4.4.4 Maintenance Strategy and Standard

Inadequate or inappropriate maintenance will result in frequent breakdowns or failures, causing inconvenience and hazards to the users and public. It would also expedite the depreciation of assets. The property manager has the responsibility to set policy and program to meet the owners' requirements.

Different usages and grades of buildings will have different demands in maintenance. The maintenance policy of a building must include two fundamental indicators, namely, are the quality of service and the response time to a complaint.

Examples of quality of service for different building categories:

Building category	Level of maintenance	Response time
Residential (low dependency)	corrective (unplanned)	Up to 24 Hours
Residential (high dependency)	corrective (unplanned)* or planned	Up to 4 Hours
Commercial	planned*	Up to 4 Hours
Prestigious	highly planned*	0.5 Hour or less

* *Planned maintenance may be corrective or preventive*

4.4.5 Maintenance Budget and Replacement Reserve

(a) Approach to Derive the Maintenance Budget

(i) The Conventional Approach

In this approach, the building maintenance budget is a percentage of the annual budget. It is very often based on the previous year's expenditure with minor adjustments. Its most serious drawback is that the budget available has no direct relation with the prevailing conditions of the building and therefore may not be sufficient to carry out the required works.

4.4 Long Term Maintenance Plan

4.4.5(a) Approach to Derive the Maintenance Budget (continues)

(ii) The Formula Approach

The annual maintenance budget is derived from some agreed formula which quantifies needs in terms of cost per unit area, a percentage of current replacement cost, or some other factors, to project future needs.

Like the conventional approach above, this technique does not match budget with identified needs. The method also assumes a generic renewal pattern and does not allow for the varying life cycles of different building elements/components.

However, when used in conjunction with a condition survey, this approach will enable the maintenance property manager to arrive at a more realistic assessment of maintenance and renewal needs.

(iii) The Condition-based Approach

This approach incorporates a thorough survey of conditions of the building to identify needs of maintenance works. Though accurate, it is a time-consuming and costly exercise that is difficult to be adopted on an annual basis.

(b) Replacement Reserve Fund and Sinking Fund

A **replacement reserve fund** should be set up once a new building is occupied. It caters for the future replacement of major equipment such as water pumps, electrical switchgears, emergency generators, air-conditioning plant, roof waterproofing, etc.

It is also advisable to provide for a **sinking fund** for the future modernization of the common areas. A small portion of the monthly management fee from the owners and occupiers could contribute to the fund. This reserve will avoid an abrupt and dramatic increase in the management fee because of replacement or modernization works, hence minimize criticisms from Owners' Committees and occupiers.

4.4.6 Maintenance Cycle

The following maintenance cycles are suggested for reference. They are dependent on the particular circumstances of the building, and the cycles can be adjusted to suit a circumstances and level of maintenance expected. However, for essential items which affects safety of the occupiers and the public such as external wall finishes, fire services and lift installations, the following suggestions should be regarded as the reasonable cycle and should not be lengthened.

4.4 Long Term Maintenance Plan

Facility	Items of Work	Cycle
External Walls Painting	Redecoration	4-5 years
External Walls Finishes	Regular inspection	yearly
	Detail inspection and check up	5-6 years
Internal Walls	Redecoration/touching up	3 years
	Structural repair	as and when necessary
Fresh Water Supply	Inspect grease, switches pumps & check valves	monthly
	Cleanse water tanks & check valves	3 months
Flushing Water Supply	Inspect, grease, switch pumps & check valves	monthly
	Cleanse water tanks & check valves	6 months
Windows, External Railings & Metalwork	Inspect condition & refix	yearly
	Repainting (steel and iron)	2-3 years
Drainage-Roof	Check and cleanse drains and surface channels	Bi-weekly and before and after typhoon/heavy rainfall
Drainage above ground	Check externally for defects or vegetation growth	yearly
Drainage-Underground	Check and cleanse manhole	2 months
	C.C.T.V. survey for underground drains (if frequent subsoil movements are expected)	2 years
Lifts	Oiling & servicing	monthly
	Overhaul	yearly
Fire Services	Inspect & refix by management staff	weekly
	Overhaul & report to Fire Services Department	yearly
	Fire-resisting doors	1-2 days

4.4 Long Term Maintenance Plan

4.4.6 Maintenance Cycle (continues)

Facility	Items of Work	Cycle
Play Equipment	Inspection by management staff	1-2 days
	Inspection by mechanics/ specialist	yearly
Slopes and Retaining Walls	Inspection of surface drainage channels and surface protection by management staff	At least once a year before the onset of the wet season, and after a heavy rainstorm or a typhoon
	Routine maintenance inspections	At least once a year before the onset of the wet season, and after a heavy rainstorm or a typhoon
	Inspection by a qualified Geotechnical Engineer	At least once every 5 years
Others	Alarms, Communal Aerial Broadcasting Distribution System (CABD), security, etc.	6 months -1 year
	Roofing, floors, finishes	yearly

4.5 Miscellaneous Issues in Management

4.5.1 Environmental Issues

Environmental issues include:

- Every household should have a covered rubbish bin of appropriate size, which should be cleared by cleaners at fixed time(s) every day. The rubbish bins must not be placed in common corridors and passageways, as this will cause obstruction and attract rats and other pests.
- Common refuse chutes and refuse collection chambers in buildings should be regularly cleaned and maintained. Sharp bends of the common refuse chutes should be lined with damping materials in order to minimize noise nuisance arising from the disposal of rubbish from upper floors.
- Refuse accumulated in the surface channels of corridors, rooftops, podiums and courtyards should be immediately cleared to avoid blockage. Blockage should be cleared at once.
- Furniture and other bulky items should not be left to cause obstruction to fire escapes. Wherever necessary, the Management Office may devise a clearance schedule for occupiers to dispose of them on a regular basis. The cost incurred may be shared among occupiers in proportion to the number of items removed.
- Objects with pointed or sharp edges or of a hazardous nature (such as inflammable or corrosive materials) should be separately packed and disposed of. Refuse like newspapers, plastics, metal cans and glass bottles should be separated from other kind of rubbish for recycling as far as practical.
- Accumulated refuse on the canopies of flats should be cleared by the relevant occupiers. Alternatively, the Management Office may regularly arrange a special clearance service.
- Open areas of a building, such as rooftops, light wells, gardens and podiums should be frequently checked to prevent accumulation of stagnant water and the breeding of mosquitoes.



4.5 Miscellaneous Issues in Management

4.5.2 Fire Evacuation Plan and Fire Drill

(a) Fire Evacuation Plan

No matter how faultless a fire prevention system may be, fire does happen – accidentally. It is therefore essential to put in place a plan which may be specific to the location of individual units, for the safe evacuation in the event of a fire. An OC, or the property manager should formulate a fire evacuation plan with escape routes and meeting places highlighted for the occupiers to follow in emergency. If necessary, advice from building professionals should be sought or reference be made to building records from relevant Government Departments.

(b) Fire Drill

Regular fire drills should be conducted for the occupiers to familiarize with the fire escape routes to avoid panicking in the event of a real fire and to facilitate a safe and smooth escape.

(c) Fire Safety Checklist

(i) Purpose of the checklist

The purpose of the Checklist is to facilitate building owners, occupiers, property managers, their agents or employees to carry out routine inspections on fire safety provisions of their own buildings, and to rectify minor irregularities identified. This would enhance their awareness on fire safety, and is the most effective and immediate means to protect their lives and properties. A sample of the Checklist is enclosed at Appendix 5 for reference.

(ii) Using the checklist

- The Checklist is devised for general use. The items for inspection are common but essential on fire safety.
- If any entry of the items in the Checklist is 'Yes', it implies that the fire safety of the building is being jeopardized. The locations of the irregularities should be duly recorded by the inspection personnel.
- Most of the items could be dealt with easily e.g. removal of obstructions in the staircases, closing the fire/smoke doors properly, etc. The inspection personnel should rectify such irregularities on the spot.
- If there is doubt in rectifying the irregularities, the inspection personnel may consult relevant building professionals or to seek advice/information from relevant Government Departments.
- The Checklist only provides a general guideline. It is always good practice to appoint a building professional to check the building conditions regularly.
- All routine inspections and the completed Checklists should be kept by the building owners or the property manager for necessary follow-up actions and future reference.

4.5 Miscellaneous Issues in Management

4.5.3 Security Measures and Appointment of Security Personnel

To improve the security and strengthen crime prevention measures in buildings, the followings should be adopted:

- Improve the lighting of staircases and corridors, install alarms, closed-circuit televisions and intercom systems, etc.
- In cases where the entrance gate of a building is operated by electricity, the gate should be made such that it can be opened manually from the inside of the building in the event of power failure.
- Refuse chambers/storerooms should be properly locked to prevent burglars from hiding inside.
- The caretaker's office should be located at the main lobby to allow the caretaker to keep watch on all people going in and out of the building.
- If conditions permit, a fence should be erected along the periphery of the building with adequate lightings.
- Cultivating awareness among residents for crime prevention and security, e.g., reminding owners or tenants to close the entrance gate when entering or exiting the building.
- Apart from reporting to the Police, owners may also instigate civil proceedings against owners of any premises for undertaking immoral activities to prevent undesirable elements from entering the building.
- Should there be any enquiries on anti-burglary or security measures, please contact the Crime Prevention Bureau of the Hong Kong Police Force. Their contact numbers are stated in Appendix 2 .



Apart from upgrading anti-burglary and security equipment for the buildings, quality of the caretakers is also a crucial element to the improvement of building security in general. The Security and Guarding Services Ordinance stipulates that all security personnel and caretakers performing security duties for reward should be required to hold valid Security Personnel Permits or Watchman's Permits (commonly known as white cards) issued by the Hong Kong Police Force. OC shall only employ those holding valid permits for security duties.

4.6 Owners' Corporation (OC)

4.6.1 Functions of an Owners' Corporation

An Owners' Corporation (OC) is an independent statutory body formed in accordance with the Building Management Ordinance (BMO) and is empowered to sue, but also liable to be sued. An OC acts legally on behalf of all owners in managing the common parts of the building safeguarding their interests and taking up responsibilities. It is also empowered to appoint a property manager, monitor and terminate the services provided.

4.6.2 Procedures to Form an Owners' Corporation

The Land Registrar shall, if satisfied that the provisions of section 3, 3A, 4 or 40C and section 7(2) and (3) of the BMO have been complied with, issue a certificate of registration in such form as may be specified by the Authority from time to time.

Under Section 3 of the BMO, owners of not less than 5% of the shares in the building can act as the convener and convene a meeting of owners for the purpose of appointing a Management Committee.

Notice of meeting, including date, time, place of meeting and issues to be discussed, including the appointment of a Management Committee, must be given to all owners at least 14 days before the meeting takes place. It must be displayed in a prominent place in the building and place notice in a newspaper, from amongst a list of newspapers specified by the Secretary for Home Affairs published in Hong Kong. Such list of newspapers can be obtained from the District Offices and Building Management Resource Centres.

If the Deed of Mutual Covenant (DMC) provides for the appointment a Management Committee, these provisions must be followed.

If there is no DMC or the DMC contains no provision for the appointment of a Management Committee, a Management Committee can be appointed by a resolution of the owners of not less than 30% of the shares in the building. However, when there are practical difficulties in appointing the Management Committee under Section 3, the following methods can be adopted:

4.6 Owners' Corporation (OC)

- Under Section 3A of the BMO, owners of not less than 20% of the shares in the building may apply to the Secretary for Home Affairs for an order to convene a meeting of owners, in which the Management Committee can be appointed by a majority of votes of the owners voting at the meeting.
- Under Section 4 of the BMO, owners of not less than 10% of the shares in the building may apply to the Lands Tribunal for an order to convene a meeting of owners, in which the Management Committee can be appointed by a majority of votes of the owners voting at the meeting.

At the meeting, each owner has one vote for each share he owns, unless the DMC provides otherwise. An owner can appoint proxy in writing to vote on his behalf not less than 24 hours before the meeting.

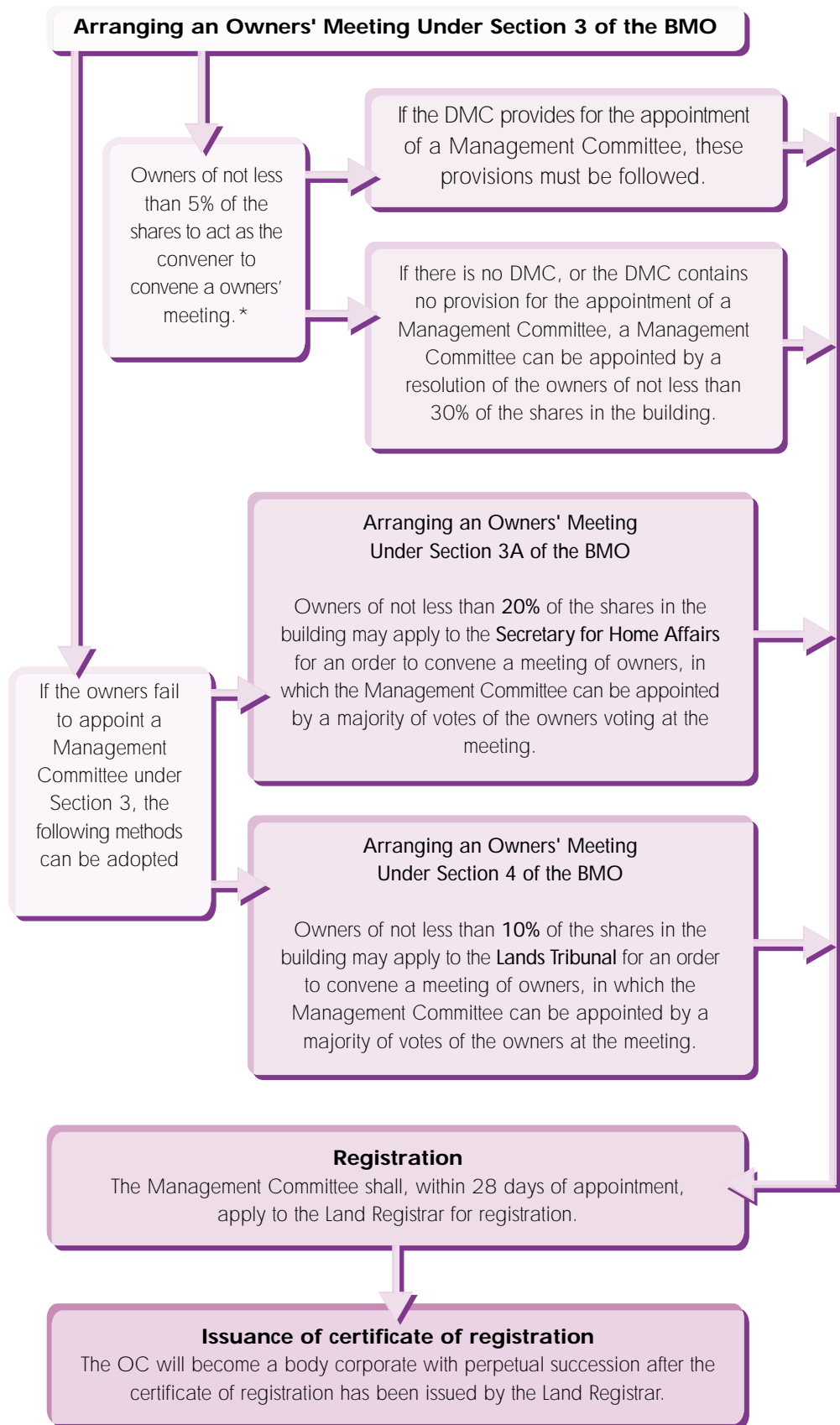
At the meeting of owners, the owners will appoint the members of the Management Committee and appoint the office holders for the posts of Chairman, Vice-Chairman (if such a post is specified in the DMC), Secretary and Treasurer.

The Management Committee shall, within 28 days of appointment, apply to the Land Registrar for registration. The OC will become a body corporate with perpetual succession only after the certificate of registration has been issued by the Land Registrar.

For detailed procedures to form an OC, please refer to the Booklet on "How to Form an Owners' Corporation and Achieve Effective Building Management" published by Home Affairs Department (HAD). Appendix 18 is relevant.

4.6 Owners' Corporation (OC)

Procedures to Form an Owners' Corporation



* There are other situations which could allow an Owners' Meeting to be convened but owners are highly recommended to seek legal advice or discuss the matter with the District Office.

4.6 Owners' Corporation (OC)

4.6.3 The Rights and Responsibilities of an Owners' Corporation

Under the DMC and BMO, all resolutions passed at the OC's general meeting have to be observed by the Management Committee and all owners. On behalf of the owners, OC is responsible for the control, management and administration of the common parts of the building such as:

- repair and maintenance of building
- implementation of Government works orders
- enforcement of DMC stipulations
- employment of building management staff
- financial management
- taking out building insurance
- fire safety
- crime prevention and security
- environmental hygiene
- compliance with the Code of Practice on Building Management and Maintenance

The OC is legally responsible for the liabilities of owners in relation to management of the common parts of the building.

If owners are not satisfied with the work of the Management Committee, and problems cannot be solved at Management Committee level, owners can lodge their complaints in the following ways:

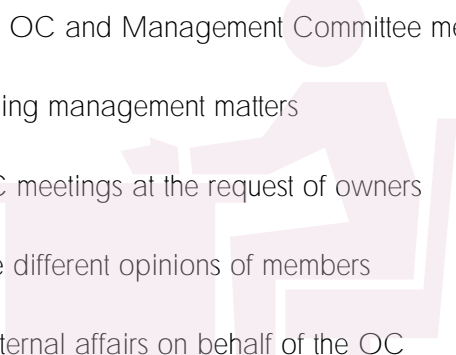
- The Chairman of the Management Committee shall convene a general meeting of the OC at the request of not less than 5% of the owners for the purposes specified by such owners within 14 days of receiving such a request.
- Owners may apply to the Lands Tribunal for adjudication on matters relating to management of the building.
- In relation to any other legal matters, owners should seek legal advice or engage a lawyer.

4.6 Owners' Corporation (OC)

4.6.4 Tenure and Responsibility of an OC's Management Committee

Responsibilities of Members of the Management Committee are given below:

(a) The Chairman

- presides over OC and Management Committee meetings
 - handles building management matters
 - convenes OC meetings at the request of owners
 - reconciles the different opinions of members
 - deals with external affairs on behalf of the OC
- 

(b) The Vice-Chairman (if such a post is specified in the DMC)

- assists the Chairman in discharging the duties of the OC
- presides over meetings of the OC and the Management Committee in the Chairman's place when he is absent

(c) The Secretary

- serves all notices of meetings and prepares the agenda
 - takes and keeps minutes of meetings
 - maintains a register of owners and verifies owners' proxies to ensure sufficient shares of the building are represented at the meeting
 - reports to the Land Registry any changes of registered information
 - displays the minutes of each meeting in a prominent place in the building
 - takes over all documents, records, account books and any movable property of the OC kept by members of the Management Committee who retire from their office
- 

4.6 Owners' Corporation (OC)

(d) The Treasurer

- prepares an income and expenditure account and a balance sheet
- oversees miscellaneous expenditure
- maintains the income and expenditure account with proper care to facilitate auditing and for owners' inspection
- prepares a budgeted statement of income and expenditure for the coming year and lays it before the OC at its Annual General Meeting (AGM) for discussion
- displays regularly an income and expenditure account in a prominent place in the building
- hands all accounts to the Secretary or the Management Committee upon retirement from office

(e) Management Committee Meeting

- Subject to the Building Management Ordinance, the powers and duties conferred or imposed by the Ordinance on a corporation shall be exercised and performed on behalf of the corporation by the Management Committee
- The Management Committee shall meet at least once every 3 months
- A notice of the meeting of the Management Committee shall be served upon each member of Management Committee at least 7 days before the date of the meeting. Such notice shall specify the place, date and time of the meeting, and the resolutions (if any) that are to be proposed
- The quorum at the meeting shall be 50% of the members (rounded up to the nearest whole number) of the Management Committee or 3 such members, whichever is the greater
- All acts, matters or things authorized or required to be done by the Management Committee may be decided by a resolution passed by a majority of the votes of members of the Management Committee present at the meeting

4.6 Owners' Corporation (OC)

4.6.4(e) Management Committee Meeting (continues)

- At the meeting, each member present has one vote on a question. If there is an equality of votes, the person presiding over the meeting have, in addition to a deliberative vote, a casting vote
- The minutes of the meeting, certified by the person presiding over the meeting, shall be displayed by the Secretary in a prominent place in the building within 28 days of the date of the meeting

(f) Tenure of the Management Committee

At the second annual general meeting of a corporation convened in accordance with paragraph 1(1)(b) of the Third Schedule of the BMO and thereafter at every alternate annual general meeting, all members of the Management Committee, other than the member (if any) deemed to be appointed under paragraph 2(2) of the BMO in his capacity as the tenants representative, shall retire from office, unless re-elected.

4.6.5 Meetings of the Owners' Corporation

(a) Meetings

The Management Committee shall convene:

- the first annual general meeting of a corporation not later than 15 months after the date of the registration of the corporation
- an annual general meeting not earlier than 12 months, and not later than 15 months after the date of the first or previous annual general meeting
- a general meeting of the corporation at any time for such purposes as the Management Committee thinks fit, and
- a general meeting of the corporation at the request of not less than 5% of the owners for the purposes specified by such owners within 14 days of receiving such request

4.6 Owners' Corporation (OC)

(b) Notice of Meeting

A notice of the meeting of the corporation shall be served upon each owner and upon tenants' representative (if any) at least 14 days before the date of the meeting. Such notice shall specify the place, date and time of the meeting, and every resolution to be proposed or other matter to be discussed at the meeting.

(c) Quorum

The meeting is valid only when a quorum is present. The quorum at a meeting of the corporation shall be

- 20% of the owners in the case of a meeting at which a resolution for the dissolution of the Management Committee under Section 30 is proposed; or
- 10% of the owners in any other cases

(d) Chairman

The Chairman of the Management Committee shall preside at a meeting of the corporation. If the Chairman is absent, the Vice Chairman as the case may be, shall preside at the meeting or failing him that, the owners at the meeting shall appoint an owner as the chairman for that meeting.

(e) Minutes

The minutes of the meeting, certified by the person presiding over the meeting, shall be displayed by the Secretary in a prominent place in the building within 28 days of the date of the general meeting.

4.6.6 Establishment of Funds

Under Section 20 of the Building Management Ordinance,

(a) A Corporation Shall Establish and Maintain a General Fund

- to defray the cost of exercise of its powers and the performance of its duties under the Deed of Mutual Covenant (DMC) (if any) and the Ordinance; and
- to pay Government rent, premiums, taxes or other outgoings in respect of the building as a whole.



**4.6 Owners'
Corporation
(OC)**4.6.6 *Establishment of Funds (continues)***(b) A Corporation May Establish and Maintain a Contingency Fund**

- to provide for any expenditure of an unexpected or urgent nature; and
- to meet any payments of the kind specified in item (a) if the fund established thereby is insufficient to meet them.

4.6.7 Working with Property Management Companies**(a) Property Management Company**

A property management company takes the role of a property manager as provided under the DMC, and provide professional expertise to execute on behalf of the building owners or OC routine management duties including cleansing, repairing and maintenance of common parts and facilities of the building. It is also authorized to exercise the rights and responsibilities under the DMC as supplemented by the BMO with respect to building management and maintenance. For this reason, a property management company acts in the capacity of the agent of the owners or OC, and therefore should be treated with respect and caution for the possible legal consequence that an agent would bring upon his principal.

(b) Building Management Agents

Home Affairs Department (HAD) has compiled a list of building management agents which can be obtained from the Building Management Resource Centres (BMRC) and the public enquiry service center of the District Offices. The list can also be downloaded from the web site :

www.buildingmgt.gov.hk/buildingmgt/resource/

4.6 Owners' Corporation (OC)

4.6.8 Resolution of Disputes Concerning Building Management Matters

(a) Disputes

Disputes between owners individually, between owners and OC or property management company, or between OC and property management company concerning building management matters do happen frequently. If these disputes could not be resolved within the power of the OC, they may be referred to the Lands Tribunal which now has an extended jurisdiction under the provisions of the BMO to resolve matters of this nature.

(b) Lands Tribunal

Under the Building Management Ordinance, the jurisdiction of the Lands Tribunal relates mainly:

- to order that a meeting of owners shall be convened so as to appoint a Management Committee (Section 4);
- to dissolve a Management Committee and appoint or remove and replace an administrator (Section 31);
- to handle winding-up petitions or winding-up orders of an OC (Section 34A);
- to order the appointment of a building management agent (Section 40C); and
- to hear and determine legal proceedings in relation to building management (Section 45 and the Tenth Schedule).

(c) The Proceedings

The proceedings mentioned in item (b) include the ones relating to disputes between an OC and a property manager, definition and use of common parts, calculation and apportionment of management charges and other expenses, interpretation and applicability of the DMC and the BMO, etc. Hence, the public can have a quicker and cheaper means of settling disputes through legal proceedings.

4.6 Owners' Corporation (OC)

4.6.9 Owners' Committees and Mutual Aid Committees

In the case if an OC cannot be formed due to various reasons, the following alternatives, which do not enjoy the same legal status as that of an OC are available:

(a) Owners' Committees

Details for the formation and operation of an Owners' Committee are usually provided for in the DMC, which also sets out its authority and functions. An Owners' Committee mainly enhances communication between the owners and the property manager. On matters of importance, it gives advice to the property manager and makes recommendations and decisions as appropriate. It also monitors the work of the property management agent.

(b) Mutual Aid Committees (MAC)

A MAC is an owners' and tenants' organization that is formed with the approval of the District Officer. Its major function is to promote good neighbourliness among the residents and carry out basic building management work. As the MAC is not a statutory body, it cannot sue or be sued.



Chapter 5

Chapter 5

SERVICES PROVIDED BY RELEVANT

GOVERNMENT

DEPARTMENTS & PROFESSIONAL BODIES



5.1 Introduction

This chapter provides a general view on the roles of the Government and some concerned organizations in building safety and timely maintenance. Useful telephone numbers including enquiry and complaint hotline, fax numbers, addresses of their offices, email enquiries and websites are listed in Appendix 2. Readers are reminded to refer to the relevant websites of the Government (www.info.gov.hk), organizations and institutes for the most updated details on the contacts.

5.2 Government Departments

5.2.1 Buildings Department (BD)

(a) Scope of Professional Services

The BD administers Buildings Ordinance and offers professional services, in particular to:

- provide a 24-hour service to telephone enquiries on private buildings;
- provide emergency services on dangerous private buildings and slopes;
- review and set standards for building design and construction;
- vet building and structural plans for building development;
- inspect building works for compliance with approved plans and standards;
- monitor construction sites for safety;
- identify danger from buildings and slopes and take remedial action;
- remove dangerous advertisement signboards and dangerous appendages;
- combat and stop unauthorized building works ;
- abate sanitary nuisance from defective drains;



5.2 Government Departments

5.2.1(a) *Scope of Professional Services (continues)*

- issue license for oil storage installations and advise on suitability of premises for such use as restaurant, food business, school and child care centre;
- prosecute and discipline offenders for breach of the Buildings Ordinance and allied regulations; and
- promote timely maintenance of buildings by professionals through responsible building management.

(b) **Records of Completed Private Buildings**

Except for pre-war buildings and New Territories Exempted Houses, the Building Information Centre (BIC) of BD keeps copies of approved plans and occupation permits for all private buildings.

Such plans may be viewed by the public upon application. Certified true copies of such plans and occupation permits are available upon application with payment of the requisite fee. Application forms may be obtained from the BD at the reception counter on 12/F, Pioneer Centre, 750 Nathan Road or by downloading soft copies from the BD's homepage (www.info.gov.hk/bd).

(c) **Building Safety Loan Scheme**

The Building Safety Loan Scheme provides loans to individual owners of private buildings who wish to obtain financial assistance in carrying out voluntarily maintenance and repair works to reinstate or improve the safety conditions of their buildings and/or private slopes, or in compliance with statutory orders. Such works include building and slope repairs; maintenance and upgrading works on fire services installations, lift installation, electrical installation and gas risers; regular slope maintenance works; and removal of unauthorized building works.

(d) **Complaints**

The public can lodge complaints to the BD on the following aspects:

- Unauthorized Building Works / Dangerous Buildings / Dangerous or Unauthorized Advertisement Signboards
- Slope Safety
- Fire Safety

5.2 Government Departments

5.2.2 Civil Engineering Department (CED)

The Geotechnical Engineering Office of Civil Engineering Department provides free information services on slopes, community advisory services and guidance documents to assist private owners in setting up their own slope maintenance system and carrying out repair works for slopes.



(a) Slope Information

CED operates a computerized Slope Information System (SIS) for storing and maintaining the records of 54,000 registered man-made slopes and retaining walls in Hong Kong. A computer terminal is available in the Slope Safety Division on 7/F of the Civil Engineering Building for public access. The SIS contains useful information on slopes, including background information, physical conditions, landslide records, development boundaries and record photographs. An internet version (in both English and Chinese) of the SIS is also available at the Hong Kong Slope Safety Website (<http://hkss.ced.gov.hk>).

(b) Community Advisory Services

To enhance public's understanding of slope safety and private owners' acceptance of their slope maintenance responsibility, CED has set up a Community Advisory Unit (CAU) to provide advice and information on slope safety and maintenance matters to the public. The CAU organizes slope safety seminars for private slope owners and parties involved in slope maintenance. It meets private owners or their representatives who have received Dangerous Hillside Orders and Advisory Letters to advise them on how to proceed with the necessary slope works. It also organizes 'meet-the-public' events in popular shopping centres, public meeting places and District Offices.

(c) Slope Safety Hotline (2885 5888)

The Slope Safety Hotline provides information on matters relating to slope safety and slope maintenance for free public access.

5.2 Government Departments

5.2.3 Electrical and Mechanical Services Department (EMSD)

- (a) The EMSD provides a range of consultancy and value-added engineering and maintenance services to ensure that the many systems that keep Hong Kong up and running continue to do so effectively and efficiently. The department serves the airport, hospitals, schools, security forces, transport and highways, port and harbour as well as public recreation and leisure facilities, areas that make up the very fabric of life in Hong Kong.



Within the community, the department issues guidelines and Codes of Practice and administers the safety ordinances on the safe use of gas, electricity, lifts and escalators, tramways and amusements rides among others. Safety message is taken to the public via publications and promotional programs as well as a number of educational and safety campaigns, which range from safety talks and carnivals, road shows and roving exhibitions, games and competitions for the general public to industry seminars and conference support for more specialized audiences. At the same time, it is actively involved in promoting energy efficiency and the protection of the environment through new services and activities both for their customers and the community, and through its support to the Government's environmental initiatives.

5.2.4 Environmental Protection Department (EPD)

(a) Functions

The Environmental Protection Department's wide-ranging functions include helping to formulate policy, enforcing environmental legislation, monitoring environmental quality, and providing collection, transfer, treatment and disposal facilities for many types of waste. On the other hand, it has an advisory function in dealing with the environmental implications of town plans or new policies that could have a significant adverse effect on the environment.



The department also handles enquiries and complaints about the environment. It also carries out inspection at construction sites. Generally, EPD deals with commercial noise while the Police Force deals with domestic noise.

5.2 Government Departments

(b) Waste Recycling

EPD has extended the Waste Recycling Campaign in Housing Estates to more than 700 estates. It has also worked with District Councils to promote recycling and reduction of waste.

(c) Environmental Resource Centres

2 Environmental Resource Centres (ERCs) have been established in Wan Chai and Tsuen Wan, providing public access to environmental information.

5.2.5 Fire Services Department (FSD)

(a) Educating the Public

The Fire Safety Command assists and advises the public on fire protection measures with a view to educate and enhance the awareness and fire protection knowledge of the general public.

The local fire stations are responsible for delivering fire safety lectures and seminars to all sectors of the community.



(b) Fire Safety Inspections

The Building Improvement and Support Division is responsible for carrying out follow-up inspection work on restoring fire safety in private buildings.

The Fire Service Installations Division and Ventilation Division are responsible for inspecting the fire services installations and ventilating systems in buildings respectively.

(c) Licensing

The three regional offices (Hong Kong, Kowloon and New Territories) are responsible for giving advice on the fire safety measures for the purposes of licensing premises for certain specific uses and issuing of Fire Safety Certificates.

The Dangerous Goods Division is responsible for licensing and complaint matters pertinent to dangerous goods.

5.2 Government Departments

5.2.6 Food and Environmental Hygiene Department (FEHD)

The Food and Environmental Hygiene Department is responsible for the management of environmental hygiene services and facilities.



(a) Dealing with Water Seepage Complaints

If the water seepage matter cannot be resolved or settled between building owners, affected owners may approach the FEHD for assistance.

FEHD will make initial investigations on water seepage complaints.

FEHD will deal with seepage caused by leaking drainage pipes constituting a health nuisance under the Public Health and Municipal Services Ordinance (Chapter 132) and an abatement notice may be issued accordingly.

If necessary, FEHD will refer the case to the Water Supplies Department or the Buildings Department for action under the Waterworks Ordinance (Chapter 102) or the Buildings Ordinance (Chapter 123) as appropriate, against defective water supply pipes or certain building defects.

(b) Licensing Services

The following trades are required to apply for licences issued by FEHD:

- Restaurant and Provisional Restaurant Licence
- Bakery and Provisional Bakery Licence
- Cold Store and Provisional Cold Store Licence
- Factory Canteen and Provisional Factory Canteen Licence
- Food Factory and Provisional Food Factory Licence
- Flesh Provision Shop and Provisional Flesh Provision Shop Licence
- Frozen Confection Factory and Provisional Frozen Confection Factory Licence
- Milk Factory and Provisional Milk Factory Licence
- Siu Mei & Lo Mei Shop and Provisional Siu Mei & Lo Mei Shop Licence
- Restricted Food Permits

5.2 Government Departments

- Other Trade Licences, namely Commercial Bathhouse Licence, Funeral Parlour Licence, Offensive Trade Licence, Swimming Pool Licence and Undertaker's of Burial Licence
- Places of Public Entertainment Licence

In processing licence/permit applications, FEHD focuses on public health concerns. Depending on the type of licence applied, applications may need to be referred for comments of the Buildings Department and Fire Services Department on the building and fire safety aspects respectively. Other views may have to be sought whenever necessary.

5.2.7 Home Affairs Department (HAD)

(a) Role of HAD in Building Management



HAD has been actively promoting effective building management in private multi-storey buildings and assisting in the formation of OC and tackling management problems in such buildings. HAD and its District Offices perform an advisory and liaison role in providing assistance to OC at need, both prior to, during and after their formation.

(b) District Building Management Liaison Team

HAD has set up District Building Management Liaison Teams (DBMLT) in eighteen districts by stages since June 2001. The DBMLT proactively advise owners on building management matters. Also, they will follow the revised criteria formulated by the BD and HAD for targeting buildings for coordinated action and for expediting improvements to such buildings.

(c) Building Management Resource Centres (BMRC)

It offers the following services:

- Providing general advice on building management to the public. If the public requires professional advice, staff of the BMRC will arrange professional volunteers to meet them in the evening sessions.
- Organizing various publicity activities on building management and assisting other Government Departments in conducting such activities.
- Conducting seminars and workshops to disseminate the concept of proper building management to the public.

5.2 Government Departments

5.2.7 (c) Building Management Resource Centres (BMRC) (continues)

A list of reference materials available at the Building Management Resource Centres can be downloaded from BMRC's web site.

At present, there are seven professional bodies providing free professional advice at the BMRC to building owners and OC, namely:

- The Law Society of Hong Kong;
- The Hong Kong Society of Accountants;
- Hong Kong Association of Property Management Companies;
- The Hong Kong Institute of Housing;
- The Hong Kong Institute of Architects;
- The Hong Kong Institution of Engineers; and
- The Hong Kong Institute of Surveyors.

(d) Fire Safety and Building Management

Following the outbreak of several tragic fires in recent years, the Government attaches great importance to fire safety and building management on fire prevention and effective building management. To this end, District Fire Safety Committees, chaired by District Offices, comprising official and non-official members have been set up in 18 districts to promote and educate the public the importance of fire safety and effective building management.

5.2.8 Independent Commission Against Corruption (ICAC)

The ICAC provides the following comprehensive and free corruption prevention services to those responsible for building maintenance and management:

(a) Formulating Corruption Prevention Guidelines

Assisting building management organizations in formulating guidelines for their staff or members on the acceptance of advantages and conflict of interest.



5.2 Government Departments

(b) Improving System and Strengthening Control

Offering corruption prevention advice to plug corruption loopholes and enhance efficiency through system control and procedural improvements.

(c) Providing Corruption Prevention Training

Organizing talks for staff or members of building management organizations to explain the anti-bribery legislation, corruption problems and preventive measures relating to their work.

(d) Receiving Enquiries and Complaints

Handling enquiries and corruption complaints in strictest confidence.

(e) Publications

In addition, the ICAC publishes a 'Corruption Prevention Guide on Building Management' and 'A Guide on Financial Management for Owners' Corporations'.

5.2.9 Water Supplies Department (WSD)

(a) Principal Functions of the Department

- To plan and manage water resources and water supply systems
- To design and construct waterworks projects
- To operate and maintain water supply and distribution systems
- To control the quality of water supply to customers
- To provide consumer services and to enforce the Waterworks Ordinance



5.2 Government Departments

5.2.9 Water Supplies Department (WSD) (continues)

(b) Customer Services of WSD

- billing information
- changes of consumership, payment and others
- application for water supplies
- water supply matters such as water quality, weak water supply, discoloration of water, etc.
- provision of guidelines and advices on plumbing matters such as cleansing of fresh water storage tanks, employment of licensed plumber, maintenance of internal plumbing, etc.
- provision of guidelines and advices on installation of electric water heater and water purifiers

5.2.10 Others

(a) Mandatory Provident Fund Schemes Authority (MPFA)

The Mandatory Provident Fund Schemes Ordinance makes it compulsory for all employees, including caretakers, cleaners, electricians, etc., employed by OC, to join the Scheme.



The MPFA is responsible for :

- ensuring compliance with the Mandatory Provident Fund Schemes Ordinance;
- registering MPF schemes;
- approving qualified persons and companies to be approved trustees of registered schemes;
- regulating the affairs and activities of approved trustees and ensuring, as far as reasonably practicable, that those trustees administer the registered schemes in a prudent manner; and
- making rules or guidelines for the effective administration of MPF schemes.

5.2 Government Departments

(b) Labour Department (LD)

The Employment Ordinance (EO) applies to employees of OC or MAC who are employed under a continuous contract (whether it is made orally or in written).



The EO provides for the various conditions under a contract of employment, such as:


- termination of contracts;
- wages;
- statutory holidays;
- sickness allowance;
- year-end bonus;
- long service payment; and
- protection for employees;
- rest day;
- paid annual leave;
- maternity leave;
- severance payment;
- wages and employment records, etc.

For details on the EO, please refer to the publication "A Concise Guide to the Employment Ordinance" prepared by the Labour Department.

5.3 Professional Bodies

Building professionals are mainly architects, engineers and surveyors who are involved extensively on building construction, alteration and maintenance matters. Many of them are members of The Hong Kong Institute of Architects, The Hong Kong Institution of Engineers and The Hong Kong Institute of Surveyors.

5.3.1 The Hong Kong Institute of Architects (HKIA)

- (a) The Hong Kong Institute of Architects is a professional institution incorporated under the Hong Kong Institute of Architects Incorporation Ordinance in 1990 for the advancement of Architecture and to promote and facilitate the acquirement of knowledge of the various Arts and Sciences connected therewith. The Institute is committed to raising the standard of architecture in Hong Kong and the standard of professional service offered by its members.
- 
- (b) The following professional services can be offered by HKIA members:
- Architectural Design and Contract Administration;
 - Authorized Person Duty;
 - Alteration and Addition, Renovation and Refurbishment of Existing Buildings;
 - Building Safety Improvement;
 - Interior Design and Improvement Works; and
 - Project Management.
- (c) The HKIA has over 160 member firms that are able to provide full-fledged professional services. A list of HKIA member firms is available at the HKIA Secretariat on request.
- (d) The Institute is committed to offer free professional advice to the public via the Building Management Resource Centre (BMRC) of the Home Affairs Department.

5.3 Professional Bodies

5.3.2 The Hong Kong Institution of Engineers (HKIE)

- (a) The Hong Kong Institution of Engineers was incorporated on 5 December 1975 by Ordinance under Chapter 1105 in Hong Kong. The Institution is the body responsible for qualifying engineers in Hong Kong which is multi-disciplinary. As a learned society, the Institution encourages the exchange of technical information and ideas among members through organization of and participation in a wide range of activities, including technical meetings, visits, seminars and conferences. These activities are organized by sixteen Divisions, namely:



Biomedical	Electrical	Information Technology
Building	Electronics	Materials
Building Services	Environmental	Manufacturing & Industrial
Control, Automation & Instrumentation	Gas & Energy	Mechanical, Marine, Naval Architecture & Chemical
Civil	Geotechnical	Nuclear
	Structural	

- (b) Some of the above Divisions may provide professional services to the public relating to their properties. These Divisions include: Building Division, Building Services Division, Civil Division, Electrical Division, Environmental Division, Gas & Energy Division, Geotechnical Division and Structural Division.
- (c) All members of the Institution are bound by its Rules of Conduct, which governs how an engineer behaves towards the profession and the public.
- (d) The HKIE also through the Building Management Resource Centre (BMRC) to provide free professional advice to the public on issues related to maintenance of buildings in Hong Kong.

5.3 Professional Bodies

5.3.3 The Hong Kong Institute of Surveyors (HKIS)

(a) The Institute is a professional body incorporated by the Hong Kong Institute of Surveyors Ordinance in 1990. Members of HKIS include:



- **Building Surveyors** who are specialized in the building control, construction and maintenance of the fabric of buildings;
- **General Practice Surveyors** who are specialized in the valuation, sale, leasing and management of the finished products;
- **Land Surveyors** who are specialized in measurement of lands and setting out of boundaries for sites and buildings;
- **Planning and Development Surveyors** who are specialized in planning and development of land and properties; and
- **Quantity Surveyors** who are specialized in the building contractual arrangements and cost control.

(b) The Building Surveying Division of the HKIS is actively involved in the promotion of building safety and timely maintenance of buildings in Hong Kong. Expertise possessed by Professional Building Surveyors can be summarized in the following nine core areas of services:

- Project Planning and Design;
- Project Management and Monitoring;
- Project Supervision (as Technically Competent Persons required by Buildings Department to ensure construction safety);
- Project Revitalization (Alteration, Addition, Improvement, Refurbishment and Renovation);
- Building Maintenance and Management;
- Building Measurements, Surveys and Fire Insurance Valuations;
- Building Safety and Fire Safety Inspections and Works Supervision;
- Facility Management; and
- Disputes Resolution (Expert Witness and Arbitration).

(c) All HKIS members are bound by a comprehensive Rules of Conduct.

(d) HKIS also provides free consultation services via the Building Management Resources Centre (BMRC) of the Home Affairs Department.



FREQUENTLY ASKED QUESTIONS

100
Questions

Related Sections**A. Government Orders, Letters and Directions**

1. I have received an Order to remove the unauthorized structures on the rooftops of my building. What should I do?

3.2.2 (f)
3.3.1 (a)
4.2.2 (a)

A. Rooftop structures are commonly found Unauthorized Building Works (UBW). If they are within your private premises, you have to comply with the Removal Order.

If the rooftops forms part of the common areas of a building, then most probably all the co-owners would have also received a similar Removal Order. You should contact the Owners' Corporation (if any) or co-ordinate all the other owners to arrange for the removal of the unauthorized rooftop structures.

2. What should I do if I don't know whether I have any shares in the rooftops or not?

2.1.4
2.2
2.4

A. Anyone can search for the registered title of a private property at the Land Registry by paying a small fee. You can submit a request with the relevant details of the property to the Land Registry. If there is not a registered private title for the rooftops, then most probably they are common parts of your building. You can obtain such information by referring to the Deed of Mutual Covenant (DMC) which is also registered at the Land Registry. The DMC should give relevant details on the common parts and the undivided shares among owners within the whole building.

3. I have installed a shopfront extensions and air-conditioning plant over the pavement adjoining my small shop. Why is a Removal Order issued to me?

3.2.2 (f)
4.2.2 (a)

A. Structures erected over the pavement are Unauthorized Building Works (UBW) unless otherwise approved or exempted by the Building Authority.

Shopfront extensions and air-conditioning plants are no exception. Irrespective to the size of your shop, such features should not be placed on or project over any adjoining streets including the pavement.

Related Sections

4.2 Question 16

4. I have put down a deposit for purchasing an estate property and signed the Sales and Purchase Agreement. My solicitor then told me that after he had carried out a title search in the Land Registry, he found that there was an Order registered against the title requiring the repair of the common areas of the building. What are my options?

A. You should **always** seek advice from your solicitor on the alternative courses of action which may include the following:

Option 1 - You may refuse to complete the sales and purchase agreement (S&P) if the seller has not disclosed such fact to you prior to making the deposit.

Option 2 - The seller may, after consultation with the Owners' Corporation (if any), or co-ordinate with all the other owners, repair the common areas of the building. With an estimated schedule for the repair works, you and the seller may enter into an agreement accommodating in the S&P a delay of the transaction process until the order has been complied with.

Option 3 - You may proceed with the transaction but include a clause in the agreement to the effect that the seller will reimburse the cost of the repair works. Usually, the solicitor will set aside a certain amount of money payable by the seller for such purposes.

5. I have received a letter and a Fire Safety Direction from the Buildings Department (BD) (or Fire Services Department (FSD)) requiring me to carry out quite a number of improvements to the existing fire service installations (FSI) in my building. What should I do?

3.2.1 (c)
3.3.2
4.1.2 (b)
4.2.2 (f)

A. The majority of fire safety improvements required are minor works, such as replacing fire doors, removing metal gates, etc. For such works in your private premises, you are advised to appoint a Registered General Building Contractor to carry out. If the required works are in the common areas of the building, you are advised to liaise with all the owners, if an Owners' Corporation has not been formed, to carry out the works simultaneously.

For fire service installation works, such as works involving sprinklers, fire hydrants, hose reels, etc., you are advised to appoint a Registered Fire Service Installation Contractor (RFSIC) to coordinate and/or investigate the existing conditions of the FSI in your building and to carry out the required improvement works. For works which require prior approval by the Building Authority such as addition of water tank, staircase, etc., you should appoint an Authorized Person to coordinate and carry out the required improvement works. If you are not clear about the content of the required works or how to proceed, you are welcome to contact the case officer of the Fire Safety Section of the BD.

Related Sections

3.2.1 (f)

4.2.1

4.2.2 (b)

4.2.2 (c)

Appendix 9

3.2.1 (e)

3.3.1 (e)

4.2.1

4.2.2 (c)

4.2.2 (c)

4.3.5 (a)

6. **An Order from the Buildings Department (BD) has been issued to the co-owners of my building requiring investigation of the structural stability of canopies projecting over the adjoining pavement. What should I do?**

A. Under an investigation order, the co-owners are required to appoint an Authorized Person (AP) to coordinate the investigation works with the assistance of a Registered Structural Engineer (RSE). The investigation report with findings and recommendations will guide the selection of the course of action required e.g. proposed strengthening/repairs for ensuring the stability of the canopy. If the report is acceptable to the BD, then the AP/RSE should, on behalf of the co-owners, arrange and supervise the strengthening/repair works and to report to the BD upon satisfactory completion of such works for acceptance and discharge of order.

7. **My unit is under a flat roof which belongs to the co-owners of the building. Seepage of rainwater has caused concrete spalling at my ceiling for which I have received an Order to repair. Should I wait for the co-owners to repair the defective waterproofing first before I comply with the Order by repairing the ceiling? Otherwise, I may have to do the job again.**

A. You should arrange for the required repair works in your premises as soon as possible for safety reasons. At the same time, you should notify the co-owners to request for their urgent action in repairing the defective waterproofing layer in order to prevent recurrence of the same defect. If the co-owners do not act accordingly, you may have to instigate legal action against the co-owners by applying for a Court Order to force them to carry out the necessary repairs and also to reimburse you for the cost of repairing your ceiling.

8. **Someone knocked on my door and claimed that he was a contractor who could help me in repairing the building and meet the requirements of the Order issued by the Buildings Department. What should I consider?**

A. Repair works required under an Order should, in most cases, be undertaken by a Registered General Building Contractor (RGBC). If in doubt, you may consult an Authorized Person (AP) or clarify with the case officer of the BD whose telephone number can be found in the cover letter of the Order to assess such need. The extent and nature of the works to be carried out are factors to be considered.

You must also consider whether the extent of works involves common areas of your building or not. If yes, you will have to refer the contractor to the Owners' Corporation for consideration. A proper tendering procedure is required for the selection.

Related Sections

Question 8 (continues)

If the required works are wholly within your premises, you should check the status of the contractor by referring to the BD's website (www.info.gov.hk/bd). Depending on the extent and nature of the required works and the advice from the AP, you may need to call quotations from several RGBC and carefully consider their credentials before making the selection of contractor.

Generally speaking, you should be extremely vigilant to contractors who make cold calls at your flat to solicit businesses.

9. How can I know if the Buildings Department (BD) has issued any statutory Order against my flat (or my building)?

3.3.1 A. Such Orders are posted at the subject premises.

They are also sent to the registered owners by registered mail.

Orders will also be registered against the title of the property in the Land Registry. A land search at the Land Registry either with the assistance of your legal adviser or land search companies will reveal such Orders. However, you should be aware that time is required to register Orders and therefore, the search may not be a sure way to disclose the existence of newly issued orders.

10. I have just received a Removal Order from the Buildings Department (BD). How can I object to the Order? Can I appeal? Can I ask the BD to defer action or give me more time to comply with the Order?

3.3.1 A. In accordance with Section 44 of the Buildings Ordinance, you can lodge an appeal against an Order issued by the BD by serving your notice of appeal in writing directly to the Secretary to the Appeal Tribunal. Appeal must be received by him not later than 21 days after the date of the BD's Order sent to you by registered mail. The Notice of Appeal is a standard form available in both English and Chinese versions attached to the Order. You can also obtain a copy from the BD or download the same from its website (www.info.gov.hk/bd).

Once the Notice of Appeal is given, the BD shall withhold its enforcement action on the Order until the appeal is settled or withdrawn.

Related Sections

You will have to appear in person at the hearing of the Tribunal to explain your grounds for the appeal. The Tribunal can either uphold the Order, repudiate the Order or amend the Order and such decision is binding on both yourself and the BD. In case your appeal is rejected by the Tribunal, you may need to bear the cost for the proceedings. Therefore, do not use appeal as a means to procrastinate compliance action. You may end up spending a lot more money than complying with the Order right away.

You can also request the BD to extend the compliance period if the works required is complicated or there are other valid reasons. But whether your request is justified or found acceptable by the BD is purely its discretion based on factual considerations.

B. Large Scale Operations (Blitz, Coordinated Maintenance of Buildings Scheme (CMBS), etc)

11. I was told that my building had been selected by the Buildings Department (BD) for large-scale operation. What is it all about? What should I do? Will my building be blacklisted for future property transaction?

3.3.1 (g)
4.2.2 (g)
Question 12

A. The BD has since 1999 launched large-scale clearance operations against UBW, such as "Blitz" for clearing UBW mainly on external walls of buildings. Comprehensive action is taken against all such UBW in target buildings with a view to eliminate hazards to the public.

Since November 2000, the BD has also launched a Coordinated Maintenance of Buildings Scheme (CMBS) to coordinate 6 other relevant departments to survey the target buildings and assist the building owners to carry out necessary maintenance works in all aspects of building safety. Through the coordinated and comprehensive actions of various departments, owners or OC will be able to coordinate the required works involving different aspects of the building together with all the owners. Different requirements can be complied with all in one go which is usually more convenient and cost-effective.

The owners or the OC are strongly advised to take immediate action for complying with the Orders, advisory or warning letters or directions **voluntarily**.

Orders will be registered against the title of the property in the Land Registry and inevitably will come to the attention of potential property buyers.

Related Sections

3.3.1

4.2.2 (g)

12. What kinds of works are required to be carried out in the Coordinated Maintenance of Buildings Scheme (CMBS) and What is the BD's role in it?

- A. The purpose of CMBS is to facilitate building owners or the OC in taking comprehensive and coordinated improvement/rectification measures in all aspects of building maintenance.

An officer of the BD will be assigned as the central contact point for the owners or the OC. He or other officers in charge will give guidance on how to comply with orders, advisory letters, directions issued by various Government Departments including the Home Affairs Department, Fire Services Department, Electrical and Mechanical Services Department, Food and Environmental Hygiene Department, Water Supplies Department, Environmental Protection Department and Buildings Department (BD).

The required works may include removal of Unauthorized Building Works, repair to building defects both externally and internally, repair or replacement of lifts and escalators, overhauling of electrical and fire service installations, repair or replacement of water supply and drainage pipes, etc.

13. What are the benefits of being one of the target buildings of the Coordinated Maintenance of Buildings Scheme (CMBS)?

4.2.2 (g)

5.2.1 (c)

- A. Buildings selected for the CMBS generally lack proper maintenance and show significant signs of dilapidations in their building fabrics and building service installations. The owners or the OC might have difficulties in ascertaining the nature and extent of the repair/upgrading works to improve the safety and outlook of their buildings, let alone having to coordinate their execution. The CMBS helps facilitate the process through proactive participation of the relevant Government Departments.

Owners and OC of the target buildings will enjoy the free advice given by the appointed officer from the Buildings Department (BD) on the methods and procedures in pursuing the required works. Owners in financial difficulties may apply to BD for a loan under the Building Safety Loan Scheme for the carrying out the works.

14. An Authorized Person (AP) is appointed to co-ordinate works such as the removal of Unauthorized Building Works (UBW) in both common areas and individual units. Do I have to bear the overall cost of AP's service even no works have been carried out in my unit?

4.3.4 (a)

- A. The appointment of an AP to coordinate works for both common areas and individual units is to achieve an economy of scale and to allow the required works to be implemented in a systemic and effective manner. It is the sole

Related Sections

responsibility of the owner of a particular unit to rectify the irregularities in his own unit. A cost breakdown should be given by the AP for his service in relation to the common area and individual units. If there is no rectification works required in your unit, you may only need to bear the cost for the AP's survey of your unit as well as the apportioned cost for the AP's service on the common areas.

15. **My Unauthorized Building Works (UBW) have been there for a long time and still look safe to me. I have not received any Order for its removal. Why is it necessary for me to remove it under CMBS?**
- 3.2.2 (f) A. All UBW are illegal. They have not been approved by the Buildings Department (BD) and should be removed. It is unlawful to erect UBW irrespective of whether it looks safe or not. UBW causes structural hazards that may not be visible until it is too late. Whether an order has been issued to you for its removal or not, you should remove the UBW voluntarily and reinstate your unit to the originally approved conditions.
- 4.2.2 (g)

C. Unauthorized Building Works

16. **I want to sell my flat as soon as possible but an Order has been issued by the Buildings Department for the removal of Unauthorized Building Works (UBW) on the canopy of the building, which is commonly owned. The situation seems unresolvable as I have no direct control over the subject area where the UBW has been erected. What can I do to satisfy the potential buyers?**
- 4.2 A. As the canopy is a common area of the building, most probably all the co-owners would have received a similar Removal Order. You should therefore contact the Owners' Corporation (if any), or co-ordinate with all the other owners to arrange for the removal of the UBW. You should be very sure about the schedule for the removal of the UBW and the issuance of compliance notice by the BD before committing to the purchaser deadlines for lifting the Order.
- Question 4
17. **I have received a letter from the Buildings Department (BD) requiring me to remove "any" Unauthorized Building Works (UBW) in my unit, but there is no specific description about the UBW. How can I find out if there is any UBW in my flat?**
- 4.2.2 A. Usually, description of the subject UBW is clearly specified in the Removal Orders or advisory letters served. For any enquiries on the description about the UBW stated in the Order or letter, you may call the case officer of the

Related Sections

Question 17 (continues)

BD whose telephone number can be found in the covering letter of the Order or the advisory letter. Alternatively, you can consult a building professional (i.e. Authorized Person, Registered Structural Engineers, Registered Building Surveyors) to verify the extent of the UBW required to be removed.

Sometimes you may need to refer to the approved building records of your unit to verify the extent of existing UBW. Such records are available from the BD and the application form for viewing such plans can be obtained from the BD or downloaded from its website (www.info.gov.hk/bd).

18. What will happen if I ignore the Order to remove Unauthorized Building Works (UBW)?

- 3.3.1
4.1.7
4.2.2
- A. If you fail to comply with the requirements of the Order, the Building Authority may prosecute you under the Buildings Ordinance (BO). If convicted, you may be liable to a maximum fine of \$200,000, imprisonment for one year, and to a further fine of \$20,000 for each day during which your failure to comply with the Order has continued.

If the required removal and reinstatement works have not been completed by the due date, the Building Authority may, under the BO, employ a Government contractor to carry out the works on your behalf, and subsequently recover the cost of the works from you under the said Ordinance. A supervision charge of not less than \$8,000 will also be imposed on top of the cost of the works.

If you fail to settle the account, the Building Authority may register a certificate with the Land Registry against the title of your property. Legal action will then be taken against you to recover all the costs incurred. The Building Authority will only de-register the certificate when all costs, charges and interest due have been settled in full.

19. I suspect that someone is putting up a storeroom on the rooftops above my premises, which are common areas. Can I stop them?

- 2.4.1
3.2.2 (f)
4.2.2
5.2.1
- A. If UBW are in progress in the common areas, you should report the matter to the Buildings Department (BD) immediately. The persons erecting the UBW may be prosecuted under the BO. However, as the owners of the property, you have the responsibility to keep the areas free from UBW. If Removal Order is issued, the co-owners should try to complete the required removal works before the due date on the order lest the Government contractors will be engaged to carry out the works at the owners' costs.

Related Sections

Alternatively, you can bring this to the attention of the co-owners, the Owners' Corporation or the property manager. Under the provisions of the Deed of Mutual Covenant, an injunction from court can be applied to stop someone from using the common areas without prior authorization.

Property manager/caretaker should carry out frequent patrol and surveillances of the common parts of buildings. If you spot any UBW in progress in the common areas, it is always in your own interest to report to the BD and to take legal action against the culprits in the first instance.

20. I want to remove the rooftop structures which are currently occupied by trespassers, can I call the Police for assistance?

- 2.4.1
4.1.7 A. The Police will not normally take action in such circumstances unless there are criminal offences in the premises or the Police are assisting in the execution of Orders from court.

You should liaise with the Owners' Corporation (OC) or the property manager and demand the trespassers to leave. If the action comes to no avail, you should consider taking legal actions against the trespassers.

The BD will consider taking action against those UBW according to the current enforcement policy. Immediate enforcement action will be taken if the UBW poses an imminent hazard to the public or adjoining property.

If you succeed in gaining re-entry to the rooftops after the legal proceedings, you should ensure that the rooftop structures are removed and introduce measures to prevent recurrence of similar incidents e.g. improve surveillance and patrol by caretakers and guards.

21. I am the chairman of the Owners' Corporation (OC). How should I proceed with the removal of the Unauthorized Building Work (UBW) in my building, especially those projecting from the external walls?

- 2.1.4
2.2
4.1.7
4.2.2 (g)
5.2.1 A. You may consult your legal adviser and check the rights of OC under the Deed of Mutual Covenant of your building for taking action in this regard. Depending on the advice, you might take legal proceedings against individual owners who has erected UBW on the external walls or other common areas which may include unauthorized alterations to structural elements.

The Buildings Department (BD) currently implements "Blitz Operations" and "CMBS" on some target buildings to coordinate community efforts including the OC to clear irregularities in the buildings and improve maintenance standards. The OC may contact the BD for assistance in joining such large-scale clearance/maintenance operations.

Related Sections

3.2.2 (f)

4.3.4

5.2.1 (b)

22. I am about to purchase a flat. The building owner and agent had told me there were no unauthorized building works in the building and the flat. How can I verify?

A. The Building Information Centre of the Buildings Department (BD) keeps most of the approved building records of the existing buildings in Hong Kong. Anyone having legitimate reasons can apply to the BD for viewing the approved building plans, and to obtain a certified copy of the plan by paying a fee. Making reference to such records will enable you to ascertain whether there are unauthorized building works or not.

If you have difficulties in reading plans, you should engage a building professional to help you to search for such plans, inspect the premises concerned, and advise you whether there are any unauthorized extensions in the unit you intended to purchase.

23. There is a large podium roof outside my flat/unit. Can I erect a structure on the roof ?

3.2.2 (c)

3.2.2 (f)

A. The Buildings Ordinance stipulates that all building works in private buildings and lands require the submission of plans by an Authorized Person (AP) to the Buildings Authority (BA) for prior approval. Any building, construction, alterations and additions works to private buildings and lands without prior approval and consent by the BA are regarded as Unauthorized Building Works (UBW). Therefore, the erection of a structure on the podium roof will require submission to the BA for approval. If you wish to proceed with the idea, please consult an AP.

Furthermore, you should also refer to the assignment plans to verify whether you have the right or ownership of the podium roof.

24 There is an approved cockloft in my shop but the only access to it is through the internal staircase in my shop. My business is dropping and I want to let the cockloft out to reduce my overhead expenses. Can I form an opening in the wall of the main staircase of the building for an independent access to it and remove the staircase in the shop?

3.2.2(b)

3.4.2(a)(ii)

A. Staircases in most cases serve as means of escape in case of fire and require fire resisting construction to safeguard their designed functions. Forming new openings on staircase enclosure walls requires very careful and professional considerations. You should engage the service of an Authorized Person to give you advice in this regard. He will consider all relevant factors, viz. the overall structural implications, fire resisting construction, means of escape pattern and fire separation between different occupancies before recommending to you the viability of your proposed alterations.

Related Sections

Generally speaking, if the subject building is a single staircase building with 6-storey in height (excluding the cockloft), it is not permissible to open a new doorway at the staircase to serve the cockloft as such alteration would result in a 7-storeys building which would be in contravention with the requirement of single staircase building.

The AP may also need to engage the service of a Registered Structural Engineer to consider whether the subject part of the staircase enclosure wall to be removed is structural or not. He will also study the proposals of filling up the cockloft opening to maintain the required separation between the cockloft (now regarded as an additional floor) and the shop. The AP also need to consider if the resulting gross floor area, taken into account the proposed new filling up area, would not exceed the maximum permissible under the Building (Planning) Regulations.

Other considerations may include whether a protected lobby is required for the new opening, whether the total discharge capacity of the means of escape provisions in the building has been affected, and whether the newly proposed fire resisting doors would obstruct the exit route or not.

In any case, prior approval and consent from the Building Authority is required for the proposed building works.

D. Advertisement Signboards

25. An Order from the Buildings Department (BD) has been served to the co-owners of my building requiring investigation on the structural stability of signboards on the external walls of the building. However, the owner of the signboards could not be found. What can we do?

3.2.2 (g)
4.1.6
4.2.1

A. Normally, the owner of the signboard should be responsible for its removal. However, if the owner cannot be found and if the signboard is erected on common areas such as the external walls, the co-owners of the building will be responsible to carry out the required works. If the signboard is on private property, its owner will be held responsible.

You are advised to engage a contractor to remove the abandoned signboards at your own cost, as they would eventually become dangerous due to lack of maintenance.

26. The developer wants to put up a big advertisement signboard on the external wall of our building. Can we object?

3.2.2 (g)
4.1.6

A. If the developer retains an exclusive right to use the external wall, and the Deed of Mutual Covenant (DMC) confers no power on the owners to object, then it would be very difficult for the individual owners to raise objection.

Related Sections

Question 26 (continues)

However, erecting advertisement signboards (especially large-scale structure) on the external wall is considered as non-exempted building works under the Buildings Ordinance (BO). Prior approval and consent from the Building Authority (BA) should be obtained. If such works have not been approved by the BA, they are UBW and subject to enforcement actions.

27. **There are some abandoned advertisement signboards and structures left on the external walls of the building, some of them may be dangerous. Who has the right to remove them and what are the procedures?**
- 4.1.6 A. If the owner of the abandoned advertisement signboards cannot be found,
4.1.7 then the owners or the OC have to engage a contractor to remove them at
5.2.1 their own cost.
28. **What can we do if our windows are obscured by signboards or the steel ties holding these signboards?**
- 3.2.2 (g) A. You should first discuss with the owner of the signboard for modification of
5.2.1 the structures. If there is no result, you may lodge a complaint to the Buildings Department (BD) for an investigation. If a dangerous situation or serious health hazard is identified, BD may take appropriate action against the owner of the signboard.

E. Building Safety Loan Scheme (BSLS)

29. **I was ordered by the Government to carry out some repair works (or removal of Unauthorized Building Work) to my building (or flat). What shall I do if I do not have the money? Will the Government give me subsidy?**
- Appendix 6 A. You may consider applying to the BD for the loans under Building Safety Loan Scheme. It provides loans to individual owners of all types of private buildings who may wish to obtain financial assistance in carrying out works for improving the safety of their buildings voluntarily or in compliance with statutory orders.

The scope of building works covered under the loan scheme includes improvements to structural and fire safety of buildings, removal of unauthorized building works and illegal rooftop structures, and maintenance and repair of slopes and retaining walls. Building owners can also apply for loans to cover expenses for repairing, and replacing lifts, fire service installations and equipment, electrical wiring, gas risers; repairing or replacing communal and underground pipe works.

Related Sections

Appendix 6

2.1.4

4.6

Appendix 6

30. What is the interest rate of Building Safety Loan Scheme (BSLS)? What is the longest period of repayment?

- A. There are interest-bearing and interest free loans. Interest-bearing loans, with interest charged at the no-gain-no-loss principle, are not means-tested. The current interest is set at 2% below the average best lending rate. Recipients of the Comprehensive Social Security Assistance and Normal Old Age Allowance can apply for interest-free loans. Applicants satisfying the low-income category criteria may also apply for interest-free loans.

Loans are repaid by equal monthly installments up to 36 months. In exceptional circumstances, the repayment period may be extended to 72 months or for an unspecified period until the transfer of title of the property or death of the borrower.

31. Are Owners' Corporations eligible to apply for loans under Building Safety Loan Scheme (BSLS)?

- A. No, Owner's Corporations (OC) are not empowered by the Building Management Ordinance to borrow loans from the BSLS. At present, OC can only coordinate applications for loans from individual owners after resolution of the following matters at the General Meeting of the OC:

- To agree on the repair works of the building concerned.
- To vet the tenders received and to select a contractor /contractors for carrying out the repair works of the building.
- To determine individual unit's contribution to the repair costs, with apportionment in accordance with the Deed of Mutual Covenant (if any), or the method agreed by the owners at the General Meeting.

The minutes of the General Meeting of the OC mentioned above, selected tender for the repair project, schedule showing individual unit's contribution to the repair cost, a copy of the Repair Order/ Investigation Order (if any), and particulars of the Authorized Person (AP) / Registered Structural Engineer (RSE) appointed to supervise the repair works should be submitted together with the application forms as supporting documents.

"Guidance Notes for the Owners' Corporation in Coordinating Loan Applications" can be obtained from the Buildings Department.

Related Sections

3.2.1 (b)
4.1.1 (a)
4.3.4

3.2.1 (b)
3.2.1 (e)
4.1.1 (a)
4.3.4

F. Common Defects in Buildings - Structural

32. Recently, some concrete chips have fallen from the ceiling in my kitchen. There are rusty steel bars and the area in question measures about 300 x 400mm. There are also similar patches found in the toilet and staircase. How can we repair them?

A. A diagonal crack across walls or structural elements usually has structural implications particularly when such phenomenon repeats in flats above and below your unit. The crack is likely to be caused by some form of structural movements of your building. You should notify the Owners' Corporation and the property manager of such cracks. The Owners' Corporation or the property manager should approach owners of other flats to identify the extent of the problem. A Registered Structural Engineer (RSE) should be appointed to carry out an investigation, for revealing the cause of such cracks and propose the remedial works.

33. Recently, some concrete chips have fallen from the ceiling in my kitchen. There are rusty steel bars and the area in question measures about 300 x 400mm. There are also similar patches found in the toilet and staircase. How can we repair them?

A. Answer changed to be "This defect is commonly known as concrete spalling and can be due to a variety of causes e.g. water leakage from the floor above, high humidity conditions of the kitchen, bathrooms, etc. causing the steel bars to rust and debond the concrete cover. You are advised to engage a building professional to investigate for the cause(s) and suggest repair methods to the affected area.

If the concrete spalling is due to water leakage from the floor above, the owner of the said unit should be informed of such situation and asked to carry out the necessary repair works to prevent recurrence of the same defect after your repair.

G. Common Defects in Buildings - Leakage

34. My window sill often leaks at times of heavy rainfall and typhoon. We have repaired the plaster and paint under the window several times, but the leakage still persists. What should I do?

3.2.1 (b)
3.2.1 (e)
3.2.1 (f)

A. Merely repairing the plaster and paint underneath the window sill may not be sufficient for the purpose. There could be a number of possible causes e.g. cracks on external wall, honeycomb concrete, defective sealant at window, etc. You should seek the advice from a building professional or at least an experienced window contractor to identify the exact cause(s) of the leakage and engage a competent contractor to carry out the repair works. Upon completion of the repair, you should also ask the contractor to carry out a water test to ensure that no further leakage will occur.

Related Sections

3.2.1 (b)
3.2.1 (e)
4.1.3 (a)
4.6.3

35. I live on the top floor. Recently, the telephone company has installed a machine room and some antennae on the roof. Then water starts seeping through my ceiling. What can I do?

A. There might be a possibility that when the telephone company installed the machine room and antennae on the roof, they have damaged the waterproofing layer resulting in water seepage to your flat. You should notify the property manager and the OC of this problem. They should request the telephone company to carry out an investigation to ascertain whether the seepage is caused by their works. If positive, the telephone company will have to arrange for the necessary repairs.

However, if there is no direct proof of such responsibility, the OC should take up the responsibility to repair if the roof is commonly owned by the co-owners of the building.

36. I received a complaint from the tenant downstairs that the floor of my toilet is leaking. What can I do? What is the most effective repair method?

3.2.1 (b)
3.2.1 (e)
4.1.3 (b)
4.1.3 (e)

A. Identifying the source of water leakage is not an easy task. You are therefore advised to engage a building professional to carry out a detailed investigation, including the inspection of the flat below. The leakage could either come from the defective water supply or drainage pipes or due to defective waterproofing layer of your toilet. It could also come from other external sources and it is only because your toilet is directly above, you have naturally become the prime suspect. Once the source(s) of leakage is identified, the appropriate repair method can be worked out accordingly.

37. I know that the unit above has carried out some alterations to their kitchen and toilet. Since then my ceiling has been leaking and the plaster kept falling off. How can I ask the flat above to stop the leakage?

3.2.1 (e)
3.3.2 (e)
4.1.3 (b)
4.1.3 (e)
5.2.6

A. You should report the case to the Food and Environmental Hygiene Department (FEHD) for their officers to carry out an inspection of the floor above to verify that the leakage is, in fact, originated from the flat above. If it is found that the leakage comes from the drains in the flat above, the FEHD will issue a nuisance notice to the owner of the flat above to request for the necessary repair works in order to stop the leakage and abate nuisance. The problem will be referred to the Water Supplies Department if the leakage is from water supply pipes. You can also request the owner of the floor above to carry out repair works to your flat due to damage caused by the said leakage.

Related Sections

H. Common Defects in Buildings - Finishes

38. I have noticed that there are many hair-line cracks on the bedroom walls, and some paint peeled off. The cracks do not have a specific pattern and spread over a large area. What is the cause? Is there any danger?

3.2.1 (b) A. These hair-line cracks are usually shrinkage cracks developed within the plaster layer of the walls. They will affect the appearance of the wall finish but do not normally cause structural hazards.

Another possible reason for this defect is that the plaster layer has detached from the brick or concrete wall. Under such circumstances, if you tap the wall surfaces, you will hear a hollow sound. Any "hollow" areas of plasterwork should be removed with the wall surface re-plastered with suitable key and re-painted to avoid collapse of finishes.

39. I found the door frame of the toilet and the skirting board next to it darkened and some fine dust of wood often fell on the floor. Tapping them gave a hollow sound. What could be the problem? How to repair them?

3.2.1 (e) A. The symptoms look like that the darkened door frame and the skirting board are suffering from termite attacks. The termites are attracted to soft or damp wood. You should appoint a pest control company (contact no. of these companies can be found in the Yellow Pages) to carry out an investigation and subsequent treatment works. All infected timber should be removed.

If the dampness in the timber is due to water leakage, you might also need to engage a building professional to locate the source of leakage and to carry out the necessary repair works.

I. Common Defects in Buildings - Slopes and Retaining Walls

40. There has been lots of vegetation growing out from the small holes of the slope. Since then there has also been no more water coming out from the holes. Is there any danger and do we need to do something?

3.2.1 (d)
4.1.4 A. It is likely that the weep holes of the slope are being blocked by the vegetation growth. This may cause a build up of water pressure behind the slope, which might eventually lead to its failure. Property management staff or maintenance workers should clear away all the vegetation and blocking materials from the weep holes. However, if the clearing out works came to no effect, i.e., the weep holes are still not draining water out from the slope, you should appoint a geotechnical engineer to carry out an investigation on the slope as soon as possible.

Related Sections

4.1.4

4.2.2 (d)

41. Repair works are being carried out on the slope of our adjacent lot. Recently, we have received a Repair Order from the Buildings Department (BD) saying that our slope at the back requires investigation and repair. Would it be possible that the slope works at the adjacent lot have caused the trouble? How should we pursue the matter to identify the responsible culprit?

A. You should appoint an Authorized Person (AP) to coordinate the repair works as requested by the BD. The AP will also need the assistance of a Registered Structural Engineer (RSE) or a Registered Geotechnical Engineer (RGE). The AP/RSE/RGE will jointly carry out an investigation of the slope and recommend repair methods. Their findings should be able to clarify whether the repair works at the adjacent slope has affected yours.

If positive, you should contact the owner of the adjacent slope requesting them to cause the carrying out the necessary rectification works under the supervision of preferably your AP/RSE/RGE. If the owner of the adjacent slope does not respond to your request, you should carry out the works and recover your losses via legal action.

Otherwise, you should carry out the necessary repair works under the supervision of your AP/RSE/RGE at your own expenses.

42. There are cracks on the surface of the slope at the back of my building. How can I know whether it is safe? Who is responsible for the repair of such slope?

3.2.1 (d)

5.2.2

A. Public can check the maintenance responsibility (MR) of a slope by making enquiries to the Geotechnical Engineering Office of Civil Engineering and Development Department and the Lands Department. Such information is also available in their websites being <http://hkss.cedd.gov.hk/hkss/eng/slopeinfo/siswelcome.asp> and www.slope.landsd.gov.hk/smr respectively.

If cracks occur on the slope surfaces, you should notify the OC and property manager immediately and check the MR of the slope to confirm the party responsible for the slope repair works.

If the MR falls on the owners of your building, then the OC or property manager should arrange to appoint a geotechnical engineer to investigate the cause and propose the corresponding remedial works.

If the MR falls on others e.g. the owners of the adjoining lot, the OC or property manager should try to request the owners of the adjoining lot to carry out the necessary investigation and repair works. If it comes to no avail, you should report to the GEO or BD for their follow up action. Should circumstance warrant, an investigation and repair order under Section 27A of the Buildings Ordinance may be issued by the BD requiring the responsible owners to carry out the necessary works.

Related Sections

Question 42 (continues)

As a temporary measure, your OC or property manager should promptly appoint a registered specialist contractor in the site formation works category to seal up the cracks with cement mortar to prevent the ingress of surface water into the slope.

Appendix 7

43 Water is draining out from the weep holes of the retaining wall adjoining to my building. What should I do? What are the causes and who is responsible?

A. Water draining out from the weepholes of retaining walls in rainy days are indications that such weepholes are functioning properly to discharge the rainwater collected from the slope. In such cases, no follow-up is required.

Other reasons are bursting of water supply pipes (if the discharge is continuous, clear and without smell), drainage pipes (if the discharge is muddy and smelly) or stormwater drains (if the discharge occurs mainly on rainy days and is usually very clear but found unusually excessive and gushing out) etc behind the retaining wall.

Naturally, the owners of the defective drains and pipes should be responsible for stopping the abnormal discharge. You should notify the property manager or the OC immediately of such who will in turn notify the owners concerned. From a safety point of view, any buried water-carrying services which are found to be damaged or leaking should be repaired without delay. If the concerned owners fail to co-operate, you should notify the Buildings Department for their follow up action. Should circumstance warrant, an investigation and repair order under Section 27C of the Buildings Ordinance may be issued by the BD requiring the responsible owners to carry out the necessary works.

J. Common Defects in Buildings - Building Services

44. Recently, the flushing water supply frequently stops. What could be the possible causes? How should we deal with the defects?

3.2.1 (c)
4.1.2 (d)

A. The stoppage of the flushing water supply was likely to be caused by the failure of the water pump which pumps the water up to the storage tank at roof level. This might be due to improper maintenance or that the pump set has come to the end of its service life. The pump set should either be completely overhauled or replaced.

Breakage of the supply pipes could be an easily detectable cause as large quantity of water will flow out from the defective point. Blockage of pipes could be another possible reason especially in cases where sea-water has been used for flushing.

Related Sections

3.2.1 (c)
4.1.2 (d)
5.2.9

45. **Our fresh water supply is often rusty and dirty. The upper floors do not have sufficient pressure to operate the gas water heaters. What is the problem and what can we do to rectify?**

A. Rust and dirt in the fresh water supply might be due to rusty pipes or dirty supply tank. The rusty pipes should be replaced and the supply tank properly cleaned.

If there is insufficient pressure to operate the gas water heaters in the upper floors, either blockage of the supply pipes or valves or insufficient head pressure from the roof tank could be the causes. The whole system should be checked and, blocked pipes should be cleared or replaced. Should there still be insufficient pressure, you will have to seek advice from a building professional on how to increase the water pressure, possibly by means of installing a pressurizing pump to the supply system serving the upper floors. Please note that any alteration to the water supply system would require endorsement from the Water Supplies Department.

46. **How do we know that the fire service installations (FSI) in our building are effective and meet current standards?**

3.2.1 (c)
4.1.2 (b)

A. Basic fire service installations in a building generally include hose reels, fire extinguishers, fire alarm systems or automatic sprinkler systems (not for domestic portion). To ensure that these installations work efficiently at all times, a Registered Fire Service Installation Contractor (RFSIC) should be employed by the OC to maintain, inspect and certify the installation at least once every year. When the FSI is found not working properly or damaged, immediate repair should be carried out.

In the case of old buildings, it is likely that the installation are not up to current standards. There are new legislations requiring old buildings to comply with current fire safety standards. The OC of your building should consult a building professional or RFSIC to see if improvement works to your building are required.

If properly maintained, FSI should be able to provide the necessary protection to the occupiers. Should better standards be targeted, you can request the Management Committee of your OC to review the situation with the appointed RFSIC to discuss possible improvement works. It would also be advisable to consult a building professional if major improvement works are anticipated.

Related Sections

3.2.2 (h)
4.1.5
Appendix 14

3.2.2 (h)
5.2.4
5.2.6

5.2.4

K. Nuisances

47. Why is asbestos hazardous to health? How can I detect and remove them?

- A. Asbestos is a natural mineral. When disintegrated or damaged by force, it releases very fine fibers which can float in the air for a long period of time. If inhaled, they may stay in the lungs of human body for causing chronic diseases and failure of lung functions. Asbestos was once widely used in building products such as floor tiles, insulation blankets, roof sheets, cement boards, parapet wall grating blocks, etc before the mid-1980s. Their uses have been prohibited by law.

Asbestos is likely to exist in old buildings more than 20 years of age, or in some unauthorized building works in the form of corrugated asbestos sheets. The Environmental Protection Ordinance requires that removal of asbestos should be carried out by registered asbestos contractors. To ascertain the presence of asbestos, you need to appoint registered asbestos contractors specialists who would collect samples of materials to be tested in laboratories.

48. The restaurant at G/F exhausts a lot of smelly fume every night, and its air-cooling tower is noisy. To whom should I address the complaint to and how can improvements be made?

- A. While the Food and Environmental Hygiene Department handles complaints on restaurants, the Environmental Protection Department deals with noise and air quality complaints.

If investigations by the two departments reveal that the noise and air quality generated by the restaurant are below standards, the restaurant will be required to rectify the situation. Otherwise, its restaurant licence may be affected and the operator may be subject to prosecution.

A proper exhaust duct or chimney may be constructed to improve the air quality. The air-cooling tower may be sound shielded or relocated to some other suitable place, or replaced with better quality ones to reduce nuisance to the public.

49. The air conditioner next door is generating excessive noise. To whom should I complain?

- A. The Environmental Protection Department (EPD) controls noise and air quality pollution issues.

The complainant may contact EPD hotline making a request for an investigation.

If the noise from the air-conditioners is from domestic buildings, you may contact the Police.

Related Sections

50. **Since Easter, there have been a lot of mosquitoes in my house. I suspect that they are coming from the adjoining construction site. To whom should I address the complaint to?**

5.2.6 A. The Food and Environmental Hygiene Department (FEHD) deals with complaints on breeding of mosquitoes.

51. **There is a construction site at the back of my building. I have been woken up everyday by the noises of the construction works. What can I do?**

5.2.4 A. The Environmental Protection Department deals with the noise pollution complaints generated from non-domestic uses. You may contact their hotline for an investigation.

The permissible working hours for noise generating construction work is from 7:00 am to 7:00 pm every weekday. No such works are permitted on Sundays and public holidays. Works generating loud noises such as piling require a noise permit which would govern the operating time on each permissible day.

Noise sensitive areas such as schools, elderly care centres and hospitals are subject to more stringent control.

52. **Debris fell from the adjoining construction or renovation site into our carports and damaged our cars. How should we pursue the matter?**

3.2.2 (j)
4.1.8 A. Firstly, you should stay away from the carports in case the problem persists.

Falling objects may be a criminal offence. Call the Police who will gather the evidence in the first instance, then, make a prompt claim report to your car insurers. The insurers may take appropriate claiming procedures in accordance with the terms and conditions of your car insurance policy against the contractor of the adjoining site.

At the same time, you may also make claims to the contractor of the adjoining site directly. You should also lodge a complaint to the Buildings Department (BD) which would send officers for an inspection to check against the safety provisions of the site.

53. **My neighbour has renovated his flat and changed the direction of the fall of its roof so that during the rainy days, water gets into my premises. What should I do?**

5.2.1 A. All roofs should have a proper drainage system. Surface water should not discharge into adjoining lots. You may lodge a complaint to the Buildings Department and request for an investigation. If the roof and the water discharge system are unauthorized building works, the Building Authority may take appropriate action against the adjoining owner.

Related Sections

4.6.3

4.6.5

54. I understand that more and more building management stop tenants from raising dogs in buildings. Since the Deed of Mutual Covenant has not made provisions for this, what should we do to implement this restriction?

A. The Owners' Corporation may call a special meeting inviting all the owners to attend and discuss the subject matter. If a quorum is successfully formed in the meeting and a resolution is passed to restrict the raising of dogs, then the building management can be authorized to set up relevant house rules and prohibit the raising of dogs on behalf of all the owners.

L. Alterations and Additions

3.2.2 (c)

4.3.4

55. Can I build a private staircase for access from my flat to the roof?

A. You should verify that you have the ownership over the subject roof. The proposed work is classified as an alterations or additions (A&A) to an existing building. As the owner of the flat and the roof, you have to engage an **Authorized Person (AP)** and a **Registered Structural Engineer (RSE)** to submit A&A proposals to the **Building Authority** for approval. The proposal should comply with the Buildings Ordinance and its allied regulations including other relevant legislations. After receiving the approval and consent to commence the works, you should engage a **Registered General Building Contractor (RGBC)** to carry out the works. Upon completion of the works, the AP, RSE and RGBC have to notify the BA through the submission of a certificate of completion.

56. Is it illegal to enclose balconies with windows or to replace the parapet walls with glass panels?

3.2.2 (i)

A. Some balconies are designed to have two sides open to form the lobby to the escape staircase. Some balconies are the green features that are designated as "non-enclosable areas" in the Deed of Mutual Covenant. Enclosing such balconies is not allowed and would be considered as unauthorized building works.

Balconies are mostly cantilevered structures. They are sensitive to additional loads particularly at their outer perimeters. Enclosing balconies would inevitably increase loads by adding parapet/enclosure walls and screeds on the floor and therefore not permissible in most cases. Using glass to protect against the danger of falling also requires special design by an Authorised Person (AP) or Registered Structural Engineer (RSE) and the installation of suitable components carried out by a Registered General Building Contractor under the supervision of such AP or RSE.

57. Can I erect a canopy or a cover to my flat roof to protect us against the falling objects?

3.2.2 (c)

A. It could be permissible but the proposed additions are limited in sizes and plans for the proposed building works should be prepared by an authorized person and submitted to the Building Authority for approval.

Related Sections

58. **Can I erect a green house or put a movable house or mobile units such as containers on my garden or flat roof?**
- 3.2.2 (c) A. A green house with or without enclosure walls, movable houses, mobile units, or movable containers are all considered within the definition of "Building Works". Erection or simply placing any of these structures on gardens or flat roofs involves addition of gross floor areas, site coverage and additional loads to existing structures and therefore requires prior approval and consent of the Building Authority. Otherwise, they are Unauthorized Building Works.
59. **Can I erect a metal flower rack on the external wall? Is there any size limit?**
- 3.2.2 (f) A. Projecting structures, such as metal cages and flower racks, constructed on the external walls of a building without the approval and consent from the Building Authority, have caused many serious or fatal accidents in the past. Prior to erecting a flower rack on the external walls, you should enlist the service of an Authorized Person to submit plans on your behalf to the Building Authority for his approval.
60. **Rainwater has been seeping through the top of my windows. The contractor has erected a small window eave made of corrugated steel to stop the seepage on the external wall. Is the overhang acceptable to the BD?**
- 3.2.2 (f) A. Such corrugated steel sheets are subject to wind load and may fail at typhoons causing life and limb danger. They are regarded as Unauthorized Building Works. You should adopt other alternatives to stop the water leakage.
61. **Can I put the condensers of my air conditioners on or hang them below the canopies?**
- 3.2.2 (i) A. Canopies are not designed to take such imposed loads. Putting condensers on or hanging them from the canopies are actually adding loads on to these structures, and is therefore not acceptable. Canopies are cantilevered and relatively high-risk structures. They could collapse without any sign of warning. Building owners must ensure that any canopies existing in their buildings are in good condition, free of any unauthorized building works, and do not have any additional loads.
62. **I own two adjoining units. Can I pull down the dividing wall to combine them?**
- 3.2.2 (c) A. You should seek advice from the building professionals who would check whether the wall is required for fire compartmentation and whether it is structural or not. In general, prior approval and consent from the Building Authority for the demolition of structural walls or fire resisting enclosing walls is required.

Related Sections

- 3.2.2 (d) **63. Can I construct a fish pond or even a swimming pool in my garden?**
- A. You should verify that you have the ownership over the subject land. In general, the construction of a fish pond or a swimming pool involve the excavation and erection of a new structure for retaining water. These works are regarded as building works under the Buildings Ordinance. Approval and consent from the Building Authority for such works are required.
- 3.2.2 (f) **64. Is it possible for me to construct planters and create level differences in my flat roof or roof to improve its appearance?**
- A. You should verify that you have the ownership over such roofs. Generally, there is no restriction on construction of planters on the flat roof or rooftops provided that the proposed planters will not overload the structure and the planters so installed will not reduce the effective height of the parapet walls, which are required to be at a minimum height of 1,100 mm. You should engage the service of a building professional to check the loading capacity of the flat roofs and rooftops before proceeding with the works.
- 3.2.2 (f) **65. Can I remove the kitchen enclosure wall and door for an open design?**
- A. Most kitchens in domestic units are placed adjacent to exit routes. Such kitchens must have a proper enclosure wall having at least 1-hour fire resistance period and a half-hour fire resistance door with self-closing device. Kitchens for restaurants and other commercial undertakings are also required to have appropriate fire-rated enclosure walls or fire shutters and doors irrespective of their location. You should seek professional advice if you wish to have an open kitchen.
- 3.2.2 (c) **66. Can I incorporate some level difference in my unit by using simple concrete fill?**
- A. If you want to create difference in levels in your unit by means of concrete platforms, you should ensure that the weight of the platforms will not overload the floor structure. For residential units, the design superimpose load on the floor is usually 3 kPa (60 pound/sq. ft.). Usually, this could allow a lightweight concrete fill of not more than 100mm thick. You should also be cautious that the platform will not reduce the effective height of protections for any openable windows such as guard rails or solid walls below the windows which should be at least 1,100 mm measured from the floor. In case of doubt, please seek advice from a building professional.

Related Sections

2.1.2
3.2.2(c)

67. I want to let my flat out as three separate units. Can I divide the flat with walls and put in toilets and kitchens?

A. You are strongly advised not to do so as it is unlikely that a flat can be subdivided without contravening the building regulations. Furthermore, the Deed of Mutual Covenant usually has provisions forbidding the subdivision of flats.

Usual contraventions encountered in subdivided flats include: overloading of structure by addition of partition walls and floor screeds for concealing drains; inadequate natural lighting and ventilations; and reduction in the standards of means of escape provisions and fire separations. Furthermore, the concealed drain pipes usually lead to leakage causing nuisance. Do not proceed with the idea until you have sound support from an authorized person and legal advisor.

68. I have engaged a contractor to carry out renovation work in the premises. The contractor has knocked down a very substantial concrete wall which I believe could be a structural wall, what should I do to verify and if necessary to rectify?

4.3.4

A. You should ask your contractor to stop work immediately and to seek the advice of a registered structural engineer as soon as possible. The Buildings Department keeps a list of the Registered Structural Engineers (RSE) which is available at its office and website, www.info.gov.hk/bd. If it is confirmed that a structural wall or a part of it has been removed, the appointed engineer might request for the immediate installation of shoring to stabilize the structure and provide the necessary details and method statement for the acceptance of the Building Authority for remedy.

69. I am a committee member of an OC. The OC wishes to upgrade the typical lobbies and G/F entrance of the building and to provide air-conditioning to these areas. Are the proposed works permissible under the Buildings Ordinance?

4.3.3 (c)
4.3.4

A. Upgrading of lobbies and ground floor entrance is usually considered as exempted works under the Buildings Ordinance if no structural alteration is involved. However, protected lobbies, fireman's lift lobbies and staircases are essential features of fire escape and access for the fireman. When upgrading works are involved in such areas, you are strongly advised to consult a building professional for advice in relation to your particular situation and to supervise the works.

Generally, care should be taken to ensure that the materials of the new finishes to be installed will not increase the fire risks, impede the fire resisting capacities or reduce the minimum widths required for such features. Furthermore, if external wall finishes are involved, new finishes should not be extending beyond site boundaries or encroaching on adjoining streets.

Installation of air-conditioning equipment may be permissible in such essential features subject to the following conditions:

Related Sections

Question 69 (continues)

- (a) The equipment does not contain high wattage/voltage components such as compressors. The internal units of split type air conditioners or the fan coil units of air conditioning systems that do not contain such high fire risk components are permissible.
- (b) Suitable fire resistant materials preventing the spread of fire are installed to protect the chiller pipes, air ducts and cables at positions where they pass through the enclosure walls of such essential features.

Extreme care should also be exercised in the course of such works with a view to eliminating fire risks.

70. To facilitate delivery of goods, I intend to knock down part of the external wall of my industrial unit, hang out an I-beam as a hoist for accessing the trucks from the street, is it legal? What should I consider?

2.1.4
4.3.4

- A. If you want to form a new street entrance into your unit for the delivery of goods, care should be given to ensure that the door opening is formed in a non-structural wall. The door(s) for the said opening should either be recessed back or opens inwards so that it would not obstruct pedestrian traffic using the pavement. Any hoisting installations must not project over the street and you should also seek advice from a structural engineer on how the hoist can be installed in order not to overload the structure to which the hoist is to be fixed. The subject alteration works should be submitted to the Building Authority for approval.

If such openings are to be formed above G/F, they should be protected for preventing the danger of falling. You should also check the Deed of Mutual Covenant to ensure that you have the ownership to that portion of the external wall where the opening is to be formed. Transport Department's requirements on loading and unloading for the specific areas of the street should also be taken into consideration.

The above is not applicable to the formation of new vehicular access.

71. I am the owner of a building. An operator of "home for the elderly" intends to rent the podium floors for the purpose. I have checked the approved plans and noted that the podium floors are for non-domestic uses. Is it legal for me to enter into a tenancy agreement with him for such operation?

3.2.2 (c)

- A. The premises used for the home for the elderly is regarded as domestic use. In this connection, prior approval from the relevant Government Departments, such as the Buildings Department, Planning Department and Lands Department for the proposed change in use should be obtained. Apart from the required approval in the change in use of the premises to be obtained by the operator, he must also obtain a licence from the Social Welfare Department prior to operating the "home for the elderly". You may request your solicitor to specify that it is the duty of the tenant to comply with relevant statutory requirements and to include any relevant terms and conditions in the tenancy agreement to protect your interest. You should also seek legal advice from your solicitor in respect of any possible conflict/implication between the DMC and the use of premises as "home for the elderly".

Related Sections

M. Control and Implementation of Work

72. There are architects, surveyors and engineers on the list of Authorized Persons. At the same time, there is another list called list of Registered Structural Engineers. I am confused of the naming and duties of these professionals. Who should I employ to carry out the repair works?
- 4.3.4 A. Under the Buildings Ordinance (BO), a person for whom building works (or street works) are to be carried out shall appoint an Authorized Person (AP) to act as the co-ordinator of building works (or street works), and a Registered Structural Engineer (RSE) for the structural elements of the building works (or street works) if so required under the BO. The status, duties and responsibilities of an Authorized Person are the same, irrespective of whether he or she is an architect, a surveyor or an engineer. Where the repair works are the requirement of a Government Department, the building owners should check whether the requirement includes the appointment of an AP or a RSE. If necessary, the building owners may check with the relevant Government Department.
- 5.3
- Besides the above requirement, building owners in selecting the services of a building professional should also consider the nature of the repair works, and the experience and job references of the AP or RSE.
73. In the course of repair and upgrading works, how can I know that the materials used and workmanship are appropriate and up to standard?
- 4.3.4 A. Supervision of building works including repair and upgrading demands for technical knowledge and experience in works. Therefore, you should engage a building professional to give advice and to supervise the works to ensure that they are carried out in accordance with the specifications or the method statements as stated in the contract documents. For large scale works, to safeguard your own interest in a cost-effective manner, you should consider employing an independent and technically experienced person as your "clerk of works" to supervise the works on your behalf.
74. The contractor has asked for interim payment. How can I verify that the claimed payment is reasonable?
- 4.3.7 (c) A. Interim payments should be made in accordance with the provisions of the contract. You should engage a building professional as the project consultant to supervise the works of the contractor and to certify completion of the works in stages for interim payment. Please note that the contractor might have completed certain works that are not in accordance with the contract conditions. You should withhold the payment for such works until they have been rectified.

Related Sections

75. Some owners had made suggestions to the contractor who subsequently changed specification of the works. Now the contractor has claimed additional payment for the variation. Is there any way to prevent this or ensure that the payment is value for money?
- 4.3.7 (e) A. If you have appointed a Project Consultant or a Project Manager, they are the appropriate persons to assist you to handle any contractual dispute with the Contractor. Otherwise, you should consider the guidelines given below.
- First of all, contractors should not take instructions from just any of the owners and change the agreed specification of the works. Instructions to the contractor should always be given via proper and agreed channels, e.g. by the project consultant or persons authorized by the Project Steering Committee of the Owners' Corporation (OC). If the contractor has already been notified of this channel for giving instructions, the OC cannot be held responsible for the changes. The contractor should also rectify the works for compliance with the original specification under the contract.
- If the OC consider that they are willing to pay the contractor irrespective of the source of instruction, the value of such can be worked out according to the schedule of rates under the contract documents.
76. We want the work to be finished within a very tight schedule. What can we do to ensure that the contractor can finish on time?
- 4.3.6 (l) (m)
4.3.7 (a) (b) A. In preparing the tender documents, special consideration should be given to arrive at a realistic time for the contractor to complete the required works. It is always advisable to require the contractors to submit a program for consideration prior to award of the contract. Regular review on the progress of work is also of great importance to ensure that the contractor has followed its program. It is also a common practice to impose the conditions of surety bond and liquidated damages in the contract to protect the interest of the owners.
77. After the scaffolding for the works have been erected, there have been repeated theft cases reported. What should the management do as a remedy?
- 4.3.8 (b) A. Very often scaffolding structures form a convenient access to the building for thieves and burglars. You should instruct your contractor to provide necessary precautionary measures at the scaffoldings such as barbed wires to inhibit climbing by burglars and flood-lights to provide adequate lighting during nighttime. The property manager should also be instructed to strengthen security measures such as additional security guards and patrols especially after dark.

Related Sections

Appendix 25

78. The contractor seems to be in a financial difficulty and works have been suspended for some time causing nuisance to the tenants and owners. What options does the Owners' Corporation (OC) have?

A. If a Project Consultant has been engaged to supervise the work, the OC should instruct him to serve a notice to the contractor to demand resumption of works.

If no action is taken after expiry of the time given for resuming works, the Project Consultant can serve a notice to terminate the contract and to arrange for re-tendering of the remaining works. If the OC suffers financial losses due to the change of contractor, the OC may seek compensation via legal action.

If the OC has not yet appointed a Project Consultant, the OC is strongly advised to do so immediately.

79. The contractor has provided sub-standard works, and the Owners' Corporation (OC) decided not to pay the balance of the contract sum. Now the contractor is suing the OC. What should we do?

4.3.7 A. In case the contractor wants to sue the OC for non-payment of works carried out, the OC should appoint a building professional to provide an independent assessment of the performance of the contractor and the standard of works done in order to justify the withholding of payment. Such assessment may be used in court as evidence. Legal advisor should also be engaged to deal with the necessary legal proceedings initiated by the contractor. You may negotiate with the contractor to seek arbitration as an alternative.

N. Maintenance and the Owners' Corporations

80. The Management Committee of the OC recently notified us that they had already called for several quotations from the contractors for the major repair works of the building and selected a contractor. We did not know anything beforehand. What should I consider?

4.3.4 A. In order to prevent corruption or malpractice under the Building Management Ordinance, all purchasing or procurement of services by an Owners' Corporation (or Owners' Committee) should be done through a tender process. Enquiries in this regard can be made to the ICAC.

4.3.5

4.3.6

4.3.10

(b) & (c)

For example, in a repair contract that would likely cost more than HK\$100,000, a minimum of 5 competitive tenders have to be sought. For the sake of fairness, quotations called from the contractors must be based on the same set of tender specifications and documents.

Related Sections

Question 80 (continues)

An effective and reliable way to handle maintenance work in a multi-ownership building is to engage a building professional as the Project Consultant, and if necessary, a Project Manager to represent the client.

Every owner has the right to know whether the OC has followed the proper procedures in selecting the contractor. If there has been serious non-conformance with the Code of Practice on Procurement of Supplies, Goods and Services issued under Section 44 of Building Management Ordinance (included in Appendix B of "Code of Practice on Building Management and Maintenance" issued by the Home Affairs Department), the whole selection process could be nullified.

81. **My tenant told me that there is an Order posted on the staircase requiring the owners to repair the drainage system of the building. What should I do? How should I proceed?**
- 4.2.2 (c) A. If an Order is posted on the staircase walls requiring the owners to repair the drainage system, the common drainage system of the building should have been found defective by the Buildings Department. All the owners of the building have the responsibility to carry out the repair as they have undivided shares of the common parts of the building. You should contact the Owners' Corporation (if any), or co-ordinate all the owners together to carry out the repair or replacement of the drainage system as required under the Order. You are strongly advised to engage the service of a building professional as the Project Consultant.
82. **I am just one of the many owners of this building, how should I proceed to initiate repair work for the whole building?**
- 4.6 A. The Owners' Corporation (OC) is legally responsible to repair and maintain the common parts of the building. You are advised to inform the Chairman of the Management Committee of the OC your request and ask him to convene a general meeting to discuss the issue. Under the Deed of Mutual Covenant and Building Management Ordinance (BMO), all resolutions passed at the OC's general meeting have to be observed by the Management Committee and all owners.

If there is no OC in your building, the first step will be to form one under the provisions of the BMO. You may also seek assistance from the District Offices for establishing an OC.

Related Sections

83. **It is disappointing that only a few owners are interested to repair the common areas. What is the minimum percentage of owners required to make decisions?**
- 4.6.3 A. You may consider to group together the support from not less than 5% of the owners and request the Chairman of the Management Committee of the OC to convene an extraordinary general meeting (EGM). A quorum of 10% of the owners will be adequate for the purpose of passing a resolution on repair and maintenance activities. If owners are not satisfied with the work of the Management Committee or problems cannot be solved at Management Committee level, owners can lodge their complaints to the District Offices or Building Management Resource Centres .
- 4.6.5
84. **The Owners' Corporation (OC) has passed a resolution to undertake a major renovation to the building. Some owners refused to pay their shares. Are there any effective ways to recover the cost from them?**
- 4.6.8 A. Resolutions passed at the OC's general meeting have to be observed by the Management Committee and all owners. You are suggested to refer the case to your property manager to administer the recovery of such costs as it is one of his management duties.
- Also, the OC can file a claim through the Small Claims Tribunal demanding payment of the outstanding shares if the amount is below HK\$50,000. For claims over HK\$50,000 but not exceeding HK\$600,000, the case shall be handled by the District Court, whereas for claims over HK\$600,000, the case shall be dealt with by the High Court.
- However, in case the non-payment is prompted by some owners on the validity of the resolution made by the OC, such dispute will have to be referred to the Lands Tribunal for a decision.
- Order by the Court can be registered against the title of the properties which may affect future transactions of the properties.
85. **A contractor has erected scaffolding on the external wall of my building and claimed that they have already entered into agreement with some of the committee members of the Owners' Corporation (OC) for carrying out the external wall repair works. But this contractor has not been selected according to the proper procedures. What can we do?**
- 4.3.6 A. Under the Building Management Ordinance, when an OC procures supplies, goods or services which exceed HK\$100,000 in value or 20% of its annual budget, tenders shall be invited in accordance with the "Code of Practice on Procurement of Supplies, Goods and Services".
- 4.3.10

Related Sections

Question 85 (continues)

Therefore, if the proper tendering procedure has not been followed to select this contractor, any form of agreement entered into by the committee members with this contractor will not be binding on the OC. You can discuss with the Chairman of the Management Committee of the OC about the termination of this contractor's work and removal of the scaffolding already erected (including any repair to damage caused by the erection/removal of the scaffolding). In case the matter cannot be solved within the OC itself, you might approach the District Office for assistance.

86. In the middle of the maintenance work, if the Owners' Corporation (OC) decides not to continue because of lack of fund, what is our liability in the contract?

4.6.3 **4.6.6** **A.** Upon entry into a contractual agreement, both the OC and the contractor have their obligations and responsibilities as stated. Termination of contract by the OC without non-performance or breach of conditions of contract by the contractor will lead to claims by the contractor for works already carried out and the financial losses thus incurred. Eventually, all the building owners will be held liable for the claim.

The Management Committee of the OC should consider calling an Extraordinary General Meeting of all the owners to advise them of the situation and aim at passing a resolution to collect additional fund from the owners in order to complete the remaining works.

The OC should consult the Project Consultant and legal adviser before terminating the contract. In anticipation of the legal proceedings, it may sometimes be more costly to terminate the contract than to complete the works.

87. Last month, the metal flower rack at 5/F fell on the pavement and caused injuries. Someone said that the external wall were common areas of the building and held the Owners' Corporation (OC) liable. What can the OC do?

3.2.2 (f) **3.4.4** **A.** In essence, if the metal flower rack is exclusively used by one of the unit, the owner of that unit should be responsible for its stability even if the rack was installed on the external walls which are common parts of the building. Nevertheless, the OC should report to the insurance company of the incident so that the company can arrange for the necessary investigation and, if considered necessary by the company, to pursue the case with the owner of the unit where the flower rack was installed.

Related Sections

4.3.4
5.3
Appendix 21

88. If we want to employ a consultant for the maintenance project for our building, how do we know that the consultant is competent, or the fee quoted is reasonable? How can I monitor the Project Consultant's performance?

A. The relevant professional institutions, i.e. HKIA, HKIE and HKIS have kept lists of qualified members or information of the practicing consultant firms. You can also refer to the list of Authorized Persons kept by the Buildings Department (BD) for the initial shortlisting process. You should request the shortlisted consultants to provide their job references which are relevant to the type of maintenance works you require and contact their referees to verify their performance. The professional fee is usually small compared to the cost of works required. Getting competitive pricing for professional service should not be over emphasized. It is always worthwhile to pay more for a competent and experienced Project Consultant.

It is very important to shortlist only reliable building professionals to submit quotations for the service. It is also normal to request the interested professionals to submit a proposed organization chart for the subject works with details of team members and their qualification and experience. You may also require the consultant to provide details for his supervision plan such as the frequency of site inspections, the frequency of meeting with contractors and the OC, etc in their fee proposal.

The performance of the Project Consultant can be reflected in his attendance to site supervisions and meetings with contractors. If the Consultant starts sending inexperienced staff or skipping coordination meetings, you should warn the Consultant and ask for improvement. If efforts are futile, you might have to consider terminating his service.

89. How should I engage a building contractor to carry out repair works?

4.3.5
4.3.6
Appendix 20

A. You should follow the tendering procedures as stated in the Building Management Ordinance for the selection of a contractor. The number of quotations required will depend on the estimated cost of the works. When you are short-listing contractors to provide competitive tenders, you should first decide whether a registered general building contractor (RGBC) under the Buildings Ordinance (BO) is required or not. Although in some cases, engaging a RGBC is not mandatory, you are still recommended to shortlist only RGBC for the works as they have been assessed and found acceptable under the BO.

To ensure that the shortlisted contractors have relevant job experience for the type of works required, you should always contact their referees to verify their past performance as claimed.

You should also appoint a building professional as the Project Consultant (PC) to prepare the tender documents in order that the contractors are submitting tenders on equal basis. The PC will also analyze the tenders returned and make recommendations to the OC for consideration. If the shortlisting procedures or pre-qualification process have been done properly, normally, the lowest tender should be accepted.

Related Sections

- 4.3.6 90. **How can we award the contract if the contractors had submitted different quotations that we cannot compare on equal basis?**
- A. This will only happen when you have let out a tender without the required specifications, necessary information and scope of works. You are advised to engage a building professional as the Project Consultant, prepare the tender documents and re-tender for the works.

O. Preventive Maintenance

- 4.4 91. **Over the years, our OC has spent a lot of money on urgent repairs over the years. How can we get a better budget control and reduce the cost of repair?**
- A. Breakdown maintenance is always expensive and causes much inconvenience to the tenants. Regular servicing will prolong the life span of a building including its finishes, equipment and fittings. Regular inspection of the building will also enable symptoms of defects to be detected at an early stage, so that planned corrective measures can be carried out in advance. Your OC should work out the maintenance strategy and standard with the Building Manager. If the maintenance budget is sufficient, 'Planned Preventive Maintenance' is the best approach to meet your performance targets and prevent the sudden failure of services.
- 3.2.1 (c)
4.1.2 (c)
4.4 92. **We just don't understand why the lift service has stopped so frequently for repair in the last few months.**
- A. There are many mechanical parts in lifting systems which need to be repaired or replaced from time to time. Spare parts may not be readily available for lifts that are too old. The frequent breakdown of a lift may be an indication that the effective lifespan of the lift system might be approaching to its end. You may discuss with the lift contractor regarding the conditions of the lift and if necessary, to request for submission of an upgrading and renewal proposal. Another possibility is that the contractor has not been doing its job properly. In case of doubt, please seek advice from a building professional, preferably a registered building services engineer in this case.
- 3.2.1 (d)
4.1.4
4.4
5.2.2
Appendix 7 93. **The slopes at the back of our building have been covered by vegetation. There have been heavy rain lately. Do we need to worry about them and what should we do to ensure that they are safe?**
- A. With the vegetation covering the slope and retaining wall, it will be difficult for layman to discover any signs of danger. It is advisable to have the slope and retaining wall inspected and maintained at regular intervals, particularly before rainy seasons.

Related Sections

In your OC Management Committee meetings, you should have a standing agenda to engage professionals, ie, geotechnical engineers to carry out an "engineer inspection for maintenance". The details of the follow up maintenance works, including the frequency of routine maintenance inspections and engineer inspection for maintenance should be recommended in the inspection report.

As for a slope covered by vegetation, the building management should regularly clear debris and vegetation from the channels and weepholes, remove any vegetation causing severe cracking of drainage channel, remove loose rock debris and undesirable vegetation from rock slopes or around boulders, re-grass bare soil slope surface areas, and do so more frequently during rainy season. If there is any defect discovered, repair works should be initiated as soon as possible under the supervision of a qualified building professional. The Management Committee of the OC should review the progress of slope maintenance works regularly in its meetings, and to allow sufficient funding for the inspection and maintenance works.

Some guidance on how to maintain man-made slopes and retaining walls is provided in the Layman's Guide to Slope Maintenance published by the Geotechnical Engineering Office.

94. There are a few cracks at the open car park resting on grade. Is there any danger? What should I do?

3.2.1 (d)
4.1.4
4.4

- A. Cracks of slab on grade could be due to growing of tree roots, leaking underground drain or water supply pipes causing loss of soil, inadequate provision of movement joints in the floor slab or subsidence of soil underneath the car park arising from the movement of adjoining ground or slopes.

The OC should engage a building professional to investigate and report on the cause. Buried water carrying services can be checked by using a number of methods detailed in the Code of Practice on Inspection & Maintenance of Water Carrying Services Affecting Slopes published by the Works Branch (now Works Bureau). The appointed professional may also install equipment to monitor if there is any continuous subsidence.

95. As some cracks have already appeared, I personally feel that our mosaic tiles on the external wall should be replaced. How can I persuade other owners for a consensus to carry out the work?

3.2.1 (b)(vi)
4.1.1 (b)(i)
4.4

- A. You must start with valid justifications in order to convince the other owners for the total replacement of tiles. The first step is to convince the OC to conduct a survey on the mosaic tile finishes to check its integrity. Tapping test by hammer might be effective. To start with proposing a survey contract would be easier for acceptance by the OC than the total replacement work. The survey result may then justify the need and the necessary financial arrangements for the total replacement work.

Related Sections

P. Long Term Planning

96. We are the Owners' Corporation (OC) of a newly completed estate. There has not been too much repair works during the first few years. How should we prepare for the future?

- 3.2 A. With the assistance of your property manager, you should first establish the
3.4 maintenance strategy and standards in order to derive the long-term budget
4.4 and plan. As your estate has only been completed recently, it is opportune to implement Planned Preventive Maintenance for ensuring better quality standards in the upkeep of the buildings thus its market value.

The OC should consider the setting up of a Reserve Fund to cater for the future replacement of major equipment such as water pumps, electrical switchboards, emergency generators, etc. It is also advisable to provide for a Sinking Fund for the future modernization of the common areas. With the agreement by the owners in the Annual General Meeting, a slight increase in the monthly management fee to contribute to the Funds can be made possible. You should also arrange regular inspections of the different building elements, installations, services and facilities of the building to ensure that they function properly. The information gathered from these inspections will assist the preparation of the long-term preventive maintenance plan.

97. When we prepare the long-term plans for maintenance of our building, some owners asked what would be the priorities of the repair items. What is your advice?

- 3.2 A. Repair items can usually be categorized as follows in the following order of
3.4 priority:
4.4

i. Urgent repairs

Defects that may cause hazards to both public and occupiers need urgent repair, such as loosen/detached tiles on the external walls, defective fire service installations, defective lift components, etc.

ii. General repairs and replacements

Defects that might cause substantial inconvenience or nuisance to the owners/occupiers e.g. water leakage from the roof, supply or drain pipes should be accorded with slightly higher priority over the preventive maintenance items which can be scheduled according to the needs and conditions of components of the building.

Related Sections

3.2
4.1
4.4
5.2.1

iii. Renovation, upgrading and modernization

Cosmetic treatments to enhance esthetics of appearance can be accorded with lower priority unless they are carried out together with the urgent repair works for cost savings, e.g. replacing the dilapidated mosaic tiles on the external walls with high quality stone claddings.

98. Our building is an old one, with lots of Unauthorized Building Works (UBW) at the rooftop, flat roof and at the rear lane. There are also many defective drainage pipes and concrete spalling. How should we start to improve?

- A. You should first appoint a building professional to carry out a detailed condition survey of your building to identify all defective and unauthorized items and their extent. The report should include an estimated cost for the required rectification works.

If the survey report indicates that there are urgent repairs required for safety reasons, such works will have to be carried out immediately. (Note: Works already completed are not eligible for loans under the Building Safety Loan Scheme.) For the other repair works, the owners may need to decide on the priority of the implementation of the works.

As for the UBW, they should be removed before the carrying out of repair works so that the original wall/floor surfaces can be exposed for inspection and repair or reinstated as the case may be. However, if the owners of the UBW ignore your request, you may need to take legal proceedings against them if such UBW are in common areas or request assistance from the Buildings Department (BD).

Owners with financial difficulties may apply to the BD for loans to cover the costs of the repair works under the Building Safety Loan Scheme.

Q. Financial Planning

99. The OC finds it very frustrating to ask the owners to contribute to major repair funds. What is the best tactics to address the problem?

4.4.5 (b)
4.4.5 (e)
4.6.5
5.2.1 (c)
Appendix 6

- A. The correct procedure is to organize a meeting of all the owners to advise them of the need for major repairs including the financial commitment that all the owners have to bear. Such messages should be brought sufficiently in advance for the owners to accept the idea and prepare for the expense. However, if some of the owners are willing to pay but do not have the financial resources, they could apply to the Buildings Department for a loan under the Building Safety Loan Scheme.

**Related
Sections**

4.3
4.4.5 (b)
5.2.1 (c)
Appendix 6
Question 99

Question 99 (continues)

An alternative approach is to provide for a sinking fund. A small portion of the monthly management fee could contribute to the reserve for various maintenance and management purposes.

100. Should we wait until all the contributions from the owners are collected before commencement of the repair contract?

- A. It is certainly an advantage if you can collect all the contributions from the owners before commencement of the works contract. However, if a small percentage of the owners do not pay their contribution according to the agreed time schedule but sufficient fund is already available, you can proceed with the works safely.

In the case of major repairs which require substantial contribution from each of the owners, it is advisable to collect the contribution in stages according to the implementation plan of the works. This will reduce the financial burden on the owners and to make the collection of contributions more convenient. You should seek the advice of a building professional or discuss with your property manager on the arrangement of staged payments in order to ensure that you have sufficient funds to pay the contractor for works carried out. Stage completion of the works should also be incorporated in the contract to allow flexibility in this respect.

Owners with financial difficulties may apply for a loan from the Buildings Department under the Building Safety Loan Scheme.

Appendix I

An English-Chinese Glossary of Terms & Index

A
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I

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Negotiation	p125	商議
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Package Deal	p126	套餐合約 (全包合約)
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Private lane	p54 p55	私家巷
Professional body	p174	專業團體
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Property-all-risks insurance	p79	公共產業保險
Public Health and Municipal Services Ordinance	p22 p59 p69 p166	公眾衛生及市政條例
Public safety	p68 p83	公眾安全
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Q

Quantity Surveyor	p122 p133 p174	工料測量師
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R

Registered Contractor	p62 p105 p107 p108 p110 p111 p112 p123 p136 p137	註冊承建商；註冊承辦商
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Surveillance	p23 p27 p70 p71 p76 p77 p185	巡視

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record	p129	紀錄
Testing and routine maintenance	p76	測試及例行維修保養規定
Third party liability insurance	p79 p80	第三者責任保險
Town Planning Ordinance	p48 p50	城市規劃條例
Transport Department	p55 p58	運輸署

U

Unauthorized alteration	p68 p73 p185	違例改動，非法改建
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V

Ventilation	p60 p72 p165 p201	通風系統
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W

Water Authority	p68 p92 p112	水務監督
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Water Pollution Control Ordinance	p21 p68 p112	水污染管制條例
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Appendix 2

Useful Contacts

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Appendix 2 Useful Contacts

Readers may obtain the latest contact details from the Government homepage at <http://www.info.gov.hk>

Buildings Department

12/F, Pioneer Centre, 750 Nathan Road, Kowloon

Web Site : www.info.gov.hk/bd
E-mail Address : enquiry@bd.gov.hk

Buildings Department Enquiry Hotline (24 hours) : 2626 1616
UBW (Work-In-Progress) Complaint Hotline : 2626 1313
Facsimile : 2537 4992

Building Information Centre

Opening hours Weekdays 9:00 a.m. to 4:30 p.m.
 Saturday 9:15 a.m. to 11:30 a.m.

Civil Engineering Department

Civil Engineering Building, 101 Princess Margaret Road, Homantin, Kowloon

Web Site : www.info.gov.hk/ced
E-mail Address : ceinfo@ced.gcn.gov.hk
General Enquiry : 2762 5111
Facsimile : 2714 0140

Hong Kong Slope Safety Website : <http://hkss.ced.gov.hk>

Community Advisory Unit
Telephone : 2760 5800
E-mail Address : gecau1_ssd@ced.gov.hk

Slope Safety Hotline : 2885 5888

Drainage Services Department

43/F, Revenue Tower, 5 Gloucester Road, Wanchai, Hong Kong

Web Site : www.info.gov.hk/dsd
E-mail Address : enquiry@dsd.gov.hk

Drainage Complaint Hotline : 2300 1110
General Enquiry : 2877 0660
Customer Services Enquiry : 2834 9432
Facsimile : 2827 8605

Appendix 2 Useful Contacts

Electrical and Mechanical Services Department

98 Caroline Hill Road, Causeway Bay, Hong Kong

Web Site : www.emsd.gov.hk/emsd
 E-mail Address : info@emsd.gov.hk
 Public Enquiry Hotline (24-hours) : 2882 8011
 Facsimile : 2890 7493

Environmental Protection Department

24/F ~ 28/F, Southorn Centre, 130 Hennessy Road, Wanchai, Hong Kong

Web Site : www.info.gov.hk/epd
 E-mail Address : enquiry@epd.gov.hk

Complaint Hotlines

Kwun Tong, Wong Tai Sin and Sai Kung (Territory East)

Telephone : 2755 7000
 Facsimile : 2754 0483

Hong Kong Island (Territory South)

Telephone : 2838 3111
 Facsimile : 2960 1756

Tuen Mun and Yuen Long (Territory West)

Telephone : 2411 9600
 Facsimile : 2412 7872

Sha Tin, Tai Po and North (Territory North)

Telephone : 2158 5757
 Facsimile : 2685 1133

Sham Shui Po, Kowloon City and Yau Tsim Mong (Urban East)

Telephone : 2402 5251
 Facsimile : 2402 8275

Tsuen Wan, Kwai Tsing and Islands (Urban West & Islands)

Telephone : 2417 6550
 Facsimile : 2415 8958

Appendix 2 Useful Contacts

Environmental Resource Centre

There are 2 Environmental Protection Centres of EPD. Leaflets and publications from Government, Environmental Campaign Committee, green groups and other related organizations are available at the centres. In addition, the reference library include a collection of books, magazines, information leaflets, booklets, teaching kits and other publications produced by EPD, other Government Departments, local and overseas green groups, community groups and other organizations on various environmental topics.

Wan Chai ERC

221 Queen's Road East, Wan Chai, Hong Kong

Enquiry & Booking : **2893 2856**

Opening hours	Monday, Tuesday, Thursday, Friday & Saturday	10:00 a.m. to 5:00 p.m.
	Wednesday	10:00 a.m. to 1:00 p.m.
	Sunday	1:00 p.m. to 5:00 p.m.
	Closed on public holidays	

Tsuen Wan ERC

Tak Wah Park, Tak Wah Street, Tsuen Wan, New Territories

Enquiry & Booking : **2944 8204**

Opening hours	Monday, Tuesday, Thursday, Friday & Saturday	10:00 a.m. to 1:00 p.m. & 2:00 p.m. to 6:00 p.m.
	Wednesday	2:00 p.m. to 6:00 p.m.
	Closed on Sundays and public holidays	

Fire Services Department

Fire Services Headquarters, 1 Hong Chong Road, Tsim Sha Tsui East, Kowloon

Web Site	: www.info.gov.hk/hkfsd
E-mail Address	: hkfsdenq@hkfsd.gov.hk
Hotline	: 2723 8787/2723 2233
Fire Protection Bureau Headquarters	: 2733 7619
Facsimile	: 2311 0066

The 24-hour Fire Services Communication Centre : **2723 8787**
caters for complaints and enquiries of fire hazards and dangerous goods.

The local fire stations can be contacted for any inquiry related to fire services

Appendix 2 Useful Contacts

Food and Environmental Hygiene Department

42/F-45/F, Queensway Government Offices, 66 Queensway, Hong Kong

Web Site : www.info.gov.hk/fehd
 E-mail Address : enquiries@fehd.gov.hk
 Enquiries and Complaints Hotline (24 hours) : 2868 0000
 Facsimile : 2869 0169

Home Affairs Department

11/F, 15/F, 21/F, 29/F & 30/F, Southorn Centre, 130 Hennessy Road, Wanchai, Hong Kong

Web Site : www.info.gov.hk/had
 E-mail Address : hadgen@had.gcn.gov.hk
 Central Telephone Enquiry Centre (CTEC) : 2835 2500
 Facsimile : 2834 7649

District Offices:	Tel No.		Tel No.
Central and Western	2852 3002	Eastern	2886 6531
Southern	2814 5720	Wan Chai	2575 2477
Kowloon City	2621 3401	Kwun Tong	2342 3431
Sham Shui Po	2728 0781	Wong Tai Sin	2322 9701
Yau Tsim Mong	2399 2111	Islands - Mui Wo	2984 7231
Islands - Cheung Chau	2981 1060	Islands - Tung Chung	2109 4953
Kwai Tsing	2425 4602	North	2683 2913
Sai Kung	2701 3218	Sha Tin	2606 5456
Tai Po	2654 1262	Tsuen Wan	2492 5096
Tuen Mun	2451 1151	Yuen Long	2474 0324

Building Management Resources Centres (BMRC):

Web Site : www.buildingmgt.gov.hk/buildingmgt/resource/
 E-mail Address : bm_enq@had.gcn.gov.hk

Kowloon Centre tel : 2332 9113
 2 Mau Lam Street, Kowloon

Hong Kong Centre tel : 2186 8111
 Unit 5, G/F, The Centre, 99 Queen's Road, Central, Hong Kong

New Territories Centre tel : 2614 6272
 1/F, Chau Hop Shing Building, 4 Chung On street, Tsuen Wan

Appendix 2 Useful Contacts

Housing Authority and Housing Department

Housing Authority Headquarters, 33 Fat Kwong Street, Homantin, Kowloon

Web Site : www.info.gov.hk/hd
 E-mail Address : hdcom@housingauthority.org.hk
 General Enquiry : 2714 5119
 Facsimile : 2711 4111

Hong Kong Police Force

Web Site : www.info.gov.hk/police
 E-mail Address : pprb@police.gov.hk

Hong Kong Island Region

Tel No. Fax No.

Eastern District

North Point Division	2563 6487	2562 5546
Shau Kei Wan Division	2560 1117	2539 7438
Chai Wan Division	2557 1878	2556 3406

Wan Chai District

Wan Chai Division	2519 0076	2511 8731
Happy Valley Division	2234 0282	2575 8051

Central District

Central Division	2522 8882	2234 9871
Peak Sub-Division	2849 8748	2849 5652
Water Front Division	2857 1555	2975 4392

Western District

Western Division	2546 0164	2858 9065
Aberdeen Division	2552 1766	2552 9216
Stanley Sub-Division	2813 1717	2813 6480

Appendix 2 Useful Contacts

Hong Kong Police Force (continues)

Kowloon East Region

Tel No.

Fax No.

Wong Tai Sin District

Wong Tai Sin Division

2320 6871

2752 9405

Tze Wan Shan Division

2325 5235

2242 2665

Sai Kung Division

2792 1279

2791 5129

Kwun Tong District

Kwun Tong Division

2418 9846

2243 7903

Tseng Kwan O Division

2704 0430

2704 7343

Sau Mau Ping District

Sau Mau Ping Division

2341 8696

2172 4425

Ngau Tau Kok Division

2758 3033

2759 4322

Kowloon West Region

Yau Tsim District

Yau Ma Tei Division

2388 1141

2388 3994

Tsim Sha Tsui Division

2721 0137

2730 8194

Mongkok District

Mong Kok Station

2381 1052

2789 2123

Sham Shui Po District

Sham Shui Po Division

2386 7633

2958 1430

Cheung Sha Wan Division

2743 7862

2742 7046

Shek Kip Mei Division

2778 7744

2784 0676

Kowloon City District

Kowloon City Division

2711 6955

2761 3479

Hung Hom Division

2330 1759

2364 8298

Tai Wan Shan Report Centre

2773 5200

Appendix 2 Useful Contacts

New Territories South

Tel No.

Fax No.

Tsuen Wan District

Tsuen Wan Division

2415 6003

2405 3687

Lei Muk Shue Division

2427 6129

2427 3619

Kwai Chung District

Kwai Chung Division

2418 9846

2427 3438

Tsing Yi Division

2431 9123

2449 0351

Sha Tin District

Sha Tin Division

2691 2754

2601 2176

Tin Sum Division

2695 9728

2601 5841

Siu Lek Yuen Division

2649 9080

2646 1458

Ma On Shan Division

2640 0109

2640 1904

Lantau Division

Lantau North Division

2988 8520

2988 1822

Lantau South Division

2984 1660

2984 1408

New Territories North Region

Tai Po District

Tai Po Division

2667 2292

2144 1271

Sheung Shui Division

2675 6364

2676 7569

Tuen Mun District

Tuen Mun Division

2463 1301

2464 8205

Castle Peak Division

2441 3933

2457 9507

Tai Hing Report Centre

2467 7793

2463 4236

Yuen Long District

Yuen Long Division

2476 5886

2477 5963

Tin Shui Wai Division

2448 1803

2446 6547

Lau Fau Shan Report Centre

2472 1241

2472 4473

Pat Heung Division

2488 5337

2488 3459

Appendix 2 Useful Contacts

Immigration Department - Investigation Section

13/F, Immigration Tower, 7 Gloucester Road, Wanchai, Hong Kong

Web Site : www.info.gov.hk/immd
 E-mail Address (General Enquiry) : enquiry@immd.gov.hk
 Telephone : 2824 6111
 Facsimile : 2877 7711

Independent Commission Against Corruption

ICAC Report Centre (24-hour) : 2526 6366

G/F, Murray Road Carpark Building, 2 Murray Road, Central, Hong Kong

Web Site : www.icac.org.hk
 E-mail Address : general@icac.org.hk
 ICAC Building Management Enquiry Hotline : 2929 4555
 Facsimile : 2601 6447

ICAC Regional Offices

Regional Office (Hong Kong West/Islands) : 2921 6812
 G/F, Harbour Commercial Building, 124 Connaught Road Central, Sheung Wan

Regional Office (Hong Kong East) : 2922 8733
 G/F, Tung Wah Mansion, 201 Hennessy Road, Wanchai

Regional Office (Kowloon West) : 2928 6397
 G/F, Nathan Commercial Building, 434-436 Nathan Road, Yaumatei

Regional Office (Kowloon Central) : 2926 6200
 G/F, 21E Nga Tsin Wai Road, Kowloon City

Regional Office (Kowloon East/Sai Kung) : 2927 4300
 Shop No.4, G/F, Kai Tin Building, 67 Kai Tin Road, Nam Tin

Regional Office (New Territories South West) : 2920 3500
 G/F, Foo Yue Building, 271-275 Castle Peak Road, Tuen Wan

Regional Office (New Territories North West) : 2920 6530
 No.4-5, G/F, North Wing, Trend Plaza, Tuen Shun Street, Tuen Mun

Regional Office (New Territories East) : 2158 5933
 G06-G13, G/F Shatin Government Offices, 1 Sheung Wo Che Road, Shatin

Appendix 2 Useful Contacts

Labour Department

16/F, Harbour Building, 38 Pier Road, Central, Hong Kong

Web Site : www.info.gov.hk/labour
 E-mail Address : laboureq@labour.gcn.gov.hk
 Hotline : 2717 1771
 Facsimile : 2544 3271

Land Registry

17/F, 19/F, 20/F, 28/F & 30/F, Queensway government Offices, 66 Queensway, Hong Kong

Web Site : www.info.gov.hk/landreg
 E-mail Address : cса@landreg.gov.hk
 Hotline : 2524 1717
 Facsimile : 2523 0065

Mandatory Provident Fund Schemes Authority

21/F & 22/F, One International Finance Centre, 1 Harbour View Street, Central, Hong Kong

Web Site : www.mpfahk.org
 E-mail Address : mpfa@mpfahk.org
 Hotline : 2918 0102
 Facsimile : 2259 8806

Social Welfare Department

7/F - 9/F, Wu Chung House, 213 Queen's Road East, Wanchai, Hong Kong

Web Site : www.info.gov.hk/swd
 E-mail Address : swdenq@swd.gov.hk
 General Enquiries : 2892 5323
 Hotline : 2343 2255

Appendix 2 Useful Contacts

Water Supplies Department

Immigration Tower, 7 Gloucester Road, Wanchai, Hong Kong

Web Site : www.info.gov.hk/wsd
 E-mail Address : wsdinfo@wsd.gov.hk

Enquiry Hotline : 2824 5000
 Facsimile (Water Supply & General Matters) : 2519 3864
 Facsimile (Billing & Consumership Matters) : 2802 7333

CLP Power Hong Kong Ltd.

7/F, 215 Fuk Wo Street, Sham Shui Po, Kowloon

Web Site : www.clpgroup.com
 E-mail Address : clp_info@clp.com.hk

General Enquiries and Information

Hotline : 2678 8525
 Facsimile : 2678 8361

Account and Customer Services

Hotline : 2678 2678
 Facsimile : 2678 6368

Emergency Services Hotline (24-hour) : 2728 8333

Appendix 2 Useful Contacts

The Hong Kong Electric Co. Ltd.

Postal Address: G.P.O. Box 915, Hong Kong

Web Site : www.hec.com.hk
E-mail Address : mail@hec.com.hk

Customer Account Enquiries

Hotline : 2887 3411
Facsimile : 2510 7667
Account-by-Phone
(24-hour Automated Telephone Service) : 2887 3466

Inspection & Technical Enquiries

Hotline : 2887 3455
Facsimile : 2510 7721
Electricity-by-Phone
(24-hour Automated Telephone Service) : 2887 3838

Emergency Reporting

Chinese (24-hour) : 2555 4999
English (24-hour) : 2555 4000

Hong Kong and China Gas Co. Ltd.

363 Java Road, Hong Kong

Web Site : www.hkcg.com
E-mail Address : webmaster@towngas.com

Customer Service Hotline (24-Hour) : 2880 6988
Emergency Hotline (24-Hour) : 2880 6999
Self-reading Hotline (24-Hour) : 2880 5522
Service Pledge Hotline : 2856 1331
Sales Enquiry Hotline : 2963 3000
Facsimile : 2590 7886

Appendix 2 Useful Contacts

The Hong Kong Institute of Architects (HKIA)

19/F, 1 Hysan Avenue, Causeway Bay, Hong Kong

Web Site : www.hkia.org
 E-mail Address : info@hkia.net
 Telephone : 2511 6323
 Facsimile : 2519 6011 / 2519 3364

The Hong Kong Institution of Engineers (HKIE)

9/F, Island Beverley, 1 Great George Street, Causeway Bay, Hong Kong

Web Site : www.hkie.org.hk
 E-mail Address (For Acting Secretary) : adm@hkie.org.hk
 E-mail Address (For Registrar, Engineers Registration Board) : erb@hkie.org.hk
 Telephone : 2895 4446
 Facsimile : 2577 7791

The Hong Kong Institute of Surveyors (HKIS)

Suite 801, Jardine House, 1 Connaught Place, Central, Hong Kong

Web Site : www.hkis.org.hk
 E-mail Address (Secretary-General) : secgen@hkis.org.hk
 E-mail Address (Administration) : hkisadm@hkis.org.hk
 Telephone : 2526 3679
 Facsimile : 2868 4612

Professional Building Surveying Consultants Association of HK

Room 1523, Prince's Building, 10 Chater Road, Central, Hong Kong

Web Site : www.buildingsurvey.org.hk
 E-mail Address : info@buildingsurvey.org.hk
 Telephone : 2526 8099
 Facsimile : 2526 8099

Appendix 2 Useful Contacts

Hong Kong Institute of Real Estate Administration

Postal Address: G.P.O. Box 4126, Hong Kong

Web Site : www.hirea.com.hk
E-mail Address : hirea@netvigator.com
Telephone : 2508 4879
Facsimile : 2887 6239

The Hong Kong Association of Property Management Companies

Room 1808, Harbour Centre, 25 Harbour Road, Wanchai, Hong Kong

Web Site : www.hkapmc.org.hk
E-mail Address : office@hkapmc.org.hk
Telephone : 2186 6101
Facsimile : 2356 7332

The Hong Kong Institute of Housing

Room 1808, Harbour Centre, 25 Harbour Road, Wanchai, Hong Kong

Web Site : www.housing.org.hk
E-mail Address : info@housing.org.hk
Telephone : 2544 3111
Facsimile : 2544 3112

Appendix 3

List of Related Legislations, Codes of Practice & Design Manuals

Appendix

Appendix 3 List of Related Legislations, Codes of Practice & Design Manuals

Laws of Hong Kong

Chapter

123 Buildings Ordinance

Building (Administration) Regulations
 Building (Construction) Regulations
 Building (Demolition Works) Regulations
 Building (Planning) Regulations
 Building (Private Streets and Access Roads) Regulations
 Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations
 Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations
 Building (Ventilating Systems) Regulations
 Building (Oil Storage Installations) Regulations
 Building (Energy Efficiency) Regulation
 Building (Appeal) Regulation

7 Landlord and Tenant (Consolidation) Ordinance
 17 Lands Tribunal Ordinance
 28 Land (Miscellaneous Provisions) Ordinance
 40 Government Leases Ordinance
 51 Gas Safety Ordinance
 53 Antiquities and Monuments Ordinance
 59 Factories and Industrial Undertakings Ordinance
 95 Fire Services Ordinance
 102 Waterworks Ordinance
 121 Buildings Ordinance (Application to the New Territories) Ordinance
 124 Lands Resumption Ordinance
 126 Government Rights (Re-entry and Vesting Remedies) Ordinance
 128 Land Registration Ordinance
 130 Land Acquisition (Possessory Title) Ordinance
 131 Town Planning Ordinance
 132 Public Health and Municipal Services Ordinance
 152 New Territories (Renewable Government Leases) Ordinance
 172 Places of Public Entertainment Ordinance
 201 Prevention of Bribery Ordinance
 208 Country Parks Ordinance
 211 Aerial Ropeways (Safety) Ordinance
 243 Child Care Services Ordinance

Appendix 3 List of Related Legislations, Codes of Practice & Design Manuals

Chapter

276	Mass Transit Railway (Land Resumption and Related Provisions) Ordinance
279	Education Ordinance
295	Dangerous Goods Ordinance
301	Hong Kong Airport (Control of Obstructions) Ordinance
311	Air Pollution Control Ordinance
317	Industrial Training (Construction Industry) Ordinance
327	Lifts and Escalators (Safety) Ordinance
337	Demolished Buildings (Re-development of Sites) Ordinance
344	Building Management Ordinance
349	Hotel and Guesthouse Accommodation Ordinance
354	Waste Disposal Ordinance
358	Water Pollution Control Ordinance
360	Pneumoconiosis (Compensation) Ordinance
370	Roads (Works, Use and Compensation) Ordinance
374	Road Traffic Ordinance
376	Clubs (Safety of Premises) Ordinance
400	Noise Control Ordinance
406	Electricity Ordinance
408	Architects Registration Ordinance
409	Engineers Registration Ordinance
417	Surveyors Registration Ordinance
438	Sewage Tunnels (Statutory Easements) Ordinance
447	Bedspace Apartments Ordinance
459	Residential Care Homes (Elderly Persons) Ordinance
470	Builders' Lifts and Tower Working Platforms (Safety) Ordinance
487	Disability Discrimination Ordinance
502	Fire Safety (Commercial Premises) Ordinance

Appendix 3 List of Related Legislations, Codes of Practice & Design Manuals

Codes of Practice

Code of Practice on Avoiding Danger from Gas Pipes
Code of Practice on Building Works for Lifts and Escalators
Code of Practice for Energy Efficiency of Air Conditioning Installations
Code of Practice for Energy Efficiency of Electrical Installations
Code of Practice for Energy Efficiency of Lighting Installations
Code of Practice for Fire Resisting Construction
Code of Practice for Hong Kong LPG Industry
Code of Practice on Inspection & Maintenance of Water Carrying Services Affecting Slopes
Code of Practice on Installation of Electrically Operated Sliding Gates, Sliding Glass Doors and Rolling Shutters
Code of Practice for Minimum Fire Service Installations and Equipment & Inspection, Testing and Maintenance of Installations and Equipment
Code of Practice for Means of Access for Firefighting and Rescue
Code of Practice on Oil Storage Installations
Code of Practice for Overall Thermal Transfer Value in Buildings
Code of Practice on Private Roads
Code of Practice for the Provision of Means of Escape in Case of Fire
Code of Practice for Site Safety Supervision
Code of Practice on the Design and Construction of Builders' Lifts
Code of Practice on the Design and Construction of Lifts and Escalators
Code of Practice on The Handling, Transport and Disposal of Asbestos Wastes
Code of Practice on The Loading of Vehicles
Code of Practice for Structural Use of Concrete
Code of Practice for Structural Use of Steel
Code of Practice on Wind Effects
Code of Practice for Demolition of Buildings (draft)

Appendix 3 List of Related Legislations, Codes of Practice & Design Manuals

Design Manuals

Guide to Fire Safety Design for Caverns
 Structures Design Manual for Highways and Railways
 Construction Standard CS1:1990:Testing Concrete
 Construction Standard CS2 : Carbon Steel Bars for the Reinforcement of Concrete
 Design Manual - Barrier Free Access
 General Specification for Civil Engineering Works
 GEOGUIDE 1 : Guide to Retaining Wall Design
 GEOGUIDE 2 : Guide to Site Investigation
 GEOGUIDE 3 : Guide to Rock and Soil Descriptions
 GEOGUIDE 4 : Guide to Cavern Engineering
 GEOGUIDE 5 : Guide to Slope Maintenance
 GEOSPEC 1 : Model Specification for Prestressed Ground Anchors
 GEOSPEC 2 : Model Specification for Reinforced Fill Structures
 Geotechnical Manual for Slopes
 Highway Slope Manual
 Technical Guidelines on Landscape Treatment and Bio-Engineering for Man-made Slopes and Retaining Walls (GEO Publication No. 1/2000)

Guidelines

Buildings Department

Technical Memorandum for Supervision Plans
 Guide on Erection & Maintenance of Advertising Signs
 Guidelines for the Removal of Typical Unauthorized Building Works and General Maintenance of External Walls

Home Affairs Department

Building Management
 Code of Practice on Building Management and Maintenance
 Fire Safety Checklist
 How to Form an Owners' Corporation and Achieve Effective Building Management

Appendix 3 List of Related Legislations, Codes of Practice & Design Manuals

Civil Engineering Department

Layman's Guide to Slope Maintenance
What to Do when You Receive a Dangerous Hillside Order
Model Slope Maintenance Plan

Electrical & Mechanical Services Department

For Your Safety Maintain Your Electrical Installations
Gas Installation Work and Registered Gas Contractors
Prohibition of Flueless Gas Water Heaters Used to Serve a Bathroom or Shower
Responsibilities of Lift/Escalator Owner under the Lifts and Escalators (Safety) Ordinance
Safe Use of LPG Cylinders

Environmental Protection Department

Asbestos Removal of Unauthorized Building Works
A Concise Guide to the Noise Control Ordinance
How to Apply for a Construction Noise Permit

Independent Commission Against Corruption

Clean and Effective Building Management - A Guide on Financial Management for Owners' Corporations
Corruption Prevention Guide on Building Management

Labour Department

Concise Case Studies on Site Accidents (Chinese Version Only)
Safety Handbook for Site Workers (Chinese Version Only)

Appendix 4

Samples of "Statutory Order and Direction" Issued by the Buildings Department

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Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

1. Buildings Ordinance – Order by the Building Authority under section 24(1) (in relation to unauthorized building works)

BUILDINGS ORDINANCE (CAP. 123)

Order by the Building Authority under section 24(1)

Order No. : C
 BD Ref. : BD
 To :

Office of the Building Authority
 12/F-18/F, Pioneer Centre,
 750 Nathan Road, Mongkok,
 Kowloon.
 Date : _____

Owner(s) of _____
 on (Lot Number) _____

It has been brought to my attention that building works have been carried out in and at the premises without having first obtained from me the approval of building plans and consent for the commencement of such building works required by section 14 of the Buildings Ordinance.

2. The said building works comprise

3. In exercise of the powers vested in me under section 24(1) of the Buildings Ordinance, I hereby order you to :-

4. You are required to commence the works ordered by me in paragraph 3 above within thirty days and complete such works within sixty days of the date of this order, all to the satisfaction of the Building Authority.

 for Building Authority

c.c. Land Registrar

Your attention is drawn to the provisions of sections 24(3), 24(4) and 33 of the Buildings Ordinance.

BD 109 (Rev. 12/95)

Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

2. Buildings Ordinance – Order by the Building Authority under section 26 (in relation to dangerous buildings)

BUILDING AUTHORITY OF HONG KONG
BUILDING ORDINANCE
(Chapter 123)
Order by the Building Authority under section 26

Order No. D _____
Our Ref. No. _____
To:

Date _____

I am of the opinion that *the building known as/building works at _____
_____ on _____ *has/have
been rendered dangerous/*is/are liable to become dangerous.

2. In exercise of the powers vested in me by section 26 of the Buildings Ordinance, I HEREBY DECLARE that such *building is/building works are *dangerous/liable to become dangerous and I HEREBY ORDER you as owner to carry out the following works and such works are to be commenced by _____ and to be completed by _____.

_____ for Building Authority

c.c. Land Registrar – for registration

*Delete whichever is inapplicable

Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

3. Buildings Ordinance - Order by the Building Authority under section 26A(1) (in relation to defective buildings)

**BUILDING AUTHORITY OF HONG KONG
BUILDINGS ORDINANCE
(Chapter 123)
Order by the Building Authority under section 26A(1)**

Order No. INVO _____

Our Ref. No. BD _____

To :

Date _____

I have, on inspection, found certain dilapidation/defect in the building at (address) _____

 on (Lot No.) _____

2. In exercise of the powers vested in me by section 26A(1) of the Buildings Ordinance, I HEREBY ORDER you as owner to appoint an Authorized Person to carry out, within a period expiring on _____, the following works :-

SAMPLE

All works specified in this Order shall be carried out to such standard acceptable to the Building Authority and in compliance with the regulations.

for Building Authority

c.c. Land Registrar - for registration

* delete whichever is inapplicable

Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

4. Buildings Ordinance - Order by the Building Authority under section 26A(3) (in relation to the investigation of suspected defective buildings)

BUILDING AUTHORITY OF HONG KONG
BUILDINGS ORDINANCE
(Chapter 123)
Order by the Building Authority under section 26A(3)

Order No. INVO _____

Our Ref. No. BD _____

To :

Date _____

The owner of the building at (address) _____

 on (Lot No.) _____
 has been served with an Order No. INVO _____ dated _____.

2. In exercise of the powers vested in me by section 26A(3) of the Buildings Ordinance, I HEREBY ORDER you as owner to carry out, within a period expiring on _____, the works as specified in the investigation and remedial proposal submitted by your authorized person on _____ and approved on _____.

3. All works specified in this Order shall be carried out to such standard acceptable to the Building Authority and in compliance with the regulations.

for Building Authority

c.c. Land Registrar - for registration

Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

5. Buildings Ordinance - Order by the Building Authority under section 27A (in relation to dangerous hillsides)

**BUILDINGS ORDINANCE
(CHAPTER 123)
Order by the Building Authority under section 27A**

Order No. _____

BD Reference No.: _____

To: _____ Date : _____

I am of the opinion that the *natural, formed or man-made land *and the earth-retaining structure (Feature No. _____ *portion as shown coloured red on the attach plan) *at and adjoining _____ *on and adjoining _____ *has/have been rendered so dangerous *is/are liable to become so dangerous that *it/they will collapse or be likely to collapse, either totally or partially, and thereby cause or likely to cause a risk of injury to persons or damage to property.

2. In exercise of the powers vested in me under section 27A of the Buildings Ordinance, I hereby declare that such *natural, formed, or man-made land *and earth retaining structure *is/are *dangerous/liable to become dangerous and I HEREBY ORDER you as the *owner of the land *and structure *person who under the terms of a Government lease is under an obligation to maintain the land *and structure, to carry out the following works :-

- a) appoint an Authorized Person within months of the date of this Order to co-ordinate the work required below;
- b) to carry out the approved remedial/preventive works in accordance with the proposal approved by the Building Authority on withinmonths of the date of this Order.

3. All work as stipulated above in this Order shall be carried out to such standard acceptable to the Building Authority and in compliance with regulations.

c.c. Land Registrar-for registration
 ΔCGE/
 #CGE/
 CGE/SS(Attn: SGE/CAU)
 DO/
 *DLO/ ()
 +SGE/SP, Arch. S. D. for Building Authority
 Occupier

* Delete whichever is inapplicable
 Δ The relevant GEO District Division
 # The initiating GEO Division other than District Division
 +Applicable to DH Order affecting subvented project

Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

6. Buildings Ordinance - Order by the Building Authority under section 27C(1) (in relation to buried services)

BUILDINGS ORDINANCE
(CHAPTER 123)
Order by the Building Authority under s27C(1)

Order No. : _____ Date : _____
B.D. Ref. No. : _____

To :

Pursuant to Section 27C(1) of the Buildings Ordinance, I am of the opinion that any leakage, defect or inadequacy of the water pipes/ drains/ or sewers of the building at (address) _____ on (Lot no.) _____, which are laid in, on or under the ground in or in the vicinity of earth-retaining structure annotated by Feature No. _____ as shown coloured yellow on the attached plan for identification purpose only, may result in a landslip of the land or a collapse of the structure, either totally or partially, and such landslip or collapse may cause, or may be likely to cause, a risk of injury to persons or damage to property.

2. In exercise of the power vested in me under section 27C(1) and 27C(2) of the Buildings Ordinance, I HEREBY ORDER you as owner(s) of the building : -

- (a) to appoint an authorized person to carry out investigation of all water pipes/ drains/ and sewers laid in, on or under the ground in or in the vicinity of the said earth-retaining structure annotated by Feature No. _____.
- (b) to cause such investigation to be commenced within _____ days and completed within _____ days of the date of this Order.
- (c) to cause a written report on the findings of such investigation to be prepared by the person appointed to carry out the investigation and to submit such report to the Building Authority within _____ days of the date of this Order.
- (d) to submit for approval by the Building Authority proposals for work to be done to remedy any leakage, defect or inadequacy of the water pipes/ drains/ and sewers, based on the findings of such investigation, within _____ days of the date of this Order.

3. All investigation and work specified in this Order shall be carried out to such standard acceptable to the Building Authority and in compliance with Building Regulations.

()
for Building Authority

c.c. Land Registry (for registration)
Occupier
CGE/ GEO

Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

7. Buildings Ordinance - Order by the Building Authority under section 28(3) (in relation to defective drainage works)

**BUILDING AUTHORITY OF HONG KONG
BUILDINGS ORDINANCE
(Chapter 123)
Order by the Building Authority under section 28(3)**

Order No. DR/ _____

Our Ref. No. _____

To :

Date _____

I am of the opinion that the drains of the building at (address) _____
_____ are
on (Lot No.) _____ are
*inadequate/in a defective/in an insanitary condition.

2. In exercise of the powers vested in me by section 28(3) of the Buildings Ordinance, I HEREBY ORDER you as owner to carry out, within a period expiring on _____, the following works :-

SAMPLE

All works specified in this Order shall be carried out to such standard acceptable to the Building Authority and in compliance with the regulations.

c.c. Land Registrar - for registration
SCO

for Building Authority

delete whichever is inapplicable

Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

8. Buildings Ordinance - Order by the Building Authority under section 28(5) (in relation to defective drainage works)

BUILDING AUTHORITY OF HONG KONG
BUILDINGS ORDINANCE
(Chapter 123)
Order by the Building Authority under section 28(5)

Order No. DR _____

Our Ref. No. BD _____

To :

Date _____

The owner of the building at (address) _____

on (Lot No.) _____ has

been served with an Order No. DR _____ dated _____.

2. In exercise of the powers vested in me by section 28(5) of the Buildings Ordinance, I HEREBY ORDER you as owner to carry out, within a period expiring on _____, the works as specified in the investigation and remedial proposal submitted by your appointed authorized person on _____ and approved on _____.

3. All works specified in this Order shall be carried out to such standard acceptable to the Building Authority and in compliance with the regulations.

for Building Authority

c.c. Land Registrar - for registration
 SBS/A6, C&E Div.

Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

9. Fire Safety (Commercial Premises) Ordinance - Fire Safety Direction (in relation to the fire safety construction requirements)

Buildings Department
Fire Safety (Commercial Premises) Ordinance (Chapter 502)
(Section 5)
Fire Safety Direction

Direction No. : _____
 Our Ref. No. : _____

To _____

 (name and address of the owner of *a unit or part of the prescribed commercial premises)

1. TAKE NOTICE that under Section 5 (1) of the Fire Safety (Commercial Premises) Ordinance the Director of Buildings, being in the opinion that the building, or part of the building at _____

 (address of the prescribed commercial premises) is prescribed commercial premises within the meaning of Section 3(2) of the Fire Safety (Commercial Premises) Ordinance does hereby require you as the owner of _____

 (specify the *unit or part of the prescribed commercial premises), to provide therein the fire safety Construction requirements specified as follows :- Please see attached Appendix _____

 (specify the fire safety construction requirements). The period of compliance with this Direction will expire on _____ (specify the date).

2. If you, without reasonable excuse, fail to comply with the requirements of this Direction you are liable to prosecution for an offence under Section 5(7)(a) of the Fire Safety (Commercial Premises) Ordinance. Upon conviction, a court may impose a maximum fine of \$25,000 and to a further fine of \$2,500 for each day or part of a day during which the offence continues. Upon conviction, application may also be made for an order against you under Section 6(1) of the Fire Safety (Commercial Premises) Ordinance requiring the provision of the fire safety construction requirements in the said prescribed commercial premises.

3. Any default in complying with the requirements of this Direction may also risk the making of a Use Restriction Order by the District Court under Section 7(1) of the Fire Safety (Commercial Premises) Ordinance prohibiting the use of the said *unit or part of the premises for any prescribed commercial activity.

Dated this _____ day of _____

(_____)
 Chief Building Surveyor/FS
 for Director of Buildings

c.c. Director of Fire Services
 7/-

* delete as appropriate

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Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

10. Fire Safety (Commercial Premises) Ordinance - Fire Safety Direction Explanatory Notes

Fire Safety Direction Explanatory Notes

The Fire Safety *Direction / Directions *is / are issued by the *Director of Buildings *& the Director of Fire Services under section *5(1) *& 5(2) of the Fire Safety (Commercial Premises) Ordinance for compliance of fire safety measures specified under *Schedule 2 *& Schedule 3 of the Ordinance. * Attached herewith is a plan showing the boundary of the subject prescribed commercial premises for your information.

2. The fire safety measures required to be complied with are specified in paragraph one of the Fire Safety *Direction / Directions. Your attention is drawn to the time specified for compliance of the Fire Safety Direction.

3. As the compliance of the fire safety measures may involve technical knowledge, you are advised to seek the service of an authorized person (namely architect, engineer or surveyor registered under the Buildings Ordinance) and a Fire Service Installation Contractor who can advise you further in this issue. A list of authorized persons is available for inspection in the Buildings Department and District Offices. A list of all registered Fire Services Installation Contractors is available for inspection in Fire Protection Command Headquarters, fire stations and fire protection regional offices. Lists of registered Classes 1 & 2 Fire Services Installation Contractors are available for browsing at the following Fire Services Department web sites :-

<http://www.info.gov.hk/hkfsd/chinese/notice/notice1.htm>

<http://www.info.gov.hk/hkfsd/english/notice/notice1.htm>

If such works involve the building fire service installations or public areas of the building or portion(s) of the building owned by another party, you should seek prior consent from the Owners/Owners Corporation/Building Management of the building or the respective Owners of the portion(s) of the building as appropriate.

4. If you have any enquiry on the Fire Safety Direction issued by the Buildings Department, please contact Building Surveyor _____ at telephone No. _____, or corresponding address : Buildings Department, 12/F-18/F Pioneer Centre, 750 Nathan Road, Mongkok, Kowloon, Hong Kong.

5. If you have any enquiry on the Fire Safety Direction issued by the Fire Services Department, please contact Divisional Officer _____ at telephone No. _____, or corresponding address : Fire Services Department, Fire Protection Command, Legislation and Control Division, One Mong Kok Road Commercial Centre, 1 Mongkok Road, 5/F., Kowloon, Hong Kong.

*Delete as appropriate

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Appendix 5

Useful Information for Building Management

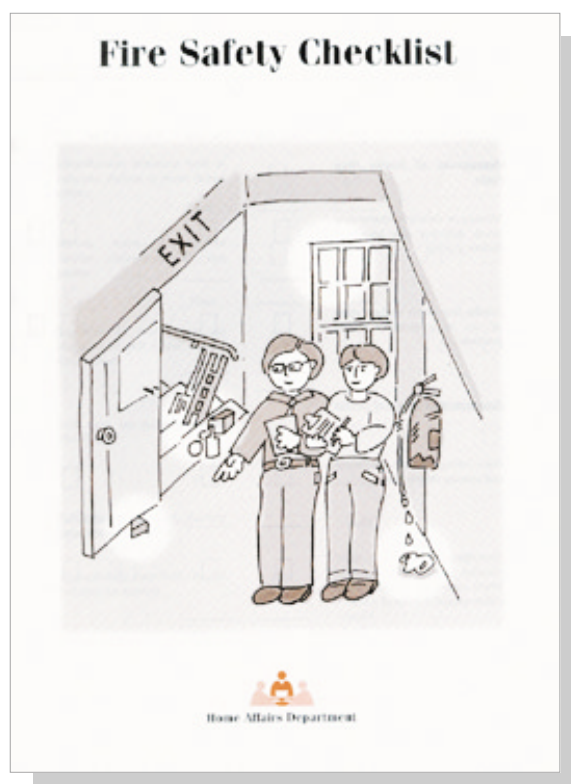
Appendix

Appendix 5 Useful Information for Building Management

(i) Fire Safety Checklist

To facilitate building owners to carry out self-inspection on fire safety provisions of their buildings, Home Affairs Department published a Fire Safety Checklist (FSC) in September 1998 for use of owners of private buildings.

The checklist can be collected from any District Office or downloaded from the Web Site : www.info.gov.hk/had/



Appendix 5 Useful Information for Building Management

(ii) List of Useful Information

- (1) Deed of Mutual Covenant
- (2) Latest revision of general building plans approved by Building Authority
- (3) Latest revision of structural plans approved by Building Authority
- (4) Latest revision of foundation plans approved by Building Authority
- (5) Latest revision of site formation plans approved by Building Authority
- (6) Latest revision of drainage plans approved by Building Authority
- (7) Latest revision of plumbing plans approved by Water Supplies Department
- (8) Written confirmation concerning the modification or exemption and related conditions issued by Building Authority under Section 42 of Buildings Ordinance
- (9) Alterations & Additions plans approved by Building Authority
- (10) As-built fire services system and pipeworks layout drawings
- (11) As-built underground drains, drainage system and pipeworks layout drawings
- (12) As-built water supply system and pipeworks layout drawings
- (13) As-built electricity supply system and wiring drawings
- (14) As-built public lighting system and wiring drawings
- (15) As-built broadcasting systems diagrams
- (16) As-built gas supply system and pipeworks drawings
- (17) As-built air-conditioning, ventilation system and associated pipeworks drawings
- (18) Testing records and certificates required under Fire Service (Installations and Equipment) Regulations
- (19) Testing records and certificates required under Building (Ventilating Systems) Regulations
- (20) Testing and inspection records and certificates required under Lifts & Escalators (Safety) Ordinance
- (21) Testing records and certificates required under Electricity (Wiring) Regulations
- (22) User manual, maintenance certificate, installation contract, etc. of the building services

Appendix 6

Building Safety Loan Scheme

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Appendix 6 Building Safety Loan Scheme

(i) "An Introduction to the Building Safety Loan Scheme"

The Building Safety Loan Scheme, which is administered by the Director of Buildings, is to provide loans to individual owners of all types of private buildings including domestic, composite, commercial and industrial buildings who may wish to obtain financial assistance in carrying out works for improving the safety of their buildings and/or private slopes.

The details of the application of the Building Safety Loan Scheme can be referred to the Guidance Notes published by the Buildings Department.

The Application Form and Guidance Notes are available at:

Buildings Department

Fire Services Department

- Fire Safety Command Headquarters
- Licensing and Certification Command Headquarters
- Fire Protection Regional Offices of FSD
- Any Fire Stations

Electrical and Mechanical Services Department

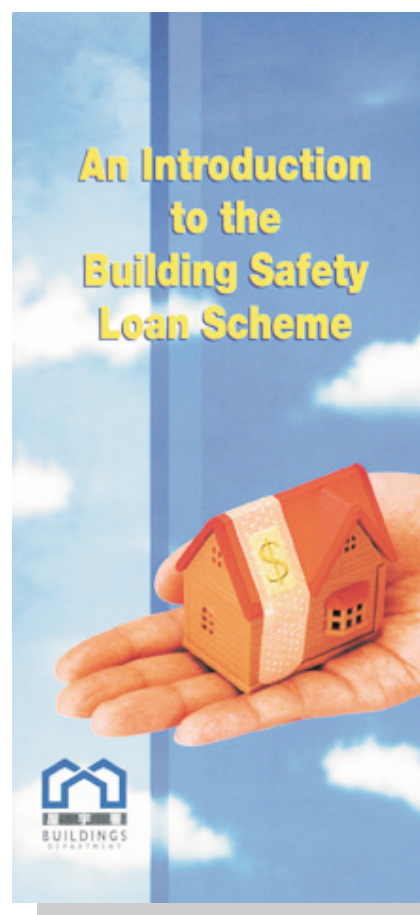
Civil Engineering Department

Water Supplies Department

Home Affairs Department


- All District Offices
- Building Management Resource Centres

or downloaded from the Web Site: www.info.gov.hk/bd/



Appendix 6 Building Safety Loan Scheme

(ii) Sample of "Application Form"



Building Safety Loan Scheme
*(Comprehensive Building Safety Improvement Loan Scheme
 also known as Building Safety Loan Scheme)*

APPLICATION FORM

Please read the "Guidance Notes for Loan Application" before completing the Application Form

PART I (This part must be completed in BLOCK LETTERS by ALL applicants)

(1) Name of Applicant (surname first)/Company _____

(2) HKID card No./Business Registration Certificate No. _____

(3) Correspondence address _____

(4) Home Tel. No. _____

(5) Daytime contact Tel. No. _____

(6) Fax No. _____

(7) Property address (in respect of loan application) _____

(8) Type of building (please tick as appropriate):
 domestic commercial/domestic
 commercial industrial
 others : please specify _____

(9) Loan amount applied for

<input type="checkbox"/> (i) Inspection/investigation	HK\$ _____
<input type="checkbox"/> (ii) Comprehensive building repair works	HK\$ _____
<input type="checkbox"/> (iii) UBW removal works*	HK\$ _____
<input type="checkbox"/> (iv) Slope improvement/upgrading works*	HK\$ _____
<input type="checkbox"/> (v) Slope maintenance works*	HK\$ _____
<input type="checkbox"/> (vi) Fire safety provision/improvement/ construction/maintenance works*	
(a) Works for individual unit	HK\$ _____
(b) Works for common parts of the building	HK\$ _____
<input type="checkbox"/> (vii) Gas risers*	HK\$ _____
<input type="checkbox"/> (viii) Electrical Installation*	HK\$ _____
<input type="checkbox"/> (ix) Lift*	HK\$ _____
<input type="checkbox"/> (x) Plumbing*	HK\$ _____

(10) Any order/direction/advisory letter from government department(s) received? Yes No

*If the application relates to only one of the items under (iii) to (x), please tick as appropriate.

BELS-01 (Revised 7/2001)

Appendix 6 Building Safety Loan Scheme

(iii) Sample of "Guidance Notes"



Building Safety Loan Scheme

Guidance Notes for Loan Application

Comprehensive Building Safety Improvement Loan Scheme also known as Building Safety Loan Scheme

I. Applicant should read through the attached pamphlet on Building Safety Loan Scheme before filling in the application form

II. Instructions for completing application form & documents to be submitted

1. All applications should be completed legibly using BLACK ball pen in ENGLISH or CHINESE.
2. Every item of the application form must be completed. The word "Nil" or "N.A." should be put against any item which does not apply.
3. Relevant supporting documents listed in Part I of the application form must be submitted together with the completed application form by ALL applicants.
4. Applicants of interest-bearing loan are not required to go through any means-test.
5. Applicants (other than registered companies) who have financial difficulties in repaying the loan with interest may apply for interest-free loans if he/she is:
 - (a) a recipient of the Comprehensive Social Security Assistance; or
 - (b) a recipient of the Normal Old Age Allowance; or
 - (c) earning income and possessing assets (including other household members) within the limits set for low income category applicants below:

(i) For applicants aged 60 and above

	Monthly Income Limit [Notes (i) & (ii)] (HK\$)	Asset Limit [Note (iii)] (HK\$)
Singleton	7,500	169,000
Couple	12,800	254,000

(ii) For applicants below the age of 60

Household Size	Average Monthly Household Income Limit [Notes (i), (ii) & (iv)] (HK\$)	Household Asset Limit [Notes (iii) & (v)] (HK\$)
1	6,200	24,000
2	11,000	32,000
3	13,700	48,000
4	16,400	64,000
5	17,800	64,000
6	19,200	64,000
7	21,800	64,000
8	24,300	64,000
9	26,600	64,000
10 or above	28,400	64,000

BDLS-22 (Revised 7/2011)

Appendix 7

Slopes & Retaining Walls

Appendix

Appendix 7 Slopes and Retaining Walls

1 Maintenance Responsibility

- Private building owners (owners) are responsible for the maintenance and repair of slopes/retaining walls within their lots.

The owners include such of individual flats in a multi-storey building and any persons holding premises directly from the Government under lease, licence, etc. The public can have access to lease documents and records of owners at the Land Registry.

- Some owners are also liable under the lease to maintain and repair slopes/retaining walls outside their lot boundaries.

Government Leases may contain specific clauses regarding the maintenance responsibility for areas outside the lot boundaries. Sometimes, such responsibility may not be specific but only implied under conditions of the lease such as the General Maintenance Clause.

In some cases, owners may also have liabilities under common law for maintenance and repair of slopes/retaining walls adjoining their lots. If the owners have queries on the maintenance responsibilities in this regards, advice from lawyers and estate surveyors should be sought.

- For private lots which have been developed and held in multiple ownership, the Building Management Ordinance applies and that responsibility for slope/retaining wall within the common areas rests with the Incorporated Owners. Owners are also advised to refer to the Deed of Mutual Covenant and any Management Agreement for information.
- The public may obtain the information on slope maintenance responsibility from the Slope Maintenance Responsibility Information Centre of the Lands Department on 1/F of North Point Government Offices at No. 333 Java Road in North Point, Hong Kong. They may also enquire via telephone hotline No. 2231 3333 or visit the Lands Department website: www.slope.landsd.gov.hk/smris/.
- If a slope or retaining wall is not properly maintained, it will deteriorate and a landslip may occur. This could result in injury to persons or damage to properties. The responsible owners or parties may have to bear significant expense to render the slope safe, to repair the property and to compensate those injured.

Appendix 7 Slopes and Retaining Walls

2 Routine Maintenance

2.1 Scope of routine maintenance

In typical routine maintenance, owners should:

- clear accumulated debris from drainage channels and slope surfaces
- repair cracked or damaged drainage channels or pavement
- repair or replace cracked or damaged slope surfaces
- clear obstructions in weepholes and outlet drain pipes
- repair missing or deteriorated pointing in masonry walls
- remove any vegetation causing severe cracking of slope surfaces and drainage channels
- replant vegetation in areas where the vegetation has withered
- remove loose rock debris and undesirable vegetation from rock slopes or around boulders
- investigate and repair buried water-carrying services in or adjacent to slopes or retaining walls where signs of possible leakage are observed

2.2 Frequency and timing of routine maintenance inspections

- Routine Maintenance Inspections should be carried out at least once a year.
- Any required maintenance works should preferably be completed before the wet seasons.
- Owners should arrange to inspect the drainage channels and clear any blockages after a heavy rainstorm or a typhoon.

2.3 Personnel for routine maintenance inspections

- The purpose of routine maintenance inspections is to ascertain the need for maintenance works. Such inspections do not demand professional geotechnical knowledge and can be carried out by a layman, including property management or maintenance staff.

Appendix 7 Slopes and Retaining Walls

2.4 Regular checks of buried water-carrying services

- Leakage from buried water-carrying services may not produce visible signs on slopes or retaining walls. Therefore, regular inspection of these services should be carried out.
- Any damaged water-carrying services should be repaired without delay.
- Checking of buried drains and sewers can be carried out by drainage contractors using a number of methods, general guidance on which can be found in the leaflet “Advisory Note on Inspection and Maintenance of Private Drainage and Water Services Affecting Slopes” available from District Offices.

2.5 Routine maintenance works

- Routine slope maintenance works can be carried out by a general building contractor or a specialist contractor in site formation works category as per the advice of building professionals.
- A list of registered contractors is available for inspection at District Offices and the Buildings Department or from the department’s web site at www.info.gov.hk/bd.

3 Engineer inspections for maintenance

3.1 Scope of the inspections

- Although proper routine maintenance of a slope or retaining wall can greatly reduce the risk of a landslide, the slope/retaining wall may still not be sufficiently safe for various reasons, such as inherent design or construction deficiencies, or changes of soil properties that have taken place in the vicinity. Therefore, an Engineer Inspection should be carried out to assess the need of maintenance and condition of the slopes/retaining wall from an in-depth professional standpoint.
- A model brief for the Engineer Inspections for Maintenance has been included in the “Layman’s Guide to Slope Maintenance”, which is available from District Offices.

Appendix 7 Slopes and Retaining Walls

3.2 Frequency of the inspections

- Minimum once every 5 years.
- More frequent inspections may be recommended by the original designer of the slope in the Maintenance Manual.
- More frequent inspections may be recommended by the engineer commissioned to carry out the previous inspection.
- It may also be requested by those who carry out the Routine Maintenance Inspections on a need basis.

3.3 Personnel for the inspections

- An Engineer Inspection for Maintenance should be carried out by a geotechnical engineer professionally qualified in Hong Kong.
- A suitable qualification is Registered Professional Engineer (Geotechnical), information on which can be obtained from the Engineers Registration Board. The address is : Engineers Registration Board, c/o Hong Kong Institution of Engineers, 9/F, Island Beverley, 1 Great George Street, Causeway Bay, Hong Kong.

Website : www.erb.org.hk
(Tel: 2895 4446)
(Fax: 2577 7791)

4 Publications Available from the Civil Engineering Department

Civil Engineering Department publishes a number of information leaflets, booklets and promotional materials to raise public awareness of slope safety. These include:

- How to Protect Yourself and Your Family when the Landslip Warning is in Force
- Keep Your Slope Safe
- Don't Carry Out Unauthorized Cultivation
- Advice to Squatters in Respect of Landslips
- Training Video CD on slope safety problems and common methods of slope maintenance

Appendix 7 Slopes and Retaining Walls

Documents that provide guidance on good practice related to slope maintenance include:

- Guide to Slope Maintenance (Geoguide 5)
- Layman's Guide to Slope Maintenance
- What to Do When You Receive a Dangerous Hillside Order
- Model Slope Maintenance Plan for Private Slope Owners

Copies of Geoguide 5 can be directly purchased from Government Publications Centre. The other publications may be obtained free of charge from District Offices or by writing to:

Chief Geotechnical Engineer/Slope Safety
 Geotechnical Engineering Office,
 Civil Engineering Department,
 7/F., Civil Engineering Building,
 101 Princess Margaret Road,
 Homantin, Kowloon.

5 Additional Sources of Information :

- (1) Code of Practice on Inspection & Maintenance of Water Carrying Services Affecting Slopes, Works Branch (now Works Bureau)
- (2) Advisory Note on Inspection and Maintenance of Buried Drainage and Water Services Affecting Slopes/Walls, Geotechnical Engineering Office, Civil Engineering Department
- (3) Practice Notes for Authorized Person and Registered Structural Engineers No. 205 : Code of Practice on Inspection and Maintenance of Water Carrying Services Affecting Slopes, Buildings Department
- (4) Slope Safety Hotline at Tel : 2885 5888 of GEO of CED
- (5) Community Advisory Unit, Geotechnical Engineering Office, Civil Engineering Department at Tel : 2760 5800
- (6) Hong Kong Slope Safety Website at <http://hkss.ced.gov.hk>
- (7) Lands Department Website on Maintenance Responsibility of Slopes at <http://www.slope.landsd.gov.hk/smr/s/>

Appendix 8

Maintenance Requirements and Information on Electrical Installations, Lifts & Escalators and Gas Risers Installations

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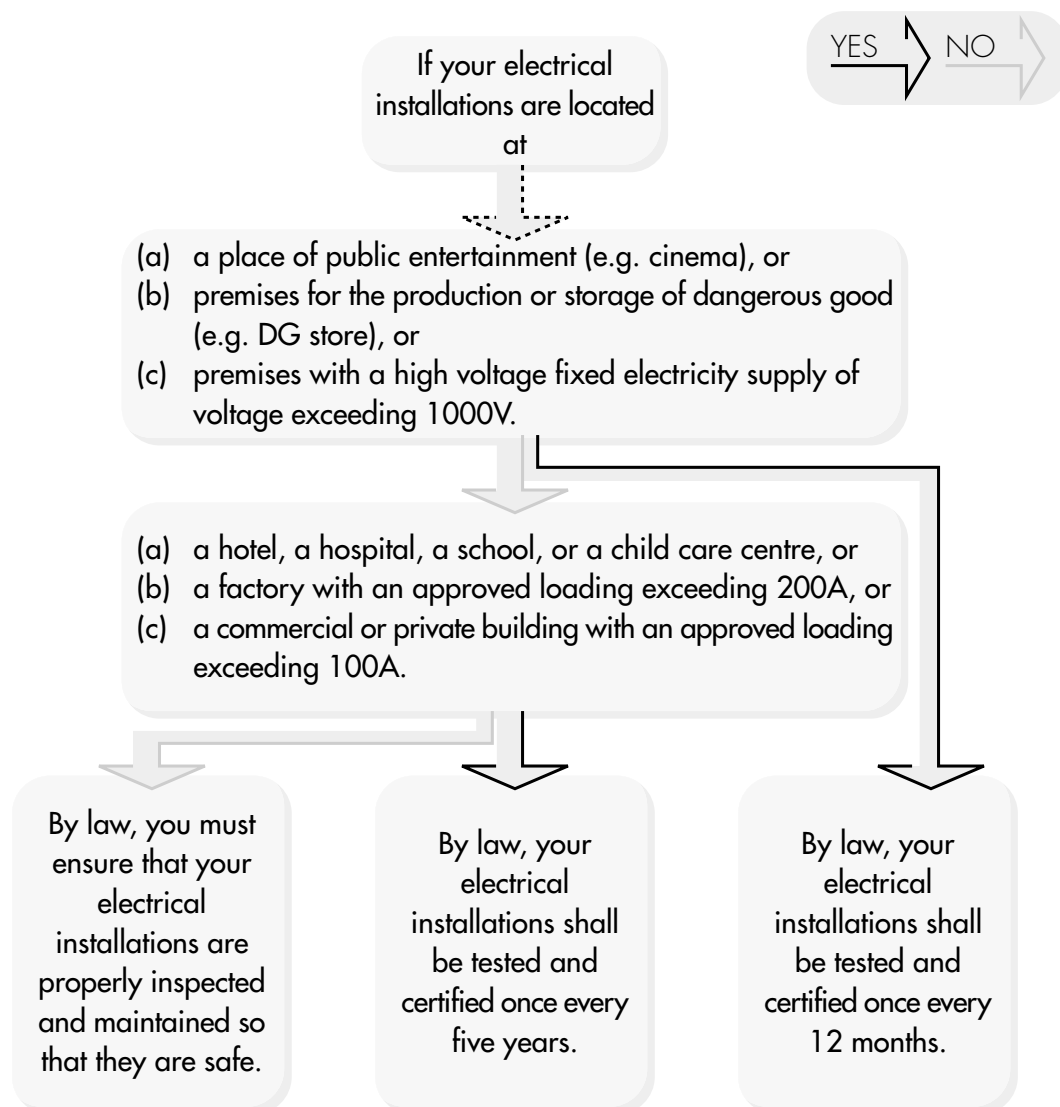
Appendix 8 Maintenance Requirements and Information on Electrical Installations, Lifts & Escalators and Gas Risers Installations

1. Electrical Installations

1.1 Maintenance responsibility

- Owners of electrical installations shall arrange inspection, testing and certification for their electrical installations periodically.
- The owners of electrical installations include any person who possesses or controls the installations or holds the premises in which the installations are located, including property owners, incorporated owners, estate management agents, occupiers and tenants of a building.
- Failure to comply with the requirements may cause safety hazards resulting in electric shock, fire or interruption of power supply. It is also a contravention of the Regulation 20 of the Electricity (Wiring) Regulations. Offenders will be prosecuted.

1.2 Requirements under Electricity Ordinance



Appendix 8 Maintenance Requirements and Information on Electrical Installations, Lifts & Escalators and Gas Risers Installations

1.3 Procedures for Periodic Test

1 Employ a registered electrical contractor to inspect and test your electrical installations.

2 After the test, request your electrical contractor to issue you with a 'Periodic Test Certificate' (form WR2) within a month.

3 Send the certificate to the Electrical and Mechanical Services Department (EMSD) together with an application fee for endorsement within two weeks after the certificate is issued.

4 The certificate, duly endorsed by EMSD, will be returned to you by post; EMSD may conduct random checking of the certified electrical installations.

5 EMSD may carry out further inspection at any time to ensure that your installations comply with the safety requirements. Keep your certificate and produce it on their visits.

1.4 Enquiries

For more information, please call 2882 8011, or write to Electricity Legislation Division, Electrical and Mechanical Services Department, 98 Caroline Hill Road, Causeway Bay, Hong Kong.

Fax no. 2895 4929
E-mail info@emsd.gov.hk

(Useful Contact No. at Appendix 2 refers)

2. Lift and Escalator Installations

2.1 Responsibility of lift/escalator owner

- Employ Registered Lift/Escalator Contractor to conduct:
 - periodic maintenance (monthly)
 - periodic examination and testing of lift (yearly)
 - periodic examination and testing of escalator (half-yearly)

Appendix 8 Maintenance Requirements and Information on Electrical Installations, Lifts & Escalators and Gas Risers Installations

- Maintain an up-to-date logbook and countersign against each entry by the Registered Lift/Escalator Contractor.
- Report the occurrence of accidents to the Director of Electrical and Mechanical Services and Registered Lift/Escalator Contractor.
- Arrange endorsement of lift/escalator testing certificate.
- Employ Registered Lift/Escalator Contractor to:
 - carry out major alteration works
 - examine and test lift and escalator upon completion of the works
- Display the endorsed certificate (Form 5 for new installation or Form 11/12 for existing installation) which is returned from the Director of Electrical and Mechanical Services, in a conspicuous position in the lift or adjacent to the escalator.

2.2 Periodic maintenance and examination

Maintenance and Examination	Escalator	Lift
<ul style="list-style-type: none"> • Inspecting, cleaning, oiling and adjusting 	Monthly	Monthly
<ul style="list-style-type: none"> • Periodic examination 	Half-yearly	Yearly
<ul style="list-style-type: none"> • Periodic testing of safety equipment 	Yearly	Yearly
<ul style="list-style-type: none"> • Full load safety test, overload device and brake tests 		5 yearly

2.3 Types of lift maintenance contract

"Full maintenance"- The replacement of normal wearing spare parts is included in the maintenance fee.

"Standard maintenance"- The maintenance fee includes only the payment of repair and maintenance, all other spare parts expenses are excluded.

Appendix 8 Maintenance Requirements and Information on Electrical Installations, Lifts & Escalators and Gas Risers Installations

2.4 Management staff should assist the contractor to ensure lift safety

In general, registered lift contractors provide maintenance services on contract terms. To avoid breaking the laws, management staff of the building should assist the contractor in ensuring that the lifts meet safety standards:

- Submit, within 7 days upon receipt of the Form 5, Form 7, Form 11 or Form 12, to the Director of Electrical and Mechanical Services (DEMS) together with the prescribed fees or ask the Registered Lift/Escalator Contractor to submit the relevant Forms and the prescribed fees to the DEMS on his behalf;
- Keep and update the record of work in the logbook for EMSD inspection;
- To ensure smooth operation of the lifts, a good environment and necessary equipment should be provided to the registered lift contractor to carry out maintenance work;
- Report any accidents immediately in writing to the Director of Electrical and Mechanical Services, Registered Lift Contractor and the insurance company.

2.5 Enquiries

For further information, please call 2882 8011 or by e-mail: info@emsd.gov.hk.

(Useful Contact No. at Appendix 2 refers)

3. Gas Riser Installations

3.1 Maintenance responsibility

- The owner of gas installations, who may be the private property owner, Owners' Corporation, building management company, tenant, resident or gas supply company, has the duty to keep the gas fittings (including service riser) in good and safe conditions.
- Any unattended damage or undue alteration, such as leaving gas pipes corroded or covering gas pipes by additional structures, may cause accidents which result in personal injury or damages to assets. This is in contravention of the Gas Safety Ordinance and the offender can be prosecuted.
- The owner of gas installations is responsible for arranging a regular inspection of fixed gas fitting (including service riser) at least once every 18 months. Proper maintenance should be carried out with reference to the findings of the inspection to ensure gas safety.

Appendix 8 Maintenance Requirements and Information on Electrical Installations, Lifts & Escalators and Gas Risers Installations

3.2 Gas installation work and Registered Gas Contractors

- Under the Gas Safety (Registration of Gas Installers and Gas Contractors) Regulations, only registered gas installers (registered to the appropriate class as shown in Section 3.3 of this Appendix) employed by registered gas contractors can personally carry out gas installation work.
- "Gas Installation Work" includes the fabrication, connection, disconnection, testing, commissioning, decommissioning, maintenance, repair, or replacement of gas pipework, appliances and fitting.
- Registered gas contractors will request the customer to sign a work record (job card) as documentary proof of work done.
- The document includes the details of work carried out, date, time, and the gas installer's name and registration number.
- The registered gas contractor shall be required to keep these records for inspection by Government gas safety inspectors.
- Registered gas contractors have to display their registration certificate and a sign on their premises to let the public know they are registered gas contractors.
- The list of registered gas contractors can be found at: <http://www.emsd.gov.hk/>.

3.3 Classes of gas installation work

Domestic	1	Install and commission a LPG hotplate used with a cylinder.
	2	Install domestic pipework.
	3	Install / commission domestic pipework and appliances.
	4	Install / commission / service domestic appliances.
Commercial	5	Install non-domestic pipework.
	6	Install / commission non-domestic pipework and appliances.
	7	Install / commission / service non-domestic appliances.
Industrial	8	Install / commission / service industrial appliances.

Refer to the Gas Safety (Registration of Gas Installers and Gas Contractors) Regulations for details.

Appendix 8 Maintenance Requirements and Information on Electrical Installations, Lifts & Escalators and Gas Risers Installations

3.4 Liquefied Petroleum Gas (LPG) cylinder

3.4.1 General keeping and handling of cylinders

- Handle with care to avoid damage.
- Do not store excessive stock of LPG cylinders above an aggregate water capacity of 130 litres.
- Store cylinders upright in a well-ventilated and readily accessible location.
- Keep away from heat and flames, especially when exchanging cylinders.
- Do not use or keep LPG cylinders below ground level, adjacent to drains, basements and in public access area such as pavement, corridor, etc.
- Notify the registered gas supply company to collect unattended LPG cylinders found in public areas.

3.4.2 Using LPG cylinders

- Check the cylinder and regulator for damage and leaks.
- Use only the pressure regulator provided by the respective gas supply company, and protect the regulator from damage.
- Turn off the regulator switch after use. Disconnect the regulator if gas is not to be used for prolonged periods.
- Flexible rubber tubings are recommended to be replaced every 3 years, by reference to the marking printed on the tubing. Frequently check rubber tubings for loose connections, damage and leaks. Ask your registered gas contractor to replace it if you notice any defects.
- Keep flammable materials away from gas appliances.
- Do not leave gas appliances turned on without constant supervision.

Appendix 8 Maintenance Requirements and Information on Electrical Installations, Lifts & Escalators and Gas Risers Installations

3.5 Flueless gas water heaters

Flueless gas water heaters serving bathrooms or showers are considered dangerous because they consume the air inside the room and the products of combustion containing toxic carbon monoxide discharge directly into the room where the heater is situated, and may build up to dangerous levels if ventilation is inadequate.

3.5.1 Prohibit any new installation and prohibit use of existing flueless gas water heaters serving bathroom or shower

- The Gas Safety (Installation and Use) Regulations states that from 1 July 2000 no person shall use a flueless gas water heater to serve a bathroom or shower.
- The responsible person for the premises in which the heater is installed shall cause the supply of gas to the heater to be permanently disconnected.

3.5.2 Prohibit sale of flueless gas water heater

- The amendment of the Gas Safety (Miscellaneous) Regulations states that no person shall knowingly sell or offer for sale any flueless gas water heater for use in Hong Kong.
- This amendment means that no person is allowed to supply a flueless gas water heater for any purpose from 1 April 2000.

3.5.3 Penalty of non-compliance with new regulations

- Any person who contravenes the regulation prohibiting any new installation and use of any existing flueless gas water heater serving a bathroom or shower commits an offence and is liable on conviction to a fine of \$5,000.

3.5.4 Enquiries

For any enquiries about gas safety, please call the EMSD Hotline at 28828011 or send e-mail to info@emsd.gov.hk.

(Useful Contact No. at Appendix 2 refers)

Appendix 8 Maintenance Requirements and Information on Electrical Installations, Lifts & Escalators and Gas Risers Installations

3.6 Additional information :

Electrical & Mechanical Services Department

(1) For Your Safety Maintain Your Electrical Installations



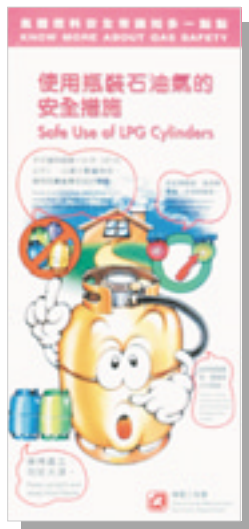
(2) Responsibilities Of Lift / Escalator Owner Under The Lifts And Escalators (Safety) Ordinance



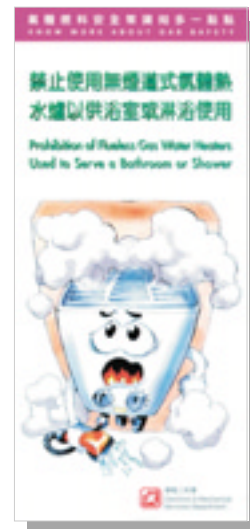
(3) Gas Installation Work And Registered Gas Contractors



(4) Safe Use Of LPG Cylinders



(5) Prohibition Of Flueless Gas Water Heaters Used To Serve A Bathroom Or Shower



Appendix 9

Cantilevered Canopy and Balcony

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Appendix 9 Cantilevered Canopy and Balcony

1 Introduction

- 1.1** Cantilevered canopies and balconies could pose a high risk on the safety of the building occupants and the public. The building owners and management agents must pay particular attention in the monitoring, maintenance and repair of such structures.

2 Reasons for the High Risk

- 2.1** Cantilevered structures are supported at one end only. All the loading acting on the cantilevered structures will be transferred to the main building structures through this point. Therefore, when failure occurs at this point, the whole structures will fall down, usually without any signs of warning.

- 2.2** Canopies and balconies can easily be overloaded. The reasons are:

- They can easily be erected with unauthorized building works.
- They can easily be misused (e.g. for storage purpose).
- They can easily be altered or affected by improper repairs (e.g. addition of parapet walls, excessive screeding thickness, surface cross fall in the wrong direction, etc.).
- The drains could easily be blocked resulting in the structures having to resist additional loads due to ponding of water.

- 2.3** Canopies and balconies are susceptible to deterioration or corrosion. The reasons are:

- They are usually exposed to weathering.
- They can easily be misused or occupied by unauthorized building works, causing wet and humid condition, or blockage of drains.
- The main steel bars of cantilevered structures are near the top surface of the structure, which is more vulnerable to corrosion.
- The tension zone of cantilevered structures is in the top. Cracks will be developed in the tension zone. When the cracks are wide enough for water penetrating to the main steel bars, corrosion of the main steel bars will occur.

Appendix 9 Cantilevered Canopy and Balcony

2.4 Cantilevered structures are susceptible to faulty construction. The reasons are:

- Construction of cantilevered structures requires an accurate positioning of the main steel bars near the top surface of the structures. Furthermore, their position could easily be affected (e.g. by workers stepping on them) during construction or during pouring of concrete.
- Cantilevered structures are usually cast separately from the main building structures. The construction joint, if not properly treated, could be the source of future problems.
- The main steel bars of cantilevered structures are anchored in the main building structure. If the anchorage is not properly constructed (e.g. anchorage lengths of the steel bars not adequate), failure of the anchorage could occur.

3 Signs of Warning

3.1 Cantilevered structures usually collapse without any signs of warning. Such signs could only be noticed in some particular cases:

- **Downward deflection of the structure.** Usually this could not be observed by naked eyes. It could only be noticed in some particular situations. For example, a canopy or balcony has a railing or parapet that connects to the building structure, and the deflection of the canopy/balcony has opened a gap or caused a separation or cracking between the railing/parapet and the building structure. In such case, an registered building professionals may be able to predict a possible imminent collapse of the canopy/balcony.
- **Rust staining surface.** This is a sign of corrosion of the steel bars. However, in some canopies/balconies, rust staining may not be easily observed even when the steel bars have seriously corroded. This is particularly common in canopies and balconies constructed with small diameter steel bars. Furthermore, in some canopies/balconies, the surfaces may have been concealed or covered up. In such case, the building owners or management agents should at suitable timing remove the covering materials and inspect the surfaces of the canopies/balconies.
- **Cracks in the structures.** Cracks are usually developed before a structure collapses. They are developed in the tension zone of the structure. For cantilevered structures, the tension zone is on the top. In many cases, cracks in such location are difficult to be observed due to access problems or covering up of the surface by waterproofing materials or screeding. Purposely made inspection or investigation is usually required to detect cracks in cantilevered canopies or balconies.

Appendix 9 Cantilevered Canopy and Balcony

4 Method of Investigation

- 4.1** Canopies and balconies are difficult to be inspected with naked eyes. Coring of concrete samples from the structures for testing is usually required. The investigation should be carried out by an registered building professionals.
- 4.2** The scope of investigation should include:
- the thickness and strength of the concrete,
 - the thickness of screeding and any other surfacing materials,
 - the size, spacing and position of the steel bars,
 - evidence of any faulty construction,
 - the extent of corrosion and deterioration in concrete and steel bars,
 - the drainage condition,
 - the loading condition, etc.
- 4.3** Based on the results of the investigation, the structural engineer should assess the load carrying capacities of the canopies/balconies, any repair works required, and the remaining service lives of the structures after repair.
- 4.4** Before carrying out the investigation, the structural engineer must decide whether it is necessary to install temporary supports for the canopies or balconies.
- 4.5** Before carrying out the investigation, any unauthorized building works erected on, below or otherwise attached to the canopies or balconies, and any materials placed or stored in the canopies or balconies must be removed.

Appendix 9 Cantilevered Canopy and Balcony

5 Maintenance and Repair

- 5.1** Canopies or balconies must be free of any unauthorized structures. Any unauthorized structure, whether above, below, or otherwise attached to the canopies/balconies must be removed immediately.
- 5.2** Any misuse of canopies or balconies, such as storage of materials, must not be allowed.
- 5.3** Any means that could overload the canopies or balconies must be avoided.
- 5.4** The drainage system and waterproofing system of the canopies/balconies must be well maintained to ensure they are properly functioned.
- 5.5** Ponding of water on canopies or balconies must be avoided.
- 5.6** Any means that could aggravate the conditions of the canopies or balconies, leading to a faster rate of corrosion or deterioration of concrete or steel bars must be avoided. Canopies and balconies must always be maintained in a clean and dry condition.
- 5.7** If necessary, the owners should engage an registered building professionals to carry out investigation on the structural condition of the canopies or balconies.
- 5.8** Where strengthening of canopies or balconies is required, prior approval of the strengthening proposal and consent to the commencement and carrying out of the works must be obtained from the Buildings Department.
- 5.9** Where a canopy is no longer required, the owner may seek approval from the Buildings Department for the removal of the canopy.

Appendix 10

"Guide on Erection & Maintenance of Advertising Signs"

Appendix

Appendix 10 "Guide on Erection & Maintenance of Advertising Signs"

The Guide includes advice from Buildings Department, Electrical & Mechanical Services Department, Civil Aviation Department, Country & Marine Parks Authority, Transport Department and the Director of Marine on the erection and maintenance of advertisement signboards.

It is published by the Buildings Department and can be collected from its office or downloaded from the Web Site : www.info.gov.hk/bd/



Appendix 11

"Guidelines for the Removal of Typical Unauthorized Building Works and General Maintenance of External Walls"

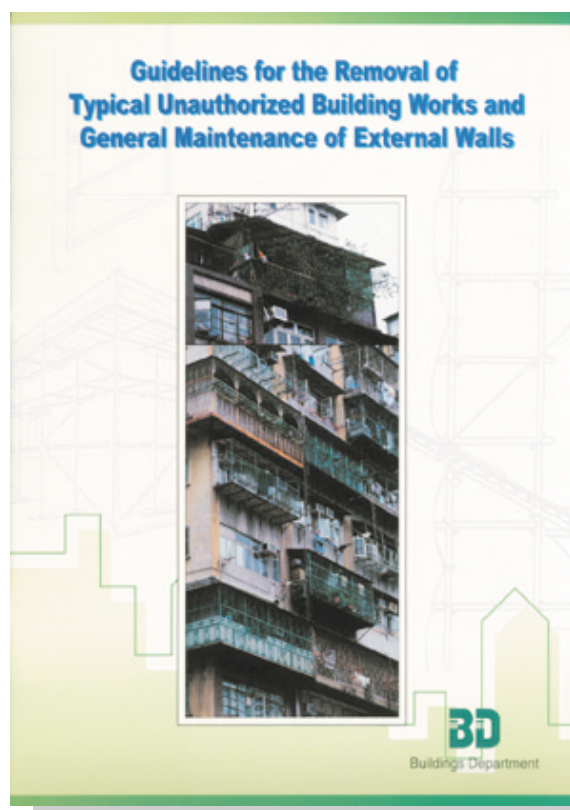
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Appendix 11 "Guidelines for the Removal of Typical Unauthorized Building Works and General Maintenance of External Walls"

The guidelines provide guidance for the safe removal of typical unauthorized building works (UBW) and general maintenance of external walls. Sufficient precautionary measures should be provided to ensure the safety of the public and occupants. Examples are:

- working platform
- catchfans
- temporary support
- double scaffolding
- protective mesh
- covered walkways

The guide is published by the Buildings Department and can be collected from its office or downloaded from the Web Site : www.info.gov.hk/bd/



Appendix 12

"Concise Case Studies on Site Accidents"

Appendix

Appendix 12 "Concise Case Studies on Site Accidents"

Most site accidents can be prevented. This booklet analyses the common causes of some typical accidents and gives suggestions on preventive measures.

It is published by the Occupational Safety & Health Branch of the Labour Department and can be collected from its office or downloaded from the Web Site : www.info.gov.hk/labour/



Appendix 13

"Safety Handbook for Site Workers"

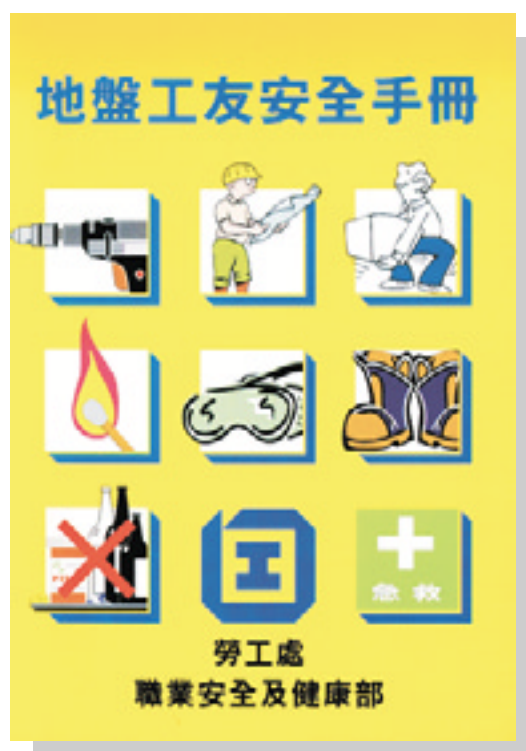
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Appendix 13 "Safety Handbook for Site Workers"

It includes relevant regulations and guidelines on site safety for workers on aspects such as:

- temporary hoarding,
- scaffolding,
- hoisting equipment,
- noise, and
- welding, etc.

The handbook is published by the Occupational Safety & Health Branch of Labour Department and can be collected from its office.



Appendix 14

"Asbestos Removal of Unauthorized Building Works"

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Appendix 14 "Asbestos Removal of Unauthorized Building Works"

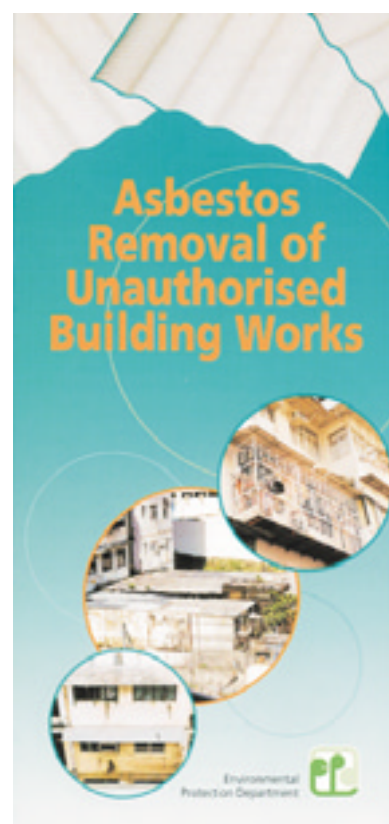
As the owner/occupier of the premises, you must hire a registered asbestos contractor to carry out the removal of unauthorized building works containing asbestos such as asbestos corrugated cement sheets and give not less than 28 days' written notice to the Environmental Protection Department (EPD) of the date on which the asbestos removal is to be commenced.

The leaflet provides advices on commonly asked questions such as:

- Where is asbestos likely to be found in Unauthorized Building Works?
- Why and how can the registered asbestos contractor carry out the asbestos removal work?
- How much will asbestos removal in unauthorized structures cost?
- How should the asbestos waste be handled if it has already been removed from the Unauthorized Building Works?
- Advice to the incorporated owners or professionals who need to carry out the repair of external walls of a building.

It also includes a list of Registered Asbestos Contractors.

The leaflet is published by Environmental Protection Department and can be collected from its office or downloaded from the Web Site : www.info.gov.hk/epd/



Appendix 15

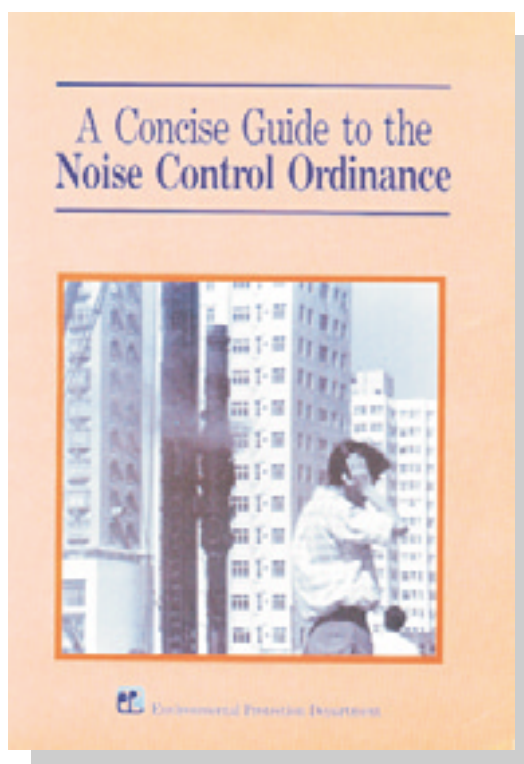
"A Concise Guide to the Noise Control Ordinance"

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Appendix 15 "A Concise Guide to the Noise Control Ordinance"

This booklet serves as a simple introduction to the provisions of the Noise Control Ordinance, which provides statutory controls to restrict and reduce the nuisance caused by various environmental noise including noise from construction activities and ventilation and pumping systems.

It is published by Environmental Protection Department and is available at its offices or downloaded from Web Site : www.info.gov.hk/epd/



Appendix 16

"How to Apply for a Construction Noise Permit"

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Appendix 16 "How to Apply for a Construction Noise Permit"

This booklet outlines the provisions of the Noise Control Ordinance which control noise from construction sites and describes the procedures for the application of a construction noise permit.

It is published by Environmental Protection Department and is available at its offices or downloaded from Web Site : www.info.gov.hk/epd/



Appendix 17

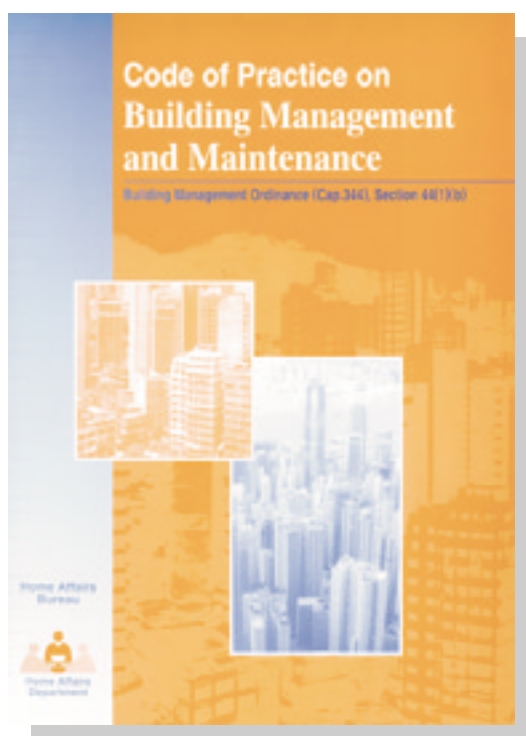
**"Code of Practice on Building
Management and Maintenance"**

Appendix

Appendix 17 "Code of Practice on Building Management and Maintenance"

This Code of Practice is issued by the Secretary for Home Affairs, as the Authority under the Building Management Ordinance, under section 44(1)(b) of the Ordinance. The purpose of the Code is to publicize standards of management and maintenance of the common parts of buildings for compliance by owners, office-bearers of Management Committee of Owners' Corporations, office-bearers of Owners' Committees, managers, building managing agents, management companies and such other persons/bodies charged with the duty to manage the common parts of buildings.

The guide is published by Home Affairs Department and can be collected from any District Office or downloaded from the Web Site : www.info.gov.hk/had/



Appendix 18

**"How to Form an Owners'
Corporation and Achieve Effective
Building Management"**

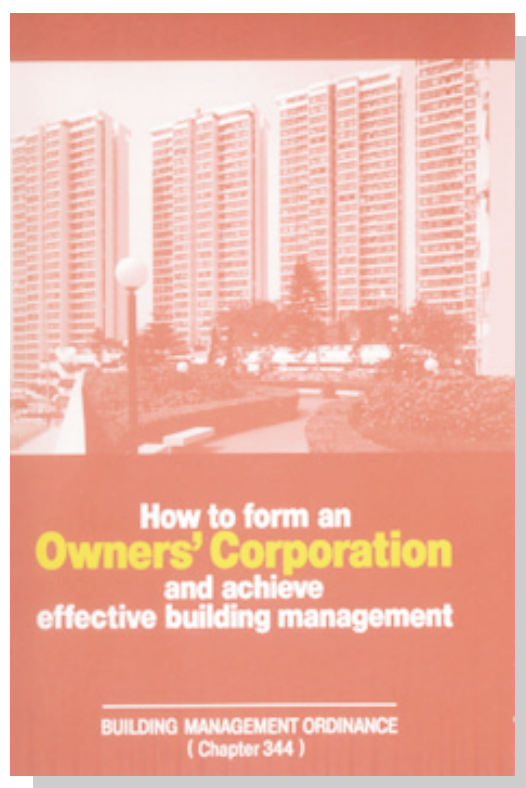
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Appendix 18 "How to Form an Owners' Corporation and Achieve Effective Building Management"

This booklet includes the statutory requirements under Building Management Ordinance (Chapter 344) related to the formation and operation of Owners' Corporation, such as:

- convention of Owners' meeting
- registration of Owners' Corporation
- meetings and procedure of Corporation, etc.

The guide is published by Home Affairs Department and can be collected from any District Office or downloaded from the Web Site : www.info.gov.hk/had/



Appendix 19

"Building Management"

Appendix
19
"Building Management"

Appendix 19 "Building Management"

This booklet includes comprehensive introduction on Building Management. Topics include:

- Source of Authority
- Owners' Corporation
- Daily Operation of Building Management
- Fire Prevention
- Procurement and Tendering Procedures
- Building Insurance
- Building Management Services Provided by Home Affairs Department
- Jurisdiction of the Lands Tribunal, and
- Introduction of the Building Management Resource Centres

The booklet is published by Home Affairs Department and can be collected from any District Office or downloaded from the Web Site: www.info.gov.hk/had/



Appendix 20

Sample Documents for General Maintenance Works Contract

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Appendix 20 Sample Documents for General Maintenance Works Contract

Notes:

The attached samples are correspondence for invitation of tenders (with or without Project Consultant), as well as samples of contract conditions for small scale maintenance works (contract amount up to HK\$1 million). For works exceeding HK\$1 million, it is considered to the best interest of the owners to engage a building professional as a Project Consultant to coordinate, arrange and supervise the required works.

The suggested formats of letters and documents for building maintenance works in this Appendix have been prepared by private consultants. They are for reference only. Advice should be sought from Project Consultants, if employed by the building owners for the proposed works, on whether such formats should be modified to suit the special circumstances of each case. If no Project Consultant has been employed for the works, the building owners should at least appoint an experienced member from the Project Steering Committee or appropriate person with backgrounds in contract administration to give similar advice.

Appendix 20 Sample Documents for General Maintenance Works Contract

(1) Sample of "Tender Document for Maintenance Works below HK\$1 Million (With Project Consultant)"

To : Contractor's name and address

Re : (Title of Contract)

On behalf of our Client, _____ **[Name of OC]**, we invite you to submit a tender for the above works. Enclosed please find the following documents for your information which would form parts of your tender:

- Form of Tender
- Specifications
- Schedule of Rates
- One set of Tender Drawings

The scope of works, terms and conditions as well as the relevant project particulars are listed below:

1. **Site Location** - _____

2. **Project Particulars**

Employer - _____

Project Consultant - _____

3. **Scope of Works**

The works to be carried out shall comprise (but not to be limited to the following items):

3.1 The Contractor shall use his best endeavor to complete all works as required and as directed by the Employer/Project Consultant.

3.2 }
 3.3 } work items
 3.4 }
 3.5 }

Appendix 20 Sample Documents for General Maintenance Works Contract

(1) *Sample of "Tender Document for Maintenance Works below HK\$1 Million (With Project Consultant)"(continues)*

4. Terms and Conditions

- 4.1 The materials and workmanship for the works shall follow the attached Specifications. In case of doubt or discrepancy, the Project Consultant shall be notified as soon as possible for necessary clarification.
- 4.2 Apart from the Form of Tender, the Contractor should also complete and submit the Schedule of Rates with the tender. The tendered sum shall be deemed to include all costs associated with all the works, such as provision of temporary electricity and water, overheads, insurances, supervision and other expenses as well as the contract preliminaries.
- 4.3 The Contractor is advised to visit the Site and make himself thoroughly acquainted with the location, general site conditions, accessibility, restrictions for loading and off-loading plants, etc., and any other conditions which may affect pricing. No claims for extra payment or extension of time for completion will be allowed on the grounds of ignorance of the conditions under which the Works are to be carried out.
- 4.4 The contract period shall be _____ calendar days starting from the approved contract commencement date. Liquidated damages shall be HK\$ _____ per day.
- 4.5 Any defects, excessive shrinkages or other faults, which appear within _____ months of the date of completion certified by the Project Consultant and which are due to materials or workmanship not in accordance with the Contract, shall be made good by the Contractor within a reasonable time entirely at his own cost, unless otherwise instructed by the Project Consultant. The Project Consultant shall certify the date when, in his opinion, the Contractor's obligations under this clause have been fulfilled.
- 4.6 The tender shall be a lump sum fixed price tender for the carrying out of the whole works in conformity with the Drawings and the Specifications.
- 4.7 Except where specifically stated to the contrary, all prices entered in the tender shall be at the risk of the contractor and no adjustment will be made at the settlement of accounts.
- 4.8 The tender shall be valid and open for acceptance for a period of 90 calendar days from the tender closing date.
- 4.9 The Project Consultant may issue instructions regarding the alteration of the design, quality or quantity of the Works and he may confirm in writing any variation made by the Contractor.

Appendix 20 Sample Documents for General Maintenance Works Contract

(1) *Sample of "Tender Document for Maintenance Works below HK\$1 Million (With Project Consultant)"(continues)*

5. Payment

- 5.1 The Project Consultant shall, at intervals of one month, issue Interim Certificates stating the amount due to the Contractor from the Employer.
- 5.2 For the purpose of ascertaining the amount due in Interim Certificates, the Project Consultant shall satisfy himself as to the estimated value of the Works properly carried out, calculated in accordance with the sums or rates, if any, contained in the Contract Documents.
- 5.3 The total ascertained under 5.2 shall be subject to the deduction of a retention of 10% and any previous payments made by the Employer.
- 5.4 The Project Consultant shall within fourteen days after the certified date of completion, issue the Practical Completion Certificate or Penultimate Certificate. The total ascertained for the Practical Completion Certificate or Penultimate Certificate shall be subject to the deduction of a retention of 5% and any previous payments made by the Employer.
- 5.5 The Project Consultant shall within fourteen days after the certified date of completion of making good defects, issue the Final Certificate. The Final Certificate shall state amounts remaining and due to the Contractor or due to the Employer as the case may be.
- 5.6 The Employer shall honour the Certificate within 28 days upon submission by the Contractor.

6. Insurance

- 6.1 The Contractor is required to effect and maintain appropriate insurance for the Works.
- 6.2 The Contractor is also required to insure for and shall indemnify the Employer against claims or proceedings arising in respect of injury to property or injury to or the death of persons in the course of carrying out the Works.

Appendix 20 Sample Documents for General Maintenance Works Contract

- (1) *Sample of "Tender Document for Maintenance Works below HK\$1 Million (With Project Consultant)"(continues)*

7. Surety Bond

- 7.1** The Contractor shall obtain the guarantee of an Insurance Company or Bank, in the sum of HK\$ _____, to be jointly and severally bound with the Contractor to the Employer for the due performance of the Works/Contract and the terms of the said Bond shall be approved by the Employer and the cost of obtaining the Bond shall be borne by the Contractor.

Your tender must be returned to the tender box of this office at _____ on or before _____ in a plain and sealed envelope with the cover marked project name. Late submission will not be accepted.

Yours faithfully,

C.C.

Appendix 20 Sample Documents for General Maintenance Works Contract

(2) Sample of "Tender Document (Without Project Consultant)"

Date:

To: Contractor's name and address

Tender Notice - Maintenance Project

You are invited to submit a tender for a maintenance project for our building, details of which are listed in the attached Form of Tender. If your company is interested in the project, please submit a tender to the Owners Corporation on or before _____ [Time & Date] and drop it in the Tender Box at _____ [Address]. Late submission will not be accepted.

Your tender should also include a photocopy of your Business Registration Certificate, details of similar projects undertaken including position, contact details of referees and information of your company's financial condition.

In case of doubt, please contact _____ [Name and telephone number of the person authorized by the Owners Corporation] directly.

Signature: _____

Name: _____

Chairman

Management Committee of the Owners' Corporation

Encl. Form of Tender **

(**See attached sample at (3))

Appendix 20 Sample Documents for General Maintenance Works Contract

(3) Sample of "Simplified Form of Tender (Without Project Consultant)"

Form of Tender			
1. Site Location	-	_____	

2. Employer	-	_____	
3. Scope of Works		<u>Quantity</u>	<u>Unit Rate</u> <u>Sub-total</u>
3.1	} (Work items to be specified by Employer)		
3.2			
3.3			
3.4			
	Total:		
4. Preliminaries			
5. Contract Period	-	_____	calendar days
	(preferably to be specified by Employer)		
6. Payment Terms	(to be specified by Employer)		

Total Tendered Sum (3.+4.): _____			
_____		_____	
Signature and Stamp of Contractor		Date	

Appendix 20 Sample Documents for General Maintenance Works Contract

(4) Sample of "Record of Invitation for Tenders"

Date: _____

Record of Invitation for Tenders

Invitation letters for tenders for _____ [project name] have been sent to the following companies:

Name of Company	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____

Signature: _____

Name: _____

Chairman

Management Committee of the Owners' Corporation

Appendix 20 Sample Documents for General Maintenance Works Contract**(5) Sample of "Record of Collection for Tenders"**

(Description of Project)

Record of Collection of Tenders

Name of Company	Acknowledgement of Receipt of Tender Documents & Date
-----------------	---

1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____

Appendix 20 Sample Documents for General Maintenance Works Contract

(6) Sample of "Record of Opening Tender"

Record of Opening Tender

Tenders for _____ have been invited and those received before the submission deadline were opened on _____ [Time & Date]. A total of _____ tenders in respect of the above-mentioned project were received, names of which and their respective tender prices are listed below:

Name of Tenderer

1. _____
2. _____
3. _____
4. _____
5. _____

Tender Price

- _____
- _____
- _____
- _____
- _____

Signature of Witnesses

Name

1. _____
2. _____
3. _____
4. _____
5. _____

Post

- _____
- _____
- _____
- _____
- _____

Signature

- _____
- _____
- _____
- _____
- _____

Appendix 20 Sample Documents for General Maintenance Works Contract**(7) Sample of "Letter to Announce Tendering Result (For unsuccessful tenderers)"**

Date:

To: Tenderers

Dear Sir,

Tendering Result (For unsuccessful tenderers)

Thank you for your tender submitted for _____ [Name of Project] at our building, I regret to inform you that you have not been selected for the Works. The selected company is _____ with a price of _____.

If you have any queries, please contact _____ [Name / Post] of the Owners Corporation at _____.

Signature: _____

Name: _____

Chairman

Management Committee of the Owners' Corporation

Appendix 20 Sample Documents for General Maintenance Works Contract

(8) Sample of "Notice on Resolution on the Selection of Contractor"

Date: _____

To: Owners/Occupants

Resolution on the Selection of Contractor

I refer to the tendering exercise held recently for _____ at our building. After careful consideration, it was resolved that the contract would be awarded to _____ [Name of the Company] in the sum of HK\$ _____, reason(s) being: _____

SAMPLE

Signature: _____

Name: _____

Chairman
 Management Committee of the Owners' Corporation

Appendix 20 Sample Documents for General Maintenance Works Contract

(9) Sample of "Letter of Award and Contract Conditions (With or Without Project Consultant)"

Date:

(ABC Construction Co. Ltd.)

(Address)

Dear Sirs,

Re : (TITLE OF CONTRACT) – LETTER OF AWARD

We thank you for your Tender submitted on [Date] and the subsequent discussions in connection with the above.

I have been duly authorized by the Employer, _____,
to award to you the contract for the captioned contract.

The award is subjected to the following terms and conditions :-

1. Contract Sum

The Contract Sum shall be in the amount of HK\$ _____
(Hong Kong Dollars _____ Only) derived as follows:

HK\$

1.1 Original Tender Price

1.2 Less

1.3 Add

etc.

TOTAL HK\$ _____

Appendix 20 Sample Documents for General Maintenance Works Contract

(9) Sample of "Letter of Award and Contract Conditions (With or Without Project Consultant)" (continues)

2A. Commencement and Completion Dates (See drafting note 1)

You are required to carry out works within the Designated Contract Area of this contract as delineated in Drawing No. _____ (Hereinafter called "the site").

Possession of the Site for commencement of the Works shall be _____ (date, usually 2 weeks to 1 month from the date of award) which will also be the Commencement Date of the Contract.

The whole of the Works shall be completed within _____ calendar days from the Commencement Date, that is to say, the Completion Date shall be _____ (date).

DRAFTING NOTE 1

This Section is applicable only if no permit is required or the permit to carry out building works is in hand at the date of issuing Letter of Award. Otherwise, use Section 2B.

OR

2B. Commencement and Completion Dates (See drafting note 2)

You are required to carry out works within the Designated Contract Area of this contract as delineated in Drawing No. _____ (Hereinafter called "the site").

Possession of the Site for Commencement of the Works shall be 14 days calculated from the date of this letter indicating acceptance of your tender. The date for the said possession of the Site will also be the Commencement Date of the Contract, and all Works shall be completed within _____ calendar days from the Commencement Date, that is to say, the Completion Date shall be _____ (date).

In the event the permit to carry out building works is not obtained by the site possession date, the Contract Commencement Date shall be the date of the permit to be issued by the Building Authority. You agree that there shall be no cost implication of whatsoever nature to the Contract hereby awarded as a consequence of such delay in the obtaining of the permit to carry out the Works.

In case the permit is granted before the aforesaid date for site possession, the latter date shall still be regarded as the Contract Commencement Date (i.e. 14 days from the acceptance of tender).

Appendix 20 Sample Documents for General Maintenance Works Contract

(9) Sample of "Letter of Award and Contract Conditions (With or Without Project Consultant)" (continues)

DRAFTING NOTE 2

Use this Section if permit to carry out building works is required but NOT yet obtained at the date of issuing Letter of Award

3.)
-) List all particular items clarified or agreed
4.) (after the submission of Tender) with the
-) Contractor
5.)

6. Contract Documents

The following letters and documents shall constitute integral parts of the contract hereby awarded :

6.1

6.2

6.3

- 6.4 The terms and conditions stated in this letter shall prevail in the event of any inconsistency between the terms and conditions stated in the earlier letters and documents identified above.

Please signify your acceptance of the terms and conditions of this award by signing and returning the duplicate copy to us immediately. The original copy is for your retention.

Pending the execution of a formal agreement between you and the Employer, your Tender together with the duly signed copy of this letter shall constitute a binding contract between you and the Employer.

In the meantime, please submit the following to us for approval prior to the Commencement Date of the Contract :

Appendix 20 Sample Documents for General Maintenance Works Contract

(9) Sample of "Letter of Award and Contract Conditions (With or Without Project Consultant)" (continues)

1. A program in accordance with Clause ____ of the Conditions of Building Contract and (as amplified in) the Tender Documents.
2. A make-up of rates and prices in accordance with Clause ____ of the Conditions of Building Contract.
3. Insurance policies and premium receipts for the Works in accordance with the Tender Documents.
4. Performance Bond in the form of a Banker's Guarantee in accordance with the Tender Documents.

Yours faithfully,

c.c.

ACKNOWLEDGEMENT

I, in the capacity of duly authorized to sign for and on behalf of [CONTRACTOR'S NAME] hereby confirm acceptance of the terms and conditions stipulated in this letter.

Signature & Stamp of Contractor

Date : _____

(See Drafting Note 3)

DRAFTING NOTE 3

Space letter such that the "Acknowledgement" portion is an integral part of the last page

Appendix 20 Sample Documents for General Maintenance Works Contract

(10) Sample of "Simplified Letter of Award (Without Project Consultant)"

Date:

(ABC Construction Co. Ltd.)
(Address)

Dear Sirs,

Re : (Title of Contract) – Letter of Award

I refer to the tender submitted by you on _____ [Date] for _____
[Description of Works] at our building. I am pleased to inform you that the Owners' Corporation
has decided to award the contract to your company for the sum of HK\$ _____.
Please contact _____ [Name / Post] of the Owners' Corporation at
_____ to discuss the arrangements for the works.

Signature: _____

Name: _____

Chairman

Management Committee of the Owners' Corporation

CAUTION

This simplified form should only be used for simple work orders.

Appendix 2i

Sample Cases of The Scope of Services of Building Professionals in Carrying out Building Inspections, Assessment and Supervision of Maintenance Works and the Fee Scale

Appendix

Appendix 21 Sample Cases of The Scope of Services of Building Professionals in Carrying out Building Inspections, Assessment and Supervision of Maintenance Works and the Fee Scale

The following samples quoted are based on real cases supplied by private consultants for reference only. Fee scale varies according to the standard of services and the qualification and experience of the personnel designated by the Consultant to attend to the job.

Case 1 – Renovation of a Commercial Building with Project Sum of Approximately HK\$25 Million

1.1 Project Description

The building professionals were appointed as Project Consultant for the co-owners of a commercial building on Nathan Road, Kowloon. The proposed works included repair and upgrading of external and internal finishes, as well as building services and equipment. The scope also covered clearance of unauthorized building works and replacement of plumbing and drainage facilities to each individual rental units.

1.2 Scope of Professional Services

The scope of services required Authorized Person/Registered Structural Engineer, designers and building services engineering consultancy. The duties included a detailed condition survey and technical assessment of the building fabric as well as the building services installations and equipment under the current condition with a view to improve the safety standards and upgrading of the environmental and equipment provisions. The services also covered detailed on-site study, testing and design work. At contract stage, the building professionals undertook supervision, control of programme, cost and workmanship through to completion and handover. The scope also included all necessary building/structural submissions to the government departments such as Buildings Department for approval and subsequent liaison.

1.3 Professional Fees

The overall consultancy services covered a period of approximately 18 months. Including out-of-pocket expenses like specialist testings, printing, photos and traveling, etc., the all-in fee was 5% of the final contract sum. The fees included the provision of a full-time Clerk-of-Works and a full-time Building Services Inspector, resident on site.

Appendix 21 Sample Cases of The Scope of Services of Building Professionals in Carrying out Building Inspections, Assessment and Supervision of Maintenance Works and the Fee Scale

Case 2 – Renovation of a Residential Building with Project Sum of Approximately HK\$2.5 Million

2.1 Project Description

The building professionals were appointed as the Principal Consultant for a renovation project to a high-rise residential building located in Homantin, Kowloon. The project required the consultant team to review the dilapidated conditions of various building elements and facilities including the plumbing and drainage pipeworks, roofing system, carpark controlling system, security system, landscaping, etc. and to enhance the image of the property with new design and finishes. Contents of the overall repair and renovation also included new external wall treatment and a new colour scheme, redesign of the building's main vehicular entrance and ground floor lift lobby.

2.2 Scope of Professional Services

The scope of services included detailed survey to the building and its surrounds. This also included issuing questionnaires to all the existing owners and tenants to collect preliminary opinions. At design stage, various alternative designs were provided for selection. The Project Consultant provided technical specification and working drawings sufficient to the issue of tender documents; gave advice on the selection of contractor; carried out periodic inspections to monitor the progress of the works until satisfactory completion by the contractor; and advised on the budget and certified payments to the contractor.

2.3 Professional Fees

The project lasted for about 9 months. The professional fee was a lump sum total of HK\$120,000. The fees included consultant's input on weekly cost and progress report, holding of bi-weekly site meetings with the joint owners representatives and contractors. Consultant's presentation and views on design and materials selection were given and required to attend the co-owners' evening meetings.

Appendix 21 Sample Cases of The Scope of Services of Building Professionals in Carrying out Building Inspections, Assessment and Supervision of Maintenance Works and the Fee Scale

Case 3 – Alteration and Addition Works Involving Construction of a New Staircase with Project Sum of Approximately HK\$1 Million

3.1 Project Description

The building professionals were appointed as the Authorized Person/Registered Structural Engineer for a minor structural repair work (concrete spalling and crackings) and consultants for construction of a link staircase between two interior floors of a commercial building. The works needed to be completed in a short duration and due to its structural alteration nature, required the approval of the Building Authority.

3.2 Scope of Professional Services

The first part of the scope of services included the specification and control of concrete repair work whilst in the second part involves the design and checking of proposed alteration work against the Buildings Ordinance's regulatory control requirements, fire services provisions and drainage diversion.

3.3 Professional Fees

The contract took a total of approximately 4 months and the all-in consultancy fee was a lump sum of HK\$80,000. The fees included the attendance of weekly site meetings, the site inspections prescribed by the Buildings Department under the current Site Safety Supervision Plan by providing suitable Technical Competent Persons and achieving the level of site supervision.

Appendix 22

Sample of "Invitation Letter for Submission of Fee Proposal for Comprehensive Condition Survey"

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Appendix 22 Sample of “Invitation Letter for Submission of Fee Proposal for Comprehensive Condition Survey”

The suggested formats of letters and documents for building maintenance works in this Appendix have been prepared by private consultants. They are for reference only. Advice should be sought from Project Consultants, if employed by the building owners for the proposed works, on whether such formats should be modified to suit the special circumstances of each case. If no Project Consultant has been employed for the works, the building owners should at least appoint an experienced member from the Project Steering Committee or appropriate person with backgrounds in contract administration to give similar advice.

By Fax & By Post (Fax# _____)

[Name and Address of Consultant]

[Date]

Our ref.:

Dear Sir/Madam,

Re : Invitation for Fee Proposal for
Comprehensive Condition Survey of
[Name and Address of Building/Estate]

We write, on behalf of **[Name of OC]**, to invite you to submit a professional service fee proposal to conduct a comprehensive condition survey of the subject premises. The scope of services covered by the fee proposal shall include but not limited to the following:-

- (1) To retrieve Approved General Building Plans, Structural Plans, Plumbing Plans, Drainage Plans and other relevant drawings of the subject premises from the Buildings Department, other Government Departments and public utility companies.
- (2) To provide all necessary professional services include Authorized Person, Registered Structural Engineer, Building Services Engineer, etc., for the completion of the said condition survey.
- (3) To conduct a comprehensive condition survey to external and internal common areas of the subject premises.

..... / Page 2

Appendix 22 Sample of “Invitation Letter for Submission of Fee Proposal for Comprehensive Condition Survey”

Page 2

- (4) To carry out a comprehensive condition survey to the existing building services including plumbing, drainage, fire services and electrical installations.
- (5) To identify the defects and recommend appropriate method(s) of repair and reinstatement works to all building elements, systems and installations.
- (6) To identify unauthorized building structures/works, other defects and its repair work not yet mentioned in item 3 above.
- (7) To set priority and provide cost estimate on the recommended repair and reinstatement works.
- (8) To prepare 2 copies of the condition survey report duly signed by either an Authorized Person or a Professional Building Surveyor to reveal all findings, repair methods and cost estimates for the Owners’ reference.
- (9) To complete the said comprehensive condition survey within ____ weeks from appointment. To submit the said comprehensive condition survey report to **[Name of OC]** within ____ weeks from appointment.
- (10) To explain details of the said condition survey report to the Owners, and to answer questions that they may raise.

Please submit your fee proposal with your proposed payment schedule, and the relevant job experience of your firm in a sealed envelope marked conspicuously “Confidential – Tender Document for Fee Proposal for Comprehensive Condition Survey of **[Name of Building/Estate]** and send to **[Address for Return of Tender]** on or before **[Time and Date for Return of Tender]**. LATE SUBMISSION WILL NOT BE CONSIDERED.

Should you require a site visit, please contact **[Name]** at **[Telephone Number]**. Should you have any queries on the above, please contact **[Name]** at **[Telephone Number]**.

Yours faithfully,
For and on behalf of **[Name of OC]**

Drafting Note: Where necessary, the scope of services shall include liaison with the relevant government Departments (e.g. if the comprehensive condition survey is a requirement of a statutory order).

Appendix 23

Sample of "Invitation Letter for Submission of Fee Proposal for Acting as a Project Consultant for Maintenance and Improvement Works"

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Appendix 23 Sample of “Invitation Letter for Submission of Fee Proposal for Acting as a Project Consultant for Maintenance and Improvement Works”

The suggested formats of letters and documents for building maintenance works in this Appendix have been prepared by private consultants. They are for reference only. Advice should be sought from Project Consultants, if employed by the building owners for the proposed works, on whether such formats should be modified to suit the special circumstances of each case. If no Project Consultant has been employed for the works, the building owners should at least appoint an experienced member from the Project Steering Committee or appropriate person with backgrounds in contract administration to give similar advice.

By Fax & By Post (Fax# _____)

[Name and Address of Project Manager]

[Date]

Our ref.:

Dear Sir/Madam,

**Re : Invitation for Fee Proposal for
Maintenance and Improvement Works at
[Name and Address of Building/Estate]**

We write on behalf of _____ [Name of OC] to invite you to submit a fee proposal in relation to the maintenance and improvement works at the subject premises.

1 Scope of Services

The scope of services covered by the fee proposal shall include the following (See Drafting Note):

Stage I: Preliminary Proposal and Cost Estimate

- 1.1 Assist the OC to develop the design brief.
- 1.2 Submit preliminary renovation and repair proposal with sketches and program.
- 1.3 Conduct evening Meetings with owners on preliminary design proposal.
- 1.4 Submit scheme design and preliminary cost estimate for client's consideration.
- 1.5 Provide recommendations and guidance for Client to select repair options, use of materials, equipment/installation options, etc.

..... / Page 2

Appendix 23 Sample of “Invitation Letter for Submission of Fee Proposal for Acting as a Project Consultant for Maintenance and Improvement Works”

Page 2

Stage II: Preparation of Detailed Design, Cost Estimate and Tendering Arrangement

- 2.1 Review and study relevant drawings and regulations.
- 2.2 Prepare detailed design (repair details, layout plan, colour schemes, elevations, material samples) for the Client’s consideration.
- 2.3 Prepare master programme for Client’s consideration.
- 2.4 Prepare budget estimate for Client’s consideration.
- 2.5 Prepare of tender document including the schedule of works, form of tender, tender drawings, specification and particulars for tender for Client’s consideration.
- 2.6 Conduct pre-qualification of contractors, invite tenders & conduct tender analysis.

Stage III: Contract Administration, Site Supervision and Construction Management

- 3.1 Prepare contract documents.
- 3.2 Conduct site inspections to monitor the progress and quality of works.
- 3.3 Liaison with the Management Office for necessary arrangement of site works.
- 3.4 Provide advice to Client on necessary variation works, if any.
- 3.5 Provide advice on payments to contractor(s).
- 3.6 Issue Certification of Practical Completion of the work.
- 3.7 Monitor the contractor(s) on rectifying defects.
- 3.8 Conduct Final inspection upon expiry of Defects Liability Period and preparation of Final Accounts.

Enclosed herewith a copy of condition survey report prepared by _____ [Name of Consultant] for your reference.

2 Professional Fee

Separate fee should be quoted for each stage of works as follow:

Stage I: Preliminary Design

Stage II: Detailed Design & Tendering

Stage III: Contract Administration & Construction Management

You may propose the terms of payment in each stage of works.

3 Right of the OC

The OC has the liberty to engage partial services for any one of the stages.

4 Validity of the Proposal

The proposal shall be valid for at least 6 months from the date of the fee proposal.

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Appendix 23 Sample of “Invitation Letter for Submission of Fee Proposal for Acting as a Project Consultant for Maintenance and Improvement Works”

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5 Termination of Services

The professional service may be terminated by either party upon a 14-day prior written notice to the last known address of the other party. The consultant shall be remunerated based upon the services rendered up to the date of termination of the appointment.

6 Delivery

Please submit your fee proposal together with your job reference in a sealed envelope marked conspicuously “Confidential – Tender Document for Fee Proposal for Repair and Renovation Work at _____ [Name of Building/Estate] and send to the tender box at _____ [Address for Return of Tender] on or before _____ [Time and Date for Return of Tender]. LATE SUBMISSION WILL NOT BE CONSIDERED.

Please return the Condition Survey Report as mentioned above with your fee proposal submission.

Should you require a site visit, please contact _____ [Name] at _____ [Telephone Number]. For any queries, please contact _____ [Name] at _____ [Telephone Number].

Yours faithfully,
For and on behalf of _____ [Name of OC]

Drafting Note: Where necessary, the scope of services shall include liaison with the relevant Government Departments (e.g. if the repair works is a requirement of a statutory order).

Appendix 24

Cost Reference for General Maintenance Works

Appendix

Appendix 24 Cost Reference for General Maintenance Works

Note:

1. The following unit rates are the cost estimate for medium to large scale maintenance works quoted for reader's reference. Contract preliminaries and contingencies are not included in the rates.
2. The actual costs will vary from one project to another as the extent of works, the location, the site conditions, the complexity of works of each project are different.

Description	Unit	Unit Rate in HK\$
Re-roofing		
• Replacement of waterproof membrane	m ²	200 – 250
• Replacement of concrete roof tiles	m ²	250 – 300
External Wall Refurbishment		
• Hacking off of existing tiled finishes	m ²	100 – 150
• Replacement of mosaic tiles including screeding	m ²	300 – 400
• Replacement of ceramic tiles including screeding	m ²	350 – 480
• Texture paint including plastering	m ²	200 – 320
• Scaffolding for external wall re-tiling	m ²	150 – 230
Internal Wall Refurbishment		
• Replacement of white glazed ceramic tiles including screeding (China origin or equivalent)	m ²	290 – 320
• Emulsion paint including plastering	m ²	130 – 220
Internal Floor Refurbishment		
• Replacement of homogeneous tiles including screeding (China origin or equivalent)	m ²	360 – 420
• Replacement of vinyl tiles including screeding	m ²	150 – 260
Internal Ceiling Refurbishment		
• Cement paint including lime plastering	m ²	110 – 200
• Exposed grid suspended false ceiling including acoustic tiles	m ²	250 – 360

Appendix 24 Cost Reference for General Maintenance Works

Description	Unit	Unit Rate in HK\$
Spalling Repair		
• External Wall	m ²	1,000 – 2,800
• Internal beam and column	m ²	900 – 2,300
• Internal wall and ceiling	m ²	900 – 2,000
• Internal crack repair by injection grout	m	600 – 1,200
Doors and Windows		
• Replacement of single-leaf half-hour fire resistant hard wood door including painting and ironmongeries	No.	4,500 – 6,500
• Replacement of single glazed clear anodized aluminium window	m ²	1,200 – 1,800
Plumbing and Drainage		
• Replacement of uPVC drain pipe main stack not exceeding 150mm diameter	m	480 – 550
• Replacement of cast iron drain pipe main stack not exceeding 150mm diameter	m	650 – 750
• Replacement of copper water supply main riser not exceeding 80mm diameter	m	680 – 780
Electrical Works		
• Re-wiring (average 70m ² flat) not exceeding 20 Nos. of power points	flat	7,000 – 12,000
Test		
• CCTV survey to underground drains (approx. 50m)	Job	30,000 – 40,000
• Hammer tapping to external wall including double framed scaffolding	m ²	250 – 350
• Thermal scanning to external wall excluding scaffolding (approx. 1000m ²)	Job	25,000 – 30,000

Appendix 24 Cost Reference for General Maintenance Works

Description	Unit	Unit Rate in HK\$
Miscellaneous		
<ul style="list-style-type: none"> Removal of metal cages or flower racks mounted on external wall including scaffolding 	Job	8,000 – 30,000
<ul style="list-style-type: none"> Removal of asbestos corrugated sheet canopy or roof structure excluding scaffolding (less than 5m in length) 	Job	6,000 – 25,000
<ul style="list-style-type: none"> High-pressure water jetting to clear blocked drains 	No. of blockage	2,000 – 2,500

All rates as at 2001 price level, and include materials and labour costs.

Appendix 25

Channels for Complaining against Unsatisfactory Performance of Contractors

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Appendix 25 Channels for Complaining against Unsatisfactory Performance of Contractors

Nature of Unsatisfactory Performance of Contractor		Complaining channels /parties /departments	Telephone No.
1.	Poor site safety measures during construction stage. e.g. workers do not wear helmet, no safety belt when working at height; no protective screen/hoarding to separate the public away from the construction area	Labour Department	2717 1771
2.	Noise pollution from site activities	Environmental Protection Department	Refer to District Complaint Hotlines (Appendix 2)
3.	Air pollution from site activities		
4.	Improper discharge of waste water into public storm water drains		
5.	Bribery and Corruption	Independent Commission Against Corruption	2526 6366
6.	Carry out of illegal building works and works causing possible danger to the building and the public	Buildings Department	2626 1616
7.	Work carried out in contravention with Buildings Ordinance		
8.	Illegal use of water from hose reel	Water Supplies Department	2824 5000
		Fire Services Department	2723 8787
9.	Employment of illegal immigrant in the construction site	Immigration Department	2824 1551
10.	Gambling in construction site	Hong Kong Police Force	Refer to District Complaint Hotlines (Appendix 2)
11.	Accumulation of construction debris without regular disposal	Appointed Building Professional to discuss possible course of actions under contract, such as withholding payment, termination, etc.	N/A
12.	Slow progress of construction work		
13.	Work carried out in contravention with the contract specification		
14.	Poor workmanship		

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Home Affairs Department*
Housing Authority and Housing Department
Independent Commission Against Corruption*
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Government Departments

Civil Engineering Department* - Geotechnical Engineering Office*
Drainage Services Department
Electrical & Mechanical Services Department*
Environment Protection Department*
Food and Environmental Hygiene Department*
Highways Department
Hong Kong Police Force
Immigration Department
Labour Department*
Land Registry
Lands Department
Mandatory Provident Fund Schemes Authority
Social Welfare Department
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Hong Kong Institute of Real Estate Administration
The Hong Kong Institute of Housing
The Hong Kong Association of Property Management Companies
The Hong Kong Confederation of Insurance Brokers
The Hong Kong Federation of Insurers

Quantity Surveying Firms

Davis Langdon & Seah Hong Kong Limited
Levett & Bailey Chartered Quantity Surveyors
Samson Wong & Associates Property Consultancy Ltd.
Widnell Ltd.

Owners' Corporations

OC of Concord Building
OC of Scenery Garden
OC of Waylee Industrial Centre
OC of Hanford Garden
OC of Fung Tak Estate
OC of Uptown Plaza
OC of Ching Lai Court
OC of Sun Lai Garden