

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)117**

**(Question Serial No. 2535)**

Head: (82) Buildings Department  
Subhead (No. & title): (-) Not Specified  
Programme: (1) Buildings and Building Works  
Controlling Officer: Director of Buildings (CHEUNG Tin-cheung)  
Director of Bureau: Secretary for Development

Question:

In the Controlling Officer's Report, continuing the large scale operation on inspection of sub-divided flats (SDFs) in target buildings and rectification of irregularities of building works associated with SDFs are among the Matters Requiring Special Attention in 2018-19.

In June 2017, a shocking accident took place at 50 Gillies Avenue South in Hung Hom which the floor of a unit's balcony at 1/F of the building measuring about seven meters by three meters collapsed. Kowloon West is one of communities in the earlier development of Hong Kong with a large number of old buildings. During the 1950s and 1960s, it was a common feature of the upper floors of the commercial/residential buildings to be built with rows of long cantilevered balcony. In the beginning, the Government prohibited the balcony from being enclosed to become part of the indoor area. The subsequent large influx of immigrants and the tight housing supply led to the toleration of the balcony to be utilised as a way to increase the living area by "sliding steel window". Due to the housing supply shortage in recent years, many tenement building owners sub-divided their units into SDFs to maximise rental income. How can the loading capacity of an area originally designed as a "balcony" sustain that of a SDF?

Could the authorities inform this Committee:

1. having regard to the long-standing historical problem of "SDFs on the balcony", whether the authorities will allocate more resources to establish a special operation team to carry out inspection and to require the owners of such units that exceed the loading safety factor to reinstate the SDFs; if so, of the details; if not, of the reasons for that;
2. whether the authorities will consider providing assistance through the Integrated Building Maintenance Assistance Scheme to owners to carry out repair works for "buildings requiring emergency remedial works" and "buildings with obvious defects". If the orders are not complied with by the owners, should the authorities carry out the repairs in default of the owners and recover the charges from them afterwards? If so, what are the details? If not, what are the reasons?

Asked by: Hon LEUNG Mei-fun, Priscilla (Member Question No. (LegCo use): 63)

Reply:

1. Apart from responding to reports, the Buildings Department (BD) also takes enforcement action against irregularities of building works associated with sub-divided flats (SDFs) through large scale operations (LSOs). Where actionable irregularities such as overloading of balcony are identified, BD will issue removal orders to the owners concerned and consider instigating prosecution against those who fail to comply with the removal orders. In 2018, BD will target 100 buildings for rectification of irregularities associated with SDFs through LSOs.

In 2017-18 (as at end December 2017), BD inspected 1 668 SDFs in total in response to reports from members of the public or other government departments and through LSOs. 19 were so far found to be associated with building irregularities which had to be followed up by the issue of removal orders while further assessment or detailed investigations are still being conducted for some cases. BD does not compile statistics on the number of cases involving overloading of balcony.

2. At present, BD, the Urban Renewal Authority (URA) and the Hong Kong Housing Society (HKHS) implement a number of financial assistance schemes to assist eligible building owners in carrying building repair and maintenance. Details are set out as follows –

<b>Financial assistance schemes</b>	<b>Relevant department and organisations</b>	<b>Purpose</b>
Owners' Corporation Formation Subsidy	URA and HKHS <sup>(1)</sup>	To encourage and subsidise building owners in the formation of Owners' Corporations (OCs) to facilitate building maintenance
Common Area Repair Works Subsidy		To encourage OCs / owners to carry out comprehensive maintenance works to the building's common areas
Home Renovation Interest-free Loan		To encourage private residential flat owners to carry out internal repairs and maintenance works to their flats
Building Safety Loan Scheme	BD	To assist individual owners of private buildings in carrying out works related to the improvement of building safety and hygiene or for compliance with statutory orders
Building Maintenance Grant Scheme for Elderly Owners	HKHS	To assist elderly owner-occupiers in repairing and maintaining their buildings and improving building safety

Note <sup>(1)</sup>: Since 1 July 2015, URA has taken over all the rehabilitation scheme areas previously managed by HKHS under the three schemes and provides a territory-wide service under the scheme. In other words, HKHS has stopped accepting new applications under the three schemes since then but continues to process and follow up applications received on or before 30 June 2015.

To further enhance public safety, the Government plans to launch Operation Building Bright 2.0 (OBB 2.0) at a cost of \$3 billion to provide technical and financial assistance to eligible building owners to carry out inspection and repair works under the Mandatory Building Inspection Scheme. Based on our crude estimate, the funding under OBB 2.0 should be able to support the commissioning of inspection and repair works of 2 500 buildings over the five-year period.

If a repair order issued by BD was not complied with by the owner concerned, under the Buildings Ordinance (Cap. 123), BD may arrange the works required under the repair orders to be carried out in default of owners. The costs of the repair works, supervision charges and a surcharge not exceeding 20% on the cost due will be recovered from the owners concerned.

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