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**A NEW DIMENSION IN THE MAINTENANCE OF  
PRIVATE BUILDINGS IN HONG KONG**

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# **A New Dimension in The Maintenance of Private Buildings in Hong Kong**

## **Foreword**

1. The Building Surveying Division of the Hong Kong Institute of Surveyors set up a study group back in early 1996 in response to the intention by the Government to legislate the compulsory inspection of private buildings in Hong Kong. In fact, this is not a new idea. The Division had, back in early 1994, called for the inspection of older buildings by professional building surveyors whenever property transaction is to be made. Such an inspection will enable the buyer to know the conditions of these buildings and secure building mortgage if the building is in good condition. The Consumer Council had endorsed such a proposal and called on parties to facilitate the same thus making older properties more tradable. Thus, when this practice is widely accepted, the standard of building maintenance of private properties in Hong Kong will be greatly uplifted.

2. The Study Group looked at the issue in a wider perspective and found that the wide spread phenomena of unauthorized building works and lack of maintenance of buildings in Hong Kong have been becoming a grave concern in the society. The Hong Kong Government had been striving very hard in the past two decades to combat the problem but to no avail. It is not only the problem of the proliferation of unauthorized building works but the increasing aging of buildings. The neglect of older buildings due to economic reasons has rendered these buildings dilapidated. It is time to rethink the whole philosophy of public health and safety which was in the law drafter's mind when the first piece of such legislation was conceived.

3. The attitude of self regulation and initiative has been proven to be unsuccessful when coming to the issues of unauthorized building works and maintenance of buildings. It is time to call on the Government to pass new regulations as mandatory requirements to “conduct regular inspection and the proper maintenance of buildings and that buildings are not altered in such a way that public health and safety is put at risk.”

4. It is believed that the problems can be resolved and accidents can be prevented through the improvement of the maintenance of buildings to an acceptable standard and elimination of unauthorized building works (UBW).

5. The above two objectives can be achieved through the combined efforts of the property owners and the Government by adopting the following three courses of action:

#### **Course of Action 1 - Initiative**

6. Property owners do care about their buildings as the buildings are their homes and assets. Also, property owners should be aware of the consequence they have to bear if damage caused to other parties proved to be due to their negligence as building owners. Based on these reasoning, given the right initiatives, property owners should all be willing to maintain their buildings in a healthy and safe condition. The right initiatives in mind are:

7. Building Safety Committee should be formed in the District Boards and vested with duties to actively identify dangerous buildings or buildings in disrepair or causing nuisance in their districts and advise property owners to maintain their buildings. Alternatively, the terms of reference of the present Building Management Coordinating Committees set up by the Home Affairs Department in the Districts could be extended to cover the proposed duties of the Building Safety Committee. Additional and suitable

resources are to be allocated to the various District Offices of the Home Affairs Department.

#### 8. Education

Property owners should be educated through various media of the laws for maintenance of buildings and the obligations of property owners as part of the Government's 'Civic Education' campaign. In the longer term, it is suggested that the topics of 'building safety' should be introduced into the secondary school curriculum.

#### 9. Available services

Professional service should be made accessible to property owners who are willing to use them. The Building Authority should define scope of services, establish standards/ codes of practice, streamline work procedure, standardize fee scale, organize and maintain a register of Registered Professional Maintenance Consultancy (RPMC) which consists of at least one Authorized Person and one Registered Professional Building Surveyor with the support of other building professionals such as structural engineers, building services engineers, etc.. The Building Authority should provide useful information or advice one can obtain by simple and direct means such as by telephone or facsimile.

#### 10. Monetary incentives

Financial assistance for property owners who are willing to maintain their buildings in the form of tax reduction, loans and grants.

#### 11. Tax reductions

Expenses in building maintenance are deductible from personal income and property tax.

#### 12. Loans and Grants

The Government should set up a Central Maintenance and Improvement Fund to

finance the needy through loans and grants. Those who have successfully been granted with loans and grants will have no privilege for tax reductions and interest at low rate will have to be paid. Applications must be prepared by a RPMC on behalf of the property owner and applicable for maintenance work only. Proposed items include:

- (a) professional fees;
- (b) investigations works;
- (c) removal of UBWs and reinstatement works;
- (d) reinstatement of approved building elements and provisions like means of escape and fire compartmentation, etc.; and
- (e) repair of external building elements and fabrics: pipes, drains, windows, parapets, external wall finishes and canopies, etc.

13. Operation:

- (a) Loans shall be apportioned to each property owner base on flat area or the undivided share of the individual units and separately charged to each property.
- (b) Loans will be repaid by each co-owner in say, 36 installments with no penalty or if a property owner fails to pay, a penalty, say 5% of the outstanding loan will be added for delayed installment payments.
- (c) In all cases, the outstanding loan will have to be repaid when the property is sold.  
Undertaking has to be signed by the individual property owners.

14. Grants can be applied for certain improvement works if we are to build a better environment for Hong Kong.

- (a) improvement work should be prepared and applied by a RPMC on behalf of property owners;
- (b) endorsed by building safety committee of the district;

- (c) only once in the life of the building; and
- (d) repaid with interest if property sold within 3 years. Undertaking has to be signed by the individual property owners.

15. Proposed work items are:

- (a) sanitary installation to the required standard and/ or plumbing improvement; and
- (b) repainting of the exterior - only for buildings which are recognized as eyesores.

### **Course of Action 2 - Guidance**

16. Ideally, different types of buildings are to be inspected at varying intervals. For example, factory/ industrial buildings at 5 yearly interval, residential buildings at 7 yearly interval and offices at 10 yearly intervals. It is therefore suggested that new buildings are to be inspected at the above suggested ages and intervals. Owners of existing buildings aged over 15 years will need to have their buildings inspected by the RPMC and repaired to the satisfaction of the RPMC until a maintenance certificate is issued.

17. Building elements to be covered:

- (a) UBWs;
- (b) External elements including walls, beams, columns, parapets, etc. and finishes;
- (c) Drainage system;
- (d) Building projections including balconies, canopies, eaves, air-conditioning apertures, advertisement signs, other architectural features, etc.;
- (e) Means of escape, means of access, fire compartmentation, emergency vehicular access, etc.;
- (f) Overall stability of buildings; and
- (g) Other installations requiring regular inspection and certification, such as lifts,

electrical and fire services, etc. are being taken care of.

18. Non-compliance

For buildings which do not comply with the requirements within 6 months from the time the periodic inspection is required, the BA can then act for the property owners of the building in default. All costs including the fees for employment of a RPMC shall be advanced by the BA as loans to the property owners of the building (loans to be dealt with similar to paragraph 13).

19. Exemption and appeal mechanisms should be provided in the system. For example, those properties managed by registered property management firms employing suitably qualified personnel with a planned maintenance scheme and have been well maintained could be exempted from the system in so far as the production of maintenance certificates is concerned. Nevertheless, management firms or incorporated owners are required to declare to the same effect.

**Course of Action 3 - Enforcement**

20. Policy

Under the current policy, action will be taken only on three selected types of UBWs:

- (a) imminent structural danger;
- (b) fire risk; and
- (c) works-in -progress.

21. The reason given by the Government on this policy is lack of adequate staff resources to deal with all cases. The policy is not fair and gives a false impression that UBWs other than the three selected types are accepted or at least tolerated. In fact, the impression is strengthened by the current practice of the R&V Department levying rates

on UBWs. This may be one of the reasons why property owners are tempted to build UBWs.

22. Section 24(1) of the Buildings Ordinance should be amended to require that the Building Authority “shall by order in writing to require .....”. Good publicity of this change in legislation will discourage building owners to erect UBWs and it would be clear that no UBWs are acceptable.

23. Procedure:

The present procedure is time and labour intensive, it is suggested to simplify the procedure and allocate more resources to the Enforcement section:

(a) Suggestion 1:

To simplify the procedure: notices will be served on the owners and occupants without specifying the names of owners provided notices are registered with the Land Registry. This will save the time in conducting ownership check. This will of course require a change in legislation to make this possible.

(b) Suggestion 2:

To privatize some steps of the inspection and enforcement works to RPMCs in order to provide more professional firms to handle all types of UBWs and clear the current backlog.

24. Privatization Scheme:

Establish new operation structure by bringing in RPMCs or alternatively establish, as a pilot scheme, task areas and implement scheme in these task areas only. Existing BD staff re-deployed to remaining areas that will be tackled solely by BD staff.



## **Conclusion**

25. We would now call for the Government to take a bold and responsive step to legislate for the proper maintenance of private buildings in Hong Kong in line with the same resources that had been putting into public housing and Government buildings. We envisage that current related provisions under the Buildings Ordinance be brought into a new enactment to be known as the Building (Maintenance) Regulations. This will give weight to the issue and the general public a clear indication of the Government's determination to call for property owners to conduct proper maintenance of their buildings. The Government is strongly suggested to map out an implementation plan for the above system preferably finalized within a year. We believe that the sooner in implementing such would mean the easier for the problem to be tackled.

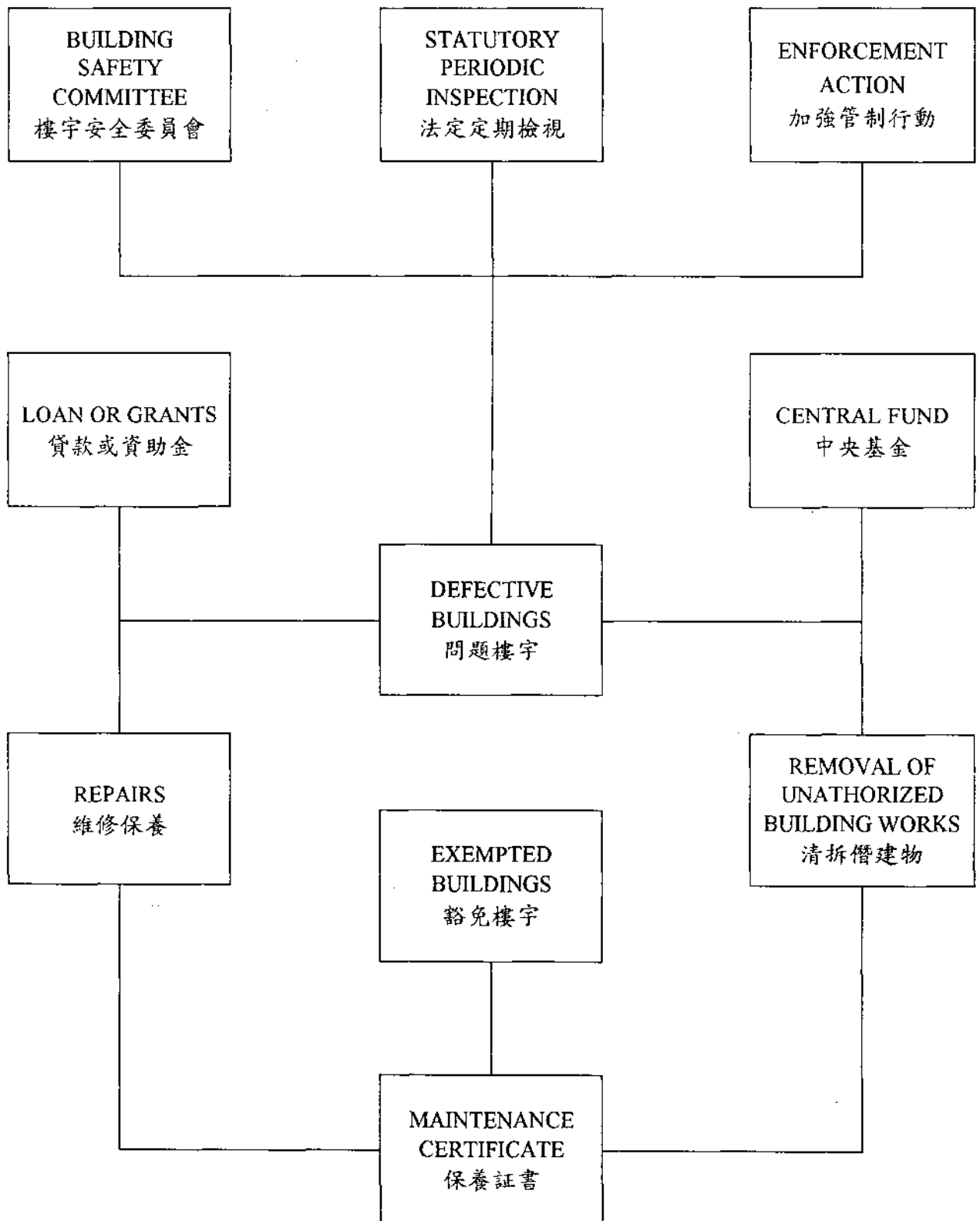
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Building Surveying Division

The Hong Kong Institute of Surveyors



BUILDING MAINTENANCE ACTION PLAN 樓宇保養行動大綱

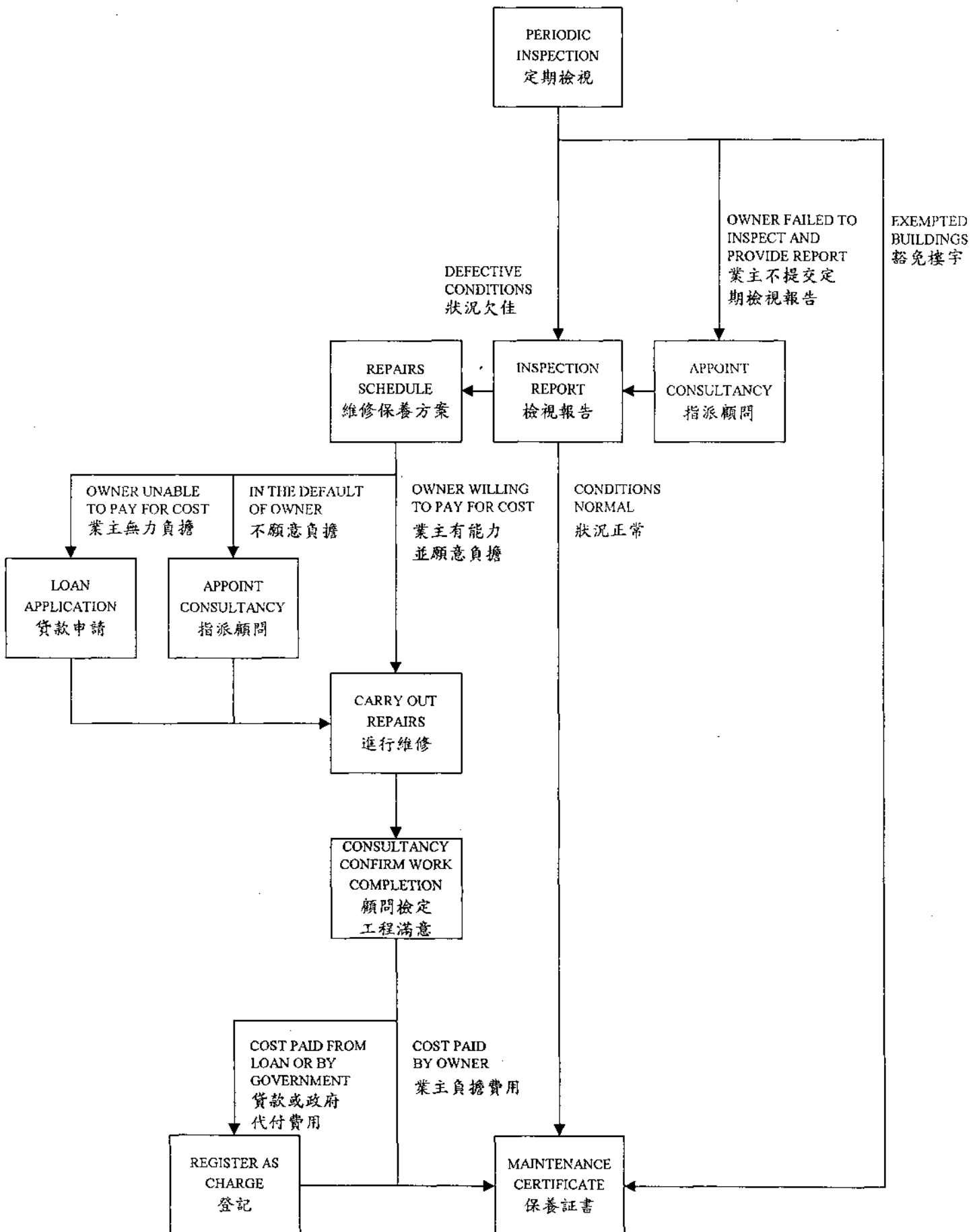


CHART OF PERIODIC INSPECTION PROCEDURES 定期檢視流程表

# 香港私人樓宇保養新紀元

## 前言

1. 香港測量師學會建築測量組於一九九六年初，已就政府有意立法強制檢視私人樓宇，成立專責小組，進行研究。事實上，這並不是一個新的課題；早於一九九四年建築測量組曾建議在轉讓有相當樓齡之樓宇前，聘請專業建築測量師進行勘察，這可使買家清楚明瞭所擬購樓宇的狀況是否良好，繼而向銀行提出按揭貸款之申請。消費者委員會已確認這建議並呼籲有關人等實施，務使已有相當樓齡之樓宇交投流通。我們認為這措施被廣泛應用後，可大大提高樓宇保養水準。

2. 研究小組縱觀地探討這課題，發覺到處可見的違章僭建物及日久失修缺乏保養之樓宇隨處可見，程度之嚴重已為大眾所關注。香港政府在過去二十年曾致力解決這等問題，惟成效未遂。到現在除了不斷惡化的違章僭建問題外，樓宇老化的問題亦相繼而來，且日益嚴重。由於過份著重經濟收益，那些有相當樓齡的樓宇久被忽視，並使此等樓宇變得殘缺不堪。有見及此，現在應該是時候去重新檢討那此早期法律起草人員在樓宇方面所持之公眾衛生及安全哲學。

3. 在牽涉到違章僭建物及樓宇失修缺乏保養這範疇上，單單依賴自律與自發已被證明無法取得成效。現在僅籲請政府透過立例，著令業主「為樓宇進行檢視和適當的保養及不得擅自更改樓宇，達致全面保障公眾衛生與安全的

目的。」

4. 相信只有透過改善樓宇保養至認可水平及清除違章僭建物，才能解決問題和避免意外事件的發生。

5. 要達到以上兩項目標，可透過業主與政府共同採取下列三項行動：

#### 行動一：推動因素

6. 一般業主本應對那作為他們居停和資產的樓宇提供適當的護理。其實他們深知自己作為業主必須承擔因樓宇失修而對第三者造成損傷的後果。基於上述的原因，在適當的誘導下，盡量鼓勵業主主動去保養他們的樓宇，維持其健康和安全。

7. 現提議在各區區議會成立「樓宇安全委員會」，負責檢定及改善區內失修或瀕於危險的樓宇，並為業主提供樓宇安全諮詢服務。另一做法是擴大現時由政務署為各區成立的「大廈管理統籌委員會」的職責，增加各區政務處的資源，把建議中的「樓宇安全委員會」納入其工作範圍內，負責監察區內樓宇安全的工作。

8. 作為政府「公民教育」運動的一部份，透過傳播媒介教育業主及其下一代，使其了解有關樓宇保養的法律及其應承擔的義務。長遠而言，建議將「樓宇安全」這課題納入中學課程範圍內。

9. 建築事務監督應鼓勵市民利用私人專業保養資源，減少倚賴政府人手。

為保障業主的利益，必須定期監察專業服務的水平，制訂服務範圍、釐定標

準及守則、及有效率的工作流程、統一收費標準、編制和保存「註冊專業樓宇保養顧問」名冊。「註冊專業樓宇保養顧問」的資格必須經政府註冊認可，並須由認可人仕及註冊專業建築測量師各一名之基本成員所組成，按情況需要輔以其他如結構工程師和設備工程師等建築專業人員。盡量令公眾人仕易於直接索取該等資料。

10. 替願意為其樓宇進行保養工作的業主提供財務安排，包括稅務扣減、貸款和資助金。

11. 樓宇保養開支可作個人入息稅及物業稅之稅務扣減。

12. 政府應設立一「中央樓宇保養及美化基金」，津貼或低息貸款給有需要的業主，進行維修保養樓宇，由「註冊專業樓宇保養顧問」代為申請，可申報的項目包括：

(a) 專業費用；

(b) 勘察工程；

(c) 拆除違章僭建物及修復工程；

(d) 按原先批核圖則加以還原的工程，包括逃生通道及防火分隔等；及

(e) 維修樓宇外牆，包括水管、渠道、窗戶、天台圍欄及矮牆、外牆批盪及簷篷等。

獲取此等津貼或低息貸款的業主則不可再申請稅務扣減。

13. 運作

(a)貸款額應按照業主所持樓宇面積或按不可分割權份分攤，並於土地註冊處註冊押記於該樓宇的註冊上。

(b)業主應按期償還貸款額。

(c)所有情況下，樓宇轉賣時必須償還所有未償還的貸款。個別業主得簽署相關的承諾書。

14. 業主可申請資助金，作為改善工程之用。

(a)改善工程資助金申請應由「註冊專業樓宇保養顧問」擬訂及提出；

(b)為區內「樓宇安全委員會」所確認；

(c)有關業主祇可以為其樓宇提出申請資助金一次；及

(d)倘若業主在三年內將樓宇轉讓，資助金額必須連利息一併償還。個別業主得簽署相關的承諾書。

15. 建議可申請資助之工程項目為：

(a)改善樓宇之衛生設備和更換食水喉，使其符合標準；及

(b)重髹或粉飾外牆工程，只適用於外表破落魄陋的樓宇。

**行動二：提供指引**

16. 理想地，不同類型的樓宇應按不同的時段進行檢察；例如：最低限度為工廠或工業大廈每五年檢察一次，住宅樓宇每七年檢察一次，寫字樓每十年檢察一次。故此，建議新落成的樓宇應按以上的時段進行檢察。樓齡超過十五年的現存樓宇的業主須聘請「註冊專業樓宇保養顧問」為其樓宇進行檢察

並進行必須的適當的維修直至得「註冊專業樓宇保養顧問」簽發「保養證書」為止。

17. 應包含的建築構體為：

- (a) 違章僭建物；
- (b) 建築外構體，包括牆、橫樑、柱、圍欄及外牆裝飾物；
- (c) 排水系統；
- (d) 建築懸伸物，包括露台、雨簷、雨篷、冷氣機座、招牌、其他建築外露件；
- (e) 逃生通道、救援通道、防火分隔、消防車通道等；
- (f) 樓宇整體穩固；及
- (g) 其他需定期檢驗之設施，包括升降機、消防設備、固定電力裝置是否已進行檢驗。

18. 未能遵循

未能在指定檢察期限六個月內進行檢察之樓宇，建築事務監督可代為未履行法律責任的業主遵照辦理，所有費用包括聘用「註冊專業樓宇保養顧問」的費用先由建築事務監督以貸款形式代業主墊付，貸款償還按第 13 段辦法處理。

19. 體系中應設有豁免及上訴機制。例如：由聘有合適專業人士之註冊物業管理公司及有施行完善定期保養計劃管理的樓宇，可獲豁免毋須個別提交



「保養證書」，但仍需作整體申報。

### 行動三：加強管制

#### 20. 政策

在現有政策下，只就以下三種違章僭建物採取締行動：

- (a) 即時結構危險；
- (b) 火災風險；及
- (c) 工程進行中。

21. 政府提出施行這政策的原因是缺乏足夠的人手去處理所有的個案，這政策絕不公平，並予人錯誤印象，以為除了以上三種違章僭建物外，其他違章僭建物均為可接受或最低限度被容忍者。

22. 建築物條例第 24(1)條應予以修訂並重新立例，改為建築事務監督“必須以書面指令要求...”，並大大宣傳這修例，勸阻業主裝建違章僭建物，違章僭建物は絕不獲接受的。

#### 23. 程序

現行的程序是費時及耗費人手的，建議簡化程序及為管制組調配更多資源：

##### (a) 建議 1

簡化頒發通告的程序，頒發給業主或住戶的通告毋須註明業主名字，只需在土地註冊處註冊，這樣可省卻查考業主名字的時間，當然這改變

必須以立法配合。

(b) 建議 2

將部份檢察及管制程序交托私人的「註冊專業樓宇保養顧問」進行，儘快清除現時積存的個案及處理新的案項。

24. 引進私人人力資源

建立新的操作架構，引入私人「註冊專業樓宇保養顧問」或建立試點，目標地區，在該等地區試行。現時屋宇署員工重新調配到那些必須由屋宇署員工執行的事務上。

結論

25. 我們現促請政府採取進取而果斷的行動，立法促使私人樓宇得到適當的保養，正如政府現利用龐大的資源，為政府樓宇及公共房屋進行維修及保養。我們希望上述及現行建築物條例有關之的要求應該統一歸入一新的建築〔保養〕規例，讓公眾人士清楚了解政府的意願和決心。我們強烈地建議政府能於一年內完成有關研究及施行細節，我們相信只有恰時的行動才能解決問題，總之越快越好。

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