

LCQ10: Workmanship of private residential developments

Following is a question by the Hon Yung Hoi-yan and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (October 31):

Question:

It has been reported that workmanship problems are more commonly seen in the private residential buildings completed in recent years than before. Such problems include hollow floor tiling within flats, leakage in the drainage pipes on external walls of buildings and within flats and leakage around windows' opening within flats. I have also received complaints from a number of flat owners of private housing estates located in districts such as Ma On Shan and Tseung Kwan O, who pointed out that since their moving in, the remedial works necessitated by the poor workmanship had caused great distress to them. They were dissatisfied with the fact that they had spent their lifetime savings on acquiring their own homes and yet they were unable to live in peace. In this connection, will the Government inform this Council:

(1) whether it has assessed if the workmanship of newly completed private residential buildings has shown a worsening trend in recent years; if it has assessed, of the outcome and follow-up measures; if not, the reasons for that and whether it will conduct such an assessment;

(2) of the existing mechanisms and measures for regulating the workmanship of private residential developments (except those for building safety), as well as the scope of and the standards adopted for the regulatory work; when such mechanisms and measures were first introduced, as well as the date(s) on which they were last amended and the details thereof; whether it conducted in the past three years a comprehensive review to see if such mechanisms and measures were still relevant to the present circumstances; if it did, of the details and the outcome; if not, the reasons for that and whether it will conduct such a review expeditiously; and

(3) of the measures to improve the workmanship of private residential buildings, so as to better protect the rights and interests of minority property owners?

Reply:

President,

In consultation with the Transport and Housing Bureau, the Commerce and Economic Development Bureau and the Buildings Department (BD), the Development Bureau provides a consolidated reply to the three parts of the question as follows:

The Buildings Ordinance (Chapter 123) (BO) governs the planning, design

and construction of buildings and the related works on private lands in order to ensure that they comply with safety and health standards. BD is responsible for the enforcement of the B0. According to the B0, upon completion of a development project, registered building professionals and registered contractors must submit a certification of works with an application of Occupation Permit to BD to certify that the concerned works are completed following the approved plans and complied with the provisions of B0 and its allied regulations. The "rectification works" raised in the question generally involve workmanship problems for internal finishes works inside a flat. In general, workmanship problems for internal finishes works inside a flat, such as hollow floor tiling and leakage around window openings within flats fall outside the purview of the B0. For drains or sewers of any building that are inadequate or in a defective or insanitary condition, the Building Authority may, in accordance with the B0, by an order in writing served on the owner of such building require rectification within a time period specified in the order.

On the other hand, the Residential Properties (First-hand Sales) Ordinance (Chapter 621) (the Ordinance) came into full implementation on April 29, 2013. The Ordinance aims to enhance the transparency and fairness of the sales of first-hand residential properties, strengthen consumer protection, and provide a level playing field for vendors of first-hand residential properties. The Ordinance sets out detailed requirements in relation to sales brochures, price lists, sales arrangements, register of transactions, show flats, viewing of completed residential properties, advertisements, and the mandatory provisions for the Preliminary Agreement for Sale and Purchase and Agreement for Sale and Purchase (ASP) for the sales of first-hand residential properties.

The Ordinance requires ASP to incorporate mandatory provisions setting out that the vendor shall, at its own cost and as soon as reasonably practicable after receipt of a written notice served by the purchaser within six months after the date of completion of the sale and purchase, remedy any defects to the property, or the fittings, finishes or appliances as set out in the relevant clause of the ASP, caused otherwise than by the act or neglect of the purchaser. The provisions are without prejudice to any other rights or remedies that the purchaser may have at common law or otherwise.

Besides, the Consumer Council (the Council) provides consumption-related information to consumers and acts as a conciliator to help consumers and traders settle their disputes by way of conciliation. The Council disseminates consumer information through various channels in order to assist consumers in making smart consumption choices and enhance their understanding of their rights and responsibilities.

Lastly, the Government does not conduct any assessment in connection with the workmanship of internal finishes works for newly completed private residential developments in recent years.