

LCQ15: Retrofitting of public facilities in common areas of public rental housing estates

Following is a question by the Hon Wilson Or and a reply by the Acting Secretary for Transport and Housing, Dr Raymond So Wai-man, in the Legislative Council today (July 11):

Question:

It has been reported that when the Hong Kong Housing Authority (HA) divested in 2005 certain retail and car parking facilities of its public rental housing (PRH) estates to The Link Real Estate Investment Trust, which has been renamed as Link Real Estate Investment Trust (Link REIT), it sold in the same lot the titles to some common areas in certain housing estates. If such common areas are involved in the public facilities the addition of which is intended by HA or the owners' corporations of the housing estates concerned, the relevant works may be carried out only after the consent of Link REIT (or the new owners) has been obtained. At present, a number of works projects for retrofitting public facilities cannot commence as such consent has not been obtained. For example, the lift and escalator projects at Po Tak Estate, Kwun Tong, have dragged on for 10 years, and no date has been fixed for implementing the lift retrofitting works for a centre for the elderly in Lower Wong Tai Sin Estate, resulting in the elderly with impaired mobility having to walk up and down tens of steps to commute to and from the centre every day. In this connection, will the Government inform this Council:

(1) of the number of complaints, received by the Government since 2005, alleging that HA's selling the titles to some common areas in PRH estates has resulted in a failure to retrofit public facilities to those estates; the mechanism currently in place to handle such cases;

(2) whether the Government has, since 2005, conducted any study on the impact on the residents caused by the sale by HA to Link REIT of the title to some common areas in PRH estates; if so, of the outcome; if not, the reasons for that; and

(3) whether the Government will consider invoking the Lands Resumption Ordinance (Cap 124) to resume the titles to the common areas concerned so as to retrofit the relevant public facilities; if so, of the details; if not, the reasons for that?

Reply:

President,

My consolidated reply to various parts of the question raised by the Hon Wilson Or is as follows.

As with private housing projects in general, in the public housing projects jointly owned by the Hong Kong Housing Authority (HA) and other owners (including owners of the commercial facilities, owners of individual residential flats, etc.), the titles of the common areas are co-owned by the owners in accordance with the Deeds of Mutual Covenant (DMCs). The responsibility for the management and maintenance of these common areas shall, in accordance with the provisions of the respective DMCs, be borne by all owners. For the estates or courts with Owners' Corporations (OCs) formed, matters relating to the day-to-day management are discussed and resolved by the OCs in accordance with the requirements under the Building Management Ordinance (BMO) and the DMCs through convening meetings of the Management Committee or owners' meetings. As one of the owners, HA will, apart from paying the management fees according to its management shares, also nominate representatives to participate in the OCs' affairs.

Works relating to the installation of common facilities in the common areas are subject to the consent of the relevant owners. The costs of the works and future maintenance are also shared by all owners according to the DMC or other agreements. If the proposed installation of common facilities involves changes to the land use or land lease conditions, approval from the Lands Department is required. Other owners of the lot are also required to give consent in the application process. Besides, when considering the installation of common facilities in these common areas, consideration should be given on the technical feasibility, topographical factors, social acceptance and compliance with the Buildings Ordinance and related planning requirements. Depending on the actual circumstances of individual estates and courts, HA and other owners will, in accordance with the mechanism above, follow up various works proposals of common facilities. As regards the cases of Po Tat Estate and Lower Wong Tai Sin Estate mentioned in the question, HA has already conveyed views on the installation of common facilities to the relevant organisations and stakeholders in accordance with the prevailing mechanism and is actively exploring various feasible options.

The Government does not maintain statistics on the number of complaints relating to the installation of common facilities in public housing projects under HA since 2005, and has no plan to conduct a study on the matters mentioned in the second part of the question.

At present, the Government has no plan to recover the titles of common areas in public housing developments under HA by invoking the Lands Resumption Ordinance.