

LCQ18: Handling defective drainage systems in buildings

Following is a question by the Hon Paul Tse and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (May 5):

Question:

The Government plans to launch in May this year a \$1 billion Building Drainage System Repair Subsidy Scheme (the Subsidy Scheme) to subsidise owners of buildings aged 40 or above (quite a number of which being "three-nil" buildings) to repair the defective drainage systems in such buildings. The owners of such buildings may take the initiative to submit applications under the Subsidy Scheme. The Buildings Department will also select buildings with outstanding statutory orders relating to common drains and employ contractors to carry out the required works on behalf of the owners concerned. Regarding the handling of defective drainage systems in buildings, will the Government inform this Council:

(1) as the Government expects that investigation or repair works for the common drainage systems of 300 eligible buildings will commence within this year, how many of those buildings are located in Kwun Tong and Wong Tai Sin districts respectively;

(2) in respect of those applications submitted under the Subsidy Scheme by owners on their own initiative, of the channels through which the public can learn about the progress and results of the various applications; the time normally taken to complete the vetting and approval of the applications as estimated by the Government; whether it has established a mechanism for owners whose applications have been rejected to lodge appeals;

(3) given that the common drains of quite a number of buildings in old districts such as Kwun Tong and Wong Tai Sin had been improperly altered when the units in the buildings were converted into sub-divided units (SDUs), thereby increasing the risk of epidemic spreading, whether the Government will exercise discretion to accept applications submitted by owners of buildings aged under 40 but with a lot of SDUs;

(4) whether the SDU households in "three-nil" buildings, upon discovery of seepage in the drainage systems of the buildings in which they reside, may take the initiative to request the Government to arrange, under the Subsidy Scheme, repair works for the drainage systems concerned;

(5) in respect of those cases in which the relevant owners of building units have failed to restore, in accordance with statutory orders, their units which had been converted into SDUs in breach of regulations and the common drains which had been haphazardly connected, what policies the Government has put in place to eradicate the drain seepage problem concerned; and

(6) how the Government will promote the Subsidy Scheme to the community at this stage and after the commencement of the Subsidy Scheme?

Reply:

President,

To assist the public in dealing with defective drains amid the COVID-19 epidemic, the Government has recently obtained from the Legislative Council a funding of \$1 billion to launch the Building Drainage System Repair Subsidy Scheme (DRS) to subsidise the investigation, repair, rectification and/or upgrading works of the drainage systems of old residential or composite buildings. The scheme has been implemented since May 1, 2021.

In consultation with the Buildings Department (BD) and the Urban Renewal Authority (URA), the Development Bureau provides a consolidated reply as follows:

(1) Our aim is to commence investigation or repair works under the DRS for the common drains of 300 old buildings within this year. Applications for the DRS will be accepted on a "per-building" basis. The DRS covers two categories of buildings, including eligible buildings of which owners wish to organise the works by themselves (viz. Category 1 buildings) and eligible buildings with outstanding statutory orders issued by the BD in relation to defective common drains yet the relevant owners are unable to organise the required works by themselves (viz. Category 2 buildings). The BD will actively select Category 2 buildings and exercise its statutory power to arrange default works consultants and government contractors to carry out the requisite works in default of the owners concerned. The BD will seek to recover the remaining balance of the cost involved from the owners after deducting the subsidy under the DRS.

At the initial stage of the scheme, on the risk-based principle, regardless of Category 1 or Category 2 buildings mentioned above, we will focus on handling buildings with outstanding statutory orders relating to the common drains. According to records, there are in total around 20 such buildings that are eligible in Kwun Tong and Wong Tai Sin districts (viz. buildings aged 40 or above within the rateable value limit). As the DRS just started accepting initial stage applications for Category 1 buildings across the territory, and the BD is also selecting initial stage cases among Category 2 buildings across the territory, the number of buildings in Kwun Tong and Wong Tai Sin districts that may commence investigation or repair works in this year could not be ascertained now. At the later stage, we will allow other eligible buildings without outstanding statutory orders related to common drains to participate in the DRS.

(2) Eligible building owners may make enquiries on the DRS with the URA, including the progress and results of their applications.

In the initial stage of the DRS, the URA estimates that an approval-in-principle could be granted in around two weeks after receiving the applications (including all necessary information). Upon completion of works,

applicants may submit an application for the disbursement of subsidy to the URA. The subsidy could be disbursed in a month's time upon receipt of all the necessary documents. Owners may lodge an appeal with the URA if their DRS applications are rejected.

(3) Generally speaking, buildings that are of higher age are more prone to disrepair. To target these higher risk buildings and to ensure a prudent and orderly use of public fund, the DRS will only accept applications from eligible buildings aged 40 or above as announced. Depending on the response to the scheme and the spending of the approved commitment, we may consider accepting applications from younger buildings at a later stage.

Owners facing financial difficulties but ineligible for the present scheme may consider applying for other existing subsidy/loan schemes without building age restrictions, such as the "Building Maintenance Grant Scheme for Needy Owners" and the "Building Safety Loan Scheme". Owners may browse the URA's Building Rehabilitation Platform website (brplatform.org.hk/en) to learn more about the schemes, or call the URA's Building Maintenance Assistance Schemes Hotline 3188 1188 for enquiries.

(4) We understand that "three-nil" buildings (Note) mostly comprise of aged buildings that lack building management and the owners are generally unable to organise building repair works among themselves. Under the DRS, the BD would actively select Category 2 buildings under reference above on a risk-basis and exercise its statutory power to arrange default works consultants and government contractors to carry out the works in default of the owners concerned and recover the remaining balance of the cost involved from owners after deducting the subsidy under the DRS. Owners of "three-nil" buildings may contact the BD should they encounter difficulties in complying with the statutory orders related to common drains. On the other hand, if tenants of subdivided flats in "three-nil" buildings find the drainage system inside their premises defective, they should immediately contact the owners and arrange qualified professionals or contractors to conduct inspections and repairs.

(5) The design, construction, erection, repair, alteration and removal of drainage systems for private buildings are regulated by the Buildings Ordinance (BO) and its subsidiary legislations. For existing private buildings, owners who wish to erect, repair, alter and remove the drainage system in their premises must do so in accordance with the simplified requirements under the Minor Works Control System by appointing suitable contractors registered under the BO so as to ensure that the drainage system in their premises are in compliance with the provisions of the BO and the relevant regulations.

The BD has all along been taking enforcement actions against defective drains through handling reports from the public, referrals from government departments, and carrying out large scale operations against target buildings. If drainage systems are found to be defective, the BD will take appropriate enforcement action in accordance to the BO subject to case circumstances, including issuing drainage repair orders to require owners concerned to carry out the necessary repair works. If the owners fail to

comply with the order without reasonable excuse, the BD may instigate prosecution in accordance to the BO or arrange a default works consultant and government contractor to carry out the specified works in default of the owners, the cost of which plus a supervision charge and surcharge will be recovered from the owners concerned afterwards. Apart from enforcement, the Government also provides technical and financial assistance to needy owners through various schemes. The BD will also continue to organise various public education and publicity activities to heighten the public's awareness towards proper building maintenance.

(6) The URA, as our partner in administering the DRS, will proactively promote the DRS. The URA has reached out to building owners eligible for the initial stage of the DRS in April 2021, informing them of the scheme and inviting them to attend an online briefing at the end of April. The relevant video has been uploaded onto the URA's Building Rehabilitation Platform for public viewing. Moreover, the URA will also promote the DRS on its Building Rehabilitation Platform, as well as through newspaper and radio advertisements.

Note: "Three-nil" buildings refer to buildings which do not have an owners' corporation or any form of owners'/residents' organisations, and have not engaged a property management company.