

## LCQ20: Repair and maintenance of slopes/retaining walls within or adjoining subsidised sale flat courts

Following is a question by the Hon Andrew Wan Siu-kin and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (May 22):

Question :

It is learnt that currently, the land leases/deeds of mutual covenant of some subsidised sale housing courts provide that property owners in such housing courts are required to bear the repair and maintenance costs of the slopes/retaining walls within or adjoining their housing courts. The property owners of such housing courts have relayed that the costs concerned are huge, posing a heavy financial burden on them. In this connection, will the Government inform this Council, of the respective subsidised sale housing courts whose owners are (i) required and (ii) not required to bear part of or all of the repair and maintenance costs of the slopes/retaining walls within or adjoining their housing courts (set out the details in a table by name of housing court), and whether the Government will bear such costs for the property owners concerned in order to alleviate their financial burden?

Reply:

President,

My consolidated reply to Hon Andrew Wan's question is as follows:

Same as other private properties in general, the Hong Kong Housing Authority (HA)'s subsidised sale flats (SSFs) are governed by the Building Management Ordinance, related legislations and regulations, the Government leases (land leases) and Deeds of Mutual Covenant (DMCs). Day-to-day management of these properties are undertaken by the property management companies appointed by the Owners' Corporations (OCs) pursuant to the land leases, DMCs and related ordinances.

According to the requirements under the land leases of the lots where these courts are located and the DMCs of these courts, the owners of the lots are responsible for the proper management, maintenance and repair (M&M) of the common areas and facilities, including roads, slopes/retaining walls (including those within the lot boundaries or adjoining slopes/retaining walls of which lot owners are responsible for as stipulated under the land leases), recreational facilities, building services facilities such as fire services installations, etc. The OCs and their property management companies are required to perform the relevant M&M duties on behalf of all owners in accordance with the ordinances, land leases and DMCs. If HA owns part of the

lot, HA has the responsibility to share the M&M expenses of the specified common areas and facilities in accordance with the provisions of the DMC.

Same as other private properties, the responsibilities of the owners of the SSF courts (including the slopes/retaining walls that are required to be maintained and repaired inside and outside the lot boundaries of the courts) have been clearly stated in the land leases and DMCs. Owners are obliged to understand their responsibilities when purchasing the flats. Therefore, the Government and HA consider it inappropriate to use public fund to subsidise individual owners to repair the related slopes/retaining walls within or adjoining the court boundaries.

Currently, there are 80 SSF courts of which the owners are responsible for the M&M costs of the slopes/retaining walls within or adjoining the boundaries of the courts. The list of these courts is at the Annex.