

LCQ22: Communal facilities relating to subsidised sale housing

Following is a question by the Hon Alice Mak and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (April 28):

Question:

Earlier on, some residents of Ching Tai Court, a Home Ownership Scheme court, sought my assistance, saying that the salt water supply to the court was suspended due to the bursting of a section of a communal salt water main located within an adjoining Tenants Purchase Scheme estate. According to the record of the Water Supplies Department, the responsibility for the repair and maintenance of that section of salt water main rests with the Housing Department, rather than the owners of the court concerned as in general cases. In this connection, will the Government inform this Council:

1. of the current number of subsidised sale housing courts within which there are communal facilities (e.g. underground mains) not for the use of their respective residents, and set out, by name of housing court, the type of such communal facilities and the party responsible for the repair and maintenance of such facilities;
2. whether the sales information provided by the Hong Kong Housing Authority (HA) to prospective buyers of subsidized sale housing has set out (i) the presence or otherwise of communal facilities within the housing court concerned not for the use of its residents, (ii) the presence or otherwise of communal facilities outside that housing court for the use of its residents, and (iii) the parties which are responsible for the repair and maintenance of these two types of communal facilities; whether it is clear which parties are responsible for the repair and maintenance of such communal facilities; if not, whether HA will clarify with the relevant government departments; and
3. whether it will set up a dedicated fund to cover the repair and maintenance expenses of the communal facilities within subsidised sale housing courts which are not for the use of their respective residents; if not, of the reasons for that?

Reply:

President,

My reply to the question raised by the Hon Alice Mak is as follows:

(1) As at end December 2020, there are about 260 housing courts/estates sold under the Subsidised Sale Flat Schemes and the Tenants Purchase Scheme of the Hong Kong Housing Authority (HA). Generally speaking, if there are communal facilities within the court/estate boundary that are not for the use of their residents, or communal facilities located outside the court/estate that are for the use of the residents, relevant information will be provided in the Government Lease (land lease) of the court/estate. HA does not keep central record of such information, but owners can enquire the land lease and Deed of Mutual Covenant (DMC) of the related properties through the Land Registry to understand the management and maintenance responsibilities of individual courts/estates.

(2) HA has all along been providing prospective purchasers with information on the developments when putting up subsidised sale flats for sale. Since 2013 (Note), the information provided by HA as set out in the sales brochure when putting up new development for sale has included information on communal facilities, public open spaces and maintenance of slopes in the development as well as summary of the DMC and land grant, etc. Facilities that are required to be provided in the development under the land lease and their maintenance responsibility are set out under the summary of land grant. In other words, if the land lease stipulates that the respective owner(s) of the development is required to maintain certain communal facilities within the development for use by non-residents, or to maintain communal facilities outside the development for use by residents, such information will be set out under the summary of land grant. HA will also set out information in the sales brochure reminding prospective purchasers that they shall appoint a separate firm of solicitors of their choice to act for them in relation to the transaction before attending flat selection, so that their solicitor will be able to give them independent advice and advise them on their risks and rights, as well as other matters in connection with their transactions.

(3) HA's subsidised housing courts/estates are no different from private properties of which they are governed by the Building Management Ordinance (BMO) and related legislations and regulations, land lease and DMC. Daily management affairs are undertaken by the property management company appointed by the Owners' Corporations (OCs) in accordance with the land lease, DMC and related legislations. The land lease and DMC of these courts clearly stipulate the rights and responsibilities of the owners. Respective OCs and property management companies must perform the management and maintenance responsibilities in accordance with relevant requirements. Therefore, we are of the view that it is not necessary to establish a dedicated fund to handle the relevant matters.

Note: The Residential Properties (First-hand Sales) Ordinance (the Ordinance) has come into operation since 2013. Divisions 2 to 8 of Part 2 of the Ordinance, which include the information required to be provided in the sales brochure, do not apply to the developments constructed by the HA. Nevertheless, HA's policy is to follow the requirements as set out in the Ordinance for providing information required as far as practicable when putting up new developments for sale. For subsidised sale flats sold before 2013 (including those flats sold under the Tenants Purchase Scheme to sitting

tenants), there are different arrangements in providing information on the development which may not be conclusive.