

**Replies to supplementary questions
raised by Legislative Council Members
in examining the Estimates of Expenditure 2023-24**

Home Affairs Department

| Reply Serial No. | Question Serial No. | Name of Member | Head | Programme |
|-----------------------------|--------------------------------|-----------------------------|-------------|------------------------|
| S-HYAB002 | S008 | CHENG Wing-shun, Vincent | 63 | (2) Community Building |
| SV-HYAB002 | SV013 | TAN Sunny | 63 | (2) Community Building |

CONTROLLING OFFICER'S REPLY

S-HYAB002

(Question Serial No. S008)

Head: (63) Home Affairs Department

Subhead (No. & title): (-) Not Specified

Programme: (2) Community Building

Controlling Officer: Director of Home Affairs (Mrs Alice CHEUNG)

Director of Bureau: Secretary for Home and Youth Affairs

Question:

- (a) To provide support for owners of “three-nil” buildings, the Home Affairs Department (HAD) implemented 3 phases of the Building Management Professional Advisory Service Scheme (BMPASS) between 2011 and 2020, under which a total of 540 owners’ corporations (OCs) were formed or re-activated. Please provide a breakdown by the 18 districts of the distribution of the buildings receiving services under the scheme. Besides, please inform this Committee of the total number of “three-nil” buildings reached out, the number of buildings applied for the scheme and the number of cases where the formation or re-activation of OCs failed since the implementation of the scheme.
- (b) What is the total number of “three-nil” buildings in the territory? Please provide a breakdown of their distribution by the 18 districts. It was stated that the Government would regularise the BMPASS. When is the regularised scheme expected to be launched? How many “three-nil” buildings will be covered?
- (c) Will the Government enhance the BMPASS by, for example, adopting a “district-based” instead of a “single-block” approach in managing old buildings without management services for a long time with reference to the experience of the Urban Renewal Authority in implementing “joint property management” in old districts?
- (d) There is a pilot scheme under the BMPASS to invite local organisations or non-governmental organisations with experience in building management and related fields to reach out to owners of “three-nil” buildings and to encourage and assist them in forming or re-activating OCs. The pilot scheme was launched in Sham Shui Po (SSP) and Tsuen Wan in June last year and will end in June this year. The Government replied that the pilot scheme would be progressively extended to cover other districts with a relatively large number of “three-nil” buildings. Please inform this Committee of the details. Will the pilot scheme be extended to SSP in Kowloon West, Yau Tsim Mong and other districts? What is the implementation schedule?

Asked by: Hon CHENG Wing-shun, Vincent

Reply:

- (a) The Home Affairs Department (HAD) implemented 3 phases of the Building Management Professional Advisory Service Scheme (BMPASS) between 2011 and 2020, reaching out to about 3 800 “three-nil” buildings (i.e. buildings which do not have owners’ corporations (OCs) or any form of residents’ organisations, and do not engage property management companies (PMCs), but excluding those that are under single ownership and can be self-managed) in total, and assisted in the formation/re-activation of 540 OCs. The breakdown by district is set out at Annex A.
- (b) & (d) According to the information obtained by HAD, as at December 2022, there were 2 943 “three-nil” buildings in the territory. The breakdown by district is set out at Annex B.

The BMPASS was well received by owners of target buildings and relevant members of the community, who considered that the scheme had helped owners of old buildings improve building management, living environment and building safety. HAD has therefore decided to regularise the BMPASS. With reference to the recommendation of the Legislative Council’s Public Accounts Committee, HAD has implemented a pilot scheme under the regularised BMPASS to invite local organisations/non-governmental organisations with experience in building management or related fields to reach out to owners of “three-nil” buildings and to encourage and assist them in forming OCs. The pilot scheme was first launched in Sham Shui Po and Tsuen Wan in June 2022, and will be progressively extended to cover other districts with a relatively large number of “three-nil” buildings, including the Yau Tsim Mong, Wan Chai, Tai Po, Central & Western, Eastern, North and Kowloon City Districts. The pilot scheme is expected to cover a total of about 360 “three-nil” buildings in the 9 districts mentioned above. For the districts with a smaller number of “three-nil” buildings or “three-nil” buildings which are predominately low-density/village type developments, HAD will assist those buildings in need in forming OCs or other forms of owners’/residents’ organisations through District Building Management Liaison Teams.

- (c) HAD will evaluate the effectiveness of the pilot scheme upon its completion. HAD will also review the support for owners of “three-nil” buildings from time to time to promote good building management, and encourage and assist owners to form OCs for proper management of their private properties.

The daily management of a building encompasses different aspects, including common ones such as environmental hygiene, building security, maintenance of common facilities, etc. The arrangements and costs involved should be discussed among the building’s owners and handled in accordance with the provisions of the Deed of Mutual Covenant (DMC). Besides OCs, owners may form other residents’ organisations (such as owners’ committee) as appropriate, taking into account their own needs, conditions of their buildings and the provisions of the DMCs, through which they can work together to discuss and deal with building matters or engage contractors to provide basic cleansing, security and other services.

Nevertheless, if decisions are made by PMCs engaged by the Government instead, it will go against the principle that private owners should be responsible for managing and maintaining their own buildings, and may also lead to unnecessary disputes or even lawsuits. Apart from specifying the common parts of a building, the parts for exclusive use of individual owners and the undivided shares of each flat, the DMC of a building also sets out the detailed requirements and guidelines for various building management matters. The DMC of a building is a private contract drawn up according to the specific circumstances of that building. Since different buildings have their own DMCs, the obligations and rights of owners set out in those DMCs also differ.

Hence, any scheme on “joint property management” must be discussed and unanimously agreed by all owners of the relevant buildings before implementation. Considering the actual circumstances of “three-nil” buildings, it may not be practicable to rationalise the handling of management issues arising from the provisions of the DMCs of different buildings and manage them by way of “joint property management” in the absence of any residents’ organisations. Even if centralised property management services were to be provided by the PMCs engaged by the Government for adjoining “three-nil” buildings, the fundamental issue of discussion and agreement by owners of the buildings on issues arising from the variation in owners’ obligations and rights set out in different DMCs would remain unresolved.

Annex A to Reply Serial No. S-HYAB002

Number of owners' corporations (OCs) formed/re-activated with the assistance provided under the Building Management Professional Advisory Service Scheme (as at December 2020)

| District | No. of OCs formed/re-activated |
|--------------------------|---------------------------------------|
| Central & Western | 56 |
| Eastern | 14 |
| Southern | 11 |
| Wan Chai | 46 |
| Kowloon City | 103 |
| Kwun Tong | 5 |
| Yau Tsim Mong | 119 |
| Sham Shui Po | 94 |
| Wong Tai Sin | 13 |
| Islands ^{Note} | 0 |
| Sai Kung ^{Note} | 0 |
| Tai Po | 29 |
| Tsuen Wan | 14 |
| Yuen Long | 12 |
| Sha Tin | 1 |
| Tuen Mun | 7 |
| North | 12 |
| Kwai Tsing | 4 |
| Total | 540 |

^{Note} There was no eligible "three-nil" building in the Islands and Sai Kung Districts.

Annex B to Reply Serial No. S-HYAB002

**Number of “three-nil” buildings by district #
(as at December 2022)**

| District | Number of “three-nil” buildings* |
|-------------------|---|
| Central & Western | 393 |
| Eastern | 73 |
| Southern | 68 |
| Wan Chai | 193 |
| Kowloon City | 341 |
| Kwun Tong | 20 |
| Yau Tsim Mong | 386 |
| Sham Shui Po | 393 |
| Wong Tai Sin | 49 |
| Islands | 12 |
| Sai Kung | 115 |
| Tai Po | 234 |
| Tsuen Wan | 67 |
| Yuen Long | 235 |
| Sha Tin | 3 |
| Tuen Mun | 36 |
| North | 315 |
| Kwai Tsing | 10 |
| Total | 2 943 |

Figures are based on the information obtained by staff of the Home Affairs Department through day-to-day liaison.

* Excluding “three-nil” buildings that are under single ownership and can be self-managed.

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CONTROLLING OFFICER'S REPLY

SV-HYAB002

(Question Serial No. SV013)

Head: (63) Home Affairs Department

Subhead (No. & title): (-) Not Specified

Programme: (2) Community Building

Controlling Officer: Director of Home Affairs (Mrs Alice CHEUNG)

Director of Bureau: Secretary for Home and Youth Affairs

Question:

Does the Government have any plans to assist clansmen associations and district organisations in enhancing their internal governance?

Asked by: Hon TAN Sunny

Reply:

The HKSAR Government attaches great importance to its liaison and collaboration with clansmen associations and district organisations. Under the improved electoral system, 2 new subsectors, namely associations of Chinese fellow townsmen and grassroots associations, have been added to the Election Committee to allow clansmen associations and grassroots organisations, which have been serving in the frontline, to represent the grassroots, fellow townsmen and the general public and convey their views on government policies. At present, the members of district committees in the 18 districts, such as Area Committees, District Fight Crime Committees and District Fire Safety Committees come from various sectors of the community, including those with background associated with clansmen associations and district organisations. Moreover, the Home Affairs Department (HAD) has recently established the District Youth Community Building Committee and the District Youth Development and Civic Education Committee in 18 districts, which comprise some members of clansmen associations and district organisations. Besides providing funding support to district grassroots organisations, clansmen associations and youth groups through various funding schemes for the provision of social services, HAD also implements the Community Involvement (CI) Programme for application by eligible organisations, including district grassroots organisations and clansmen associations, for funding support to organise projects featuring local characteristics and popular festive celebrations as well as cultural, artistic and recreational activities to promote district harmony. HAD's provision for the CI Programme is about \$340 million for 2023-24, and about \$88 million has been earmarked for providing funding support to district grassroots organisations in 2023-24 for providing ethnic minorities and new arrivals from the Mainland with support services to facilitate their integration into the community. HAD has also earmarked \$10 million for providing funding support to clansmen associations in 2023-24 for organising activities to promote clansmen

culture under the “Know Your Homeland - Clansmen Association Subsidy Scheme”. In addition, about \$57 million has been earmarked for the 18 District Offices (DOs) to organise/provide funding support to district youth development projects in 2023-24. HAD and the 18 DOs will continue to maintain liaison and collaboration with clansmen associations and grassroots organisations, and provide them with the necessary information about various issues, with a view to enhancing their ability to participate in public policy discussion.

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