



香港建築師學會
The Hong Kong Institute of Architects

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By Email and By Post
sdev@devb.gov.hk

Mr WONG Wai Lun, Michael, JP
Secretary for Development
Development Bureau
18/F West Wing, Central Government Offices
2 Tim Mei Avenue
Tamar
Hong Kong

Dear Michael

Suggested Measures to Facilitate Construction Industry for COVID-19

The government departments have implemented special work arrangement for a considerable period of time in a bid to reduce the risk of the spread of COVID-19 in the community. Except for staff of the departments providing emergency services and essential public services, all other employees of the Government were not required to return to the offices but to work at home. The work-from-home arrangement has been effective in the prevention of community outbreak, with no local infected cases identified for almost 20 consecutive days up to the date of this letter. As a result, the Government has resumed normal public services on 4 May 2020.

Whilst we all support the special work arrangement which has helped combat the spread of the COVID-19, it has indeed adversely impacted on various industries & professions. Take the Construction Industry as an example : In the past few months, statutory submissions required a longer period of time to be approved by government departments and in consequence, construction progress were affected. The delay in approvals also created problems in fulfilling milestones for funding applications or stage payment requirements.

We consider that, with the resumption of normal public services, the Government should now urgently focus on alleviating the effects as a result of the work-from-home arrangement. If successful, it would keep the adverse impacts to a minimum and will then benefit Hong Kong as a whole.

For this reason, we take the liberty to share with you the following issues which are considered to be the most imminent. By raising these, we would like to work with you to find ways to improve the situation so that the Industry can still function as we fight against COVID-19. This is paramount as the coronavirus is expected to prevail for a considerable period of time into the future.

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Approvals under Lease Conditions

Approvals under lease conditions for Building Plans, Master Layout Plan, Design Disposition and Height (DDH) Clause, etc. are important in obtaining Pre-sale Consent, Consent to Sale, Consent to Assign and Certificate of Compliance (CC). Before the outbreak, genuine difficulties had been encountered by the Lands Department in meeting their performance pledges. Because of this, various measures and arrangements, after formulated in Joint Sub-committee on Streamlining Development Control under LDAC, were implemented in view to shorten the approval process. Unfortunately, before we could witness any improvements as a result of these measures, the approvals under lease conditions were further undermined by the special work arrangements. The accumulated submissions have now reached such an extent that approvals are mostly at large with delays jeopardizing all the subsequent consents (in particular the Pre-sale Consent and Consent to Assign) and the completion applications. If unresolved, the situation will have tremendous knock-on effects to the Hong Kong economy in the long run. Also, the delay in granting CC for commercial projects has triggered a phenomenon that A&A works cannot be submitted to BD for approvals for premises which have handed over to tenants.

Tree Preservation and Tree Removal Application

Experiences tell us that tree preservation and tree removal application (TPTRA) normally would take a long period of time to be approved. The special work arrangement has aggravated the situation. There are complaints that generic comments can only be received several months after the applications have been made. The delay in giving approvals to TPTRA does have great implications. In many cases, TPTRA approvals are as essential as BD approvals and consents for the reason that construction works cannot commence unless trees are removed. TPTRA approvals also affect funding applications as they are required 12 weeks before PWSC meetings.

Suggestions

To address the above, our Institute would like to suggest the following measures for your consideration :

1. Set up a special performance pledge for various submissions in the Lands Department to clear up the backlog. Instead of allowing the approvals to be completely at large, the pledge can give guidance to individual officer-in-charge to process the submissions within a specific timeframe. This can also facilitate the Industry by having a clearer picture to plan ahead on upcoming submissions and consent approval activities;

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2. Adopt a more proactive and sympathetic attitude by all government departments in processing submissions in order to streamline the approvals, again to clear up the backlog first. Instead of waiting for all-clearance from other departments, relevant comments on the submissions can be conveyed immediately to the Authorized Persons once available for early resolution. Conditional approvals to certain submissions should be favorably considered as far as practical;
3. Give priority or special concession in processing those projects which have Material Dates stated in the Sales and Purchase agreement to avoid potential legal/contractual disputes on the delay of Assignment;
4. Consider waiving the penalty on non-completion within the Building Covenant period for projects which have been genuinely affected by the outbreak of COVID-19.

We trust that you share our concerns and would favorably consider our proposed measures. If necessary, we will be happy to meet with you and your colleagues to discuss any additional measures you think fit so as to facilitate the Industry at the time of pandemic, and more importantly to combat the virus for Hong Kong.

Yours sincerely

LI Kwok Hing Felix FHKIA RA
President

c.c. Hon Tony TSE Wai-chuen, BBS (by email : info@tonytsewaichuen.com)