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Highways Department Technical Circular No. 13/94

**Procedure for Recovery of Cost for Work in Private Streets
and Access Roads under the Buildings Ordinance, Cap 123**

Introduction

Highways Department carries out the responsibilities of the Building Authority with regard to ensuring the maintenance of private streets (including lanes) and access roads under Section 29 of the Buildings Ordinance, Chapter 123, and also with regard to the recovery of costs thereby incurred under Section 33.

Authority

2. Director of Buildings as the Building Authority has authorised a number of Highways Department officers to act on his behalf in the administration of the Buildings Ordinance as follows :

- (a) matters arising from Section 29 of the Buildings Ordinance in relation to the maintenance of private streets and access roads;
- (b) matters arising from the provisions of Section 33.

Procedure for Work in Private Streets and Access Roads

3. If work in a private street or access road is considered to be necessary following a complaint and an inspection, or for any other reasons, the following procedure should be used.

- (a) Establish the status of the road before invoking the delegated power of the Buildings Authority to carry out works under the Buildings Ordinance in private streets and access roads.

- (b) A memo, with a layout plan indicating the premises affected is sent to the Land Registry (LR) requesting the names, addresses, and share apportionment of the lot owners involved.
- (c) Design the work in detail and then obtain a cost estimate.
- (d) Apportion the estimate including the supervision charges in such an scale specified by the Director of Buildings from time to time, amongst the owners based on the information provided by LR.
- (e) Serve notices to the owners of the intention to carry out work with the individual apportioned estimated costs.
- (f) A 14 day period is permitted for receipt of objections which should be acknowledged and dealt with in accordance with the provision in the Buildings Ordinance.
- (g) Issue a works order to implement the work.
- (h) On completion of the work, obtain the actual cost.
- (i) Re-apportion the actual cost including the supervision charges.
- (j) As soon as the work is completed, prepare cost certificate and pass it to the LR for vetting and for preparation of memorial.
- (k) Sign the certificate and memorial upon receipt from the LR.
- (l) The signed certificate and memorial shall be passed back to the LR for registration.
- (m) Upon receipt of the registered certificate from the LR, serve the certificate together with the demand notes (DNs) under covering letters in registered post.
- (n) If DN's are not paid within two weeks, raise a reminder together with a copy of the concerned DN to the respective owners.

- (o) If the cost is still unpaid upon the expiry of 1 month from the date of issue of the certificate, interest at the rate of 10 per cent per annum will be charged in accordance with subsection 33(4). Attorney General's Chambers would then be requested to recover the cost together with any interest which may have incurred.
- (p) After payment, prepared an instrument of satisfaction and pass it to the LR for preparation of memorial of satisfaction.
- (q) Upon receipt from the LR, sign the memorial of satisfaction and return it to the LR for registration.

Emergency

4. Where a private street or access road has been rendered dangerous, necessary work may be carried out either without notice to the frontagers or before or after such notice. Recovery of cost should follow the above similar procedure.

Original Signed

(K.C. YEUNG)
Director of Highways

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