

BCA BC BMSC/CIR/2015/01

Building Plan & Management Group

16 February 2015

Chairperson/ Secretary  
MCST Plan No. XXXX

Dear Sir/Madam

### **INSTALLATION OF SAFETY GRILLES AT WINDOWS AND BALCONIES OF A LOT**

We refer to our circular on the installation of safety grilles for condominium windows and balconies that we had issued in 2013, the recent ruling by Strata Titles Board on installation of grilles and the public concerns on this matter.

2 Paragraph 5(3) of the prescribed by-laws under the Second Schedule to the Building Maintenance (Strata Management) Regulations 2005 states that a subsidiary proprietor (SP) or occupier of a lot shall not be prevented from installing any structure or device to prevent harm to children (an extract is appended in the **Annex**). Such structures/devices include safety grilles at windows and balconies.

3 While section 37 of the Building Maintenance and Strata Management Act (BMSMA) allows the management corporation (MC) to authorise an SP to carry out improvement within the unit that will not detract from the appearance of the building, MCs must pay heed to paragraph 5(3) of the prescribed by-laws when dealing with requests from SPs to install safety grilles.

4 To address residents' safety concerns and ensure uniformity in the appearance of safety devices or structures with the rest of the building, MCs should put in place a set of design guidelines for the installation of safety grilles at windows and balconies to ensure uniformity in appearance with the rest of the building. These design guidelines could be passed as a by-law at a general meeting for compliance by all SPs and occupiers. The MC can then make reference to the design guidelines when considering requests from SPs for the installation of such grilles.

5 There may be situations where the MC has not set design guidelines for safety grilles, or is unable to pass the design guidelines by-law through a general meeting. In such situations, the MC will have to decide on the approval of the installation of such structures/devices on a case-by-case basis. If there are no prevailing design guidelines, the MC should consider the SP's proposed design to see if it can be adopted by all other SPs wanting to install safety grilles to ensure uniformity in appearance with the rest of the building in the development.

6 As ensuring safety is paramount, we would like to advise all MCs to facilitate requests from SPs to install safety grilles at their windows and balcony.

Yours faithfully



CHIN CHI LEONG  
COMMISSIONER OF BUILDINGS  
BUILDING AND CONSTRUCTION AUTHORITY

## ANNEX

### **Extract of Paragraph 5 of the Prescribed By-laws under the Second Schedule of the Building Maintenance (Strata Management) Regulations 2005**

#### **Alteration or damage to common property**

5.—(1) A subsidiary proprietor or an occupier of a lot shall not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the common property except with the prior written approval of the management corporation.

(2) An approval given by the management corporation under paragraph (1) shall not authorise any additions to the common property.

(3) This by-law shall not prevent a subsidiary proprietor or an occupier of a lot, or a person authorised by such subsidiary proprietor or occupier from installing —

(a) any locking or other safety device for protection of the subsidiary proprietor's or occupier's lot against intruders or to improve safety within that lot;

(b) any screen or other device to prevent entry of animals or insects on the lot;

(c) any structure or device to prevent harm to children; or

(d) any device used to affix decorative items to the internal surfaces of walls in the subsidiary proprietor's or occupier's lot.

(4) Any such locking or safety device, screen, other device or structure must be installed in a competent and proper manner and must have an appearance, after it has been installed, in keeping with such guidelines as the management corporation may prescribe regarding such installations, and with the appearance of the rest of the building.

(5) The subsidiary proprietor and occupier of a lot shall —

(a) maintain and keep in a state of good and serviceable repair any installation or structure referred to in paragraph (3) notwithstanding that it forms part of the common property and services the lot; and

(b) repair any damage caused to any part of the common property by the installation or removal of any locking or safety device, screen, other device or structure referred to in paragraph (3) notwithstanding that it forms part of the common property and services the lot.