

Checklist of Third Party Risks Insurance

- 1) In procuring the third party risks insurance, the OC may be required to provide the following information about the building:
 - Year of completion;
 - Existing use;
 - Location;
 - Number of blocks / storeys / flats / lifts / car parking spaces;
 - Gross floor area;
 - Facilities provided (if any), e.g. carpark, clubhouse, swimming pool, sport facilities, etc.;
 - External structures (if any), e.g. advertisement signboards;
 - Unauthorized structures (if any), e.g. building structures or modifications contravening the Buildings Ordinance (Cap. 123), the BMO or other legal requirements;
 - Details of maintenance programme in place (if any);
 - Claims experience (if any) in the past 5 years: Is there any incident which is likely to give rise to claim? If the building is insured, has the OC reported any potential claim or lodged any claim to the insurer? Details about such incident and claim (if any) have to be provided;
 - Outstanding repair order (if any) issued by the Buildings Department.

- 2) Liabilities that are ordinarily not covered by third part risks insurance and need separate insurance arrangement:
 - Liability to employees → The OC should, in accordance with the Employees' Compensation Ordinance (Cap. 282), take out Employees' Compensation Insurance (also known as "Workmen's Compensation Insurance") for its building management staff so as to provide compensation for those injured or died in the course of their employment;
 - Liability relating to damage to common parts of the building → The OC should take out Property-All-Risks Insurance (also known as "Property Insurance") so that it can seek the insurance company or indemnity in respect of any loss or damage to the common properties of the building due to fire or other risks (e.g. storm, flood, malicious act, etc.) covered by the terms of the policy;
 - Any contractual liability.

- 3) If a third party makes a claim against an OC, in order not to prejudice OC's right of indemnity under its insurance policy, the OC should direct all communications to the insurance company unanswered.

Information provided by the Hong Kong Federation of Insurers