

General Guidelines

MANDATORY Building Inspection Scheme

MANDATORY Window Inspection Scheme



Introduction

Building neglect has been a long-standing problem in Hong Kong. The presence of ageing buildings which lack proper care and maintenance poses potential threats to residents and the public at large. The lack of proper maintenance and improper use of windows also pose a serious threat to public safety.

"Prevention is better than cure". If owners can regularly inspect their buildings, identify problems at an early stage and carry out remedial works timely, accidents can be avoided. The results of the public consultation conducted in 2003 and 2005 indicated a community consensus to pursue mandatory inspection schemes to tackle the building neglect problem in Hong Kong.



Legislation

The Mandatory Building Inspection Scheme (MBIS) and Mandatory Window Inspection Scheme (MWIS) were introduced with the enactment of relevant amendments to the Buildings Ordinance through the Buildings (Amendment) Ordinance 2011 in June 2011 and the subsidiary legislation including the Building (Inspection and Repair) Regulation in December 2011. The legislation empowers the Building Authority (BA) to serve statutory notices on owners as necessary requiring them to carry out prescribed inspections and prescribed repairs of their buildings and windows. The legislation also provides for matters relating to the appointment, control and duties of Registered Inspectors (RIs) and Qualified Persons (QPs) as well as the procedural requirements for such inspections and repairs of the buildings and windows respectively.

Implementation

The Buildings Department (BD) commenced the registration for RIs on 30 December 2011 and full implementation of the MBIS and MWIS was commenced on 30 June 2012.

Requirements under MBIS/MWIS

Under the MBIS, owners of buildings aged 30 years or above (except domestic buildings not exceeding 3 storeys) and served with statutory notices are required to appoint an RI to carry out the prescribed inspection and supervise the prescribed repair works found necessary of the common parts, external walls and projections or signboards of the buildings. Under the MWIS, owners of buildings aged 10 years or above (except domestic buildings not exceeding 3 storeys) and served with statutory notices are required to appoint a QP to carry out the prescribed inspection and supervise the prescribed repair works found necessary of all windows of the buildings. The BD may serve statutory notices on owners of these buildings for the carrying out of the prescribed inspection and prescribed repair. Each year, a certain number of buildings will be selected for implementation of the MBIS and MWIS.

Selection of Target Buildings

The target buildings selected each year would represent a mix of buildings in different conditions and age profiles in different districts. A selection panel comprising representatives from professional institutions, relevant non-governmental organisations, property management professionals, District Councils and relevant Government departments is established to render advice to the BD for the selection of target



buildings for the two schemes. Before serving the statutory notices for mandatory inspections, the BD will issue pre-notification letters to building owners advising them of the selection of their buildings as target buildings to allow them ample time to get prepared and plan ahead. The Government, the Hong Kong Housing Society (HKHS) and the Urban Renewal Authority (URA) stand ready to provide support and will organise district briefing sessions to introduce the schemes to the owners in order to encourage and help them organise the inspection and repair works.

Procedures under MBIS

1. The BD issues pre-notification letters to the owners of the selected target buildings before the serving of statutory notices to alert them to get prepared and organised for carrying out the required prescribed inspection and repair.
2. Not less than six months after the pre-notification letters are issued, the BD may serve statutory notices on the owners of the target buildings requiring them to carry out the prescribed inspection and the prescribed repair works found necessary in respect of the common parts, external walls and projections or signboards within the specified time frame. After the serving of statutory notices, the list of buildings concerned will be uploaded to the BD's website.
3. The building owners served with a statutory notice under the MBIS (in most of the cases, the co-owners or Owners' Corporation (OC) of the building concerned) must appoint an RI to carry out the prescribed inspection required within the specified time frame.
4. The RI must carry out the prescribed inspection personally, unless exempted by the relevant provisions of the subsidiary legislation, to ascertain whether the building has been rendered dangerous or is liable to become dangerous.
5. Where the RI considers that a prescribed repair is required, the owners concerned must appoint a registered general building contractor (RGBC) or a registered minor works contractor (RMWC) who is registered for the relevant repair works to carry out the prescribed repair under the supervision of an RI (who may be the same as or different from the RI who has carried out the prescribed inspection, as the owners may decide).
6. Upon completion of the prescribed inspection and prescribed repair, the RI so appointed must submit an inspection report and a completion report respectively, together with a certificate in the specified form, to the BA for record and audit check.

Procedures under MWIS

1. The BD issues pre-notification letters to the OC or posts the letters at a conspicuous part of the selected target buildings before the serving of statutory notices to give advance notice to the building owners for carrying out the required prescribed inspection and repair. The pre-notification letters will not be issued to each of the individual owners.
2. Not less than two months after the pre-notification letters are issued, the BD may serve statutory notices on the owners of the target buildings requiring them to carry out the prescribed inspection and the prescribed repair works found necessary in respect of the windows within the specified time frame. After the serving of statutory notices, the list of buildings concerned will be uploaded to the BD's website.
3. The building owners served with a statutory notice under the MWIS must appoint a QP to carry out the prescribed inspection required within the specified time frame.
4. The QP must carry out the prescribed inspection personally to ascertain whether the windows have been rendered dangerous or are liable to become dangerous.
5. Where the QP considers that a prescribed repair is required, the owners concerned must appoint an RGBC or an RMWC who is registered for the minor works in respect of windows to carry out the prescribed repair under the supervision of a QP (who may be the same as or different from the QP who has carried out the prescribed inspection, as the owners may decide).
6. If the QP appointed for carrying out prescribed inspection of windows is an RGBC or RMWC, the QP may also act as the contractor to carry out the prescribed repair in respect of the windows inspected by the QP itself. The RMWC, however, can only carry out the class, type and item of minor works for which it is registered.
7. Upon completion of the prescribed inspection and prescribed repair, the appointed QP must submit a certificate in the specified form to the BA for record and audit check.

Scope of Building Inspection

Under the MBIS, the inspection shall cover the following building elements:

- (a) External elements and other physical elements;
- (b) Structural elements;
- (c) Fire safety elements;
- (d) Drainage system; and
- (e) Identification of unauthorized building works (UBWs) in common parts of the building, on the exterior other than the common parts of the building (such as external wall, roof or podium, yard or slope adjoining the building) or on the street on which the building fronts or abuts.



For more examples of the building elements to be inspected, please refer to Annex I for guidelines.

Scope of Window Inspection

Under the MWIS, the inspection shall cover all windows and glass louvers in individual premises and common parts of the building including window walls. Internal glass partitions and shopfront show windows on ground floor are not windows within the scope of prescribed inspection under the MWIS, and curtain walls are covered by the MBIS and not the MWIS.

UBWs Identified during Mandatory Building Inspections

Under the MBIS, RIs have to report to the BD UBWs identified in the common parts of the building, on the exterior other than the common parts of the building (such as external wall, roof or podium, yard or slope adjoining the building) or on the street on which the building fronts or abuts that the RI inspected. The BD will deal with such UBWs in accordance with the prevailing enforcement policy. It will take priority enforcement actions against UBWs constituting an obvious hazard or imminent danger to lives and properties, UBWs that are newly constructed and other UBWs which are actionable items under the enforcement policy, requiring owners to demolish the same.

RIs for MBIS

The RI appointed to carry out the prescribed inspection or supervision of the prescribed repair under the MBIS shall be a person whose name is for the time being on the inspectors' register kept by the BA. An RI may be an Authorized Person(AP), Registered Structural Engineer(RSE) or registered building professionals possessing relevant work experience in the field of building construction, repair and maintenance whose name is on the inspectors' register. Please refer to the BD's website for details of registration and the inspectors' register.

QPs for MWIS

The QP appointed to carry out the prescribed inspection or supervision of the prescribed repair for windows under the MWIS shall be a person whose name is for the time being on any of the following registers kept by the BA:

- (a) APs;
- (b) RSEs;
- (c) RIs;
- (d) RGBCs;
- (e) RMWCs registered for the class, type and item of minor works in respect of windows.



Please refer to the BD's website for details of the various registers and the reference list of QPs.

Registered Contractors (RCs)

The RC appointed to carry out the necessary rectification and repair works under the MBIS and MWIS shall be an RGBC or RMWC who is qualified to carry out the rectification and repair works and whose name is for the time being on the respective contractors registers kept by the BA. RMWCs are qualified to carry out minor works belonging to the class, type and item for which they are registered. Please refer to the BD's website for details of the registers of RGBCs and RMWCs.

Duties of RIs, QPs and RCs

The duties of RIs, QPs and RCs are specified in the Buildings Ordinance (BO), its regulations and the Code of Practice, and among others, include the following:

- (a) For the RI, the duties are to carry out personal inspection of the building, provide proper supervision, ensure the repair materials and their use are in compliance with the BO and relevant standards, ensure the repair works is safe and will render the building safe, notify the BA and owners of any case of emergency, contravention of the provisions of the BO or appointment of the RI and RC etc., and submit relevant documents to the BA and the owners.
- (b) For the QP, the duties are to carry out personal inspection of windows, provide proper supervision, ensure the repair materials and their use are in compliance with the BO and relevant standards, ensure the repair works is safe and will render the windows safe, notify the BA and owners of any case of emergency in respect of windows, and appointment of the QP and RC etc., and submit relevant documents to the BA and the owners.
- (c) For the RC, the duties are to carry out repair works in accordance with the BO and relevant standards, and ensure that the building or windows, as the case may be, are rendered safe.



If there are any irregularities which result in contravention of the BO or which are due to professional misconduct or negligence on the part of the above service providers, the latter may be subject to disciplinary and/or prosecution actions. The BD will handle all reports on breach of statutory requirements under the BO. Any reports on professional misconduct should be directed to the professional institutes and/or professional registration boards to which the professionals belong.

Please refer to Annex II for details of checklist on the key duties of RIs and QPs and the channel for reporting irregularities.

Regulation of Service Providers

The Government will ensure proper regulation of service providers through the following measures under the BO and its subsidiary legislation including the Building (Inspection and Repair) Regulation (B(I&R)R):

- (a) Establish an inspectors register and regulatory mechanism under the BO, as well as Inspector Registration Committees to scrutinize the professional standards for registration as RIs.
- (b) Issue detailed guidelines on the requirements and standards of building inspections, window inspections and repair works, the Code of Practice for the MBIS and MWIS and Practice Note on Best Practices on Tendering Procedures.
- (c) Conduct random detailed audit checks of inspection reports submitted by RIs, and impose appropriate sanctions for irregularities identified.
- (d) Issue publicity materials and provide enquiry/report channels on malpractices of RIs/QPs.



Legal Liabilities of Owners/Owners' Corporations

The owners/OC who fail to comply with a statutory notice for mandatory building inspection without any reasonable excuse may be prosecuted and are/is liable upon conviction to a fine of \$50,000 and imprisonment for 1 year. The owners/OC who fail to comply with a statutory notice for mandatory window inspection without any reasonable excuse may be served with a penalty notice for a fixed fine of \$1,500. Repeated offenders may be prosecuted and are liable upon conviction to a fine of \$25,000 and imprisonment for 3 months. The BD may also arrange for the required inspection and repair works to be carried out by its consultant and contractor, and then recover the cost of inspection and repair works as well as supervision charge from the owners/OC, together with a surcharge of not exceeding 20% of the cost.

As required by the MBIS and MWIS under the BO, only when building owners are served with a statutory notice for mandatory building or window inspection by the BD would they have the statutory obligation to arrange for a prescribed inspection and prescribed repair found necessary of their building or windows. However, it is the responsibility of all building owners to ensure proper maintenance and safety of their own buildings, including carrying out regular inspections and timely repairs. Apart from receiving the statutory notice served by the BD for mandatory building or window inspection, owners are encouraged to volunteer at any time to arrange inspections and repairs of their buildings/premises or the windows therein. In such cases, the inspection and repair works should also be carried out in accordance with the standards and procedures of the MBIS and MWIS, otherwise the BD may still serve statutory notices on the owners for mandatory building or window inspection when the building concerned is selected as target building for implementation of the MBIS and/or MWIS.



Assistance for Owners

To dovetail with the implementation of the two mandatory inspection schemes, the Government, in collaboration with the HKHS and the URA, has launched various assistance schemes to help owners comply with the statutory requirements. Owners may contact the BD on matters regarding the enforcement of the statutory notices. A one-stop contact point has been provided for contacting the HKHS/URA for the provision of information for technical and financial assistance. Eligible owners may obtain various forms of assistance and support from the HKHS/URA and the Government at different stages of the two mandatory inspection schemes:

1. Organisation Stage

- Briefing sessions will be arranged for the owners concerned to assist them to comply with the statutory notices. (BD/Home Affairs Department (HAD)/HKHS/URA/ICAC)
- Technical advice in respect of appointment of RIs, QPs and RCs. (HKHS/URA/ICAC)
- Assistance to building owners to form OCs. (HAD/HKHS/URA)
- A subsidy of up to \$3,000 per OC to be formed and technical assistance for OC formation. (HKHS/URA)

2. Inspection/Repair Stage

- Mandatory Building Inspection Subsidy Scheme (MBISS) providing subsidy on the cost of appointment of RIs for the first prescribed building inspection to eligible owners, subject to a cap. (HKHS/URA)
- Technical advisory services in respect of matters relating to building and window inspection and maintenance and, where necessary, referral to representatives of relevant professional bodies for free professional advice. (HKHS/URA)
- The one-stop Integrated Building Maintenance Assistance Scheme (IBMAS) providing financial assistance and technical support to building owners. (HKHS/URA)

Under the IBMAS, owners can simply complete one set of application forms for multiple applications which include the following various types of grants and/or interest-free loans to those who meet the eligibility criteria of the respective assistance schemes to carry out building and window repair works :

- (a) Common Area Repair Works Subsidy – For eligible buildings, a subsidy of 20%-30% of the approved costs of up to \$3,000 per unit capped at \$1.2 million per OC (whichever is the lower). (HKHS/URA)
- (b) Common Area Repair Works Interest-free Loan – An interest-free loan of up to \$100,000 per domestic unit for building repair works in common areas provided to eligible owners. (HKHS/URA)
- (c) Home Renovation Interest-free Loan – An interest-free loan of up to \$50,000 per domestic unit for interior repair works (including windows) provided to eligible owners. (HKHS/URA)
- (d) Building Safety Loan Scheme – Loans to owners (up to \$1 million for each unit of accommodation) for carrying out building and window inspection and repair works, and interest-free loans to owners meeting asset limit requirements. (BD)
- (e) Building Maintenance Grant Scheme for Elderly Owners– A grant of up to \$40,000 per unit provided to eligible elderly-owner occupiers meeting income and asset limit requirements for repair works in common parts and individual units. (Government fund administered by HKHS)

For details, please call 3188 1188.



3. After Repair

- For successful application with completion of repair works under the Common Area Repair Works Subsidy or Common Area Repair Works Interest-free loan of the IBMAS, a subsidy of 50% of the insurance premium for the public liability insurance/third party risks insurance for the common parts of the building of up to \$ 6,000 per annum for 3 consecutive years will be provided to the OC. (HKHS/URA)

4. Cost Reference

- The cost of professional services for building and window inspection and their repair varies with such factors as the building size, and the number and size of windows in the building, their conditions of maintenance and repair, the requirements of owners/OCs, and the prevailing market conditions of the trade. There are already more than 400 persons registered as RI and more than 16,000 RGBCs and RMWCs registered for the class, type, and item of minor works in respect of windows qualified for providing window inspection and repair services. The number of service providers should be sufficient to ensure a level playing field in the market. Owners/OCs may obtain quotations from different RIs, QPs and RCs for cost reference and comparison.

The cost reference for window inspection and common window repair items under the MWIS obtained from the quotations / advertising pamphlets provided by the QPs/RCs has been uploaded to the BD's website for reference.



Tenants' Assistance

Upon receipt of pre-notification letter, tenants should notify and convey the documents received to the owners for advance preparation and organisation for carrying out the prescribed inspection and repair. When informed by the owners or OC regarding the inspection arrangement, the tenants should cooperate with the appointed RI/QP and allow access to their premises, if necessary, for the carrying out of prescribed inspection. Where the prescribed repair is required, the tenants should also cooperate with the appointed RGBC or RMWC and allow access to their premises, if necessary, for the carrying out of prescribed repair under the supervision of an RI/QP.



Recognition of Well-managed and Well-maintained Buildings

The HKHS has launched the Voluntary Building Assessment Scheme (VBAS) to give positive recognition to well-managed and properly maintained buildings. Buildings certified by the VBAS will be recognised by the BD for having fulfilled the requirements under the MBIS and MWIS (in respect of windows in common parts only) within the respective inspection cycles. The HKHS started receiving applications from building owners for participating in the VBAS in July 2012. For details, please call 8108 0108.

Videos

- Mandatory Building and Window Inspections – The Yim's Family



<http://goo.gl/aIjqYZ>

- Selection of Qualified Persons for MWIS



<http://goo.gl/Yq2RCJ>

Enquiry & Report

Any enquiry about the details of the MBIS/MWIS and report on malpractices of RIs, QPs or RCs in the carrying out of the prescribed inspection or prescribed repair may be addressed to the Buildings Department:

Mailing address: Mandatory Building Inspection Division,
Buildings Department, 12/F, Pioneer Centre,
750 Nathan Road, Mongkok, Kowloon, or
Mandatory Building Inspection Sections,
Buildings Department, Units 3501-11, Level 35, Tower 1,
Metroplaza, 223 Hing Fong Road, Kwai Fong, N.T.

E-mail address: enquiry@bd.gov.hk

Hotline: 2626 1616 (handled by 1823)

Webpages: MBIS: http://www.bd.gov.hk/english/services/index_mbis.html
MWIS: http://www.bd.gov.hk/english/services/index_mwis.html

BD Youtube Channel: <https://www.youtube.com/user/BDGOVHK>

For enquiry on technical and financial assistance :

HKHS / URA one - stop contact hotline : 3188 1188

HKHS / URA Webpages : www.hkhs.com or www.ura.org.hk

For enquiry on financial assistance for owners served with MWIS notice only :

Home Renovation Interest-free Loan / Building Safety Loan Scheme :

2894 3222 (HKHS) / 2588 2333 (URA)

Building Maintenance Grant Scheme for Elderly Owners :

2839 7166 (HKHS)

HKHS / URA Webpages :

www.hkhs.com or www.ura.org.hk

Buildings Department

March 2015

Examples of the Building Elements within the Scope of Prescribed Inspection for MBIS

a) External elements and other physical elements

- External walls
- Fence walls
- Manually or electrically operated metal gates erected at fence walls or entrance of buildings
- External finishes such as tiling, rendering and cladding
- Fins, grilles, and metal louvers
- Protective barriers, railings, parapets and balustrades at external walls or at the edges of roofs
- Curtain walls
- Skylights
- Appendages such as awnings, planters, eaves, mouldings, projections, architectural features, drying racks, signboards, window canopies and similar features attached to external walls



External walls



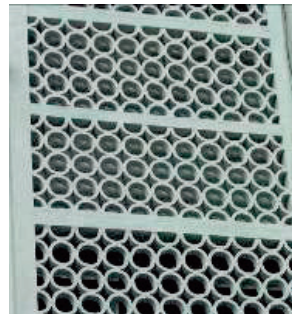
Fence walls



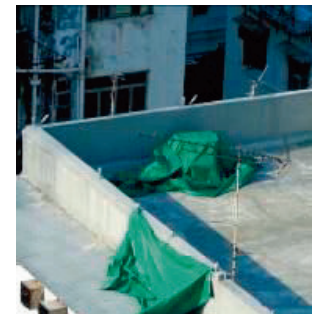
External Finishes



Fins



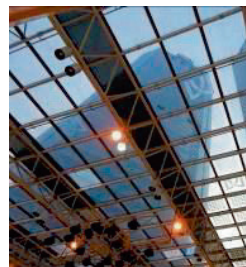
Grilles



Parapets



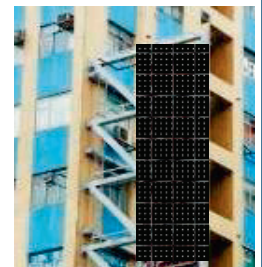
Curtain walls





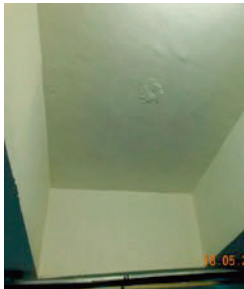
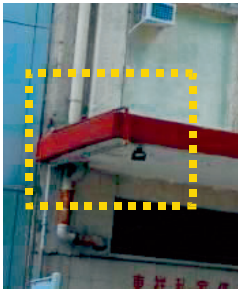

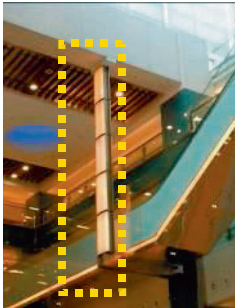





Skylights



Drying racks



Signboards

b)	Structural elements	<ul style="list-style-type: none"> • Columns / Walls / Beams / Slabs • Staircases • Cantilevered projecting structures • Transfer structures • Screen walls and basement walls • Hanging structures • Exposed pile caps • Other exposed structural elements <div style="display: flex; flex-wrap: wrap; justify-content: space-around;"> <div style="text-align: center;">  <p>Columns & beams</p> </div> <div style="text-align: center;">  <p>Structural walls</p> </div> <div style="text-align: center;">  <p>slabs</p> </div> <div style="text-align: center;">  <p>Cantilevered projecting structure</p> </div> <div style="text-align: center;">  <p>Transfer structures</p> </div> <div style="text-align: center;">  <p>Hanging structures</p> </div> <div style="text-align: center;">  <p>Exposed pile caps</p> </div> </div>
c)	Fire safety elements	<ul style="list-style-type: none"> • Means of escape • Means of access for fire fighting and rescue • Fire resisting construction <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Means of escape</p> </div> <div style="text-align: center;">  <p>Fire resisting construction</p> </div> </div>
d)	Drainage system	<ul style="list-style-type: none"> • Drainage system located at external walls of the building • Drainage system in common parts • Drainage system laid within common pipe ducts • Underground and above-ground common drainage system <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Drainage system in common part</p> </div> <div style="text-align: center;">  <p>Underground common drainage system</p> </div> </div>

Checklist on Key Duties of RI & QP

✦ Key Duties of RI under MBIS

1. Notify the BD of their appointment.
2. Carry out the prescribed inspection personally.
3. Submit to the BD for endorsement the proposal for Detailed Investigation (DI), should this be considered necessary.
4. Must not commence the DI before endorsement by the BD.
5. Prepare the proposal for the prescribed repair if this is found necessary upon the prescribed inspection.
6. Identify UBW in the common parts and on the exterior of the building.
7. Submit to the BD and the owners/OC for record a copy of the inspection report, inspection certificate and necessary repair proposal within 7 days after completion of inspection.
8. Supervise the carrying out of the prescribed repair for the building as found necessary.
9. After completion of the necessary repair for the building, submit to the BD and the owner/OC for record a copy of the completion report and completion certificate.
10. Follow the guidelines in the Code of Practice for the MBIS/MWIS and the Practice Notes for the Mandatory Building and Window Inspection Schemes (PNBI) issued by the BD.

✦ Key Duties of QP under MWIS

1. Notify the BD of their appointment.
2. Carry out the prescribed inspection personally.
3. If repair to window is considered not necessary after the inspection, submit to the BD an inspection certificate.
4. If repair of the window is considered necessary after the inspection, supervise the carrying out of the repair. The same QP for inspection may carry out the repair to window if he is a registered contractor qualified for window works.
5. Submit to the BD a completion certificate after completion of the window repair.
6. Follow the guidelines in the Code of Practice for the MBIS/MWIS and the PNBI issued by the BD.

✦ Channel for Reporting Irregularities

If there are any suspected irregularities, misconduct or negligence of the RI or QP which may result in contravention of the BO, the RI or QP could be subject to prosecution and/or disciplinary actions under the BO. Disciplinary actions may also be taken by the professional institutes and/or the professional registration boards to which the RI or QP belongs.

In the event that there are suspected irregularities or negligence, please report to the BD at telephone no. 2626 1616 (handled by 1823). As for report on professional misconduct, it may be made in writing directly to the relevant professional institutes and/or professional registration boards to which the professionals belong.

Mailing Addresses:**The Hong Kong Institute of Architects / Architects Registration Board:**

19/F, One Hysan Avenue, Causeway Bay, Hong Kong

The Hong Kong Institution of Engineers / Engineers Registration Board:

9/F, Island Beverley, No 1 Great George Street, Causeway Bay, Hong Kong

The Hong Kong Institute of Surveyors / Surveyors Registration Board:

Room 1205, 12/F, Wing On Centre, 111 Connaught Road Central, Sheung Wan, Hong Kong.