

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)089**

**(Question Serial No. 1115)**

Head: (82) Buildings Department  
Subhead (No. & title): (-) Not Specified  
Programme: (1) Buildings and Building Works  
Controlling Officer: Director of Buildings (HUI Siu-wai)  
Director of Bureau: Secretary for Development

Question:

Regarding the implementation of the Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window Inspection Scheme (MWIS):

1. The number of buildings planned to be covered by MBIS and MWIS in 2015 is adjusted to 650, far lower than the actual numbers of buildings covered in the past two years. What is the number of target buildings not selected in 2014 as originally planned and what is the number of target buildings selected for the first time in 2015? What are the justifications, criteria and considerations for setting the target of 650 buildings? Is manpower shortage one of the factors for the substantial reduction in target buildings in 2015?
2. In 2013 and 2014, the actual numbers of buildings covered by MBIS were 1 576 and 1 018 respectively, and the actual numbers of buildings covered by MWIS were 3 943 and 1 018 respectively. What are the manpower and expenditure deployed to complete the work in each of the two financial years? Is there any estimated increase in the manpower concerned in 2015? If so, what is the number of the additional staff, and what respective percentages do civil servants and non-civil service contract staff account for?
3. In 2014, a total of 17 537 mandatory building inspection notices were issued, of which 984 had been discharged. What are the causes of the large number of non-compliant notices, are they related to manpower deployment, are there any policies to address the matter; has the department followed up on the remaining 16 500-plus non-compliant notices, how does it do so, what are the details of the follow-up action; in 2015, the estimated number of mandatory building inspection notices issued will decrease by 5 537 as compared with 2014, and the estimated number of notices discharged will increase by 3 116 as compared with 2014, and the estimated numbers of mandatory window inspection notices issued and discharged will increase by 14 057 and 12 036 respectively as compared with 2014. The authorities explained that they would step up enforcement actions against non-compliant notices in 2015, in this connection, what is the existing manpower for taking enforcement action; will there be an increase in the manpower concerned in 2015; if so, what are the details; if not, what are the reasons for that and how can they ensure that the enforcement work

will not be affected by the shortage of manpower; and

4. Overall speaking, regarding issuing mandatory building inspection and window inspection notices and stepping up enforcement against non-compliant notices, what is the change in the proportion of resources deployed in these two aspects of work in 2015 as compared with 2014?

Asked by: Hon TSE Wai-chuen, Tony (Member Question No. 12)

Reply:

1. The Mandatory Building Inspection Scheme (MBIS) and Mandatory Window Inspection Scheme (MWIS) were fully implemented in June 2012. The planned number of target buildings to be selected in 2014 for implementation of MBIS and MWIS concurrently was 1 000 and the actual number of target buildings selected was 1 018. In 2015, 650 buildings will be selected for implementation of MBIS and MWIS concurrently.

Having regard to the progress of implementation since June 2012 and the general views in the community that the pace of implementation of the two schemes should be slowed down to give more time for building owners to understand the new requirements and get prepared, the Buildings Department (BD) has since 2014 adjusted downwards the number of target buildings to be selected each year for both schemes. This will enable the BD to better deploy its resources to manage the heavy workload arising from the implementation of the schemes while consolidating experience and lessons learnt including exploring possible streamlining measures to improve efficiency of processes. At the same time, with a smaller pool of target buildings undergoing the schemes at a time, the BD and the supporting organisations, namely the Hong Kong Housing Society and the Urban Renewal Authority, will be able to provide more focused support to owners. This is particularly important when owners of many old buildings have yet to acquire the necessary knowledge, skills and experience in organising building maintenance.

2. In 2013, the implementation of MBIS and MWIS was carried out by 493 professional and technical staff of the two Existing Buildings Divisions and the Mandatory Building Inspection Sections of the BD as part of their overall duties to implement BD's building safety and maintenance enforcement programme. We are not able to provide a breakdown of the manpower or expenditure involved solely for the implementation of MBIS and MWIS. As a result of centralisation of MBIS- and MWIS-related work in 2014, since then, the implementation of the two schemes has been solely carried out by the 110 professional and technical staff of the Mandatory Building Inspection Sections of the BD, comprising 104 civil service posts and 6 non-civil service contract positions. The expenditure incurred by the Mandatory Building Inspection Sections is about \$105 million in 2014-15 and estimated to be \$107 million in 2015-16.
- 3&4. Some of the 17 537 notices issued in 2014 under the MBIS have yet to expire and hence to be discharged. For cases where the notices were not complied with within the specified timeframe, the common reasons for non-compliance as observed by the BD include:

- (a) general lack of acquaintance with the MBIS in the community at this early stage of implementation as revealed by the significant number of public enquiries and requests for briefings received by the BD;
- (b) owners of many old buildings have yet to acquire the necessary knowledge, skills and experience in organising building maintenance, particularly those without formation of owners' corporations; and
- (c) great demand for professionals, practitioners and skilled construction workers in the market.

In 2015, the BD will intensify its public education and publicity efforts to enhance public awareness and to enable members of the public to better understand the requirements of the MBIS and MWIS; and, in collaboration with the Hong Kong Housing Society and the Urban Renewal Authority, continue to provide financial and technical assistance to help owners comply with the statutory notices. On the other hand, the BD will step up enforcement actions by issuing warning letters and instigating prosecutions against those building owners who, without reasonable excuse, fail to comply with the statutory notices. The BD may also arrange for the required inspection and necessary repair works to be carried out in owners' default. The cost of the prescribed inspection and repair works, supervision charges and a surcharge not exceeding 20% on the cost due will be recovered from the owners concerned.

In 2015-16, the tasks related to the issuing of mandatory inspection notices and the enforcement action against non-compliant notices, including the instigation of prosecutions, will continue to be handled by the existing resources of 110 professional and technical staff of the Mandatory Building Inspection Sections of the BD as part of their overall duties to implement MBIS and MWIS, and the existing resources of 78 professional and technical staff of the Legal Services Section of the BD as part of their overall duties in handling all prosecutions and disciplinary proceedings arising from the enforcement work of the BD. We are not able to provide a breakdown of the resources involved solely for issuing mandatory inspection notices or taking enforcement action.

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