

CONTROLLING OFFICER'S REPLY

DEVB(PL)245

(Question Serial No. 6080)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (HUI Siu-wai)
Director of Bureau: Secretary for Development

Question:

- (1) Regarding the mandatory window inspection and mandatory building inspection notices issued, what are the respective numbers of non-compliant notices in each district? How many notices have been granted extension?
- (2) What was the number of requests for assistance in various districts received by the Department regarding mandatory building inspection and mandatory window inspection notices in the previous year? What kind of assistance was asked for? Regarding the requests for assistance, how many of those buildings concerned did not have owners' corporations?
- (3) Was any owner or owners' corporation prosecuted for failure to comply with the notices, what are the details?

Asked by: Hon. CHAN Ka-lok, Kenneth (Member Question No. 369)

Reply:

- (1) As at 31 December 2014, the Buildings Department (BD) had issued 31 896 and 227 888 statutory notices under the Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window Inspection Scheme (MWIS) respectively. The geographical distribution of these statutory notices and their compliance status are shown at the Annex.
- (2) In 2014, the BD received over 40 000 verbal and written enquiries or requests for assistance from members of the public on the MBIS and MWIS. The enquiries and requests mainly concern the statutory procedures for compliance with notices; appointment of qualified persons or registered inspectors; application for extension of time to comply with the statutory notices; and application for financial and technical assistance. The BD does not keep separate statistics on the geographical distribution

of or whether an owners' corporation (OC) has been formed for the buildings to which the enquiries or requests relate.

- (3) As the two schemes were just fully implemented in June 2012, the BD has not yet instigated prosecution against any building owner or OC for failure to comply with the MBIS or MWIS statutory notices. Under the Buildings Ordinance, a fixed penalty notice must be served before prosecution may be instigated against non-compliance with a MWIS statutory notice. Up to 31 December 2014, a total of 43 fixed penalty notices had been issued against failure to comply with MWIS statutory notices.

**Compliance Status of MBIS Statutory Notices
(as at 31 December 2014)**

Districts	No. of MBIS Statutory Notices			
	Issued (a)	Discharged (b)	Not yet discharged (c)	Extension of time granted ^{Note 1} (d)
Central & Western	3 693	79	3 614	20
Eastern	5 392	4	5 388	7
Southern	679	18	661	4
Wan Chai	5 465	385	5 080	166
Kowloon City	6 002	99	5 903	78
Kwun Tong	822	97	725	6
Sham Shui Po	1 725	58	1 667	22
Wong Tin Sin	501	1	500	4
Yau Tsim Mong	4 494	211	4 283	30
Islands	513	3	510	0
Kwai Tsing	144	0	144	7
North	71	13	58	1
Sai Kung	37	0	37	1
Sha Tin	524	11	513	437
Tai Po	114	1	113	3
Tsuen Wan	262	0	262	0
Tuen Mun	1 228	4	1 224	0
Yuen Long	230	0	230	0
Total	31 896	984	30 912	786

Note 1: The figure is cumulative. In some of the notices therein, an extension of time was granted in the past and the inspection and/or repair works have subsequently been completed. These notices are concurrently included in (b). Other notices that were also granted an extension in the past but not yet discharged are concurrently included in (c).

**Compliance Status of MWIS Statutory Notices
(as at 31 December 2014)**

Districts	No. of MWIS Statutory Notices ^{Note 2}		
	Issued (a)	Discharged (b)	Not yet discharged (c)
Central & Western	19 777	3 226	16 551
Eastern	25 641	5 335	20 306
Southern	9 710	4 694	5 016
Wan Chai	16 678	3 245	13 433
Kowloon City	22 184	3 484	18 700
Kwun Tong	12 642	4 690	7 952
Sham Shui Po	12 358	1 829	10 529
Wong Tin Sin	7 822	2 321	5 501
Yau Tsim Mong	33 083	10 263	22 820
Islands	5 297	2 402	2 895
Kwai Tsing	10 723	2 177	8 546
North	4 075	976	3 099
Sai Kung	2 831	2 090	741
Sha Tin	12 913	4 119	8 794
Tai Po	4 663	1 671	2 992
Tsuen Wan	10 502	2 051	8 451
Tuen Mun	10 565	3 651	6 914
Yuen Long	6 424	1 457	4 967
Total	227 888	59 681	168 207

Note 2: As the BD does not maintain a list of MWIS statutory notices with extension of time granted due to the large volume of notices handled, we are not able to provide information on the notices that have been granted extension of time.

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