

CONTROLLING OFFICER'S REPLY

DEVB(PL)091

(Question Serial No. 1288)

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 and the Mandatory Window Inspection Scheme:

- What was the manpower specially tasked with implementing the schemes in 2014-15 and 2015-16? What respective percentages did civil servants and non-civil service contract (NCSC) staff account for? What was the ratio of the manpower concerned to the workload?
- Will there be additional manpower in 2016-17? If so, what is the number of additional posts, and what respective percentages do the net increase in posts, civil service posts converted from NCSC positions, and professional and technical posts account for? Is there any change in the number of additional posts as compared with the number of additional posts originally applied for? With the increase in manpower, what is the estimated change in the ratio of the manpower concerned to the workload?
- As regards the non-compliant mandatory building inspection and window inspection notices, what mechanism does the Department have to handle and follow up these cases? For example, in 2014-15 and 2015-16, how many warning letters were issued; how did the Department follow up cases of non-compliant notices and disregarded warnings; what was the number of prosecutions instigated for each year? And will the number of prosecutions be expected to increase in 2016-17?

Asked by: Hon Tony TSE Wai-chuen (Member Question No. 6)

Reply:

- The professional and technical staff of the Mandatory Building Inspection Sections (MBI Sections) of the Buildings Department (BD) is responsible for implementing the Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window Inspection Scheme (MWIS). A breakdown of the manpower concerned by civil service posts and non-civil service contract posts in 2014-15 and 2015-16 is tabulated below –

Financial Year	Professional and Technical Staff of MBI Sections		
	Civil Service Posts	Non-civil Service Contract Posts	Total
2014-15	104 (95%)	6 (5%)	110
2015-16	104 (83%)	22 (17%)	126

- The two schemes will continue to be implemented by the existing resources of 126 professional and technical staff, as well as other supporting manpower, in the MBI Sections in 2016-17.
- If the statutory notices are not complied with within the specified timeframe, the BD will take enforcement actions by issuing warning letters, serving fixed penalty notices (for the MWIS only) and instigating prosecution against those building owners who, without reasonable excuse, fail to comply with the statutory notices. In addition, the BD may also arrange for the required inspection and necessary repair works to be carried out in the event of default by owners. The cost of the inspection and repair works, supervision charges and a surcharge not exceeding 20% of the cost will be recovered from the owners concerned.

A breakdown of the number of warning letters issued and fixed penalty notices served in 2014 and 2015 for the two Schemes is tabulated below.

	2014	2015
MBIS		
- No. of Warning Letters issued	394	3 434
MWIS		
- No. of Warning Letters issued	2 651	11 031
- No. of Fixed Penalty Notices served	43	797

In late-2015, the BD began preparatory work for instigating prosecution against building owners who had failed to comply with the MBIS and MWIS statutory notices without reasonable excuse despite having been served with warning letters and, for the MWIS, fixed penalty notices. These cases are expected to enter the formal prosecution stage in 2016-17. The number of prosecutions to be instigated in 2016-17 is expected to increase as enforcement actions against non-compliant notices will be stepped up.

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