

CONTROLLING OFFICER'S REPLY

DEVB(PL)305

(Question Serial No. 6188)

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:

- (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 window inspection and mandatory building 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: Dr Hon Kenneth CHAN Ka-lok (Member Question No. 207)

Reply:

- (1) As of 31 December 2015, the Buildings Department (BD) had issued 43 415 and 351 147 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 set out in the Annex.
- (2) In 2015, the BD received over 70 000 verbal and written enquiries or requests for assistance from members of the public on the MBIS and the MWIS. These enquiries and requests were mainly related to the statutory procedures for compliance with notices; the 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 compile statistics on the geographical distribution of the buildings to which the enquiries or requests relate and whether owners' corporations (OCs) had been formed for the buildings concerned.

- (3) While no prosecution had been instigated up to 31 December 2015, the BD issued over 17 000 warning letters and over 800 fixed penalty tickets (fixed penalty tickets are for the MWIS only) in 2014 and 2015 against building owners and OCs who failed to comply with the MBIS or the MWIS statutory notices. In late-2015, the BD began preparatory work for instigating prosecution against building owners and OCs who failed to comply with the statutory notices without reasonable excuse despite having been served with warning letters or fixed penalty notices. These cases are expected to enter the formal prosecution stage in 2016-17.

**Compliance Status of MBIS Statutory Notices
(as at 31 December 2015)**

Districts	No. of MBIS Statutory Notices			
	Issued (a)	Discharged (b)	Not yet discharged (c)	Extension of time granted ^{Note 1} (d)
Central & Western	4 355	661	3 694	113
Eastern	9 432	705	8 727	28
Southern	1 077	119	958	32
Wan Chai	6 166	1 223	4 943	232
Kowloon City	8 056	997	7 059	140
Kwun Tong	840	143	697	20
Sham Shui Po	4 499	337	4 162	129
Wong Tai Sin	547	60	487	30
Yau Tsim Mong	5 004	493	4 511	100
Islands	540	13	527	1
Kwai Tsing	243	0	243	9
North	114	16	98	1
Sai Kung	37	3	34	1
Sha Tin	584	418	166	439
Tai Po	116	2	114	8
Tsuen Wan	299	5	294	5
Tuen Mun	1 250	22	1 228	4
Yuen Long	256	14	242	4
Total	43 415	5 231	38 184	1 296

Note 1 : These figures are 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 2015)**

Districts	No. of MWIS Statutory Notices ^{Note 2}		
	Issued (a)	Discharged (b)	Not yet discharged (c)
Central & Western	27 720	11 978	15 742
Eastern	43 668	22 658	21 010
Southern	14 848	8 232	6 616
Wan Chai	24 234	12 234	12 000
Kowloon City	30 547	13 079	17 468
Kwun Tong	19 995	10 133	9 862
Sham Shui Po	19 538	9 166	10 372
Wong Tai Sin	9 240	6 168	3 072
Yau Tsim Mong	41 378	22 055	19 323
Islands	7 569	3 372	4 197
Kwai Tsing	17 858	10 568	7 290
North	4 408	3 540	868
Sai Kung	2 920	2 598	322
Sha Tin	20 926	13 488	7 438
Tai Po	6 944	3 694	3 250
Tsuen Wan	21 878	9 662	12 216
Tuen Mun	27 787	17 398	10 389
Yuen Long	9 689	3 285	6 404
Total	351 147	183 308	167 839

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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