

CONTROLLING OFFICER'S REPLY**DEVB(PL)116****(Question Serial No. 1470)**

Head: (82) Buildings Department

Subhead (No. & title): (-) Not Specified

Programme: (1) Buildings and Building Works

Controlling Officer: Director of Buildings (CHEUNG Tin-cheung)

Director of Bureau: Secretary for Development

Question:

Regarding the Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window Inspection Scheme (MWIS), would the Government inform this Committee:

- (1) of the details of the buildings covered by the MBIS and the MWIS in the past two years;
- (2) of the numbers of non-compliant mandatory building inspection notices and window inspection notices in the past two years, and of the enforcement actions taken; and
- (3) of the longest time required for handling the cases since the implementation of the MBIS and the MWIS, of the procedures and time limit for handling repeated non-compliant cases of mandatory building inspection notices and window inspection notices, as well as of the number of such cases?

Asked by: Hon LEUNG Che-cheung (Member Question No. (LegCo use): 42)

Reply:

- (1) Statistics on the Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window Inspection Scheme (MWIS) in 2016 and 2017 are tabulated below –

	2016		2017	
	MBIS	MWIS	MBIS	MWIS
No. of target buildings selected	500	500	436	464
No. of statutory notices issued	5 571	86 280	12 384	30 223
No. of statutory notices discharged^{Note}	8 281	151 772	7 975	56 231

Note : The figures do not necessarily correspond to the notices issued in the same year.

- (2) The respective numbers of non-compliant MBIS and MWIS notices as of end 2016 and 2017 are tabulated below –

	As of end 2016		As of end 2017	
	MBIS	MWIS	MBIS	MWIS
No. of statutory notices not yet discharged	35 474	102 347	39 812	76 950
No. of statutory notices expired	29 708	67 953	27 990	58 650

In 2016 and 2017, the Buildings Department (BD) issued over 15 000 warning letters and instigated 74 prosecutions against building owners who failed to comply with the MBIS notices; and issued over 47 800 warning letters and 1 900 fixed penalty notices as well as instigated four prosecutions against building owners who failed to comply with the MWIS notices.

- (3) BD does not compile statistics on the duration between the issue of statutory notices under the two Schemes and their compliance, and is therefore unable to provide information on the longest time required for handling the statutory notices.

If the statutory notices are not complied with within the specified timeframe, BD may take enforcement actions by issuing warning letters, serving fixed penalty notices (for MWIS notices only) and instigating prosecution against those building owners who, without reasonable excuse, fail to comply with the statutory notices. If those notices are still not yet complied with after the aforementioned actions, BD may step up enforcement actions by serving another fixed penalty notices (for MWIS notices only) and/or instigating further prosecution against the owners concerned. In addition, BD may also arrange for carrying out the required inspection and necessary repair works in default of the owners concerned. BD will seek to recover the associated cost from the owners.

As at 31 December 2017, BD has served second fixed penalty notices in respect of nine repeated non-compliance with MWIS notices. Up to end of 2017, there were 30 MBIS notices and one MWIS notice not yet complied with after prosecution. There is no time-limit for BD to take enforcement action against non-compliant statutory notices.

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