

CONTROLLING OFFICER'S REPLY

DEVB(PL)303

(Question Serial No. 3618)

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 mandatory building inspection under the Programme, please inform this Committee:

- 1) of the respective numbers of mandatory building inspection notices received and discharged in 2017 and 2018 in each of the 18 districts;
- 2) of the number of outstanding building inspection notices broken down by the issuing date of such notices (i.e. one year, two years and three years or above from the issue date);
- 3) of the improvement measures by the Buildings Department (BD) in 2019-20 given the large backlog of building inspection notices or non-compliant notices? What are the details and estimated expenditure involved?
- 4) whether BD has instigated prosecution against non-compliant mandatory building inspection notices in 2017 and 2018; if so, of the number concerned?

Asked by: Hon WU Chi-wai (LegCo internal reference no.: 75)

Reply:

- 1) The geographical distribution of statutory notices issued and discharged under the Mandatory Building Inspection Scheme (MBIS) in 2017 and 2018 is shown at Annex.
- 2) As at 31 December 2018, the number of outstanding statutory notices issued under MBIS broken down by the issuing date of such notices is tabulated below. It should be noted that not all such notices have expired as owners are generally given a period of 12 to 15 months for complying a notice and some owners are granted extension of time for compliance –

	Issued in 2017	Issued in 2016	Issued in 2015 or before
Number of outstanding statutory notices issued under the MBIS	5 537	2 829	20 333

- 3) In 2019-20, the Buildings Department (BD) will continue its public education and publicity efforts to enhance public awareness and understanding of the requirements of MBIS. In addition, BD will continue to work with the Home Affairs Department to assist building owners in forming owners' corporations, and collaborate with the Urban Renewal Authority (URA) to provide financial and technical assistance to help owners comply with the statutory notices. BD will also 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.

Further, to protect public safety, the Government earmarked \$3 billion to launch Operation Building Bright 2.0 (OBB 2.0) to provide technical and financial assistance to eligible building owners to carry out prescribed inspection and repair works under MBIS.

There are two categories of buildings under OBB 2.0. Category 1 buildings are those whose owners are prepared to take up the organisation of the inspection and repair works for their buildings under MBIS. Category 2 buildings cover those which have outstanding MBIS notices but the owners concerned have difficulties in coordinating the inspection and repair works (e.g. the so-called "3-nil" buildings, which are buildings that do not have an owners' corporation or an owners' committee, or have not engaged any property management company). BD proactively selects Category 2 buildings on a risk basis and exercises its statutory power to carry out the requisite inspection and repair works in default of owners, and seeks to recover the cost from owners concerned afterwards. Eligible owners of Category 2 buildings may claim subsidies under OBB 2.0 to cover all or part of such cost.

The Government expects that the funding under OBB 2.0 would be able to support the commissioning of inspection and repair works of 2 500 buildings (under both Categories 1 and 2) over the five-year period beginning 2018-19. Based on current projections, the estimated cash flow requirement in 2019-20 is \$530 million, covering around 500 buildings.

The above-mentioned measures will be implemented by 160 professional and technical staff of the two Mandatory Building Inspection Sections, ten staff of the Public Education and Publicity Unit, and three staff of the Information Unit of BD as part of their overall duties. BD is not able to provide a breakdown of the expenditure to be incurred solely for the relevant work.

- 4) Up to 31 December 2018, BD issued over 23 000 warning letters against building owners who failed to comply with the statutory notices. Besides, BD instigated 44 and 65 prosecutions against building owners who failed to comply with the statutory notices in 2017 and 2018 respectively.

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**Number of Mandatory Building Inspection Notices
issued and discharged in 2017 and 2018**

District	Number of Notices			
	2017		2018	
	Issued	Discharged ^{Note}	Issued	Discharged ^{Note}
Central & Western	1 012	661	244	901
Eastern	1 824	1 542	2 777	3 148
Southern	1 552	215	206	1 337
Wan Chai	770	864	542	1 237
Kowloon City	2 183	1 814	1 216	1 767
Kwun Tong	44	54	101	86
Sham Shui Po	886	552	2 145	930
Wong Tai Sin	25	98	81	21
Yau Tsim Mong	839	419	3 295	1 423
Islands	58	193	1	73
Kwai Tsing	21	9	94	36
North	22	10	8	10
Sai Kung	38	1	0	24
Sha Tin	1 468	1 370	2	41
Tai Po	1 391	78	11	1 392
Tsuen Wan	35	12	189	15
Tuen Mun	146	37	16	41
Yuen Long	70	46	15	37
Total	12 384	7 975	10 943	12 519

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