

**LEGISLATIVE COUNCIL
PANEL ON PLANNING, LANDS AND WORKS**

**Mandatory Building Inspection Scheme &
Mandatory Window Inspection Scheme**

BACKGROUND

We briefed the Panel on Planning, Lands and Works on 22 May 2007 on the results of the Public Consultation on Mandatory Building Inspection and our intention to put in place the proposed Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window Inspection Scheme (MWIS) by way of legislation.

2. We note that Members supported the introduction of the two mandatory schemes as a practicable long-term solution to the problem of building neglect and to ensure public safety. Members have also given views on the proposed implementation details of the two schemes and the various support measures. Since a number of Members have not had the opportunity to express their views at the meeting due to time constraint, the Panel has decided to continue the discussion at the Panel meeting on 24 July 2007.

ADMINISTRATION'S INITIAL RESPONSE

3. To facilitate further discussion, we have summarized below Members' major views given at the Panel meeting on 22 May 2007 and our initial response.

Major Views

Initial Response

Implementation Details

- | | |
|--|--|
| <p>(a) Priority should be given to buildings in poor conditions when selecting the annual target buildings for</p> | <ul style="list-style-type: none">• To ensure transparency of the selection process, we suggest setting up a panel, comprising representatives from relevant Government departments, professional institutes, the industry and |
|--|--|

Major Views

Initial Response

MBIS.

non-government organizations, to assist in the selection of annual target buildings.

- The Panel will take into account factors including building age, building conditions, recent history of building repairs undertaken, etc. in selecting the target buildings.
 - The Administration will ensure good coordination with the Urban Renewal Authority (URA) to avoid subjecting buildings under URA's planned redevelopment projects to MBIS.
 - In response to the community's request, we have proposed to allow more registered professionals with suitable qualifications and experience to carry out building inspection under the MBIS. Buildings Department (BD) is discussing with relevant professional bodies and professional registration boards on the types of registered professionals qualified to perform the inspection task.
 - To ensure proper regulation of inspectors, BD will establish a Registration Committee to handle the registration of inspectors. BD will stipulate detailed technical guidelines and codes of practice on the inspection and rectification standards to guide the
- (b) Dilapidated buildings beyond economic repair should be redeveloped to save building owners' resources for carrying out inspection and repair.
- (c) There should be sufficient supply of service providers, with their quality and performance duly regulated and monitored.

Major Views

Initial Response

work of the inspectors and registered contractors. Furthermore, BD will check all the inspection reports to ensure compliance with the requirements under the law, and carry out detailed audit checks on the inspection reports and rectification works reports.

- BD will take disciplinary and/or prosecution actions against service providers who are in breach of the regulations or guidelines on building inspection and rectification.
 - The proposed mandatory schemes aim to encourage owners to maintain their buildings regularly rather than penalizing owners/ OCs. In enforcing against non-compliant cases, we will mainly target at uncooperative owners. We will work out the appropriate penalty level during the legislative drafting process.
 - We agree that it would be most ideal to make use of the opportunity of MBIS to clear all UBWs of a building. Nonetheless, removing all UBWs in the context of mandatory building inspection may create serious practical difficulties for some owners and occupiers and the OCs, e.g. the possible need to evict occupiers from UBWs, and the possible friction between individual owners and OCs. It would also pose problems to the owners and OCs
- (d) The proposed penalty arrangement should be carefully drawn up to avoid creating undue hardship to owners/ owners' corporations (OCs).
- (e) All unauthorized building works (UBWs) of a target building should be removed in the context of MBIS.

Major Views

Initial Response

concerned in fulfilling their legal requirements under MBIS.

- To facilitate the owners and OCs to comply with the MBIS requirement, we suggest that UBWs should continue to be handled in accordance with BD's established UBW enforcement policy.¹

Support Measures

- (f) Sufficient assistance (both financial and technical) should be provided to owners in need. Owners should also be provided with financial assistance to carry out rectification works.
- The Hong Kong Housing Society (HKHS) has agreed to set aside \$4 billion² to complement the launch of the mandatory schemes by providing financial and technical assistance to eligible building owners.
 - In addition to providing subsidies for first inspections, the HKHS will offer grants or interest-free loans to eligible owners for carrying out rectification works. The HKHS will also give technical assistance to owners regarding inspection and maintenance matters. BD will also provide loans to owners to carry out building maintenance under its Building Safety Loan Scheme.

¹ The inspectors are required to report to the BD the UBWs identified in the buildings being inspected. BD will serve statutory orders to remove UBWs that constitute an obvious and imminent danger or are new, or those that will obstruct inspection / rectification works under the mandatory schemes. For other UBWs, BD will issue warning notices as appropriate to demand relevant owners to have them removed.

² Including HKHS's earlier commitment on the Building Management and Maintenance Scheme

Major Views

Initial Response

- (g) The HKHS should be flexible in offering financial assistance, in particular, for the elderly owners.
- The HKHS will allow flexibility in determining the eligibility of owners for receiving its financial assistance. For example, HKHS will consider providing subsidies for first inspections to owners who, due to practical reasons, have not formed OCs.
 - In respect of elderly owners, the HKHS will be flexible in addressing their concerns on a case-by-case basis.
 - Under the BD's Building Safety Loan Scheme, elderly owners who are unable to repay the loan can apply for extension of the repayment period, or be allowed to repay the loan after their properties are sold.
- (h) A simple dispute resolution mechanism which dispenses with legal representation should be established to handle disputes on building management and maintenance to save the cost and time required to settle such disputes.
- Since the proposal to dispense with legal representation may possibly give rise to constitutional and human rights implications, and may duplicate the roles and duties of existing judicial courts and tribunals, the Government needs to further study the feasibility of the proposal.
 - We understand that the Judiciary is considering possible improvement measures to the Lands Tribunal, including the greater use of case management and the feasibility of voluntary mediation, to facilitate a more efficient and expeditious disposal of building management and maintenance

Major Views

Initial Response

cases in the Tribunal.

ADVICE SOUGHT

4. We welcome further views from Members at the meeting on 24 July 2007.

Development Bureau
July 2007