

**Subcommittee on Buildings (Amendment) Ordinance 2011
(Commencement) Notice 2012, Building (Inspection and Repair)
Regulation (Commencement) Notice and Building (Minor Works)
(Amendment) Regulation 2011 (Commencement) Notice**

**Administration's Response to Follow-up Issues
of the Meeting held on 29 May 2012**

This note sets out the Administration's response to the follow-up issues for the meeting of the above Subcommittee on 29 May 2012 (the meeting) in relation to the implementation of the Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window Inspection Scheme (MWIS).

Registration of Registered Inspectors

2. Registration of registered inspectors (RIs) for the MBIS has commenced since 30 December 2011. At the meeting, Members requested the Administration to provide updated statistics on registration including a breakdown by different categories of applicants. As at 6 June 2012, a total of 311 applications for registration as RIs had been received (two applications were subsequently withdrawn). A total of 195 applications had been approved, while 27 applications had been deferred or refused. The rest of the applications (i.e. 87) were being processed. A table showing the number of applications by categories of applicants is at **Annex A**.

Annual review on rateable value limits under the assistance schemes operated by Hong Kong Housing Society and Urban Renewal Authority

3. The Hong Kong Housing Society (HKHS) and Urban Renewal Authority (URA) will jointly implement the "Mandatory Building Inspection Subsidy Scheme" (MBISS) to subsidize eligible owners the full cost of the first building inspection under the MBIS, subject to a cap. For convenience and clarity to owners, HKHS and URA will adopt the same eligibility criteria on rateable value of the Integrated Building Maintenance Assistance Scheme (IBMAS) in the MBISS. In view of the rising trend of rateable values in recent years, HKHS and URA have

since 1 April 2012 raised the rateable value limits under the IBMAS to benefit more property owners. In the light of Members' suggestion, HKHS and URA have agreed to conduct a review of the rateable value limits under the IBMAS and the MBISS once a year based on the latest rateable values provided by the Rating and Valuation Department.

Report to the Legislative Council Panel on the full implementation of the MBIS and the MWIS

4. After the commencement of the legislative provisions on 30 June 2012, the BD will in July 2012 start issuing pre-notification letters to the owners/owners' corporation (OC) of the first quarterly batch of target buildings selected for the MBIS and the MWIS concurrently to alert them that their buildings have been so selected so as to give them ample time to get prepared for the inspection that they will be required to arrange. The statutory notices will be issued, at the earliest, six months (i.e. early 2013) after the issuance of pre-notification letter. At the request of Members, we agree to report to the relevant Legislative Council Panel on the progress of the full implementation of the MBIS and the MWIS around the end of 2013.

Samples of draft pre-notification letters to owners, statutory notices and publicity materials for the MBIS and the MWIS

5. As requested by Members, we attach at **Annex B** samples of draft pre-notification letters to owners, statutory notices and publicity materials for the MBIS and the MWIS for easy reference. Members may wish to note that these drafts are yet to be finalized.

**Development Bureau
Buildings Department
June 2012**

Annex A

Statistics on Progress of RI Registration
(As at 6 June 2012)

	Inspector (List of Architects)		Inspector (List of Engineers)		Inspector (List of Surveyors)		Sub-total		Total
	AP/RSE	RA	AP/RSE	RPE	AP/RSE	RPS	AP/RSE	RA/RPE/RPS	
No. of Applications	91	7	76	50	51	36	218	93	311
No. of Withdrawals	---	1	1	---	---	---	1	1	2
No. of Approvals	72	1	58	7	45	12	175	20	195

Legend :

RI : Registered Inspector

AP : Authorized Person

RSE : Registered Structural Engineer

RA : Registered Architect

RPE : Registered Professional Engineer

RPS : Registered Professional Surveyor

Annex B

- Appendix A - Pre-notification letter to target buildings selected for the Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window Inspection Scheme (MWIS) concurrently
- Appendix B - Pre-notification letter to target buildings selected for the Mandatory Window Inspection Scheme (MWIS) only
- Appendix C - Statutory notice under the MBIS
- Appendix D - Statutory notice under the MWIS
- Appendix E - Covering letter to target buildings selected for the MBIS and the MWIS concurrently enclosing the statutory notices
- Appendix F - Covering letter to target buildings selected for the MWIS only enclosing the statutory notice
- Appendix G - Poster of the MBIS
- Appendix H - Poster of the MWIS
- Appendix I - Leaflet of the MBIS
- Appendix J - Leaflet of the MWIS
- Appendix K - General Guideline on the MBIS and the MWIS
- Appendix L - Leaflet of “Mandatory Building Inspection Subsidy Scheme” (Chinese version only)
- Appendix M - Leaflet of “Voluntary Building Assessment Scheme” (Chinese version only)



Draft

YOUR REF 來函檔號：
OUR REF 本署檔號：
FAX 圖文傳真：
TEL 電話：
www.bd.gov.hk

*Incorporated Owners / Management Office/ Mutual Aid Committee/ Owners (c/o Occupant),
(*delete where inapplicable)

Address:

Dear Sir/Madam,

Date:

**Mandatory Building Inspection Scheme
and
Mandatory Window Inspection Scheme**

Pre-notification letter

With the enactment of the Buildings (Amendment) Ordinance 2011 and the related subsidiary legislation, implementation of the Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window inspection Scheme (MWIS) which cover all private buildings aged 30 or above and 10 or above respectively except domestic buildings not exceeding 3 storeys, have commenced since 30 June 2012. Building owners are required to carry out prescribed inspection and, if necessary, prescribed repair in respect of the common parts, external walls, projections and signboards of the building every 10 years under the MBIS, and of the windows every 5 years under the MWIS.

The Buildings Department (BD) will arrange to select 2,000 target buildings (TBs) under the MBIS and 5,800 TBs under the MWIS every year for carrying out of the inspection and repair. The TBs selected will represent a mix of buildings in different conditions and age profiles in different districts. For the 2,000 TBs selected for implementing the MBIS each year, the BD will also implement the MWIS in these buildings simultaneously. To spread over the workload of the building professionals and the contractors, the selection of the TBs will be conducted at quarterly intervals, and 500 buildings for MBIS and 1,450 buildings for MWIS will be selected in each quarter.

According to the results of the selection for the current quarter, your building has been selected as one of the TBs for the MBIS and concurrently under the MWIS. Statutory notices under the Buildings Ordinance will be issued to the owners' corporation (OC) and/or the individual owners of your building six months later under the two schemes. In complying with the statutory notices, you will be required to appoint a Registered Inspector (RI) under the MBIS and a Qualified Person (QP) under the MWIS to carry out the prescribed inspection and to supervise the prescribed repair within the specified periods of time. Building owners may also take this opportunity to carry out inspections and necessary repairs to other building installations such as the facilities for electricity and the lifts, and upgrade the fire safety construction and installations for compliance with the relevant laws and regulations. The lists of RI and QP are available at the website of the BD. In the interim, you are strongly advised to get yourselves prepared and organized for arranging the carrying out of the required works.

For carrying out of the required inspections and repair for the buildings and windows under the MBIS and MWIS, the Hong Kong Housing Society (HKHS) and the Urban Renewal Authority (URA) will provide financial and technical assistance to the eligible building owners. The HKHS and the URA have jointly implemented a “Mandatory Building Inspection Subsidy Scheme” (MBISS) to help building owners who are in need of financial assistance for appointing an RI to carry out the first prescribed inspection of their buildings for compliance with the statutory notices issued under the MBIS. You may also wish to note that an “Integrated Building Maintenance Assistance Scheme” (IBMAS) was launched by the HKHS and URA on 1 April 2011 to help building owners who are in need of financial assistance for carrying out repair and improvement works of their buildings including the works for compliance with the aforesaid statutory notices. The HKHS and URA will also offer technical assistance to building owners including the formation of OC and the engagement of RI/QP and registered contractor for the carrying out of the required building and window inspection and repair. For details of the assistance, please call the hotline at telephone no. 3188 1188 or visit the websites at www.hkhs.com or www.ura.org.hk.

In addition, the HKHS has implemented a “Voluntary Building Assessment Scheme” (VBAS) to provide positive recognition to well managed and properly maintained buildings. Buildings certified under the VBAS may be considered as fulfilling the requirements of the MBIS and the MWIS (common areas only) within the respective inspection cycles. For details, please call the HKHS hotline at 8108 0108 or visit the website at <http://vbas.hkhs.com>.

To facilitate owners to be prepared for carrying out of the inspection and repair works under the MBIS and MWIS, briefing sessions to be attended by representatives of the BD, HKHS/URA and the Independent Commission Against Corruption will be organized for them and the OCs to explain the details of the MBIS and MWIS and all the assistance available. Owners and occupants of the subject building are cordially invited to come to anyone of the briefing sessions below:-

Venue: _____
 Address: _____
 Date & Time: Session 1 : _____
 Session 2 : _____

If you have any queries on the above matters and the arrangements, please contact
at telephone no. or at telephone no. .

Yours faithfully,

()
for Building Authority

Enclosures

- (1) Leaflet of MBIS
- (2) Leaflet of MWIS
- (3) Leaflet of VBAS
- (4) Leaflet of MBISS

PL-BI&WI (06/2012)



Draft

YOUR REF 來函檔號：
OUR REF 本署檔號：
FAX 圖文傳真：
TEL 電話：
www.bd.gov.hk

*Incorporated Owners / Management Office/ Mutual Aid Committee/All Owners and Occupants,
(*delete where inapplicable)
Address:

Dear Sir/Madam,

Date:

Mandatory Window Inspection Scheme

Pre-notification letter

With the enactment of the Buildings (Amendment) Ordinance 2011 and the related subsidiary legislation, implementation of the Mandatory Window Inspection Scheme (MWIS) which covers all private buildings aged 10 or above except domestic buildings not exceeding 3 storeys, has commenced since 30 June 2012. Building owners are required to carry out prescribed inspection and, if necessary, prescribed repair in respect of the windows in their building every 5 years under the MWIS.

The Buildings Department (BD) will arrange to select 5,800 target buildings (TBs) under MWIS every year for carrying out of the inspection and repair. The TBs selected will represent a mix of buildings in different age profiles in different districts. To spread over the workload of the building professionals and the contractors, the selection of the TBs will be conducted at quarterly intervals and 1,450 buildings for MWIS will be selected in each quarter.

According to the results of the selection for the current quarter, your building has been selected as one of the TBs for the MWIS. Statutory notices under the Buildings Ordinance will be issued to the owners' corporation and/or individual owners of your building one to two months later under the MWIS. In complying with the statutory notices, you will be required to appoint a Qualified Person (QP) under the MWIS to carry out the prescribed inspection and to supervise the prescribed repair work within the specified periods of time. The list of QP is available at the website of the BD. In the interim, you are strongly advised to get yourselves prepared and organized for arranging the carrying out of the required works.

For carrying out of the repair for the windows under the MWIS, the Hong Kong Housing Society (HKHS) and the Urban Renewal Authority (URA) will provide financial assistance to the eligible building owners. You may wish to note that an "Integrated Building Maintenance Assistance Scheme" (IBMAS) was launched by HKHS and URA on 1 April 2011 to help building owners who are in need of financial assistance for carrying out repair and improvement works of their buildings including the works for compliance with the aforesaid statutory notices. Under the IBMAS, eligible owners may apply for the various types of grants and/or interest-free loans below to carry out the window repair in their

premises. For details of the assistance, please call the following telephone numbers or visit the HKHS/URA's websites:

- Home Renovation Interest-free Loan / Building Safety Loan Scheme: 2894 3222 (HKHS) / 2588 2333 (URA)
- Building Maintenance Grant Scheme for Elderly Owners (HKHS): 2839 7166
- HKHS/URA Webpages : www.hkhs.com or www.ura.org.hk

If you have any queries on the above matters, please contact
at telephone no. or at telephone no. .

Yours faithfully,

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for Building Authority

Enclosure

(1) Leaflet of MWIS

Draft

**BUILDINGS ORDINANCE
(CHAPTER 123)
Notice by the Building Authority under section 30B(3)**

Notice No.:		Office of the Building Authority 12/F - 18/F., Pioneer Centre, 750 Nathan Road, Mongkok, Kowloon.
BD Ref. :		
To :		Date:
Building at:		
on (Lot Number)		

In exercise of the powers vested in me under section 30B(3) of the Buildings Ordinance, I hereby give this notice to you that a prescribed inspection and, if necessary, prescribed repair in respect of the common parts of the above building are required to be carried out within the following specified time:-

a)	appoint a registered inspector within months of the date of this notice to carry out the prescribed inspection;
b)	complete the prescribed inspection within months of the date of this notice; and
c)	complete the prescribed repair withinmonths of the date of this notice, if the prescribed repair is found necessary under section 30B(8) of the Buildings Ordinance.

2. The prescribed inspection and, if necessary, prescribed repair must be carried out in accordance with the provisions of the Buildings Ordinance and its related Regulations including the Building (Inspection and Repair) Regulation.

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for Building Authority

c.c.

Draft**BUILDINGS ORDINANCE
(CHAPTER 123)****Notice by the Building Authority under section(s) *30C(3)/*30C(4)**

Notice No.:		Office of the Building Authority 12/F - 18/F, Pioneer Centre, 750 Nathan Road, Mongkok, Kowloon.
BD Ref. :		
To :		Date:
*Building/*Premises at:		
on (Lot Number)		

In exercise of the powers vested in me under section *30C(3)/*30C(4) of the Buildings Ordinance, I hereby give this notice to you that a prescribed inspection and, if necessary, prescribed repair in respect of the window(s) in *the common parts of the above building/*your premises are required to be carried out within the following specified time:.

a)	appoint a qualified person within months of the date of this notice to carry out the prescribed inspection;
b)	complete the prescribed inspection within months of the date of this notice;
c)	complete the prescribed repair withinmonths of the date of this notice, if the prescribed repair is found necessary under section 30C(6) of the Buildings Ordinance.

2. The prescribed inspection and, if necessary, prescribed repair must be carried out in accordance with the provisions of the Buildings Ordinance and its related Regulations including the Building (Inspection and Repair) Regulation.

()
for Building Authority

c.c.

Draft

YOUR REF 來函檔號：
OUR REF 本署檔號：
FAX 圖文傳真：
TEL 電話：
www.bd.gov.hk

REGISTERED

XX XX 2012

Chairman of the Incorporated Owners / All Owners
(Address)

Dear Sir/Madam,

Mandatory Building Inspection Scheme (MBIS)
and
Mandatory Window Inspection Scheme (MWIS)

(Address)

Subsequent to the pre-notification letter issued to you on with regard to the subject matter, I attach herewith the Notice Nos. and dated served on you under sections 30B(3) and 30C(3) of the Buildings Ordinance (BO) (Cap 123) respectively requiring a prescribed inspection and, if necessary, prescribed repair to be carried out to the above building in respect of the common parts for the MBIS, and windows of the common parts for the MWIS. The works are to be carried out within the time specified in the Notice.

Copies of the Notices were posted on a conspicuous part of the premises on the date of its issue.

For the MBIS

Under the Buildings Ordinance, a Registered Inspector (RI) is required to be appointed to carry out the prescribed inspection and to supervise the prescribed repair. The inspection shall be carried out in such manner as prescribed in the Building (Inspection and Repair) Regulation [B(I&R)R]. The RI shall submit to me within 7 days of the date of completion of the prescribed inspection an inspection report on the prescribed inspection and a certificate of building inspection in specified form under sections 12(2)(a) and 12(2)(b) of the B(I&R)R respectively. The attachments to this letter provides general information on the MBIS and the appointment of RI. Please notify me by the submission of the specified form Form MBI 1 (Notice of Appointment of Registered Inspector) within the time specified in the Notice. The register of RI is available on the Buildings Department (BD)'s website for public viewing.

If prescribed repair is necessary, you are required to appoint a registered contractor to carry out the prescribed repair and to complete the repair within the time specified in the Notice. Under Section 30D(1)(b) of the BO, an RI must be appointed to supervise the prescribed repair. The RI who supervises the repair shall submit to me within 14 days of the date of completion of the prescribed repair a completion report on the prescribed repair and a certificate of building repair under sections 13(2)(a) and 13(2)(b) of the B(I&R)R respectively.

SL-BI01 (06/2012)

Our Ref. :
Notice Nos. :

You are advised that under section 40(1BC) of the Buildings Ordinance, any person who, without reasonable excuse, fails to comply with the Notice, commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 1 year, and to a fine of \$5,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.

When carrying out the required inspection and repair works under the MBIS, you may wish to take this opportunity to carry out other necessary inspection and rectification/improvement works as required by other government departments under their respective ordinances concurrently. The fire safety measures of your building may be required to be improved under the Fire Safety (Buildings) Ordinance (FS(B)O)/Fire Safety (Commercial Premises) Ordinance (FS(CP)O). In this regard, statutory Directions under the aforesaid Ordinance *have been served to you on / *will be served to you shortly / *however, will not be served to you in the near future due to the arrangement of work by this Department. To better organize the required work in one go, you are strongly advised to take this opportunity to carry out the fire safety improvement works concurrently with the building repair, if found necessary, under the MBIS. Should you have any questions in this regard, please feel free to contact (case officers's name) of the Fire Safety Section of this Department at (telephone no.).

For the MWIS

Under the Buildings Ordinance, a Qualified Person (QP) is required to be appointed to carry out the prescribed inspection and to supervise the prescribed repair. The inspection shall be carried out in such manner as prescribed in the Building (Inspection and Repair) Regulation [B(I&R)R]. The attachments to this letter provides general information on the MWIS and the appointment of QP. Please notify me by the submission of the specified form Form MWI 1 (Notice of Appointment of Qualified Person) within the time specified in the Notice. A list of QP is available on the BD's website for public viewing.

If prescribed repair is necessary, you are required to appoint a registered contractor to carry out the prescribed repair and to complete the repair within the time specified in the Notice. If the QP appointed is a registered general building contractor or registered minor works contractor, he may also act as a contractor to carry out the prescribed repair.

If a prescribed repair is necessary and the same QP is appointed to carry out the prescribed inspection and supervise the prescribed repair, the qualified person shall submit to me within 14 days of the date of completion of the prescribed repair a certificate of window inspection and repair in specified form under section 14(2) of the B(I&R)R.

If a prescribed repair is necessary and different QPs are appointed to carry out the prescribed inspection and supervise the prescribed repair:

- a) the QP appointed to carry out the prescribed inspection shall submit to me within 7 days of the date of completion of the prescribed inspection an inspection report and a certificate of window inspection in specified form under section 14(4) of the B(I&R)R; and

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Our Ref. :
Notice No. :

- b) the QP appointed to supervise the prescribed repair shall submit to me within 14 days of the date of completion of the prescribed repair a certificate of window repair in specified form under section 14(5) of the B(I&R)R.

You are advised that if you fail, without reasonable excuse, to comply with my Notice served on you under section 30C(3) of the Buildings Ordinance, I may under section 40(1BE) of the Buildings Ordinance serve you a penalty notice requiring you to pay a fixed penalty of \$1,500 within 21 days after the date of the penalty notice. If your failure to comply with my Notice served on you under section 30C(3) of the Buildings Ordinance continues without reasonable excuse, I may serve you a further penalty notice, or I may consider to institute prosecution proceedings against you under section 40(1BD) of the Buildings Ordinance. Please note that you may be liable on conviction to a fine at level 4 and to imprisonment for 3 months; and to a fine of \$2,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.

For both MBIS and MWIS

The Building (Minor Works) Regulation has been implemented on 31 December 2010. The works involved in the prescribed repair as found necessary under the above two schemes are predominantly minor works. Under the new Minor Works Control System (MWCS), any person intending to carry out minor works can follow the simplified procedures. For more details about MWCS, please call the BD hotline 2626 1616 or visit the BD's website (www.bd.gov.hk).

For carrying out of the required inspections and repair for the buildings and windows under the MBIS and the MWIS, the Hong Kong Housing Society (HKHS) and the Urban Renewal Authority (URA) will provide financial and technical assistance to the eligible building owners. The HKHS and the URA have jointly implemented a "Mandatory Building Inspection Subsidy Scheme" (MBISS) to help building owners who are in need of financial assistance for appointing RI to carry out the first prescribed inspection of their buildings for compliance with the MBIS. You may also wish to note that an "Integrated Building Maintenance Assistance Scheme" (IBMAS) was launched by HKHS and URA on 1 April 2011 to help building owners who are in need of financial assistance for carrying out repair and improvement works of their buildings, including works for compliance with the aforesaid Notice(s)/Directions. The HKHS and URA will also offer technical assistance to the building owners including providing guidelines on formation of Owners Corporation (OC) and engagement of RI and registered contractor for carrying out the required building inspection and repair. For details of the assistance, please call the hotline at telephone no. 3188 1188 or visit the websites at www.hkhs.com or www.ura.org.hk.

I would like to draw your attention that under the Immigration Ordinance, any person who is the employer of any employee who is not lawfully employable commits an offence and is liable to a maximum fine of \$350,000 and three years imprisonment. Unlawfully employable persons include visitors and two way permit holders, etc. You are therefore reminded to check the identity of the persons employed by you or your contractor who carry out the works to ensure that they are not illegal workers. The hotline of Labour Department is 2815 2200.

SL-BI01 (06/2012)

Our Ref. :
Notice No. :

*A list of the names and addresses of the owners of your building is available for your inspection in this Department by appointment (applicable where Notice is served on all owners). /Copies of the Notice are attached herewith for your onward distribution to the individual owners for information (applicable where Notice is served on IO). You are advised to contact the other owners with a view to carrying out the work jointly.

If you wish to request for an extension of time to comply with the Notice, you may submit your application in writing to us for consideration.

Should you wish to make a statutory appeal against my Notice to the Appeal Tribunal established under the Buildings Ordinance, you may give notice of appeal pursuant to the relevant legal requirements. The notice should be received by the Secretary to the Appeal Tribunal not later than 21 days after the date of the above-mentioned Notice. Please refer to the Note of this letter for details.

If you have any queries, please contact _____ at telephone no. _____ or _____ at telephone no. _____.

Yours faithfully,

(_____)
for Building Authority

c.c. Occupant

Note

Please note the following if you wish to give notice of appeal under section 47 of the Buildings Ordinance:

- (1) You should serve your Notice of Appeal in writing (sample appended) together with a copy of the relevant Notice directly on the Secretary to the Appeal Tribunal. The Notice of Appeal should be received by the Secretary not later than 21 days after the date of my Notice. The address of the Secretary to the Appeal Tribunal (Buildings) is 17/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong and the fax number is (852)2189 7334.
- (2) Please also serve a copy of the Notice of Appeal on the Building Authority (Attn: Litigation Units / Legal Services Section, Buildings Department) at 12/F to 18/F Pioneer Centre, 750 Nathan Road, Mong Kok, Kowloon, Hong Kong. (Fax number: (852) 2877 6416)
- (3) Please take note that under section 51 of the Buildings Ordinance, the Appeal Tribunal, upon making an order under section 49(2) or section 50(2) of the Buildings Ordinance (Cap 123), may make such order as to the costs as it thinks fit.
- (4) If you have any queries about appeal procedures, you may contact the Secretary to the Appeal Tribunal at telephone no. (852) 3509 7800.

Enclosures

- (1) Notice
- (2) Sample of Notice of Appeal
- (3) General Guideline on MBIS and MWIS
- (4) Leaflet of MBISS

*delete whichever is inapplicable

SL-BI01 (06/2012)

Draft

REGISTERED

XX XX 2012

Chairman of the Incorporated Owners / All Owners / Owner
(Address)

Dear Sir/Madam,

Mandatory Window Inspection Scheme (MWIS)
(Address)

Subsequent to the pre-notification letter issued to you/posted in your building on with regard to the subject matter, I attach herewith Notice No. dated served under section *30C(3)/*30C(4) of the Buildings Ordinance (BO) (Cap 123) requiring a prescribed inspection and, if necessary, prescribed repair in respect of the windows in *the common parts of the above building /*your premises. The work is to be carried out within the time specified in the Notice .

A copy of the Notice was posted on a conspicuous part of the premises on the date of its issue.

Under the Buildings Ordinance, a Qualified Person (QP) is required to be appointed to carry out the prescribed inspection and to supervise the prescribed repair. The inspection shall be carried out in such manner as prescribed in the Building (Inspection and Repair) Regulation [B(I&R)R]. The attachments to this letter provides general information on the MWIS and the appointment of QP. Please notify me by the submission of the specified form Form MWI 1 (Notice of Appointment of Qualified Person) within the time specified in the Notice. A list of QP is available on the Buildings Department (BD)'s website for public viewing.

If prescribed repair is necessary, you are required to appoint a registered contractor to carry out the prescribed repair and to complete the repair within the time specified in the Notice. If the QP appointed is a registered general building contractor or registered minor works contractor, he may also act as a contractor to carry out the prescribed repair.

If a prescribed repair is necessary and the same QP is appointed to carry out the prescribed inspection and supervise the prescribed repair, the qualified person shall submit to me within 14 days of the date of completion of the prescribed repair a certificate of window inspection and repair in specified form under section 14(2) of the B(I&R)R.

If a prescribed repair is necessary and different QPs are appointed to carry out the prescribed inspection and supervise the prescribed repair:

- a) the QP appointed to carry out the prescribed inspection shall submit to me within 7 days of the date of completion of the prescribed inspection an inspection report and a certificate of window inspection in specified form under section 14(4) of the B(I&R)R; and

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Our Ref. :
Notice No.

- b) the QP appointed to supervise the prescribed repair shall submit to me within 14 days of the date of completion of the prescribed repair a certificate of window repair in specified form under section 14(5) of the B(I&R)R.

The Building (Minor Works) Regulation has been implemented on 31 December 2010. Under the new Minor Works Control System (MWCS), any person intending to carry out minor works can follow the simplified procedures. For more details about MWCS, please call Buildings Department (BD) hotline 2626 1616 or visit the BD's website (www.bd.gov.hk).

You are advised that if you fail, without reasonable excuse, to comply with my Notice served on you under section *30C(3)/*30C(4) of the Buildings Ordinance, I may under section 40(1BE) of the Buildings Ordinance serve you a penalty notice requiring you to pay a fixed penalty of \$1,500 within 21 days after the date of the penalty notice. If your failure to comply with my Notice served on you under section *30C(3)/*30C(4) of the Buildings Ordinance continues without reasonable excuse, I may serve you a further penalty notice, or I may consider to institute prosecution proceedings against you under section 40(1BD) of the Buildings Ordinance. Please note that you may be liable on conviction to a fine at level 4 and to imprisonment for 3 months; and to a fine of \$2,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.

I would like to draw your attention that under the Immigration Ordinance, any person who is the employer of any employee who is not lawfully employable commits an offence and is liable to a maximum fine of \$350,000 and three years imprisonment. Unlawfully employable persons include visitors and two way permit holders, etc. You are therefore reminded to check the identity of the persons employed by you or your contractor who carry out the works to ensure that they are not illegal workers. The hotline of Labour Department is 2815 2200.

*A list of the names and addresses of the owners of your building is available for your inspection in this Department by appointment (applicable where Notice is served on all owners). / Copies of the Notice are attached herewith for your onward distribution to the individual owners for information (applicable where Notice is served on IO). You are advised to contact the other owners with a view to carrying out the work jointly.

If you wish to request for an extension of time to comply with the Notice, you may submit your application in writing to us for consideration.

Should you wish to make a statutory appeal against my Notice to the Appeal Tribunal established under the Buildings Ordinance, you may give notice of appeal pursuant to the relevant legal requirements. The notice should be received by the Secretary to the Appeal Tribunal not later than 21 days after the date of the above-mentioned Notice. Please refer to the Note of this letter for details.

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Our Ref. :
Notice No. :

You may wish to note that an “Integrated Building Maintenance Assistance Scheme” (IBMAS) was launched by HKHS and URA on 1 April 2011 to help eligible building owners who are in need of financial assistance for carrying out repair and improvement works of their buildings including the works for compliance with the aforesaid notice(s). Under the IBMAS, eligible owners may apply for the various types of grants and/or interest-free loans below to carry out the window repair in their premises. For details of the assistance, please call the following telephone numbers or visit the HKHS/URA’s websites:

- Home Renovation Interest-free Loan / Building Safety Loan Scheme:
2894 3222 (HKHS) / 2588 2333 (URA)
- Building Maintenance Grant Scheme for Elderly Owners (HKHS): 2839 7166
- HKHS/URA Webpages : www.hkhs.com or www.ura.org.hk

If you have any queries, please contact _____ at telephone no. _____ or _____ at telephone no. _____.

Yours faithfully,

(_____)
for Building Authority

c.c. Occupant

Note

Please note the following if you wish to give notice of appeal under section 47 of the Buildings Ordinance:

- (1) You should serve your Notice of Appeal in writing (sample appended) together with a copy of the relevant Notice directly on the Secretary to the Appeal Tribunal. The Notice of Appeal should be received by the Secretary not later than 21 days after the date of my Notice. The address of the Secretary to the Appeal Tribunal (Buildings) is 17/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong and the fax number is (852)2189 7334.
- (2) Please also serve a copy of the Notice of Appeal on the Building Authority (Attn: Litigation Units / Legal Services Section, Buildings Department) at 12/F to 18/F Pioneer Centre, 750 Nathan Road, Mong Kok, Kowloon, Hong Kong. (Fax number: (852) 2877 6416)
- (3) Please take note that under section 51 of the Buildings Ordinance, the Appeal Tribunal, upon making an order under section 49(2) or section 50(2) of the Buildings Ordinance (Cap 123), may make such order as to the costs as it thinks fit.
- (4) If you have any queries about appeal procedures, you may contact the Secretary to the Appeal Tribunal at telephone no. (852) 3509 7800.

Enclosures

- (1) Notice
- (2) Sample of Notice of Appeal
- (3) General Guideline on MBIS and MWIS
(please refer to the parts related to window inspection)

*delete whichever is inapplicable

SL-WI01 (06/2012)

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Appendix G



強制 驗樓計劃

Mandatory Building Inspection Scheme

已於2012年6月30日開始實施
Commenced on 30 June 2012

樓齡達30年或以上的私人樓宇
(不高於三層的住用樓宇除外)

Private Buildings aged 30 years or above
(except domestic buildings not exceeding 3 storeys)

收到法定通知的業主，須委任一名註冊檢驗人員，就有關樓宇的公用部份，外牆及伸出物／招牌進行訂明檢驗，以及委任一名註冊承建商在一名註冊檢驗人員的監督下，進行檢驗後認為需要的訂明修葺工程。

Owners of the buildings served with the statutory notices are required to appoint a Registered Inspector (RI) to carry out the prescribed inspection and to appoint a Registered Contractor (RC) to carry out the prescribed repair works found necessary of the common parts, external walls and projections or signboards of the buildings under the supervision of an RI.

屋宇署熱線
Buildings Department Hotline

屋宇署熱線由「1823電話中心」接聽
BD Hotline is handled by "1823 Call Centre".

2626 1616
www.bd.gov.hk

Draft

強制驗窗計劃

已於2012年6月30日開始實施

Mandatory Window Inspection Scheme

commenced on 30 June 2012

樓齡達**10年**或以上私人樓宇的窗戶(不高於三層的住用樓宇除外)

Windows of Private Buildings aged **10 years** or above

(except domestic buildings not exceeding 3 storeys)



收到法定通知的樓宇業主，須委任一名合資格人士，就有關樓宇/處的所有窗戶進行訂明檢驗，以及委任一名註冊承建商在一名合資格人士的監督下，進行檢驗後認為有需要的訂明修葺工程。

Owners of these buildings served with statutory notices are required to appoint a Qualified Person (QP) to carry out the prescribed inspection and to appoint a Registered Contractor (RC) to carry out the prescribed repair works found necessary of all windows of the buildings under the supervision of a QP.

屋宇署熱線：

Buildings Department Hotline:
2626 1616

(由「1823電話中心」接聽)
(Handled by "1823 Call Centre")

網址/ website: www.bd.gov.hk



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Mandatory Building Inspection Scheme



Requirements under Mandatory Building Inspection Scheme (MBIS)

Under the MBIS, the Buildings Department (BD) will serve statutory notices to owners of buildings aged 30 years or above (except domestic buildings not exceeding 3 storeys) once every 10 years. Each year, the BD will select 2,000 such buildings for serving the statutory notices under the MBIS. Owners of these buildings served with the statutory notices are required to appoint a Registered Inspector (RI) to carry out the prescribed inspection and to appoint a Registered Contractor (RC) to carry out the prescribed repair works found necessary of the common parts, external walls and projections or signboards of the buildings under the supervision of an RI.

Implementation

The BD commenced the registration of RI on 30 December 2011 and full implementation of the MBIS has been commenced on 30 June 2012

RI for MBIS

An RI may be an Authorized Person (AP), Registered Structural Engineer (RSE) or registered building professionals possessing relevant work experience in the field of building construction, repair and maintenance whose name is for the time being on the register of RI. The BD keeps a register of RI which is available on the BD's website for public viewing.



RC

The RC carrying out the prescribed repair shall be a Registered General Building Contractor (RGBC) or a Registered Minor Works Contractor (RMWC) who is qualified to carry out the rectification and repair works. The BD keeps the registers of RGBC and RMWC which are available on the BD's website for public viewing.

Selection of Target Buildings

The target buildings selected each year for implementing the MBIS would represent a mix of buildings in different conditions and age profiles in different districts. A selection panel comprising representatives from professional institutions, relevant non-governmental organisations, property management professionals, District Councils and relevant Government departments is established to advise the BD on the selection of target buildings.

Scope of Building Inspection

The RI appointed by owners of a building shall carry out inspection and supervise the repair works found necessary of the common parts, external walls and projections or signboards of the buildings.

The inspection shall cover the following building elements:

- External elements and other physical elements;
- Structural elements;
- Fire safety elements;
- Drainage system; and
- Identification of unauthorised building works
in the common parts and on the exterior of the building.



Procedures under MBIS

The BD issues pre-notification letters to the owners/owners' corporation (OC) of the target buildings 6 months before the issue of statutory notices to alert them to get prepared and organised for carrying out the required prescribed inspection and repair. Six months after the issuance of pre-notification letters, the BD will issue statutory notices to the owners/OC of the target buildings. The owners/OC should appoint an RI and complete the prescribed inspection within 6 months from the date of the notice, and complete the prescribed repair (if required) within

12 months from the date of the notice. An extra 3 months will be allowed for buildings without an OC to organise the required inspection and repair works. After the issuance of statutory notices, the list of buildings concerned will be uploaded to the BD's website.



Synchronisation with the Mandatory Window Inspection Scheme (MWIS)

For the 2,000 buildings selected for implementing the MBIS each year, the BD will also implement the MWIS in these buildings simultaneously. Please refer to the pamphlet on the MWIS published by the BD for information on the MWIS.



Assistance for Owners

To dovetail with the implementation of the mandatory inspection schemes, the Government, in collaboration with the Hong Kong Housing Society (HKHS) and the Urban Renewal Authority (URA), will launch various assistance schemes to help owners comply with the statutory requirements. Owners may contact the BD on matters regarding the enforcement of the statutory notices. For matters on the provision of information for technical and financial assistance, a one-stop contact point will be provided to the owners for contacting the HKHS/URA. Eligible owners may obtain various forms of assistance and support from the HKHS/URA and the Government at different stages of the schemes.



Legal Liabilities of Owners/OC

The owners/OC who do/does not comply with a statutory notice for mandatory building inspection without any reasonable excuse may be prosecuted. The BD may also arrange for the required inspection and repair works to be carried out by its consultant and contractor, and then recover the cost of inspection and repair works as well as the supervision charge from the owners/OC, together with a surcharge of not exceeding 20% of the cost.



Enquiry and Complaint

Any enquiry on this pamphlet and complaint about malpractices of RIs or RCs in the carrying out of the prescribed inspection or prescribed repair of their buildings may be addressed to the Buildings Department:

- Mailing address:** Mandatory Building Inspection Division, Buildings Department,
12/F, Pioneer Centre, 750 Nathan Road, Mongkok, Kowloon
- E-mail address:** enquiry@bd.gov.hk
- Hotline:** 2626 1616 (handled by 1823 Call Centre)
- Webpage:** http://www.bd.gov.hk/english/services/index_MBIS_MWIS.html

For enquiry on technical and financial assistance:

- HKHS/URA one-stop contact hotline: 3188 1188
- HKHS/URA Webpages: www.hkhs.com or www.ura.org.hk

Mandatory Window Inspection Scheme



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Windows of Private Buildings aged ≥ 10 years
(except domestic buildings not exceeding 3 storeys)



■■■■ Requirements under Mandatory Window Inspection Scheme (MWIS)

Under the MWIS, the Buildings Department (BD) will serve statutory notices to owners of buildings aged 10 years or above (except domestic buildings not exceeding 3 storeys) once every 5 years. Each year, the BD will select 5 800 such buildings for serving the statutory notices under the MWIS. Owners of these buildings served with statutory notices are required to appoint a Qualified Person (QP) to carry out the prescribed inspection and to appoint a Registered Contractor (RC) to carry out the prescribed repair works found necessary of all windows of the buildings under the supervision of a QP.



■■■■ Implementation

Full implementation of the MWIS was commenced on 30 June 2012

■■■■ QP for MWIS

A QP is an Authorized Person (AP), Registered Structural Engineer (RSE), Registered Inspector (RI), Registered General Building Contractor (RGBC) or Registered Minor Works Contractor (RMWC) registered for the class, type and item of minor works in respect of windows. Please refer to the BD's website for details of the various registers of AP, RSE, RI, RGBC and RMWC.

■■■■ RC

The RC to be appointed by the owners for carrying out the prescribed repair of windows shall be an RGBC or an RMWC registered for the class, type and item of minor works in respect of windows. Please refer to the BD's website for details of the various registers of RGBC and RMWC.



■■■■ Selection of Target Buildings

The target buildings selected each year for implementing the MWIS would represent a mix of buildings in different age profiles in different districts. A selection panel comprising representatives from professional institutions, relevant non-governmental organisations, property management professionals, District Councils and relevant Government departments is established to advise the BD on the selection of target buildings.

■■■■ Scope of Window Inspection

The inspection required under the MWIS covers all the windows in the common parts of a building and within individual premises of the building.

■■■■ Procedures under MWIS

The BD issues a pre-notification letter to the owners' corporation (OC) or posts the letter at a conspicuous part of the target building to alert the owners/OC to get prepared and organised for carrying out the required prescribed inspection and repair. One to two months after the issuance or posting of the pre-notification letter, the BD will issue statutory notices to the owners/OC of the target building. The owners/OC should appoint a QP within 3 months from the date of the notice and complete the prescribed inspection and repair (if necessary) within 6 months from the date of the notice. An extra 3 months will be allowed for buildings without

an OC to organise the required inspection and repair works. After the issuance of statutory notices, the list of buildings concerned will be uploaded to the BD's website.

■■■■ Synchronisation with the Mandatory Building Inspection Scheme (MBIS)

Among the 5 800 buildings selected for implementing the MWIS, the BD will also implement the MBIS in 2000 of these buildings simultaneously. For those buildings served with statutory notices under both the MWIS and MBIS, the time frame for compliance with the MWIS Notice may follow that of the MBIS Notice. For information on the MBIS, please refer to the pamphlet on the MBIS published by the BD.

■■■■ Assistance for Owners

To dovetail with the implementation of the mandatory inspection schemes, the Government, in collaboration with the Hong Kong Housing Society (HKHS) and the Urban Renewal Authority (URA), will launch various assistance schemes to help owners comply with the statutory requirements. Owners may contact the BD on matters regarding the enforcement of the statutory notices. For matters on the provision of information for technical and financial assistance, eligible owners may obtain various forms of assistance and support from the HKHS/URA and the Government.

■■■■ Legal Liabilities of Owners/OC

The owners/OC who do/does not comply with a statutory notice for mandatory window inspection without any reasonable excuse may be served with a penalty notice for a fixed fine of \$1,500. Repeated offenders may be prosecuted. The BD may also arrange for the required inspection and repair works to be carried out by its consultant and contractor, and then recover the cost of inspection and repair works as well as the supervision charge from the owners/OC, together with a surcharge of not exceeding 20% of the cost.

Enquiry and Complaint

Any enquiry on this pamphlet and complaint about malpractices of QPs or RCs in the carrying out of the prescribed inspection or prescribed repair of the windows of their buildings/premises may be addressed to the Buildings Department:

Mailing address: Mandatory Building Inspection Division, Buildings Department,
12/F, Pioneer Centre, 750 Nathan Road, Mongkok, Kowloon

E-mail address: enquiry@bd.gov.hk

Hotline: 2626 1616 (handled by 1823 Call Centre)

Webpage: http://www.bd.gov.hk/english/services/index_MBIS_MWIS.html

For enquiry on financial assistance:

Home Renovation Interest-free Loan / Building Safety Loan Scheme:
2894 3222 (HKHS) / **2588 2333** (URA)

Building Maintenance Grant Scheme for Elderly Owners:
2839 7166 (HKHS)

HKHS/URA Webpages: www.hkhs.com / www.ura.org.hk

Buildings Department
June 2012



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General Guideline
Mandatory Building Inspection Scheme
and Mandatory Window Inspection Scheme

Introduction

Building neglect has been a long-standing problem in Hong Kong. The presence of ageing buildings which lack proper care and maintenance poses potential threats to residents and the public at large. The lack of proper maintenance and improper use of windows also pose a serious threat to public safety.

"Prevention is better than cure". If owners can regularly inspect their buildings, identify problems at an early stage and carry out remedial works timely, accidents can be avoided. The results of the public consultation conducted in 2003 and 2005 indicated a community consensus to pursue mandatory inspection schemes to tackle the building neglect problem in Hong Kong.

Legislation

The Mandatory Building Inspection Scheme (MBIS) and Mandatory Window Inspection Scheme (MWIS) were introduced with the enactment of relevant amendments to the Buildings Ordinance through the Buildings (Amendment) Ordinance 2011 in June 2011 and the subsidiary legislation including the Building (Inspection and Repair) Regulation in December 2011. The legislation empowers the Building Authority (BA) to issue statutory notices to owners as necessary requiring them to carry out prescribed inspections and prescribed repairs of their buildings and windows every 10 years and 5 years respectively. The legislation also provides for matters relating to the appointment, control and duties of Registered Inspectors (RIs) and Qualified Persons (QPs) as well as the procedural requirements for such inspections and repairs of the buildings and windows respectively.

Implementation

The Buildings Department (BD) commenced the registration for RIs on 30 Dec 2011 and full implementation of the MBIS/MWIS was commenced on 30 June 2012.

Requirements under MBIS/MWIS

Under the MBIS, owners of buildings aged 30 years or above (except domestic

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buildings not exceeding 3 storeys) are required to appoint an RI to carry out the prescribed inspection and supervise the prescribed repair works found necessary of the common parts, external walls and projections or signboards of the buildings once every 10 years. Under the MWIS, owners of buildings aged 10 years or above (except domestic buildings not exceeding 3 storeys) are required to appoint a QP to carry out the prescribed inspection and supervise the prescribed repair works found necessary of all windows of the buildings once every 5 years. The BD will issue statutory notices to owners of these buildings for the carrying out of the prescribed inspection and prescribed repair. Each year, 2 000 buildings will be selected for both the MBIS and MWIS to be carried out concurrently, and another 3 800 buildings for the MWIS only to be carried out.

Selection of Target Buildings

The target buildings selected for each year would represent a mix of buildings in different conditions and age profiles in different districts. A selection panel comprising representatives from professional institutions, relevant non-governmental organisations, property management professionals, District Councils and relevant Government departments is established to render advice to the BD for the selection of target buildings for the two schemes. Before serving the statutory notices for mandatory inspections, the BD will issue pre-notification letters to building owners advising them of the selection of their buildings as target buildings to allow them ample time to get prepared and plan ahead. The Government, the Hong Kong Housing Society (HKHS) and the Urban Renewal Authority (URA) stand ready to provide support and will organise district briefing sessions to introduce the schemes to the owners in order to encourage and help them organise the inspection and repair works.

Procedures under MBIS

1. The BD issues pre-notification letters to the owners of the selected target buildings six months before the issue of statutory notices to alert them to get prepared and organised for carrying out the required prescribed inspection and repair.
2. Six months after the pre-notification letters are issued, the BD issues statutory notices to the owners of the target buildings requiring them to carry out the prescribed inspection and the prescribed repair works if found necessary in respect of the common parts, external walls and projections or signboards within the specified time frame. After the issuance of statutory notices, the list of buildings

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concerned will be uploaded to the BD's website.

3. The building owners served with a notice under the MBIS (in most of the cases, the co-owners or Owners' Corporation (OC) of the building concerned) must appoint an RI to carry out the prescribed inspection required within the specified time frame.
4. The RI must carry out the prescribed inspection personally, unless exempted by the relevant provisions of the subsidiary legislation, to ascertain whether the building has been rendered dangerous or is liable to become dangerous.
5. Where the RI considers that a prescribed repair is required, the owners concerned must appoint a registered general building contractor (RGBC) or a registered minor works contractor (RMWC) who is registered for the relevant repair works to carry out the prescribed repair under the supervision of an RI (who may be the same as or different from the RI that carried out the prescribed inspection, as the owners may decide).
6. Upon completion of the prescribed inspection and prescribed repair, the RI so appointed must submit an inspection report and a completion report respectively, together with a certificate in the specified form, to the BA for record and audit check.

Procedures under MWIS

1. The BD issues pre-notification letters to the OC or posts the letters at a conspicuous part of the selected target building one to two months before the issue of statutory notices to give advance notice to the building owners for carrying out the required prescribed inspection and repair. The pre-notification letters will not be issued to each of the individual owners.
2. One to two months after the pre-notification letters are issued, the BD issues statutory notices to the owners of the target buildings, requiring them to carry out the prescribed inspection and the prescribed repair works if found necessary in respect of the windows within the specified time frame. After the issuance of statutory notices, the list of buildings concerned will be uploaded to the BD's website.
3. The building owners served with a notice under the MWIS must appoint a QP to carry out the prescribed inspection required within the specified time frame.
4. The QP must carry out the prescribed inspection personally to ascertain whether the windows have been rendered dangerous or are liable to become dangerous.
5. Where the QP considers that a prescribed repair is required, the owners concerned must appoint an RMWC (who is registered for the minor works in respect of windows) or an RGBC to carry out the prescribed repair under the supervision of

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- a QP (who may be the same as or different from the QP that carried out the prescribed inspection, as the owners may decide).
6. If the QP is an RMWC or RGBC, the QP may also act as the contractor to carry out the prescribed repair in respect of the windows inspected by the QP.
 7. Upon completion of the prescribed inspection and prescribed repair, the appointed QP must submit a certificate in the specified form to the BA for record and audit check.

Scope of Building Inspection

Under the MBIS, the inspection shall cover the following building elements:

- (a) External elements and other physical elements;
- (b) Structural elements;
- (c) Fire safety elements;
- (d) Drainage system; and
- (e) Identification of unauthorized building works (UBWs) in common parts of the building, on the exterior other than the common parts of the building (such as external wall, roof or podium, yard or slope adjoining the building) or on the street on which the building fronts or abuts.

For more examples of the building elements to be inspected, please refer to Annex I for guidelines.

UBWs Identified During Mandatory Building Inspections

Under the MBIS, RIs have to report to the BD UBWs identified in the common parts of the building, on the exterior other than the common parts of the building (such as external wall, roof or podium, yard or slope adjoining the building) or on the street on which the building fronts or abuts that the RI inspected. The BD will deal with such UBWs in accordance with the prevailing enforcement policy. It will take priority enforcement actions against UBWs constituting an obvious hazard or imminent danger to lives and properties, UBWs that are newly constructed and other UBWs which are actionable items under the enforcement policy, requiring owners to demolish the same.

RIs for MBIS

The RI appointed to carry out the prescribed building inspection or supervision of the

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prescribed building repair works under the MBIS shall be a person whose name is for the time being on the inspectors' register kept by the BA. An RI may be an Authorized Person(AP), Registered Structural Engineer(RSE) or registered building professionals possessing relevant work experience in the field of building construction, repair and maintenance whose name is on the inspectors' register. Please refer to the BD's website for details of the register.

QPs for MWIS

The QP appointed to carry out the prescribed inspection or supervision of the prescribed repair for windows under the MWIS shall be a person whose name is for the time being on one of the registers kept by the BA. They include

- (a) APs;
- (b) RSEs;
- (c) RIs;
- (d) RGBCs;
- (e) RMWCs or RMWCs (Provisional), registered for the class, type and item of minor works in respect of windows.

Please refer to the BD's website for details of the various registers and the reference list of QPs.

Registered Contractors (RCs)

The RC appointed to carry out the necessary rectification and repair works under the MBIS shall be an RGBC or RMWC who is qualified to carry out the rectification and repair works and whose name is for the time being on the respective contractors registers kept by the BA. RMWCs are qualified to carry out minor works belonging to the class, type and item for which they are registered. Please refer to the BD's website for details of the registers of RGBCs and RMWCs.

Duties of RIs, QPs and RCs

The duties of RIs, QPs and RCs are specified in the Buildings Ordinance (BO), its regulations and the Code of Practice, and among others, include the following:

- (a) For the RI, the duties are to carry out personal inspection, provide proper supervision, ensure the repair materials and their use are in compliance with the BO and relevant standards, ensure the repair works is safe and will render the building safe, notify the BA and owners of any case of emergency, contravention of the provisions of the BO or appointment of the RI and RC etc., and submit

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relevant documents to the BA and the owners.

- (b) For the QP, the duties are to carry out personal inspection of windows, provide proper supervision, ensure the repair materials and their use are in compliance with the BO, ensure the repair works is safe and will render the windows safe, notify the BA and owners of any case of emergency in respect of windows, appointment of the QP and RC etc., and submission of relevant documents to the BA and the owners.
- (c) For the RC, the duties are to carry out repair works in accordance with the BO and relevant standards, and ensure that the building or windows, as the case may be, are rendered safe.

If there are any irregularities which result in contravention of the BO or which are due to professional misconduct or negligence on the part of the above service providers, the latter may be subject to disciplinary and/or prosecution actions. The BD will handle all complaints against breach of statutory requirements under the BO. Any complaint about misconduct should be directed to the professional institutes and/or registration boards to which the professionals belong. Please refer to Annex II for details of checklist on the key duties of RIs and QPs and the complaint channel.

Regulation of Service Providers

The Government will ensure proper regulation of service providers through the following measures under the BO and its subsidiary legislation including the Building (Inspection and Repair) Regulation (B(I&R)R):

- a. Establish an inspectors register and regulatory mechanism under the BO, as well as Inspector Registration Committees to scrutinise the professional standards for registration as RIs.
- b. Issue detailed guidelines on the requirements and standards of building inspections, window inspections and repair works, the Code of Practice for the MBIS and MWIS and Practice Note on Best Practices on Tendering Procedures.
- c. Conduct random detailed audit checks of inspection reports submitted by RIs, and impose appropriate sanctions for irregularities identified.
- d. Issue publicity materials and provide enquiry/complaint channels on malpractices of RIs/QPs.

Legal Liabilities of Owners/Owners' Corporations

The owners/OC who do/does not comply with a statutory notice for mandatory building inspection without any reasonable excuse may be prosecuted and are/is liable

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upon conviction to a fine of \$50,000 and imprisonment for 1 year. The owners/OC who do/does not comply with a statutory notice for mandatory window inspection without any reasonable excuse may be served with a penalty notice for a fixed fine of \$1,500. Repeated offenders may be prosecuted and are liable upon conviction to a fine of \$25,000 and imprisonment for 3 months. The BD may also arrange for the required inspection and repair works to be carried out by its consultant and contractor, and then recover the cost of inspection and repair works as well as supervision charge from the owners/OC, together with a surcharge of not exceeding 20% of the cost.

Assistance for Owners

To dovetail with the implementation of the two mandatory inspection schemes, the Government, in collaboration with the HKHS and the URA, will launch various assistance schemes to help owners comply with the statutory requirements. Owners may contact the BD on matters regarding the enforcement of the statutory notices. A one-stop contact point will be provided for contacting the HKHS/URA for the provision of information for technical and financial assistance. Eligible owners may obtain various forms of assistance and support from the HKHS/URA and the Government at different stages of the two mandatory inspection schemes:

1. Organisation Stage

- Briefing sessions will be arranged for the owners concerned to assist them to comply with the statutory notices. (BD/Home Affairs Department (HAD)/HKHS/URA/ICAC)
- Technical advice in respect of appointment of RIs, QPs and RCs. (HKHS/URA/ICAC)
- Assistance to building owners to form OCs. (HAD/ HKHS/URA)
- A subsidy of up to \$3,000 per OC to be formed and technical assistance for OC formation. (HKHS/URA)

2. Inspection/Repair Stage

- Subsidy on the cost of appointment of RIs for the first prescribed building inspection to eligible owners, subject to a cap. (HKHS/URA)
- Technical advisory services in respect of matters relating to building and window inspection and maintenance, and where necessary, referral to representatives of relevant professional bodies for free professional advice. (HKHS/URA)
- The one-stop Integrated Building Maintenance Assistance Scheme (IBMAS) providing financial assistance and technical support to building owners. (HKHS/URA)

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Under the IBMAS, owners can simply complete one set of application forms for multiple applications which include the following various types of grants and/or interest-free loans to those who meet the eligibility criteria of the respective assistance schemes to carry out building and window repair works :

- a. Common Area Repair Works Subsidy – For eligible buildings, a subsidy of 20%-30% of the approved costs of up to \$3,000 per unit capped at \$1.2 million per OC (whichever is the lower). (HKHS/URA)
- b. Common Area Repair Works Interest-free Loan – An interest-free loan of up to \$100,000 per domestic unit for building common area repair works provided to eligible owners. (HKHS/URA)
- c. Home Renovation Interest-free Loan – An interest-free loan of up to \$50,000 per domestic unit for interior repair works (including windows) provided to eligible owners. (HKHS/URA)
- d. Building Safety Loan Scheme – Loans to owners (up to \$1 million for each unit of accommodation) for carrying out building and window inspection and repair works, and interest-free loans to owners meeting asset limit requirements. (BD)
- e. Building Maintenance Grant Scheme for Elderly Owners– A grant of up to \$40,000 per unit provided to eligible elderly-owner occupiers meeting income and asset limit requirements for repair works in common areas and individual units. (Government fund administered by HKHS)

For details, please call 3188 1188.

3. After Repair

- For successful application with completion of repair works under the Common Area Repair Works Subsidy or Common Area Repair Works Interest-free loan of the IBMAS, a subsidy of 50% of the insurance premium for the public liability insurance/third party risks insurance for the common parts of the building of up to \$ 6,000 per annum for 3 consecutive years will be provided to the OC. (HKHS/URA)

Recognition of Well-managed and Well-maintained Buildings

The HKHS has launched the Voluntary Building Assessment Scheme (VBAS) to give positive recognition to well-managed and properly maintained buildings. Buildings certified by the VBAS will be recognised by the BD for having fulfilled the requirements under the MBIS and MWIS (in respect of windows in common parts only) within the respective inspection cycles. The HKHS aims to start receiving applications from building owners for participating in the VBAS in July 2012. For

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details, please call 8108 0108.

Enquiry

Any enquiry on this booklet and complaint about malpractices of RIs, QPs or RCs in the carrying out of the prescribed inspection or prescribed repair may be addressed to the Buildings Department:

Mailing address:

Mandatory Building Inspection Division, Buildings Department, 12/F, Pioneer Centre, 750 Nathan Road, Mongkok, Kowloon

E-mail address:

enquiry@bd.gov.hk

Hotline:

2626 1616 (handled by 1823 Call Centre)

Webpage:

http://www.bd.gov.hk/english/services/index_MBIS_MWIS.html

For enquiry on technical and financial assistance:

HKHS/URA one-stop contact hotline:

3188 1188

HKHS/URA Webpages:

www.hkhs.com or www.ura.org.hk

For enquiry on financial assistance for owners served with MWIS notice only:

Home Renovation Interest-free Loan / Building Safety Loan Scheme:

2894 3222 (HKHS) / 2588 2333 (URA)

Building Maintenance Grant Scheme for Elderly Owners:

2839 7166 (HKHS)







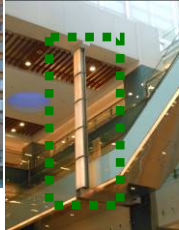
HKHS/URA Webpages:

www.hkhs.com or www.ura.org.hk





Buildings Department

June 2012

**Examples of the Building Elements
within the Scope of Prescribed Inspection for MBIS**

<p>(a) External elements and other physical elements</p>	<ul style="list-style-type: none"> • External walls • Fence walls • Manually or electrically operated metal gates erected at fence walls or entrance of buildings • External finishes such as tiling, rendering and cladding • Fins, grilles, and metal louvers • Protective barriers, railings, parapets and balustrades at external walls or at the edges of roofs • Curtain walls • Skylights • Appendages such as awnings, planters, eaves, mouldings, projections, architectural features, drying racks, signboards, window canopies and similar features attached to external walls <div>      </div> <div>      </div>
<p>(b) Structural elements</p>	<ul style="list-style-type: none"> • Columns / Walls / Beams / Slabs • Staircases • Cantilevered projecting structures • Transfer structures • Screen walls and basement walls • Hanging structures • Exposed pile caps • Other exposed structural elements <div>        </div>

Annex I

(c) Fire safety elements	<ul style="list-style-type: none">• Means of escape• Means of access for fire fighting and rescue• Fire resisting construction.		
(d) Drainage system	<ul style="list-style-type: none">• Drainage system located at external walls of the building• Drainage system in common parts• Drainage system laid within common pipe ducts• Underground and above-ground common drainage system		Drainage system in common parts
			Underground common drainage system

Checklist on Key Duties of RI & QP

A. Key Duties of RI under MBIS

1. Notify the BD of his appointment.
2. Carry out the prescribed inspection personally.
3. Submit to the BD for endorsement the proposal for Detailed Investigation (DI), should this be considered necessary.
4. Must not commence the DI before endorsement by the BD.
5. Prepare the proposal for the prescribed repair if this is found necessary upon the prescribed inspection.
6. Identify UBW in the common parts and on the exterior of the building.
7. Submit to the BD and the owners/OC for record a copy of the inspection report, inspection certificate and necessary repair proposal within 7 days after completion of inspection.
8. Supervise the carrying out of the prescribed repair for the building as found necessary.
9. After completion of the necessary repair for the building, submit to the BD and the owner/OC for record a copy of the completion report and completion certificate.
10. Follow the guidelines in the Code of Practice for the MBIS/MWIS and the Practice Notes for the Mandatory Building and Window Inspection Schemes (PNBI) issued by the BD.

B. Key Duties of QP under MWIS

1. Notify the BD of his appointment.
2. Carry out the prescribed inspection personally.
3. If repair to window is considered not necessary after the inspection, submit to the BD an inspection certificate.
4. If repair of the window is considered necessary after the inspection, supervise the carrying out of the repair.
5. The same QP for inspection may carry out the repair to window if he is a registered contractor qualified for window works.
6. Submit to the BD a completion certificate after completion of the window repair.
7. Follow the guidelines in the Code of Practice for the MBIS/MWIS and the Practice Notes for the Mandatory Building and Window Inspection Schemes (PNBI) issued by the BD.

C. Complaint Channel

If there are any suspected irregularities, misconduct or negligence of the RI or QP which may

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result in contravention of the BO, the RI or QP could be subject to prosecution and/or disciplinary actions under the BO. Disciplinary actions may also be taken by the professional institutes and/or the registration boards to which the RI or QP belongs.

In the event that there are suspected irregularities, misconduct or negligence, please report to the BD at telephone no. 2626 1616 (handled by 1823 Call Centre). As for complaint on misconduct, direct report may also be made in writing to the relevant professional institutes and/or registration boards to which the professionals belong.

Mailing Addresses:

The Hong Kong Institute of Architects / Architects Registration Board:

19/F, One Hysan Avenue, Causeway, Hong Kong

The Hong Kong Institution of Engineers / Engineers Registration Board:

9/F, Island Beverley, No 1 Great George Street, Causeway Bay, Hong Kong

The Hong Kong Institute of Surveyors / Surveyors Registration Board:

Suite 801, Jardine House, 1 Connaught Place, Central, Hong Kong.



資助的用途

- ✓ 資助只包括聘請一名**註冊檢驗人員**並根據「強制驗樓計劃」作業守則及相關法例要求為樓宇作**首次訂明檢驗**
- ✓ 資助必須優先用於檢驗樓宇的**公用部分**
- ✓ 資助**餘額**可用於檢驗樓宇的公用部分窗戶及非公用部分（只限外牆、伸出物及招牌）。申請者如欲把資助餘額用於檢驗非公用部分，必須事前得到接獲相關強制驗樓計劃通知書的業主同意，並納入同一申請表內

不適用於資助範圍

- ✗ 其他費用例如樓宇的詳細調查及訂明修葺工程、私人單位內的窗戶等
- ✗ 資助計劃不接納只進行檢驗有關強制驗窗計劃項目或樓宇非公用部分項目的個別申請

如何申請

申請表格可於房協轄下任何一間物業管理諮詢中心或市建局辦事處索取，或從房協網頁(www.hkhs.com)及市建局網頁(www.ura.org.hk)下載。

*如資助樓宇經檢驗後須作進一步的訂明修葺，合資格業主可向房協或市建局申請「樓宇維修綜合支援計劃」。有關申請詳情，可致電**3188 1188**查詢。

封底

安全要驗樓
我地幫到手

強制驗樓資助計劃



有關申請詳情，請致電

3188 1188



封面

資助計劃的目的

政府已於2011年立法實施強制驗樓，規定樓齡30年或以上的樓宇，須每10年進行一次樓宇檢驗，包括公用部分、外牆、伸出物及招牌，藉以解決香港樓宇失修的問題。為協助有需要的業主履行法例下的要求，香港房屋協會（房協）和市區重建局（市建局）推出一項強制驗樓資助計劃，向業主提供財政支援。

本簡介闡釋該資助計劃的一般資料以供參考，申請者請參閱有關申請須知。

申請資格

- ✓ 樓齡達30年或以上的私人住用或綜合用途（商住用途）樓宇；及
- ✓ 非單一業權的樓宇；及
- ✓ 市區住宅單位的平均每年應課差餉租值不超過\$120,000（包括沙田、葵青、荃灣）；或新界住宅單位的平均每年應課差餉租值不超過\$92,000；及
- ✓ 已收到屋宇署發出的「強制驗樓計劃預先知會函件」或「強制驗樓計劃通知書」

內跨頁 1



申請條件

已成立業主立案法團

- 管理委員會或業主大會通過申請本資助計劃；及
- 授權委員代表為申請人

未成立業主立案法團

- 業主大會通過申請本資助計劃；及
- 授權業主代表為申請人（須獲全數業主同意或根據大廈公契內的要求授權）

申請者必須根據《建築物條例》聘任註冊檢驗人員進行強制驗樓及在未聘任前遞交申請表格。



資助金額

資助上限將根據屋宇署發給法團或共同業主的同一份強制驗樓計劃通知書（有關樓宇公用部分）所涵蓋樓宇的單位數目作計算：

單位數目 20 個或以下	上限\$
單位數目 21 至 49 個	上限\$
單位數目 50 至 200 個	上限\$
單位數目 201 個或以上	上限\$

內跨頁2



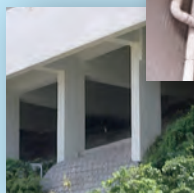
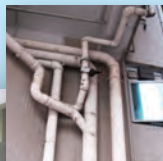
自願樓宇評審計劃

Voluntary Building
Assessment Scheme

Appendix M

Draft

自願樓宇評審計劃



查詢詳情

<http://vbas.hkhs.com>

電話：

8108 0108

計劃目標

- 透過全面及嚴謹的樓宇評審，向管理良好的樓宇頒發證書及優質獎章，讓優質樓宇獲得認同
- 鼓勵業主持續為物業保持良好的管理及保養，而獲認證的樓宇，可同時得到屋宇署認可符合「強制驗樓計劃」及「強制驗窗計劃」（僅限公用部分的窗戶）的要求

目標樓宇

- 有樓宇管理的全港私人住宅及綜合用途（商住）物業，不限樓齡，均可參加（詳情請參閱「自願樓宇評審計劃」網頁）

執行機構

- 「自願樓宇評審計劃」在香港房屋協會成立的「香港優質樓宇評審委員會」及其下三個小組委員會的督導下運作
- 計劃的日常運作由「香港優質樓宇評審委員會」秘書處負責



認證好處

- 成功認證的樓宇，可獲屋宇署認可已符合「強制驗樓計劃」及「強制驗窗計劃」（僅限公用部分的窗戶）的要求
- 樓宇管理保養水平獲專業評審及確認，有助提升樓宇的形象
- 協助業主評估樓宇管理及維修狀況，及早找出須關注的地方作跟進

評審範疇 及標準

「樓宇安全範疇」

採用屋宇署制定的《強制驗樓計劃及強制驗窗計劃作業守則》的標準

外牆構件
及其他
實體構件

結構
構件

防火安全
構件

排水
系統

違例
建築物

窗戶
構件

「樓宇管理範疇」

採用「香港優質樓宇評審委員會」制定的標準

樓宇保養
元素

樓宇管理
元素

環境保護
元素

增值
元素

評審人員^註

■ 「樓宇安全範疇」

須由「香港優質樓宇評審委員會」註冊的「自願樓宇評審計劃」評審員（名冊一）為樓宇進行檢驗及監督所需維修工程

■ 「樓宇管理範疇」

須由「香港優質樓宇評審委員會」註冊的「自願樓宇評審計劃」評審員（名冊一或名冊二）審核日常樓宇管理及保養維修紀錄，並進行實地視察

註 市民可瀏覽「自願樓宇評審計劃」網頁<http://vbas.hkhs.com>查閱評審員名冊



證書及 優質獎章

「香港優質樓宇評審委員會」將因應評審結果頒發下列各類證書和獎章

證書

「自願樓宇評審計劃」
卓越證書

優質獎章

- 樓宇管理優質獎章
- 樓宇保養維修優質獎章 或
樓宇保養維修傑出優質獎章
- 環保意識優質獎章

費用

參加費用

港幣\$500

認證費用^註

100個住宅單位或以下	港幣\$10,000
101- 2,000個住宅單位	港幣\$20,000
2,001- 4,000個住宅單位	港幣\$30,000
4,001個住宅單位或以上	港幣\$40,000

評審員費用

由參加者自行聘請的「自願樓宇評審計劃」評審員收取

^註 各項收費會不時作出檢討。如大廈完成「強制驗樓計劃」及「強制驗窗計劃」（僅限公用部分的窗戶）的相關檢驗及維修後才參加「自願樓宇評審計劃」，可豁免評審「樓宇安全範疇」，只須評審「樓宇管理範疇」，業主亦只須繳交一半的認證費用。

香港優質樓宇評審委員會 秘書處

地址

香港大坑浣紗街23號龍濤苑2樓

辦公時間

星期一至星期五（公眾假期休息）
上午8時30分 - 下午12時30分
下午1時30分 - 下午5時30分

郵政信箱

香港郵政總局郵政信箱9127號

電子郵箱 vbasenquiry@hkhs.com

傳真號碼 2884 2551