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16 May 2011

Ms Annette LAM  
Clerk to Bills Committee on Buildings (Amendment) Bill 2010  
Legislative Council Building  
8 Jackson Road, Central

Dear Ms LAM,

**Bills Committee on Buildings (Amendment) Bill 2010  
Administration's Response to Follow-up Issues**

In response to the discussions at the meetings of the Bills Committee on the Buildings (Amendment) Bill 2010 (the Bill) on 16 March 2011, we are pleased to provide below information in relation to the matters about which Members enquired.

**Further Consultation with Professional Institutes**

Upon the request of the Bills Committee, the Buildings Department (BD) has liaised further with the Hong Kong Institute of Architects (HKIA), Hong Kong Institution of Engineers (HKIE) and Hong Kong Institute of Surveyors (HKIS) on issues concerning the adequacy of building professionals to support the implementation of the Mandatory Building Inspection Scheme (MBIS) and Mandatory Window Inspection Scheme (MWIS), including the estimation of the number of building professionals interested to register as registered inspectors (RIs), the need for organising top-up training courses for registration of RIs, and whether disciplinary actions would be instigated upon receipt of complaints against RIs for malpractice in tendering. A summary of the comments of the three professional institutes is at Annex. The views of the professional institutes on the various issues are highlighted in the ensuing paragraphs.

### Supply of Registered Inspectors

All the three professional institutes are of the view there should be adequate professionals for the registration of RIs. From the enthusiastic participation and responses of their members in the course of discussion of the MBIS, a large number of them should be interested to register as RIs. In particular, the HKIS assesses that a full-time RI should be able to conduct inspections for up to four buildings per month. Therefore, taking into account the target for the implementation of MBIS (2 000 selected target buildings and 1 000 buildings under voluntary inspection and repairs per year), about 100 active RIs would be sufficient to meet the anticipated demand. For the HKIS itself, it estimates that over 400 qualified building surveyors would be interested to be registered.

The Administration's assessment is that about 6 500 building professionals in total will be qualified to register as RIs. If 15 to 20% in such pool (i.e. about 950 to 1 300) are registered, there would be sufficient RIs to meet the demand and at the same time such number of available professionals can ensure market competition. The BD will, in collaboration with the professional institutes, continue to encourage qualified building professionals to register as RIs and to provide inspection and repair services to building owners.

### Top-up Courses for Associate Members

All of the three professional institutes have channels for affiliate/associate members who have acquired the requisite qualifications and experience to become professional members. Nevertheless, none of them has the plan to organise top-up courses to train up such members to become RIs. The HKIS considers that in general the duties of RIs should be performed by professionally-qualified personnel and top-up courses would not be sufficient to equip a practitioner at technical grade with necessary knowledge to conduct prescribed inspections or supervising prescribed repairs.

Disciplinary Mechanism

The three Institutes have confirmed that they will handle complaints concerning non-compliance with the ethical commitments as required under the BD's to-be-promulgated "Best Practice on Tendering Procedures" or unethical practices in tendering against their members in accordance with their respective professional codes or constitutions. Disciplinary proceedings will be initiated if there is evidence showing that the members concerned have infringed the relevant codes against misconduct or causing disrepute to their professions.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Daniel Fong', written in a cursive style. The signature is positioned above the printed name and title.

( Daniel Fong )

for Secretary for Development

c.c.

Director of Buildings

**Summary of Views of Professional Institutes  
on Matters related to Registered Inspectors**

Hong Kong Institute of Architects (HKIA)	Hong Kong Institution of Engineers (HKIE)	Hong Kong Institute of Surveyors (HKIS)
<b>Supply of Registered Inspectors</b>		
<p>There are currently about 2 600 registered architects (RAs). Out of these RAs, about 1 000 of them are registered as authorized persons, who are qualified to be registered as Registered Inspectors (RIs).</p> <p>At the moment it would be difficult to estimate the number of RAs who would register as RIs. The HKIA understands that the target is to inspect and repair about 2 000 buildings over 30 years old every year for MBIS, and believes that given the number of registered building professionals eligible for registration as RIs, there would be sufficient manpower to meet the demand.</p>	<p>There are around 3 470 registered professional engineers (RPEs) in building, building services, civil, materials and structural disciplines. The HKIE has no information about the number of these existing RPEs (qualified to be registered as RIs) who would be interested to register as RIs, though from the overwhelming responses of its members in participating in the discussion of the Scheme, the HKIE believes that many of the qualified RPEs would be interested in registering as RIs.</p>	<p>Based on the HKIS' understanding of the MBIS requirements, it believes that a competent RI should be able to conduct inspections for at least four buildings per month and at least 40 buildings each year. Based on such assumption, it will only require around 75-100 active RIs to meet the demand of the MBIS.</p> <p>According to recent manpower review of the HKIS, not less than 400 qualified building surveyors (out of the 925 building surveyors) under the HKIS membership would be interested and eligible to register as RIs and provide services in building maintenance and repair.</p> <p>Taking into consideration other eligible building professionals having experience in building inspection, repair and maintenance and possessing</p>

		<p>AP or RSE qualifications, the HKIS strongly believes that there would be an ample supply of eligible RIs to meet the demand without expanding the pool of RIs in haste.</p>
<p><b><u>Top-up Courses for Associate Members</u></b></p>		
<p>Currently associate and affiliate members cannot become full members of the HKIA solely through attending training courses. The HKIA has no plan to provide top-up training courses for associate/affiliate members to become qualified as full member for registration as RIs at the moment.</p>	<p>Associate members of the HKIE could transfer to the class of corporate membership if they satisfy the academic requirements, experience requirements and have passed professional assessment. However, the scope of these trainings for a successful transfer is beyond the current continuing professional development program or top-up courses.</p>	<p>The HKIS considers that there is a fundamental distinction between professional and technical training in that a short top-up course on its own would not be sufficient to equip the technical grade members with the necessary aptitude, analytical skills and professional knowledge to become professional grade members. Technical grade members, subject to the satisfactory fulfillment of the professional training and assessment, are eligible to become professional members through an accessible path.</p> <p>The HKIS considers that in view of the importance of building inspections for public safety, the responsibility should rest on qualified building professionals and RIs should be qualified professional members of the relevant institutes.</p>

**Disciplinary Action against Mis-conduct**

The HKIA and Architects Registration Board (ARB) have independent mechanisms for carrying out disciplinary actions against members and RAs respectively. The HKIA and ARB act on complaints and the disciplinary mechanism sets in as long as the relevant principles of their respective Code of Professional Conduct are found infringed.

Both the HKIE and Engineers Registration Board have their own regulations for taking disciplinary actions against their members and RPEs who have committed misconduct or caused disrepute to the profession.

The HKIS' constitution lays down well-established and comprehensive procedures in handling every genuine complaint against members. Should formal charge on any misconduct case is found justified by an investigation committee appointed by the Institute, a disciplinary board will be appointed to hear and determine the case.

Any non-compliance with the declaration on ethical commitments or engagement in unethical practices in tendering could constitute an act of misconduct which will be subject to disciplinary actions of the Institute.

**Development Bureau**  
**May 2011**