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Panel on Development and Panel on Home Affairs

**Joint Subcommittee to Follow Up Issues Relating to the
Redevelopment, Maintenance and Management of Aged Buildings**

**Background brief prepared by the Legislative Council Secretariat for
the meeting on 27 May 2019**

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

Purpose

This paper gives a brief account of past discussions of the Panel on Development ("the Panel") on the Mandatory Building Inspection Scheme ("MBIS") and the Mandatory Window Inspection Scheme ("MWIS").

Background

2. According to the Administration, to strengthen its efforts in dealing with aged buildings and promoting building safety, the Buildings Department ("BD") has fully implemented MBIS and MWIS since 30 June 2012, which tackle building dilapidation at its root through upholding the concept of "prevention is better than cure". Except for domestic buildings not exceeding three storeys, the relevant legislation empowers BD to issue statutory notices to owners of private buildings aged 30 years or above for MBIS, and 10 years or above for MWIS, requiring them to carry out prescribed inspections and, if necessary, prescribed repairs of their buildings every 10 years for MBIS and five years for MWIS respectively.

3. Under MBIS, building owners are required, within a specified timeframe, to appoint a registered inspector ("RI")¹ to carry out prescribed inspection and to appoint a registered contractor to carry out prescribed repairs of the common parts, external walls, projections and signboards of the building under the supervision of an RI. Under MWIS, building owners are required to appoint a qualified person ("QP")² within a specified timeframe to carry out a prescribed inspection and to appoint a registered contractor to carry out a prescribed repair of the windows in the building under the supervision of a QP. Before serving statutory notices, BD will issue pre-notification letters to building owners/owners' corporations ("OCs") advising them of the selection of their buildings as target buildings to allow them ample time to get prepared and plan ahead.

4. Under MBIS, upon receipt of a statutory notice, the owners/OC should appoint an RI within three months, and complete the prescribed inspection within six months from the date of the statutory notice. Any prescribed repair found necessary should be completed within 12 months from the date of the statutory notice. As for MWIS, upon receipt of a statutory notice, the owners/OC should appoint a QP, and complete the prescribed inspection and repair (if necessary) within six months from the date of the statutory notice for windows in individual premises and nine months for windows in common parts of the building respectively. For both schemes, an extra three months will be allowed for owners of buildings without an OC to organize and arrange the required inspection and repair works.

Deliberations by members since 2013-2014 session

Selection of target buildings

5. Members considered that the requirement to conduct periodic inspections and repairs should not cause undue hassle to building owners. They enquired about the criteria for working out the priority of target buildings.

¹ Registered inspectors ("RIs") include authorized persons ("APs"), registered structural engineers ("RSEs") or registered building professionals possessing relevant work experience in the field of building construction, repair and maintenance.

² Qualified persons include APs, RSEs, RIs, registered general building contractors and registered minor works contractors registered for the class, type and item or minor works in respect of windows.

6. The Administration advised that BD had established a selection panel comprising representatives from professional institutions, relevant non-governmental organizations, property management professionals, District Councils and relevant Government departments to tender advice on the selection of target buildings for MBIS and MWIS. Under the new selection criteria which had taken effect from October 2017, only buildings at or above the age of 50 years would be selected, with older buildings getting a higher chance of being selected. Other relevant criteria would be building conditions, building management and presence of building elements posing higher potential risk to public safety (namely cantilevered slab canopy and cantilevered slab balcony). To minimize disturbance to building owners, BD synchronized the implementation of MBIS and MWIS, whereby buildings selected for MBIS would also be selected for MWIS under the same cycle so that owners could carry out inspection and repair works under both schemes concurrently.

Handling of unauthorized building works and sub-divided flats

7. Some members queried whether the two schemes could effectively tackle building safety problems, in particular those arising from unauthorized building works ("UBWs"), internal alteration works and sub-division of units. The Administration advised that RIs appointed to carry out prescribed inspection were required to report to the Building Authority ("BA") if (a) they had observed any signs posing building safety risks during the inspection of the common parts or external walls of a building; and (b) they had identified UBWs in the common parts and the external walls of a building and assessed the safety conditions of these UBWs. RIs were also required under the Code of Practice for MBIS and MWIS ("CoP") to inform BA of any signs of suspected division of flats (e.g. presence of many flat door openings or door bells). On receiving RIs' reports on UBWs and sub-divided flats, BD would investigate into any suspected illegal internal alteration works to ascertain if the structural integrity of the building concerned had been affected. If necessary, BD would take follow-up actions under the provision of the Buildings Ordinance (Cap. 123) in accordance with its enforcement policy against UBWs and abandoned signboards.

Supply of service providers for the two inspection schemes

8. Some members expressed concern as to whether there would be a sufficiently large pool of service providers for the two inspection schemes, as the supply of service providers on the market would have an impact on

the inspection costs. According to the Administration, there were 517 RIs for MBIS and about 18 800 QPs under MWIS as at December 2017. For MWIS, to facilitate owners in selection of QP, BD wrote to all QPs inviting them to indicate interest in providing services under MWIS. There were about 7 300 QPs who had expressed interest and a remark had been added to the names of these QPs on the list of QPs on BD's website. BD would continue to invite relevant professional institutes, contractor associations and trade organizations to encourage their members to provide services under MWIS. BD would also continue to promote MBIS and MWIS in the industry by arranging briefing sessions for qualified practitioners.

Compliance of registered inspectors with the inspection requirements

9. In response to members' enquiry on how the Administration could ensure that RIs had duly discharged their statutory duties under MBIS, the Administration advised that BD would conduct audit checks on the inspection and repair completion reports and certificates submitted by RIs to ensure the inspection and repair works had been carried out in accordance with the Buildings Ordinance, CoP and relevant guidelines. In case of irregularities, BD would consider instigating prosecution or disciplinary action against the relevant persons.

Assistance to owners/owners' corporations

10. Some members were concerned that many building owners, especially elderly owners of old buildings, might not have the financial means and technical know-how to fulfill the requirements of regular inspection and repair. They urged the Administration to provide assistance to owners of buildings without OCs in complying with the statutory notices issued to them under the two schemes. They also suggested that BD and the Home Affairs Department ("HAD") should work together to provide assistance to owners/OCs in this regards.

11. The Administration advised that the Hong Kong Housing Society ("HKHS") and the Urban Renewal Authority ("URA") had jointly launched the "Mandatory Building Inspection Subsidy Scheme" to subsidize eligible owners/OCs with the full cost of the first building inspection of the common parts of their buildings under MBIS and that of windows in the common parts under MWIS, subject to a cap. The Administration, together with HKHS and URA, provided financial assistance under various existing schemes, including the Integrated Building Rehabilitation

Assistance Scheme administered by URA,³ the Building Safety Loan Scheme administered by BD,⁴ and the Building Maintenance Grant Scheme for Elderly Owners administered by HKHS,⁵ to assist building owners in fulfilling the statutory requirements under MBIS and MWIS.

12. The Administration further advised that technical assistance was also provided by BD, HAD, HKHS and URA to flat owners during the various stages of the inspection schemes to guide them in carrying out inspection and repair works, including issuing guidelines to enable owners have a better understanding of the requirements of the two schemes, offering support on the tender exercises for appointment of RIs and contractors, etc. In addition, an information kit was provided to owners as handy reference materials which covered information on the implementation of the two inspection schemes.

13. Some members called on the Administration to introduce measures to address concerns about tender-rigging and engage consultants through HKHS and URA to provide benchmark prices of window/building inspection and repair works.

14. The Administration advised that the contracts between owners/OCs and building contractors/consultants were of a private nature and it was not appropriate for the Administration to interfere. To provide assistance to owners, BD had liaised with various related trade/contractor associations, which had provided a list of their members interested in providing window inspection services under MWIS and the reference costs. BD had provided hyperlinks to such information on its website.

Manpower of the Buildings Department

15. Some members expressed concern that the various initiatives to enhance building safety had created a huge increase in the workload of BD

³ In order to facilitate owners to carry out building repair and maintenance more effectively, the Urban Renewal Authority has integrated various building assistance and subsidy schemes, and launched an all-in-one Integrated Building Rehabilitation Assistance Scheme, which aims at facilitating buildings owners to apply for and acquire various assistance and subsidy schemes more easily.

⁴ Building Safety Loan Scheme provides loans to individual owners of private buildings who wish to obtain financial assistance in carrying out maintenance and repair works to reinstate or improve the safety conditions of their buildings and/or private slopes.

⁵ Building Maintenance Grant Scheme for Elderly Owners provides financial assistance to elderly owner-occupiers to repair and maintain their buildings and improve building safety.

staff. They urged the Administration to review the existing mechanisms, such as relevant legislation, the administrative system and distribution of work, to enhance BD's work efficiency.

16. The Administration advised that BD would enhance its efficiency through simplified procedures and application of information technology with a view to utilizing resources in a more effective manner for the implementation of the two schemes. BD would also bid for additional resources as needed in accordance with the established resource allocation procedures.

Relevant papers

17. A list of relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
21 May 2019

**Relevant papers on
Mandatory Building Inspection Scheme and
Mandatory Window Inspection Scheme**

Meeting	Date of meeting	Paper/Minutes of meeting
Panel on Development	26 November 2013 (Item V)	Agenda Minutes LC Paper No. CB(1)630/13-14(01)
Legislative Council	18 March 2015	Official Record of Proceedings (Pages 102-106)
Panel on Development	20 December 2017 (Item IV)	Agenda Minutes
Legislative Council	27 February 2019	Written question raised by Hon Tony TSE on "Implementation of the Mandatory Window Inspection Scheme"

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