

# Enhanced enforcement action and support against buildings of non-compliance with statutory notices under Mandatory Building Inspection Scheme

A spokesman for the Development Bureau (DEVB) said on July 19 that the DEVB and the Buildings Department (BD) are highly concerned about the recent series of incidents of fallen concrete or rendering from external walls of buildings, and the problem of non-compliance with statutory notices under the Mandatory Building Inspection Scheme (MBIS) as revealed. The Government understands that some buildings served with MBIS notices have already taken follow-up actions, but the relevant work was delayed due to the pandemic in recent years. The latest weather has also made the deteriorating external walls susceptible to changes. As steered by the DEVB earlier, the BD has completed reviewing the list of buildings that have not complied with the MBIS notices in respect of the common parts. The BD will prioritise the follow-up and enhance enforcement efforts. Generally speaking, the Government will proactively provide support to building owners who are determined to comply with the MBIS notices early, with a view to completing the inspection and repair works soon. If the owners' corporation (OC) or owners neglect the MBIS notices leading to poor progress, the BD will take enforcement actions and initiate prosecutions in a strict manner.

As stipulated in the Buildings Ordinance (Cap. 123), under the MBIS, owners of buildings aged 30 years or above (except domestic buildings not exceeding three storeys) and served with statutory notices are required to appoint a Registered Inspector (RI) to carry out the necessary prescribed inspection and repair works.

The BD has completed reviewing the number of statutory notices served and their compliance status. So far, some 4 800 buildings have outstanding MBIS notices, with details as follows:

	Number of buildings (Approximately)
MBIS notices not yet expired	1 000

Selected as Category 2 buildings under the Operation Building Bright 2.0 (OBB 2.0) (Note 1), on which the BD will exercise its statutory power to carry out the necessary inspection and repair works on behalf of the owners	1 100	
Expired MBIS notices that have not been complied with	2 700	
	Appointed with Registered Inspector	Not yet appointed with Registered Inspector
	1 800 (of which 1 300 had completed inspection)	900

The DEVB and the BD have devised action strategies against the abovementioned buildings with expired MBIS notices that have not been complied with, so as to prioritise the follow-up and enhance enforcement efforts. Detailed actions are as follows:

(i) For the 1 800 buildings with RIs appointed

1 300 of them had already completed inspection and are awaiting commencement or completion of repair works, while the remaining 500 have yet to complete inspection. The BD will issue letter to the relevant RIs as soon as possible, seeking their progress update to the BD within a month's time, as well as urging them to expedite the inspection and/or repair works. If one's progress is unsatisfactory without reasonable excuse, depending on the circumstances, the BD will issue warning letter, and instigate prosecution proceedings to the OC or relevant owners by the end of this year.

(ii) For the 900 buildings not yet appointed with RIs

It is aware that around 150 of the buildings have participated in the OBB 2.0 as Category 1 buildings (Note 2). The BD will issue warning letter to relevant building owners or OCs, requesting them to expedite the appointment of RI to conduct the inspection, and to report to the BD in a month's time the progress or concrete work plan. If one's progress is unsatisfactory without reasonable excuse, depending on the circumstances, the BD will instigate prosecution proceedings to the OC or relevant owners by the end of this year. At the same time, with assistance from the Home Affairs Department (HAD) and the Urban Renewal Authority (URA), the BD will invite the remaining eligible buildings to join the OBB 2.0, providing support to those who are determined to comply with the MBIS notices early. In addition, the BD will assess the risk of the abovementioned buildings (with factors such as building conditions, potential risk to the public, whether it is facing major traffic road, etc), and arrange manpower for the use of drones to conduct special survey on the external walls of buildings with higher risks, with a

view to verifying their conditions as soon as possible. If necessary, the BD will arrange government contractor to carry out emergency repair works on behalf of the owners, then recover the costs from them afterwards.

The BD understands that owners or OC might face practical difficulties in carrying out or organising the necessary inspection and repair works. As such, the BD will work with the URA and the HAD to strengthen the support for OC or owners. Focusing on buildings that have not yet appointed RIs, the three parties will proactively get in touch with relevant OC and property management companies, strengthening the provision of information, co-ordination, technical and financial support, including assisting in the formation of OC, applying for OBB 2.0, attending OC meetings to introduce the OBB 2.0. The three parties will also jointly organise district briefings on the procedures of complying with MBIS notices (e.g. appointment of RIs and contractors, organisation of owners' meetings, etc). In addition, the URA will also expedite the handling of OBB 2.0 applications.

The DEVB and the BD will closely monitor the progress and effectiveness of the abovementioned actions, while keeping under review the strategy for follow-up actions.

The Government reminds that it is building owners' responsibility to ensure their properties are well maintained and in safe conditions, including to conduct regular inspections and timely repair of their properties. Adhering to the principle of "prevention is better than cure", the Government has been adopting multipronged measures to require property owners to fulfil their responsibilities in enhancing building safety. The new round of the OBB 2.0 is now open for applications until September 30, 2023, with relaxed application criteria, including adjusting the building age limit and maximum rateable value requirements, so as to widen the number of beneficiary buildings.

Note 1: A scheme with \$6 billion injected by the Government and implemented by the URA, to subsidise eligible owners in co-ordinating inspection and repair works in respect of common parts under the MBIS. Buildings that are able to co-ordinate the necessary works among themselves are considered as Category 1 buildings. The BD will exercise its statutory power in carrying out the necessary inspection and repair works on behalf of the owners, with the cost be recovered from the owners after completion of works, for Category 2 buildings. Eligible owners can apply for OBB 2.0 subsidy to reimburse for part or all of the cost of the works.

Note 2: Refers to residential units with average rateable values not exceeding \$187,000 per year (urban area, including Sha Tin, Kwai Chung and Tsuen Wan) or \$143,000 (New Territories, not including Sha Tin, Kwai Chung and Tsuen Wan).