

Government continues to enhance enforcement action and support against buildings with non-complied notices under Mandatory Building Inspection Scheme

A spokesman for the Buildings Department (BD) today (August 24) gave an account of the progress of the enforcement and support measures for building inspections and repairs.

The spokesman also said that the BD, the Home Affairs Department (HAD) and the Urban Renewal Authority (URA) have been providing information and support to owners by organising district briefings and proactively approaching owners or owners' corporations (OCs). The spokesman encouraged owners to make good use of these support services and complete the inspection and repair works as soon as possible.

The Government announced on July 19 (www.devb.gov.hk/en/publications_and_press_releases/press/index_id_11570.html) a series of measures to step up enforcement and provide support to building owners or OCs, with a focus on following up on buildings with expired Mandatory Building Inspection Scheme (MBIS) notices that have not been complied with. The progress of work in various aspects is set out below.

(a) Monitoring the appointment of registered inspectors (RIs) and the progress of building inspections

Regarding the some 1 800 buildings in which RIs have been appointed, the BD has issued letters to the relevant RIs since late July, with copies to the owners concerned, requesting an account of the progress within one month and urging them to expedite the inspection and/or repair works. The BD has completed issuing letters to the buildings concerned.

With regard to the some 900 buildings in which RIs have not yet been appointed, the BD has issued warning letters to the owners or OCs concerned since late July, requesting them to appoint RIs to carry out inspection work as soon as possible, and to report the progress or provide a concrete work plan within one month. Before issuing warning letters, the BD will verify owners' information and the progress of building inspections. As at today, the department has issued warning letters to about 700 buildings and will complete the issuance of letters to the remaining buildings within this month.

(b) Instigating prosecution

With regard to (a) above, the BD will scrutinise the progress reports or work plans received. If there are no reasonable justifications and the progress is unsatisfactory, depending on the circumstances of individual cases, the BD will commence prosecution proceedings against owners or OCs concerned in the fourth quarter of this year. However, if there are cases in which owners show an intention to procrastinate, the BD will deal with such cases promptly and instigate prosecution proceedings as soon as possible.

(c) Conducting special inspections of external walls

Regarding the abovementioned some 900 buildings that have not yet appointed RIs, the BD has already started to identify buildings with potentially higher risks (such as older buildings, buildings facing major roads, buildings with reports of dilapidation, "three-nil" buildings, and buildings with balconies/canopies of cantilevered slab structures), and has taken the initiative to carry out special inspections of the external walls of the buildings by using drones since the beginning of this month. If obvious hazards are found, the BD will arrange for government contractors to carry out emergency works on behalf of the owners, and recover the costs from them afterwards.

As at today, the BD has completed the special inspection of the external walls of 22 buildings. Among them, 19 buildings were found to have loose rendering/concrete on the external walls or the soffit of balconies/canopies, and BD staff have immediately arranged government contractors to carry out emergency works to remove the loosened part, and will recover the costs of the emergency works from the owners concerned afterwards.

The BD's first round target is to complete the inspection of the external walls of 30 buildings with potentially higher risks in early September. The BD has deployed its own staff and is now engaging building consultants to help identify more buildings with potentially higher risks from those that have not yet appointed RIs, so as to ascertain the condition of the external walls and whether there is any obvious danger that requires emergency works as soon as possible.

The spokesman said that the aforementioned inspection of external walls was a special operation of the BD to minimise risks to public safety arising from those buildings which have not carried out the prescribed inspections and repairs. However, such special operations cannot replace the owners' responsibility for building inspections and maintenance, and the owners or OCs concerned must expedite their actions to comply with the notices as early as possible. In addition, about 200 of the 900 buildings are "three-nil buildings". The BD will continue to work with the HAD and the URA to strengthen the provision of information, co-ordination, technical and financial support to them, including assistance in formation of OCs.

(d) Inspection and repair work for Category 2 buildings under the Operation Building Bright 2.0

Regarding the some 1 100 higher-risk buildings selected for Category 2 under the Operation Building Bright (OBB) 2.0 programme (Note), the BD will

exercise its statutory power to carry out the necessary prescribed inspections and repair works on behalf of the owners and then recover the relevant costs from them afterwards. As at the end of July, about 30 buildings have completed the repair works, about 440 buildings are undergoing inspection, and about 630 buildings are under repair, of which about 150 buildings will complete the repair works within this year. With regard to the "three-nil buildings" mentioned in paragraph (c) above, the BD will also adopt a risk-based approach in selecting eligible buildings as Category 2 buildings under OBB 2.0.

In addition, a standing communication mechanism led by the Development Bureau with the participation of the BD, the HAD and the URA has been set up, and the first meeting was held on August 9 to enhance mutual collaboration. The follow-up actions are as follows:

(e) URA's support for owners or OCs in applying for subsidies and related professional assistance

Starting from August 18, the URA has again mailed leaflets to buildings that have outstanding MBIS notices and have been initially confirmed to be eligible for joining the OBB 2.0, so as to introduce the content of the subsidy scheme. At the same time, the URA has, through district organisations, proactively approached building owners in the respective districts of these organisations in order to assist the building owners to apply for the subsidy scheme.

For buildings that have already joined the OBB 2.0, the URA is formulating more detailed progress requirements for building owners, OCs or property companies for compliance, so as to closely monitor and supervise the progress of the preparation for repair works.

The URA is also exploring ways to compress the workflow in order to expedite the processing of applications under the third round of the OBB 2.0, as well as assist owners in the work of engaging the RI and contractors within shorter timeframes.

(f) Organising district briefings to support owners or OCs

The BD, the URA and the HAD will organise district briefings for the aforesaid buildings that have not yet appointed RIs to explain the procedures for compliance with MBIS notices, provide information, co-ordination and support, and set up counters to offer advice to the public in person. The first seminar was held in Sham Shui Po on August 10 and was attended by about 50 members of the public with a positive response. Members of the public can watch the briefing online (elearning.bd.gov.hk/video-list/%E8%81%AF%E5%90%88%E5%9C%B0%E5%8D%80%E8%AC%9B%E5%BA%A7). The tripartite parties will continue to organise eight more briefings between August and November in other districts where there are buildings with overdue compliance notices. The briefings in Kowloon City, Yau Tsim Mong, Central and Western, and Wan Chai districts will be held on August 24, September 7, September 15 and September 28 respectively. Arrangements for the other four briefings will be announced when ready, and relevant details can be found at the link above.

The HAD will proactively approach the OCs or owners concerned to enhance the provision of information and remind them of the need to comply with the MBIS notices. If owners wish to form an OC, the HAD will provide appropriate support to the building owners concerned.

The spokesman reminds that it is building owners' responsibility to ensure their properties are well maintained and in safe condition, including to conduct regular inspections and timely repair of their properties. Owners are required to appoint RIs to carry out the prescribed inspections and repairs, otherwise they will not be regarded as complying with the requirements of the MBIS. The list of RIs is available on the BD's website: [www.bd.gov.hk/en/resources/online-tools/registers-search/registrationsearch-disclaimer.html?reg_type=RI\(A\), RI\(E\), RI\(S\)](http://www.bd.gov.hk/en/resources/online-tools/registers-search/registrationsearch-disclaimer.html?reg_type=RI(A),RI(E),RI(S)).

Members of the public can find details of the MBIS on the BD website (www.bd.gov.hk/en/safety-inspection/mbis/index.html), the BD's Chatbot Function "Ah Build" and mobile application "MBIS/MWIS – Quick Guide for MBIS/MWIS".

Note: 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 an OBB 2.0 subsidy to reimburse for part or all of the cost of the works.