

LCQ17: Enhancing building safety

Following is a question by the Hon Vincent Cheng and a written reply by the Secretary for Development, Ms Bernadette Linn, in the Legislative Council today (November 15):

Question:

The Government has proposed in the latest Policy Address the introduction of a series of measures to enhance building safety. In this connection, will the Government inform this Council:

(1) of the total number of statutory notices issued by the authorities since the implementation of the Mandatory Building Inspection Scheme (MBIS); given that about 4 800 buildings did not comply with MBIS notices as at July 19, 2023, but the authorities' indicator is that 1 000 dilapidated/dangerous buildings will be repaired/rectified by their owners or government contractors within 2024, whether the authorities have an overall timetable for monitoring the repair or rectification works of buildings which have not complied with MBIS notices and have not been included in the indicator concerned;

(2) whether it has compiled statistics on the number of cases involving the spalling of concrete from the external walls of buildings in the past six months, with a breakdown by District Council district and the causes for the spalling;

(3) given that among the buildings which did not comply with notices as mentioned in (1), about 2 700 buildings did not comply with notices upon their expiry, how the authorities assist the owners concerned or relevant persons to expedite the relevant works, e.g. whether they will consider introducing a scheme to allow the owners or tenants concerned to take the initiative to request the Buildings Department to carry out the default works; if so, of the details; if not, the reasons for that;

(4) given that the Government will propose amendments to the Buildings Ordinance (Cap. 123) in 2024, which include streamlining the prosecution procedures, lowering the prosecution threshold and increasing the penalties for expired and non-compliant MBIS notices and repair orders, of the contents of the relevant preliminary proposals; of the estimated earliest time for implementing the proposals in the bill; and

(5) given that the Government will establish the Fire Services Department Building Improvement Support Centre by the end of 2023 to provide the owners and occupiers of relevant old buildings with one-à'stop support services for complying with the requirements of relevant legislation on the fire safety of old buildings and enhancing their fire safety, of the relevant specific details (for example, whether it will take the initiative to contact the owners concerned and relevant persons); whether the Government will provide the owners concerned or relevant persons with temporary fire service

equipment or relevant subsidies before the buildings concerned have complied with relevant directions; if so, of the details?

Reply:

President,

The Government is highly concerned about building safety incidents and is implementing a series of measures focusing on following up on buildings with non-complied Mandatory Building Inspection Scheme (MBIS) notices, including stepping up enforcement and providing support for owners or owners' corporations (OCs) of buildings. We will also conduct a comprehensive review on the MBIS policy as announced in the Policy Address, with a view to addressing the problem of old buildings in disrepair in a more targeted manner.

Regarding the Member's question, having consulted the Security Bureau (regarding part 5 of the question), my reply is as follows:

(1) and (3) Since the launch of the MBIS in 2012, the Buildings Department (BD) had issued MBIS notices to about 7 000 target buildings as at May 2023, requiring prescribed inspections and repairs for the common parts of buildings to be carried out before the specified deadlines. The cases with expired MBIS notices that had not been complied with involve about 3 800 buildings (Note 1), 1 100 of which have been selected as Category 2 buildings under the Operation Building Bright 2.0 (OBB 2.0) (Note 2), the BD will exercise its statutory power to carry out prescribed inspections and repairs on behalf of the relevant owners and recover the costs from them afterwards.

For the remaining 2 700 buildings with expired MBIS notices that have not been complied with, the BD has issued letters to relevant Registered Inspectors (RIs), owners and OCs in batches before the end of September this year, requesting them to report progress and the concrete work plan within one month. To date, the BD has received more than 1 900 responses so far. More than half of them have made substantive progress in the past few months as the Government stepped up its efforts to follow up. The BD will depend on the content of the responses, take appropriate follow up actions such as making referrals to the Urban Renewal Authority (URA) or the Home Affairs Department (HAD) as to provide appropriate assistance. For buildings from which responses have yet to be received, the BD and the HAD will make further attempts to contact the RIs, owners and/or OCs concerned. For cases without reasonable excuse and of unsatisfactory progress, the BD will instigate prosecution proceedings against the OC or owners concerned starting from this quarter. If there are cases in which owners show an intention to procrastinate, the BD will deal with such cases with priority and instigate prosecution proceedings as soon as possible. We would like to take this opportunity to appeal to the relevant owners and/or OCs again to take immediate follow-up action for the non-compliant MBIS notices, failing which they will be liable to prosecution.

In addition, a standing communication mechanism led by the Development Bureau has been set up to co-ordinate the BD, the HAD and the URA to enhance

tripartite co-operation. The three parties will continue to proactively provide information, co-ordination as well as technical and financial support to OCs and owners. Earlier on, the three parties co-organised eight district briefings in the Sham Shui Po, Kowloon City, Yau Tsim Mong, Central and Western, Wan Chai, North, Tsuen Wan and Wong Tai Sin districts to explain the procedures and requirements pertaining to compliance with MBIS notices. The district briefing in the Eastern District will be held within this month.

It is the owners' responsibility to ensure building safety. Owners are required to carry out regular inspections and timely repairs to ensure that the properties are well-maintained and in safe conditions. If owners need technical and/or financial assistance, OBB 2.0, which is funded by the Government and implemented by the URA, can provide appropriate assistance. Only when the owners have practical difficulties in organising the relevant inspection and repair works, that the buildings meet the eligibility requirements of OBB 2.0 and the BD's risk assessment (including factors such as age and condition of the building, whether it is a "three-nil" building or will pose a danger to the public) would the BD select them in an orderly manner as Category 2 buildings to carry out default works. This is to ensure that limited resources can be allocated to buildings that are most in need of government intervention in a target manner. Allowing owners or tenants to take the initiative to offer to hand over their responsibilities to the BD for carrying out default works is not the policy intent, nor is it an effective use of resources.

The key performance indicator set by the BD for 2024 is to repair/rectify 1 000 dilapidated/dangerous buildings by owners or Government contractors (Note 3). The majority of these buildings, i.e. 800 buildings, are expected to be inspected and repaired by the owners themselves, with only the remaining 200 buildings to be repaired by the Government under Category 2 buildings of OBB 2.0 as default works. This estimated ratio reflects the policy intent that building owners should be responsible for building maintenance and the Government should only intervene when necessary.

The Policy Address announced a comprehensive review of the MBIS policy from three directions, one of which is to enhance support for owners. We will review the workflow of various stages of OBB 2.0, such as streamlining the procedures for engaging building inspection professionals and contractors, so as to assist owners or OCs who have applied for the subsidy to expedite the pace of building inspections and repairs. The other two directions include more precise selection of target buildings for issuance of MBIS notices, proactively identify higher-risk buildings, enhance the capabilities of the BD to inspect such buildings and carry out emergency repair works through outsourcing. We will put forward specific proposals in the first quarter of next year.

(2) The number of cases of fallen concrete or renderings from external walls of buildings received by the BD from January to September 2023, breakdown by District Council districts, are tabulated below. The BD does not keep statistics on the reason of defects.

District	Number of Cases
Central and Western	18
Eastern	13
Kowloon City	31
Kwai Tsing	24
Kwun Tong	3
North	3
Islands	3
Sai Kung	0
Sham Shui Po	30
Sha Tin	1
Southern	2
Tai Po	1
Tsuen Wan	17
Tuen Mun	2
Wan Chai	13
Wong Tai Sin	4
Yau Tsim Mong	64
Yuen Long	5
Total:	234

(4) We will conduct a comprehensive review on the Buildings Ordinance to step up enforcement efforts by the BD. We will explore the introduction of a fixed penalty system for certain types of cases to streamline prosecution procedures and lowering the prosecution threshold, as well as raising the penalties against non-compliance with notices served under the MBIS and the Mandatory Window Inspection Scheme, repair and investigation orders, as well as enforcement against unauthorised building works, etc, in order to increase the deterrent effect. We will put forward the amendment proposals next year and conduct public consultation with the aim of submitting the amendment bill to the Legislative Council as soon as possible.

(5) The Security Bureau advised that the Fire Services Department will establish the Fire Services Department Building Improvement Support Centre (Support Centre) by end-2023 to provide one-stop support services for owners and occupiers of old commercial, residential or industrial buildings for complying with requirements of relevant legislation on enhancing fire safety of old buildings. Examples of support services include explaining the requirements of relevant legislation, providing consultation services on fire safety improvement works as well as related subsidy and loan schemes, and referral of cases to relevant departments or organisations for follow-up when necessary. Members of the public may visit or call the Support Centre for relevant support services.

While taking forward the above initiative, the Government will continue to proactively provide support to owners of old buildings (especially owners

of old composite and domestic buildings) in relation to support on financial, technical and co-ordination among owners, with a view to assisting owners to comply with the relevant requirements under the legislation relating to fire safety in old buildings as soon as practicable.

Note 1: The 4 800 buildings referred to in the question also include about 1 000 buildings which had not yet complied with MBIS notices and the deadlines had not yet expired at the time.

Note 2: The Government allocated \$6 billion for the URA to implement OBB 2.0 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 works among themselves may apply 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 to be recovered from the owners after completion of work for Category 2 buildings. Eligible owners can apply for OBB 2.0 subsidy for reimbursement of part or all of the cost of the works.

Note 3: Includes both repairs/rectifications by owners arising from the BD's advisory letters, investigation/repair orders or MBIS notices, and repairs rectifications by default works by the BD's consultants/Government contractors for non-compliant orders, and default works under Category 2 of OBB 2.0.