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EXECUTIVE SUMMARY

The costs of building neglect are huge at both the societal and individual levels. Situations of owners suffering escalating maintenance costs because of building dilapidation or poorly maintained buildings not being able to secure any insurance plans are highly common. There are of course even more unfortunate incidents of people losing their lives or suffering physical injuries caused by buildings in disrepair.

2. Over the years, the Government has put in substantial resources to tackle the long-standing building deterioration problem from different aspects, including enforcement against dilapidated buildings, promotional and educational activities, assisting owners in the formation and operation of owners' corporations (OCs), special schemes to support owners in building maintenance, and providing loans to owners to carry out building maintenance work. We have also solicited the support of non-governmental organizations to render various financial and technical assistance to owners in carrying out proper building management and maintenance. Our aim is to foster a building care culture slowly but surely.

3. With these concerted efforts, we are glad to see a gradual change in owners' mindset about building care. In the past, building owners' entire focus tends to centre around the maintenance of the interior of their flats. Gradually, more and more owners are paying greater attention to the maintenance of the common parts of the buildings, which directly affects the safety of both building occupants and the general public. The community have also come to realize that building owners should shoulder their responsibility in keeping their properties in good repair, not only for the sake of public safety, but also for the owners' own benefits.

4. Having taken these important strides, the Government considered it timely to engage the community to put in place long-term measures to resolve the long-standing problem of building neglect. In this connection, we conducted the first-stage public consultation on building management and maintenance in early 2004. The results of the consultation pointed to a community consensus that owners should be responsible for keeping their buildings in good repair, including shouldering the financial commitment. The community also supported the introduction of a mandatory building inspection scheme as a practicable long-term solution to arrest building deterioration. Premised on the consensus reached, we launched the second-stage public consultation in October 2005, seeking public views on the implementation details of the proposed mandatory building inspection scheme and proposed measures to enhance window safety.

PUBLIC SUPPORT FOR MANDATORY SCHEMES

5. We are grateful that the community have actively expressed their views on the relevant proposals in the consultation document. The consultation results reaffirmed that the community in general supported the introduction of mandatory building inspection and mandatory window inspection and agreed that these two schemes are instrumental to ensuring a better and safer building environment.

6. The community have put forward a lot of valuable comments on finessing the implementation details of the two mandatory schemes. Many respondents have also expressed their concerns on the need for enhanced assistance to owners in need. Without compromising the standard of building safety, we have carefully examined the views received and have taken them on board as far as possible.

7. We set out in this report our policy intention regarding the mandatory building inspection scheme and mandatory window inspection

scheme. As a next step, we will commence the legislative drafting exercise to take forward the two schemes by way of legislation.

Enhancing Assistance to Owners

8. In response to public demand for greater financial and technical assistance to owners, in particular relieving those in need of the first mandatory building inspection cost, we are pleased to announce that we have solicited the agreement of the Hong Kong Housing Society (HKHS) to commit a total of \$4 billion (including its earlier commitment on the Building Management and Maintenance Scheme (BMMS)) to put in place the following enhanced assistance to owners upon the launch of the two mandatory schemes (i.e. after the passage of the relevant legislation) -

- (a) subsidize eligible owners, upon application by owners/OCs, on the cost of the first mandatory building inspection. The provision of such incentive to owners is meant to overcome the owners' inertia to building maintenance. The eligibility criteria will be similar to that of the HKHS's BMMS and the rateable value of the buildings will be one of the main factors in determining eligibility. The HKHS will also consider owners' individual circumstances to ensure that those in genuine need will be provided with appropriate assistance. It is estimated that about 80% of the 13,000 target buildings will enjoy the subsidy for first inspection;
- (b) provide assistance to owners who have genuine difficulties in forming OCs, including, where appropriate, subsidizing the first inspection cost. The HKHS and Home Affairs Department (HAD) will also continue to assist owners in the formation of OCs or other forms of management structure to coordinate building inspection and rectification works;

- (c) provide technical advice on matters relating to the appointment of building inspectors and contractors as well as the list of rectification items;
- (d) offer general legal advice on the formation of OCs and matters relating to the inspection and rectification work; and

The HKHS, the Buildings Department (BD) and the HAD will continue to provide their other existing financial and technical assistance, where applicable, to eligible owners to support building and window inspection and rectification works.

Streamlining the Scheme Requirements

9. While the community supported that private buildings aged 30 years or above should be subject to mandatory building inspection and that owners should be required to inspect and repair their windows regularly, there was a substantial body of views advocating that the scheme requirements should be further streamlined to facilitate easy compliance. Without compromising the standard of building safety, we have made the following revisions to the proposed schemes –

- (a) extend the cycle for mandatory building inspection from 7 years to 10 years so as to allow more time for owners to prepare for and carry out building inspection and rectification works; and
- (b) adjust the age of buildings to be subject to mandatory window inspection from 5 years or above to 10 years or above and extend the inspection cycle from 3 years to 5 years, in order to minimize the burden on owners.

Stepping Up Regulation Over Service Providers

10. To respond to the community's concern over the proper monitoring of service providers, including the quality and standard of inspectors and contractors who carry out the rectification works, we propose to put in place the following -

- (a) we will allow more qualified registered professionals with sufficient relevant experience to carry out building and window inspection to meet the community's demand for more service providers in the market, hence resulting in more competitive pricing. We will create a separate register under the Buildings Ordinance and establish a Registration Committee to uphold the professional standard of inspectors;
- (b) BD will check all the inspection reports to ensure compliance with the requirements under the law. BD will further conduct detailed audit checks on such reports. In the first few years after the launch of the scheme, the BD will audit about 30% of the reports received;
- (c) we have solicited the agreement of the professional institutes and related bodies to issue advisory fee levels on inspection and rectification works for owners' reference; and
- (d) on the quality and standard of window installation, BD has issued the latest technical guidelines on window installation and design in March 2006. It will continue to review the relevant requirements. Separately, we will present the legislation on the proposed Minor Works Control System to the Legislative Council for consideration. The Minor Works Control System will improve the professional standard of the contractors responsible

for window installation amongst other minor building works.

11. In summary, under the revised mandatory building inspection scheme, owners of private domestic (excluding those of 3 storeys or less), composite, and non-domestic private building aged 30 or above are proposed to be required to appoint a qualified inspector to inspect their buildings every 10 years (by reference to the date when the BD last issued the mandatory inspection notification to owners) and carry out the necessary rectification works. Details of the proposed mandatory building inspection scheme are set out in Chapter 3.

12. As regards window inspection, owners of private domestic (except those of 3 storeys or less), composite and non-domestic buildings aged 10 years or above are proposed to be required to inspect all windows, both in common areas and within private premises, fixed and openable, every 5 years (by reference to the date when BD last issued the inspection notification to owners) and carry out the necessary rectification works. Details of the proposed mandatory window inspection scheme are set out in Chapter 4.

ASSISTANCE AVAILABLE – FROM AN OWNER’S PERSPECTIVE

13. To assist owners in discharging their duties to upkeep their buildings, we have already put in place different assistance schemes since the launch of the first-stage public consultation, which have so far been well-received by the community.

14. To complement the implementation of the mandatory building inspection scheme and mandatory window inspection scheme, owners of eligible buildings will be further provided with various types of assistance at various stages to facilitate their compliance with the mandatory requirements by the Government and the HKHS -

Pre-Inspection

- (a) financial incentive (up to \$3,000 per OC) and technical assistance, including general legal advice if necessary, for the formation of OCs (HKHS)¹;
- (b) technical advice on the appointment of inspectors and contractors, including the scrutiny of tender documents (HKHS);

During Inspection/Rectification

- (c) subsidy to eligible owners to cover the cost of the first mandatory building inspection (HKHS);
- (d) technical guidance, and general legal advice if necessary, on matters relating to the inspection and rectification of buildings and windows (HKHS);
- (e) technical advice, if necessary, on the list of rectification works specified by inspectors (HKHS);
- (f) grants and/or interest-free loans for carrying out rectification works for buildings and windows (grants of up to 20% of the total cost of building maintenance works in common areas, capped at \$3,000 per unit, as well as interest-free loans of up to \$50,000 per unit for flat interior renovation works, including window inspection. Eligible elderly owners will also enjoy a grant of up to \$10,000 per unit for flat interior renovation works) (HKHS);

¹ () denotes the party providing assistance.

- (g) loans (with a ceiling of \$1 million per unit) to owners under BD's Building Safety Loan Scheme for carrying out rectification works for buildings and windows (BD); and

Post-Rectification

- (h) subsidy over the public liability insurance premium for common areas (up to 50% of the annual premium, capped at \$6,000 per annum, for 3 consecutive years) for buildings which have completed maintenance under the HKHS' guidance and assistance (HKHS).

In addition, professional institutes and related bodies will issue advisory fee levels on inspection and rectification works for building owners' reference.

OTHER SUPPORT MEASURES

(i) Voluntary Building Classification Scheme

15. To give positive recognition to those properly maintained and well-managed buildings, the HKHS and related bodies are working on a Voluntary Building Classification Scheme (VBCS). Buildings accredited with good ratings under the VBCS are proposed to be exempted from the mandatory building inspection scheme.

16. We will ensure that the standards and requirements relating to building safety under the VBCS will be on par with, or higher than, those adopted in the proposed mandatory building inspection scheme. The assessors for the building safety part of the VBCS must be qualified inspectors under the mandatory building inspection scheme.

(ii) Dispute Resolution

17. We note that many members of the public and building owners are keen to set up a simple dispute resolution mechanism to settle building management disputes, particularly those simple cases which involve a relatively small monetary amount. Nevertheless, if one of the key features of the proposed mechanism is to dispense with legal representation in order to achieve savings in cost and time, there is a need to carefully consider whether such proposal may give rise to constitutional and human rights implications. Such a mechanism may also duplicate the roles and duties of the existing courts and tribunals, thus potentially causing unnecessary confusion to the public. We fully understand the desire to have an efficient dispute resolution mechanism in place to facilitate building management and maintenance. We will continue to study the feasibility of such a mechanism, having regard to the various implications.

18. Separately, the Judiciary is considering possible improvement measures to the extant Lands Tribunal, including the greater use of case management and the feasibility of voluntary mediation, in order to facilitate a more efficient and expeditious disposal of building management cases in the Tribunal.

WAY FORWARD

19. Backed by strong community support, we will work on the relevant draft legislation at full speed and aim to submit legislative proposals to the Legislative Council as early as possible.

20. To complement the implementation of the two proposed mandatory schemes, we will launch various publicity and educational campaigns, including collaboration with schools, in order to start inculcating a

building care culture in the next generation at an early age.

21. The successful implementation of the proposed mandatory building inspection scheme and proposed mandatory window inspection scheme will represent a major step forward in ensuring a safer and more sustainable living environment, which would help to enhance Hong Kong's status as a first class international city. Better maintenance will also bring economic benefits to owners in the form of lower maintenance cost and higher property values. We are encouraged by the community's active participation in both stages of the public consultation. We will continue to count on the community's support in creating a safer building environment for all of us and for the generations to come.

Chapter 1

FOREWORD

1.1 Proper building maintenance plays an important part in sustainable development. This document reports on the outcome of the second-stage public consultation on building management and maintenance and sets out the proposed way forward.

1.2 The results of the first-stage public consultation on building management and maintenance conducted in early 2004 pointed to a community preference for the introduction of a mandatory building inspection scheme as a practicable long-term solution to the problem of building neglect. The community also agreed that owners should be responsible for keeping their buildings in good repair, including shouldering the financial commitment. Premised on the community consensus, we launched a second-stage public consultation on 21 October 2005 to gauge public views on the proposed implementation details of a mandatory building inspection scheme. We have also invited public views on two mandatory options for enhancing window safety, namely, regular window inspection and one-off inspection, as well as a host of proposed support measures.

1.3 In response to the community's request for more time to collate their views for submission to the Government, we extended the period for the second-stage consultation for six weeks until mid-March 2006. A total of about 83,000 copies of the Chinese version of the consultation paper and about 16,000 copies of the English version have been distributed. The consultation paper has also been put on the website of this Bureau for public access.

1.4 To fully engage the community in the discussion of this important subject which carries far-reaching implications, we have organized four public forums to gather public views and a forum with the relevant industry during the consultation period. We have also consulted the Chairmen and Vice-chairmen of the 18 District Councils and the Land and Building Advisory Committee, and have attended 27 consultation sessions and seminars organized by various interested parties including political parties, District Councils, professional bodies and community groups. A list of the consultation sessions, seminars and public forums is at Annex A.

1.5 We also made use of the web-based discussion platform under the Public Affairs Forum maintained by Home Affairs Bureau to facilitate greater participation in the discussion of this subject.

1.6 A total of 371 written submissions have been received and a list of these submissions by category is at Annex B.

1.7 A telephone survey was conducted in January 2006 to gauge the views of the general community. Over 1,200 respondents have provided their views, a summary of which is at Annex C. A copy of the survey questionnaire is at the Appendix to Annex C.

Chapter 2

FINDINGS OF THE PUBLIC CONSULTATION

INTRODUCTION

2.1 We are grateful that the community have actively expressed their views on the relevant proposals in the consultation document through various channels. We are pleased to note that the community have indicated a consensus that mandatory building inspection as well as mandatory window inspection should be introduced in furtherance of building safety. We have also received valuable comments on the implementation details of the proposed schemes, based on which we have further refined the schemes.

MAJOR FINDINGS

Proposed Mandatory Building Inspection

Mandatory Requirement

2.2 A majority of respondents supported the introduction of a mandatory scheme to require owners to inspect their buildings regularly and carry out necessary rectification works in order to ensure public safety. A minority of views was opposed to the introduction of the scheme, opining that expediting urban redevelopment would be more effective in arresting the problem of building deterioration, and that owners should be allowed to upkeep their buildings on a voluntary basis.

Target Buildings

2.3 The community have indicated general support for the proposed 30-year age threshold for buildings to be subject to mandatory building

inspection, with younger buildings to be covered in the long run. There are suggestions that building conditions should be considered in identifying target buildings. Some respondents have suggested that buildings of a younger age (i.e. below 30 years old) should be subject to mandatory inspection, while some have suggested targeting older buildings (i.e. those over 40 years old) in order to minimize the burden on building owners. Some respondents have suggested covering domestic buildings of three storeys or less on grounds of equity although these buildings pose a lesser risk to public safety.

Inspection Items

2.4 Some respondents have suggested that the scheme should cover more inspection items in common areas and/or private premises of buildings. Some have also requested taking the opportunity of carrying out mandatory building inspection to tackle the water seepage problem and to remove all unauthorized building works at the same time. While we have taken these views into account, we are mindful that the proposed mandatory scheme should be easy to comply with and owners' burden should be kept to the minimum.

Inspection Cycle

2.5 While there are supporting views for the proposed 7-year inspection cycle by reference to the date when Buildings Department (BD) last issued the notification to owners to mandate an inspection, a number of views, in particular those from the general public and political parties, are in favour of a longer inspection cycle, such as every 10 years. These respondents considered that there should be a reasonable interval between two inspections and it took time for owners to organize among themselves, appoint inspectors, carry out inspection and complete the necessary rectification works. Some have suggested that the inspection cycle should count from the completion of rectification works. A small number of respondents supported a shorter inspection cycle of less than 7 years. In determining the most

appropriate inspection cycle, we seek to strike a fine balance between ensuring building safety and minimizing owners' burden.

Inspectors

2.6 To ensure the standard and qualification of inspectors, we have proposed in the consultation document that Authorised Persons (APs) and Registered Structural Engineers (RSEs) registered under the Buildings Ordinance should be qualified as inspectors. The consultation results show that while there is a clear community consensus on the need to regulate inspectors, a majority of views request that qualified professionals other than APs/RSEs should also be allowed to act as inspectors so that owners will have more choices. Some professional institutes also opine that qualified professionals with pertinent experience should not be precluded from performing as an inspector.

Enforcement

2.7 There are strong supporting views that penalty should be imposed against non-compliant owners, with uncooperative owners being the target. Various types of penalty include registering defaulting cases with the Land Registry, imposing surcharges, fines, or even imprisonment. There are also views that the Government should provide the necessary assistance to owners in dealing with missing owners in the building.

Proposed Mandatory Window Inspection

2.8 To enhance window safety, we have proposed two mandatory options for public consultation, namely, regular window inspection and one-off window inspection. The results of the consultation have revealed that the community prefers mandatory regular window inspection to the one-off inspection option as the former could better ensure window safety in the long run. There is limited support to the installation of window fail-safe

devices. Some respondents have requested greater efforts to be made to improve the design, standards and quality control of newly installed windows. There are views suggesting that the penalty against building owners/occupiers responsible for causing window failures should be increased.

2.9 While there is a consensus on the need to introduce a mandatory regular window inspection scheme, we have received different views on the scheme details. We have proposed in the consultation document that owners of buildings aged 5 years or above should be required to inspect windows in common areas and private premises every 3 years. A majority of the comments received indicate that a higher building age (i.e. ranging from 6 to 30 years, with more support to buildings aged 6 to 10 years) and a longer inspection cycle, ranging from 4 to 10 years, are preferred. Some respondents suggested incorporating the window inspection requirement into the mandatory building inspection scheme to facilitate owners' compliance. We have received some views not favouring the proposal to exclude domestic buildings of not more than 3 storeys from mandatory window inspection on grounds of equity, despite that these buildings will pose a lesser risk to the public. We have taken on board these suggestions as far as practicable in refining the mandatory window inspection scheme.

Support Measures

2.10 We have emphasized the importance of support to owners in our consultation document and a package of those measures has been proposed to facilitate owners to carry out building inspection and rectification. The consultation results have indicated that the community request for adequate support to assist them in complying with the proposed mandatory building inspection scheme and mandatory window inspection scheme.

Assistance to Owners

2.11 While supporting the principle that owners should be responsible for upkeeping their buildings, many respondents are concerned about the lack of practical experience and knowledge to carry out the inspection properly. Some strongly requested that financial assistance, including subsidy for the first mandatory building inspection, should be made available to eligible owners in order to give more incentive to owners to overcome the inertia to building maintenance. Other enhanced assistance suggested includes the provision of technical assistance to appoint and supervise service providers, and greater assistance in the formation, operation and monitoring of owners' corporations (OCs). Some suggested simplifying the various assistance schemes currently run by the Government and different agencies and extending the assistance to buildings without OCs.

Monitoring of Service Providers

2.12 The community are supportive of proper regulation over service providers in order to protect the interests of owners. Some suggested that BD should audit the inspection reports, maintain a registration system for service providers and promulgate detailed guidelines for service providers on the standards of inspection and rectification works.

Dispute Resolution Mechanism

2.13 There is general support for the establishment of a simple dispute resolution mechanism for resolving disputes related to building management and maintenance. Among the supporting views, most respondents prefer to dispense with legal representation under the simple mechanism so as to minimize the costs to owners. Some respondents consider that improvement to the existing mechanism under the Lands Tribunal may also be an option.

Voluntary Building Classification Scheme

2.14 We have proposed the establishment of a Voluntary Building Classification Scheme (VBCS) to give positive recognition to buildings which are properly maintained and well-managed, by exempting buildings accredited with good rating from the proposed mandatory building inspection scheme. We are pleased to see that the community are generally supportive of the idea. There are however concerns over the assessment standards to be used under VBCS. It is considered that the VBCS standards should be transparent and objective, and be on par with, or higher than, the relevant requirements under the mandatory building inspection scheme. A minority of views consider that the accredited buildings under the VBCS should also be subject to mandatory building inspection on grounds of fair and equal treatment for all buildings.

Chapter 3

PROPOSED MANDATORY BUILDING INSPECTION SCHEME

INTRODUCTION

3.1 The results of the public consultation have reaffirmed that we are moving in the right direction in introducing a mandatory building inspection scheme as a practicable and long-term solution to the problem of building deterioration.

3.2 We have carefully studied the comments received and the concerns raised by the community. To meet the public's views and without compromising the standard of building safety, we have refined the implementation details of the proposed mandatory building inspection scheme as far as practicable. The details of the scheme that we propose to take forward by way of legislation are set out below.

TARGET BUILDINGS

3.3 The proposed scheme will cover all types of private buildings (domestic, composite, and non-domestic buildings) aged 30 years or above. Among the current stock of about 39,000 private buildings, around 13,000 buildings are now aged 30 years or above. We will consider extending the coverage of the scheme to younger buildings in the light of operational experience.

3.4 Domestic buildings of 3 storeys or less will not be covered by the proposed scheme as they pose a lesser risk to public safety. While we note there are some requests for the inclusion of these buildings, we have made

reference to the experience of the mandatory building inspection scheme in New York City, USA where buildings of six storeys or less are excluded. Buildings Department (BD), having carefully assessed the risk level of these buildings, considers that the exclusion of them at this stage will not compromise public safety. Like other buildings falling outside the scheme, BD will take necessary actions to ensure building safety under the existing Buildings Ordinance (BO) where the building condition so warrants. BD is also maintaining a separate surveillance programme to keep a close monitoring over pre-war buildings (largely of 3 storeys or less).

3.5 The proposed mandatory building inspection scheme sets down the basic safety standard for a building, and requires the inspection/rectification of building components that are essential to public safety. To encourage building owners to strive for a higher standard in building management and maintenance, it is proposed that buildings accredited with good ratings under the Voluntary Building Classification Scheme (VBCS) or meeting the requirements stipulated by BD may apply for exemption from the scheme. The Hong Kong Housing Society (HKHS) is planning to establish an assessment agency together with other related bodies to operate the VBCS. The HKHS is now actively making preparation for the launch of the VBCS. The details are set out in paragraphs 5.21 to 5.26 of Chapter 5.

INSPECTION CYCLE

3.6 Based on the maintenance cycles of typical building components, we have suggested in the consultation document that inspection and rectification works, where necessary, should be carried out every 7 years, by reference to the date when BD last issued the notification to owners to mandate an inspection. During the consultation, we have received a large number of views, in particular from owners and political parties that a 7-year cycle may create too much burden on owners. They opined that there should

be a reasonable interval between two inspections because other than the lead-time required for the completion of the inspection and rectification process, some owners may need to take some time to set up owners' corporations (OCs) or other forms of building management structure to coordinate inspection and rectification works.

3.7 We fully appreciate the public concerns and yet are mindful of the need to strike a careful balance between minimizing the owners' burden and ensuring building safety. Having carefully considered the matter, we come to a view that a 10-year inspection cycle, although not the most ideal option, is acceptable from the building safety angle. Under the revised proposed scheme, owners will be required to carry out building inspection and rectification works, where necessary, every 10 years, by reference to the date when BD last issued the mandatory inspection notification to owners. In coming to this revision, we hope that the 10-year inspection cycle will enhance building owners' receptiveness of the proposed scheme, and engender a positive impact on the community's building care culture.

3.8 We would like to stress that owners should properly maintain their buildings on an on-going basis after the inspection. They are also encouraged to arrange more frequent inspections as necessary.

INSPECTION ITEMS

3.9 There are suggestions on including more inspection items under the proposed mandatory building inspection scheme such as advertisement signboards, fresh and flushing water supply system, and even the interior of private premises (e.g. to identify any water seepage problem).

3.10 We understand that some owners may wish to take the opportunity of the mandatory building inspection scheme to resolve the problems with all parts of the building. Nevertheless, we should be mindful

about the general public aspiration for a mandatory scheme that is easy to understand and comply with, and hence involving a more reasonable cost.

3.11 On balance, we consider that the proposed mandatory scheme should only cover building components that are essential to public safety in order to minimize the financial cost and other burden on owners. The building items to be subject to inspection are set out at Annex D. To address owners' concerns over abandoned signboards and water seepage, BD will continue with its enforcement schemes, which have proven to be effective in tackling the problems.

3.12 Regarding abandoned and dangerous signboards, BD has put in place a scheme to remove 1,400 such signboards per year and aims to increase this target in the near future. So far, about 5,400 abandoned and dangerous signboards have been removed since 2004. To tackle the water seepage problem, BD and Food and Environmental Hygiene Department (FEHD) are operating joint offices to handle public complaints on water seepage. The joint office model has proven successful in assisting building owners/occupiers to detect the source of seepage and thereby resolving the problem. Among some 12,000 cases handled so far, the success rate is about 55%, compared to 14% before the establishment of the joint offices. Premised on the successful experience, BD and FEHD have set up a total of 19 offices to assist owners in various districts.

Unauthorized Building Works

3.13 In response to some public comments received, we have examined whether all unauthorized building works (UBWs), including those which do not pose obvious or imminent danger, should be removed in the context of mandatory building inspection. Such a building-based rectification approach may maximize the impact of the mandatory scheme. However, this approach will also create tremendous practical difficulties for

some owners and occupiers, and even the OCs, e.g. the time and financial costs, the possible need to evict occupiers from UBWs (including those living in illegal rooftop structures or illegal extensions from private premises), and the possible friction between individual owners and OCs.

3.14 Having thoroughly examined the pros and cons, we consider that UBWs should continue to be handled in accordance with BD's established and well-publicized UBW enforcement policy. The inspectors appointed by building owners will also be required to identify and inspect UBWs in common areas and at the exteriors (including balconies) of the target buildings, and report the findings to owners, OCs and BD. BD will serve separate statutory orders to remove UBWs that constitute an obvious or imminent danger or are new, those which are actionable under BD's enforcement policy, or those that will obstruct inspection/rectification works under the mandatory building inspection scheme.

3.15 For UBWs posing no obvious or imminent danger or which do not obstruct inspection or rectification works, BD will follow its existing enforcement policy and consider issuing warning notices as appropriate to ask relevant owners to remove the UBWs. Such notices will also be registered in the Land Registry according to the relevant provisions in the BO so that prospective buyers/occupiers can gain access to such information. However, as it would be more convenient and less costly for individual owners or OCs to remove these UBWs during the building rectification work, we will encourage them to do so on a voluntary basis.

3.16 We will also implement measures to allow owners to streamline the works related to the removal of UBWs and mandatory building inspection. For UBWs requiring demolition under the BD's enforcement policy, BD will aim to, as far as possible, dovetail the issue of statutory orders for the removal of UBWs with the timing of the owners/OCs' plan to carry out rectification

works required under the proposed mandatory building inspection scheme, so that owners can arrange to carry out all required works at the same time to minimize inconvenience and financial resources. However, the above arrangement will not be applicable to UBWs that constitute an immediate danger and need to be removed promptly.

3.17 The proposed Minor Works Control System² to be put in place by legislation will facilitate owners to engage qualified personnel registered under the proposed legislation to validate certain types of household minor UBWs, including supporting frames for air-conditioners, drying racks and small canopies. This will also help alleviate the problem of UBWs.

INSPECTORS AND REGISTERED CONTRACTORS

3.18 We share the concerns of the community that it is important to ensure the standard and quality of building inspectors. Hence, we have proposed in our consultation document that Authorised Persons (APs) and Registered Structural Engineers (RSEs), which are already subject to the stringent and well-tested regulation of the current BO, should be in charge of building inspection.

3.19 During the consultation, there was a large body of opinion that in addition to APs/RSEs, other professionals with suitable qualifications and experience should also be allowed to carry out building inspection works, so that more service providers will be available in the market.

3.20 Taking into account these views, and without undermining the standard of the inspectors, BD is now actively discussing the detailed

² Under the proposed Minor Works Control System, owners will engage qualified personnel (such as registered minor works contractors (to be introduced)) to carry out minor building works. There is no need to seek prior approval from BD before commencement of such works and such personnel will self-certify the completion of the minor works and submit the certification to the BD upon completion.

arrangement with relevant professional bodies and professional registration boards on the types of registered professionals who could be qualified, including having the relevant experience to perform the task of an inspector. To ensure proper regulation of inspectors, it is proposed that BD will create a separate register under the BO and establish a Registration Committee to handle the registration of inspectors. We estimate that the number of qualified professionals will be in the region of a few thousand.

3.21 Under the supervision of the inspectors, rectification works required after building inspection will be carried out by Registered General Building Contractors (RGBCs) and Registered Minor Works Contractors (RMWCs) (to be introduced under the Minor Works Control System). Similar to APs, RSEs and inspectors, RGBCs and RMWCs are/will also be regulated under the BO under the proposed scheme.

3.22 BD intends to lay down technical guidelines and codes of practice on the inspection and rectification standards to guide the work of the inspectors and registered contractors. Apart from checking all the inspection reports to ensure compliance with the requirements under the law, it is proposed that BD will carry out detailed audit checks (both desk top and on-site) on the inspection reports and rectification works reports submitted. BD plans to conduct audit checks on a substantial proportion (about 30%) of the reports submitted in the first few years when the proposed scheme is launched after obtaining the approval from the Legislative Council. BD intends to review the percentage of audit check in the light of operational experience.

3.23 BD will take prosecution or disciplinary actions against any service providers who are in breach of the regulations or guidelines on building inspection and rectification under the proposed scheme. New provisions on a disciplinary mechanism for the inspectors similar to the

existing disciplinary mechanism for APs and RSEs will be introduced under the BO. It is proposed that the offence and disciplinary provisions under the existing BO, and that under the future Minor Works Control System, where appropriate, will be applicable to the registered contractors. Other measures to ensure the quality and standard of the work of service providers are set out in Chapter 5.

SUMMARY OF KEY SCHEME FEATURES

3.24 A summary of the key features of the proposed mandatory building inspection scheme is as follows –

Proposed Key Feature	Description
Target Buildings	Private domestic (excluding those of 3 storeys or below), composite & non-domestic buildings aged 30 and above
Exemption	Buildings accredited with good ratings under the Voluntary Building Classification Scheme or meeting the requirements stipulated by BD
Inspection Cycle	Every 10 years (by reference to the date when BD last issued the notification to owners to mandate an inspection)
Inspection Items	Essential building elements including non-structural elements in common areas and at the exteriors (a list of inspection items is at <u>Annex D</u>) * BD will issue separate statutory repair orders to demand the removal of UBWs constituting an obvious or imminent danger or are new, those actionable under its enforcement policy

Proposed Key Feature	Description
	or obstructing inspection/rectification
Qualified Inspectors	Qualified professionals to be registered as inspectors under the BO
Qualified Contractors	Registered General Building Contractors and Registered Minor Works Contractors (to be introduced) under the BO

INSPECTION AND RECTIFICATION PROCEDURES

3.25 The proposed mandatory building inspection scheme entails the following steps:

- (a) BD to gazette the target buildings and notify owners/OCs concerned that they are required to carry out an inspection under the mandatory building inspection scheme within a prescribed timeframe;
- (b) the owners/OCs to undertake the necessary tender procedures³, where applicable, to select an inspector to carry out the inspection;
- (c) the appointed inspector to carry out the inspection (mainly visual and non-intrusive) in accordance with BD's detailed guidelines and submit an inspection report to owners/OCs, specifying the rectification works required. The inspector, on behalf of the owners/OCs, should pass a copy of the inspection report to BD for record;

³ subject to the statutory requirements under the Building Management Ordinance.

- (d) if the initial inspection reveals that detailed investigation is necessary in accordance with BD's guidelines, owners may appoint the same or a different inspector to carry out the detailed investigation. It is expected that only a limited number of buildings require detailed investigation. The detailed investigation report will set out the rectification works required. Again, the inspector, on behalf of the owners/OCs, should pass a copy of the report to BD;
- (e) the owners/OCs to undertake the necessary tender procedures³, where applicable, to select registered contractors to carry out the rectification works specified in the inspection reports/detailed investigation reports;
- (f) the owners/OCs to appoint the same or different inspector to supervise the rectification works carried out by the contractors and certify the completion of the works and submit a report to owners/OCs as well as BD; and
- (g) BD to conduct audit checks (both desktop and on site) of the inspection reports, including the detailed investigation reports, and the rectification work reports on a random basis.

ENFORCEMENT

3.26 To ensure compliance with the proposed mandatory building inspection requirements, the community support that appropriate penalties should be imposed on non-compliant cases, targeting at uncooperative owners. Building owners/OCs who, without reasonable excuses, fail to produce inspection reports and detailed investigation reports or complete the

rectification works specified by the inspectors within a prescribed timeframe will be liable to penalty. We will also consider initiating prosecution actions against individual uncooperative owners who, perform the following acts without reasonable excuses -

- (a) obstructing or refusing the entry of a person appointed by the OCs for carrying out inspection or rectification works; or
- (b) refusing to pay the relevant share of the inspection/rectification costs.

3.27 We will draw up an appropriate level of penalty against uncooperative owners/occupiers in conjunction with the Department of Justice during the drafting of the legislation. Reference will be made to similar existing offences against uncooperative individual owners relating to repair orders served on OCs (e.g. a fine of \$10,000 and imprisonment for 6 months).

3.28 Following the current practice for repair orders, BD will consider registering in the Land Registry the cases of non-compliance with the mandatory building inspection requirement, so as to serve as a deterrent.

3.29 BD may carry out the inspections and/or rectification works on behalf of defaulting owners if the circumstances so warrant. To deter owners from over-relying on BD to take up their own responsibility, it is proposed that BD will be empowered to recover all the costs incurred (including the cost of such works plus supervision charges) from the defaulting owners, plus a surcharge.

PHASED IMPLEMENTATION

3.30 Taking into account the capacity of the market to take on building inspection and rectification works, we propose to cover 2,000 buildings every

year at the initial launch of the scheme taking into account factors like building age, building condition, recent history of building repairs conducted, as well as the need to spread out the selected buildings in different districts. To enhance the transparency in the selection process of the target buildings and community acceptance, we suggest setting up a panel, comprising representatives from relevant Government departments, professional institutes, industry and non-government organizations to assist BD in the selection of target buildings. Owners/OCs of buildings aged 30 or above are also welcomed to indicate their wish for their buildings to be selected earlier on a voluntary basis. We will review the number of annual target buildings from time to time in the light of operational experience and resource considerations.

INFORMATION FOR OWNERS AND PROSPECTIVE BUYERS

3.31 To ensure that the proposed mandatory building inspection scheme is operated in an open and transparent manner, BD intends to maintain a register accessible by the public, containing information on buildings covered by the scheme. The information will be a convenient and useful reference for prospective property buyers and in turn provide incentives to owners to comply with the mandatory requirements.

3.32 We propose to implement the above mandatory building inspection scheme by legislation, i.e. by legislative amendments to the BD. The details of the scheme may be fine-tuned during the legislative process.

Chapter 4

PROPOSED MANDATORY WINDOW INSPECTION SCHEME

INTRODUCTION

4.1 In our public consultation, a majority of views received are supportive of introducing a regular mandatory window inspection scheme. The public agreed that windows, being one of the common components in every building, must be regularly and properly inspected and maintained to ensure their safety.

4.2 As for the mandatory building inspection scheme, in mapping out our proposal for the mandatory window inspection scheme, we have carefully examined and analyzed all the comments we received from the public consultation. We have refined our proposal to accommodate the public's opinions but without compromising building safety. The details of the proposed scheme which we would take forward are set out in the ensuing paragraphs.

4.3 In our consultation document, we have proposed two mandatory schemes on mandatory window inspection, i.e. regular inspections under a three-year cycle or a one-off inspection. Most of the views received supported a mandatory regular inspection scheme. Some views also suggested incorporating the requirement of mandatory window inspection into the mandatory building inspection scheme.

4.4 Windows are a component that is present in all buildings. Many windows are installed on the facades of buildings. When these windows become dilapidated, they would pose a genuine danger not only to building owners and occupants but also to pedestrians and passers-by. It is hence of

utmost importance to conduct regular inspections and maintenance to windows to eliminate the threats to public safety. We are glad to note from our consultation that the general public appreciates the above and is supportive of a mandatory regular inspection scheme.

4.5 As windows are of a shorter life cycle and require more frequent inspections than other building components, we are of the view that a separate mandatory window inspection scheme with an inspection cycle much shorter than that of the mandatory building inspection scheme should be adopted.

TARGET BUILDINGS AND INSPECTION CYCLE

4.6 We have proposed in the consultation document that all windows in private buildings aged 5 years and above should be subject to inspection every 3 years whilst those in domestic buildings of not more than 3 storeys are to be exempted. A large number of views we received from our consultation favour a higher building age threshold (i.e. 6 to 10 years) and a longer inspection cycle. They are concerned that a 3-year inspection cycle may create too much a burden on building owners. Some are of the view that windows in buildings under 3 storeys should also be covered by the scheme.

4.7 We appreciate the community's views and have carefully considered the public's request for adjusting the age of buildings to be subject to the scheme and inspection cycle. Without compromising public safety and taking into account the practicalities from the owners' perspective, we consider it appropriate to adjust the building age to 10 years or above and inspection cycle to 5 years. Whilst not being the most ideal option, the revised scheme is acceptable from the building safety angle and still represents an overall improvement over the existing situation. Notwithstanding the adjustment in the building age for the target buildings under the scheme and the inspection cycle, we will continue to encourage owners to conduct more frequent inspection and maintenance works for their

windows on a voluntary basis. Owners of buildings under 10 years of age are recommended to conduct regular inspections for their windows and owners of buildings of all ages are encouraged to conduct inspections more frequently than the mandatory cycle as necessary.

4.8 We intend to maintain the exemption of windows in domestic buildings of 3 storeys or less from the mandatory window inspection scheme as these buildings pose a lesser risk to public safety. As explained in Chapter 3, we have made reference to the experience of the mandatory building inspection scheme in New York City where buildings of 6 storeys or less are excluded. Buildings Department (BD) will take action under the Buildings Ordinance (BO) to remove any danger posed by windows identified in these buildings. BD will also continue to maintain its surveillance programme for pre-war buildings (largely of 3 storeys or less).

4.9 In summary, windows in all types of private domestic, composite and non-domestic buildings (except domestic buildings of 3 storeys or less) of 10 years or above are proposed to be subject to inspection and rectification every 5 years (by reference to the date when BD last issued the notification to owners to mandate an inspection). These include both fixed windows and openable windows. Under the proposed scheme, it is estimated that a total of 29,000 buildings will be subject to mandatory window inspection.

INSPECTORS

4.10 Authorized Persons (APs), Registered Structural Engineers (RSEs), Registered General Building Contractors (RGBCs), the registered inspectors under the mandatory building inspection scheme and the “Registered Minor Works Contractors” (RMWCs) under the proposed Minor Works Control System are proposed to be eligible to conduct window inspections and rectification works under the mandatory window inspection regime (this group of professionals hereinafter referred to as “qualified

persons”). The APs, RSEs and RGBCs are currently registered and governed under the BO, whilst the registered inspectors and the RMWCs will also be subject to regulation under the mandatory building inspection scheme and Minor Works Control System respectively to be established under the BO. BD will promulgate technical guidelines and codes of practice on the inspection and rectification standards to provide guidance to the qualified persons and to ensure consistency in the standard and quality of work.

4.11 We plan to introduce a Buildings (Amendment) Bill into the Legislative Council to provide for the establishment of a Minor Works Control System. Under the proposed system, the RMWCs may carry out minor building works with simplified procedures. Under the proposal, the installation and repair of windows will be designated as a type of minor works. The streamlined procedures should help improve the quality of windows to be installed in existing buildings.

SUMMARY OF KEY SCHEME FEATURES

4.12 A summary of the key features of the proposed mandatory window inspection scheme is as follows –

Proposed Key Feature	Description
Target Buildings	Private domestic (excluding those of 3 storeys or below), composite & non-domestic buildings aged 10 years or above
Inspection Cycle	Every 5 years (by reference to the date when BD last issued the notification to owners to commence an inspection)
Inspection Items	All windows, both fixed and openable, in common areas and private premises

Proposed Key Feature	Description
Qualified Persons	Persons eligible to conduct window inspections and rectification works include: <ul style="list-style-type: none"> • APs and RSEs • RGBCs • Registered inspectors under proposed mandatory building inspection scheme • RMWCs under proposed Minor Works Control System

INSPECTION AND RECTIFICATION PROCEDURES

4.13 Similar to the arrangements under the proposed mandatory building inspection scheme, BD will gazette the target buildings to be covered under the proposed mandatory window inspection scheme and notify owners/owners' corporations (OCs) concerned that their buildings are to be inspected under the scheme. Upon receipt of BD's notification the owners/OCs should engage a qualified person to carry out the inspection. The qualified person appointed will carry out the inspection and rectification works (if defects are found in the inspection) and make a certification to confirm the completion of such inspection and rectification works. The appointed qualified person should submit on their behalf the certification to BD.

COORDINATED APPROACH

4.14 In order to enable better coordination and minimize inconvenience to building owners, BD will, as far as possible, streamline the arrangements in serving notifications for mandatory window inspection so that building owners can conduct inspection and maintenance works for both the mandatory building inspection and mandatory window inspection in one

go when there is an overlap of the respective inspection cycles. For example, BD will try to streamline the service of notices so that owners of buildings aged 30 years and above would start to be subject to the proposed mandatory building inspection scheme and the proposed mandatory window inspection scheme at the same time, and should be able to carry out the two inspections together every 10 years. This will facilitate owners' scheduling for the carrying out of buildings works and enable them to save time and financial resources.

ENFORCEMENT

4.15 The Building Authority (BA) will take enforcement action and may instigate prosecution against non-compliant owners. A "fixed penalty" approach similar to fixed penalty for littering is being considered to deal with non-compliant cases for window inspection. Under the proposed approach, the BA may serve a fixed penalty notice on any non-compliant owner. Further fixed penalty notices may be served and prosecution action may be initiated should the owner continue to fail to comply with the BA's notice of window inspection/rectification.

4.16 Failure to comply with the mandatory window inspection requirement may be attributable to the existence of uncooperative owners. In this regard, we propose to expand the current mechanism under the BO against uncooperative owners to include owners who obstruct window inspections or rectification works, or those who refuse to contribute to the costs of the work that are required for complying with the requirement. Arrangements similar to the proposal for the proposed mandatory building inspection scheme will be made.

PHASED IMPLEMENTATION

4.17 Under the proposed mandatory window inspection scheme, a

total of 29,000 buildings (with approximately 1 million households) will be subject to mandatory inspection. To ensure a smooth implementation of the scheme, BD will adopt a phased approach and target 5,800 buildings (approximately 200,000 households) for action each year. A selection panel similar to that operated under the proposed mandatory building inspection scheme will be set up for the selection of annual target buildings. At the same time, we will continue our public education and promotion efforts to encourage owners to conduct inspections and rectification works voluntarily. We will also review our annual target from time to time in the light of operational experience.

QUALITY AND STANDARD OF NEWLY INSTALLED WINDOWS

4.18 During the public consultation, we have received a number of views suggesting improvements of the design, standards and quality of newly installed windows. Some members of the public consider that such improvements are the most effective and comprehensive long-term solution to promoting window safety. Indeed, BD has been reviewing its codes of practice with a view to keeping the codes up-to-date. The latest technical guidelines were issued in March 2006 and have incorporated updates on window installation standards for new buildings. BD will continue to review its guidelines with a view to seeking further improvements on the design and standards of windows.

Chapter 5

SUPPORT MEASURES

5.1 Whilst many respondents are aware of the various assistance schemes currently operated by government departments and non-government organizations in helping owners to manage and maintain their buildings, many are still concerned about their lack of knowledge and experience to coordinate and carry out building inspections under the mandatory regime. Some owners, in particular the elderly, are worried about the possible lack of financial resources to discharge their legal duties. Some are concerned about the selection and supervision over the inspectors and contractors.

5.2 To address owners' concerns, we will put in place a host of support measures. Apart from making available appropriate financial and technical assistance to owners in need, there will be measures to regulate service providers and to give recognition to buildings which are properly managed and maintained. Details of the support measures to be put in place upon the implementation of the proposed schemes are set out below.

ENHANCED ASSISTANCE TO OWNERS

5.3 We intend to step up financial and technical assistance to owners in need to help them fulfill the mandatory requirements under the two proposed schemes. We are pleased to have solicited the agreement of the Hong Kong Housing Society (HKHS) to commit \$4 billion (including its earlier commitment on the Building Management and Maintenance Scheme (BMMS)) to complement the launch of the mandatory schemes.

First Mandatory Building Inspection Cost

5.4 Among the various assistance to be provided, the HKHS will subsidize eligible owners, upon application by owners/owners' corporations (OCs), on the cost of the first mandatory building inspection. Owners will be responsible for the costs of any rectification works.

5.5 It is estimated that about 80% of the 13,000 target buildings will be eligible for the first inspection cost subsidy. The eligibility criteria will be similar to that of the HKHS's current BMMS taking into account, among others, the rateable value of the buildings concerned⁴. In order to give incentives to owners to form OCs, whilst the first building inspection cost subsidy will generally be given to eligible buildings with OCs. Flexibility will be provided for building owners who, due to various practical reasons, have not formed OCs. Owners of these buildings must convene meetings according to relevant rules or regulations to discuss how to discharge the duties under the proposed mandatory building inspection scheme and seek assistance from the HKHS.

Financial and Technical Assistance at Various Stages

5.6 Upon the launch of the proposed mandatory building inspection scheme and proposed mandatory window inspection scheme, eligible building owners will be offered financial and technical assistance at various stages in carrying out building and window inspection and rectification works. The assistance, other than first building inspection cost subsidy, available from the HKHS includes –

⁴ Buildings of no more than 200 residential units, with average rateable value of residential flats at no more than \$78,000 per annum for urban areas and at no more than \$59,000 per annum for other areas in the New Territories will be eligible for assistance under the current Building Management and Maintenance Scheme. The level of rateable value may be amended by HKHS from time to time.

- (a) financial incentive (up to \$3,000 per OC) and technical assistance, including general legal advice if necessary, for the formation of OCs;
- (b) technical advice on the appointment of inspectors and contractors, including the scrutiny of tender documents;
- (c) technical guidance, and general legal advice if necessary, on matters relating to the inspection and rectification of buildings and windows;
- (d) technical advice, if necessary, on the list of rectification works specified by inspectors;
- (e) grants and/or interest-free loans for carrying out rectification works for buildings and windows (grants of up to 20% of the total cost of building maintenance works in common areas, capped at \$3,000 per unit, as well as interest-free loans of up to \$50,000 per unit for flat interior renovation works, including window inspection. Eligible elderly owners will enjoy a grant of up to \$10,000 per unit for flat interior renovation works); and
- (f) subsidy for the public liability insurance premium for common areas (up to 50% of the annual premium, capped at \$6,000 per annum, for 3 consecutive years) for buildings that have been renovated under the HKHS's guidance and assistance.

5.7 Buildings Department (BD) will also continue to provide loans to owners to carry out building maintenance (capped at \$1 million per unit) under its Building Safety Loan Scheme with a commitment of \$700 million.

5.8 Home Affairs Department (HAD) will also continue to assist owners in the formation and operation of OCs and will work closely with the HKHS in this regard.

Others

5.9 To further assist owners in procuring insurance for their buildings, BD has obtained the in-principle agreement from members of the Federation of Insurers to consider offering more favorable insurance terms to OCs/owners of buildings which have completed the inspection and necessary rectification works under the proposed mandatory building inspection scheme. BD will further discuss the detailed arrangements with the Federation.

REGULATION OF SERVICE PROVIDERS

5.10 Some comments received from the public consultation have suggested the Government to proactively step up the regulation of service providers by, for example, vetting the inspection reports and promulgating guidelines for service providers on the standard of the proposed mandatory building inspection scheme and mandatory window inspection and rectification works. Some building owners are also concerned about whether the rectification works, as specified by the building inspectors, are reasonable. The suggestion is for a possible third party to provide second opinions on the list of rectification works.

5.11 We fully appreciate that owners may need help and advice on the

inspection report, rectification list and the follow up remedial work. In this regard, we believe the provision of the following technical assistance from the HKHS to support the proposed scheme should go a long way towards meeting owners' needs :

- (a) technical advice on the list of rectification works specified by inspectors;
- (b) financial incentive and technical assistance, including general legal advice where necessary, in the formation of OCs;
- (c) technical advice on the appointment of inspectors and contractors, including the scrutiny of tender documents; and
- (d) technical guidance, and general legal advice where appropriate, on matters relating to the inspection and rectification of buildings and windows.

5.12 The above measures should help provide objective second opinions on the list of rectification works for the reference of building owners if necessary. Besides soliciting the help of the HKHS in offering technical assistance to owners, we have carefully examined the public's views and reviewed our proposal. Our proposed package of measures to ensure proper regulation of service providers is outlined in the ensuing paragraphs.

5.13 Regarding regulatory control of inspectors, all persons qualified to conduct inspection, including the proposed registered inspectors for the proposed mandatory building inspection scheme and the qualified persons for the proposed mandatory window inspection scheme, will be or are currently registered and regulated under the Buildings Ordinance (BO). Existing qualified professionals such as Authorised Persons (APs), Registered

Structural Engineers (RSEs), and Registered General Building Contractors (RGBCs), are already registered and governed by the extant BO. The registration system under the BO will ensure that only qualified professionals will be eligible to conduct the inspection work and that appropriate disciplinary and sanction mechanism will be in place to deter malpractices. Regarding minor works which include window works, the establishment of a Minor Works Control System will help streamline and regulate the window installation and repair process. The System also provides a registration mechanism for qualified minor works contractors to carry out window and other minor building works. We also intend to introduce a statutory registration mechanism for the registered inspectors of the proposed mandatory building inspection scheme.

5.14 BD intends to promulgate, upon the launch of the two mandatory schemes, detailed guidelines on inspection and rectification requirements for the schemes in the form of a code of practice for building inspectors to make sure that they fully understand the requirements of the schemes and their duties. BD will check all the inspection reports to ensure compliance with the requirements under the law. To ensure better monitoring of the performance of the inspectors for the two mandatory schemes during the initial period, BD will also increase the percentage of detailed audit checking of the reports from 10% earlier envisaged to 30%. We will review the frequency of detailed audit checking after gaining more operational experience in the implementation of the mandatory inspection schemes and taking into account the general performance of the inspectors.

5.15 In case of non-compliance with the statutory requirements, professional negligence or misconduct, it is proposed that BD will, where appropriate, take prosecution or disciplinary actions as established under the BO against the registered inspectors or qualified persons concerned. Building owners may file complaints in case of irregularities of the registered

inspectors/qualified persons to BD or the respective professional institutes/bodies, which have established guidelines and disciplinary mechanism for the professional conduct of their members.

5.16 We believe that the various control measures together with the professional market force (i.e. sufficient supply of qualified inspectors, detailed guidelines on inspection and rectification, and transparent operation, etc.) will provide appropriate safeguards to ensure the quality of service providers.

5.17 Regarding the levels of the fees for the inspection and rectification works, we have secured the assistance of the Hong Kong Institute of Surveyors to publish advisory fee levels for owners' reference upon the launch of the proposed scheme. Such advisory charging scale could facilitate owners' selection of contractors and estimation of their budget for the inspection and repair works.

DISPUTE RESOLUTION MECHANISM

5.18 While a lot of the comments received from the public consultation are supportive of the establishment of an alternative dispute resolution mechanism, some views prefer the improvement of the existing Lands Tribunal operation. Views supporting an alternative channel considered that legal representation should be dispensed with in the mechanism so as to reduce the cost involved in handling disputes through this channel. Views supporting the improvement of the existing mechanism, in particular those from the legal profession, are concerned over the duplication of efforts and unnecessary complication of the court/tribunal system with the establishment of a new channel.

5.19 We have received a proposal from the Hong Kong Institute of Surveyors to set up a "Building Affairs Tribunal" (BAT) under the Judiciary to

handle building management and maintenance disputes involving a value of less than \$300,000. In order to streamline the procedures, it was proposed that legal representation would not be allowed. We have carefully reviewed the proposal and sought legal advice on the comments and suggestions we received from the consultation. If one of the key features of the proposed BAT is to dispense with legal representation in order to achieve savings in cost and time, we need to carefully consider whether such proposal may possibly give rise to constitutional and human right implications. We also agreed with the views that creating another tribunal to deal with building management and maintenance disputes may risk duplicating the roles and duties of the existing judicial courts and tribunals, and give rise to confusion. Some Legislative Council members have been requesting the Government to consider setting up a tribunal along the lines of the BAT to settle building management disputes, particularly those which involve a relatively small monetary amount. We also understand that many owners are keen to have a simple dispute resolution mechanism to help them resolve building management disputes. As the issues involved are rather complex, we would continue to study the feasibility of such a tribunal, having regard to the various implications.

5.20 We understand that the Judiciary is separately considering possible improvement measures to the Lands Tribunal, including the greater use of case management and the feasibility of voluntary mediation, to facilitate a more efficient and expeditious disposal of building management cases in the Lands Tribunal.

VOLUNTARY BUILDING CLASSIFICATION SCHEME

5.21 We have proposed in the consultation document the establishment of a Voluntary Building Classification Scheme (VBCS) with the aim of promoting building maintenance through positive encouragement. The Scheme echoes with the mainstream view of the community that building owners should bear the responsibility to maintain their buildings in a safe and

good condition. Many supporting views were received and some respondents opined that the VBCS standards should not be inferior to those of mandatory building inspection scheme.

5.22 The HKHS has agreed to undertake the implementation of the VBCS and is working on the details of the Scheme. An outline of the Scheme is given in the ensuing paragraphs.

5.23 The objective of the VBCS is to encourage owners to maintain a high standard in building management and maintenance through the provision of positive recognition. The scope of the Scheme covers all private buildings in Hong Kong, and building owners/OCs will be invited to participate in the Scheme on a voluntary basis. The VBCS aims to promote the enhancement of a wide variety of aspects of a building, the coverage of which will be more extensive than that of the mandatory building inspection scheme. Apart from the building safety elements already included in the mandatory building inspection scheme, the VBCS will take into account other factors, in particular the performance of a building's management system, the presence of environmental and green features, as well as the adoption of other value-adding features (e.g. innovative designs and advanced building technologies) in determining the rating of a building.

5.24 The HKHS has been working together with the related bodies in developing the modus operandi and rating system of the Scheme. Under the proposed Scheme, a building will be given some form of certification to provide recognition on its standards in building management, building safety, environmental protection and other building aspects. The VBCS involves a wide scope and its standards and requirements will be on par with, or higher than, those of the mandatory building inspection scheme. Since buildings achieving the basic requirements under the VBCS will be able to fulfill the requirements under the mandatory building inspection scheme, it is proposed

that buildings accredited by the VBCS will be exempted from mandatory inspections under the mandatory building inspection scheme during the period when their ratings under the VBCS are valid.

5.25 Regarding assessors for inspecting and rating buildings, the VBCS will only allow persons who are qualified to be registered inspectors for the mandatory building inspection scheme to become VBCS assessors for the Scheme's building safety requirements.

5.26 The HKHS will liaise closely with BD to map out the detailed interface between the VBCS and mandatory building inspection scheme. The HKHS will also continue to work with the relevant stakeholders in finalizing the other details of the VBCS, with the aim of launching the Scheme about one year before the implementation of the mandatory building inspection scheme. It is estimated that the VBCS would be launched within 2008.

Chapter 6

WAY FORWARD

6.1. The results of the public consultation are positive and encouraging. To address the comments and views received, we have revised the implementation details of the proposed mandatory building inspection scheme and the proposed mandatory window inspection scheme as far as practicable. We have placed particular focus on the provision of technical and financial support to help owners discharge their responsibility.

6.2. The Government will endeavour to put in place the proposed mandatory schemes as early as possible to resolve the problem of building neglect. We will further develop and refine the implementation details for the two proposed mandatory schemes and work on the preparation of the relevant legislation at full speed.

6.3. In the meantime, we will continue to further enhance the support to owners for them to properly manage and maintain their buildings. The proposed launch of the Voluntary Building Classification Scheme in 2008 will start to set in train a system and culture of building inspection.

6.4. The success of the proposed mandatory building inspection scheme and the proposed mandatory window inspection scheme depends on the joint efforts of building owners, owners' corporations, relevant professionals, non-governmental organizations involving in building management and maintenance, and the Government. The two public consultation exercises have served the useful purposes of promoting public awareness and discussion on the important subject of building management

and maintenance, helped us to garner views on the two proposed schemes, and enabled a consensus to emerge on the way forward. Let us all continue to work hand in hand to create a better living environment for our society.

List of Consultation Sessions, Seminars and Public Forums Attended
During the Consultation Period
 (By Chronological Order)

No.	Date	Events
1.	4 November 2005	Discussion Forum with the Industry, Professional Bodies and Academics
2.	10 November 2005	Public Forum (1) at Sheung Wan Civic Centre
3.	15 November 2005	Meeting with Land and Building Advisory Committee
4.	23 November 2005	Meeting with Working Group of Private Premises Problems, Housing Committee of Sham Shui Po District Council
5.	24 November 2005	Public Forum (2) at Hong Kong Space Museum
6.	24 November 2005	Meeting with Central & Western District Council
7.	25 November 2005	Seminar organized by Office of K C Kwong, member of Tsuen Wan District Council
8.	28 November 2005	Seminar organized by Offices of the Hon Ma Lik and the Hon Choy So-yuk
9.	1 December 2005	Meeting with Building Management Task Force of Wanchai District Council
10.	13 December 2005	Public Forum (3) at North District Town Hall
11.	13 December 2005	Meeting with Housing Committee of Wong Tai Sin District Council
12.	15 December 2005	Meeting with Yau Tsim Mong District Council
13.	20 December 2005	Meeting with Chairmen and Vice-Chairmen of District Councils
14.	20 December 2005	Seminar organized by Building Division and Structural Division of Hong Kong Institution of Engineers

No.	Date	Events
15.	21 December 2005	Public Forum (4) at Tsuen Wan Town Hall
16.	5 January 2006	Seminar organized by Liberal Party
17.	6 January 2006	Seminar organized by Caritas Mok Cheung Siu Kun Community Centre
18.	6 January 2006	Seminar organized by Office of Kwu Hon-keung, Tuen Mun District Council member and Tuen Mun Area 4 Association for People's Livelihood
19.	9 January 2006	Meeting with Democratic Party ⁵
20.	12 January 2006	Meeting with Housing Committee of Kwun Tong District Council
21.	14 January 2006	Building Management Seminar cum Prize Presentation Ceremony organized by Building Management Task Force of Wanchai District Council
22.	20 January 2006	Seminar organized by Central & Western District Council members Chan Choi-hi Dominic, Lam Kin-kai, Chan Chit-kwai, Stephen and Tai Cheuk-yin Lesile Spencer
23.	21 January 2006	Building Management Seminar on Mandatory Building Inspection organized by Kwun Tong District Council & Kwun Tong District Office
24.	24 January 2006	Meeting with Tsuen Wan District Council
25.	24 January 2006	Seminar organized by The Hong Kong Institute of Construction Managers
26.	25 January 2006	Meeting with Yau Tsim Mong Federation of Association
27.	27 January 2006	Meeting with Hong Kong Association for Democracy and People's Livelihood

⁵ A follow-up meeting to further discuss the issues was held on 25 January 2006.

No.	Date	Events
28.	20 February 2006	Meeting with Planning, Works and Housing Committee of Southern District Council
29.	28 February 2006	Meeting with Democratic Alliance for the Betterment and Progress of Hong Kong
30.	28 February 2006	Seminar organized by Aberdeen Kai-fong Welfare Association Social Service Centre
31.	3 March 2006	Meeting with New Century Forum
32.	9 March 2006	Meeting with Housing Committee of Eastern District Council
33.	10 March 2006	Meeting with 香港聯區市民關注強制驗樓大聯盟
34.	14 March 2006	Seminar organized by Hong Kong Sheng Kung Hui Lady Maclehorse Centre

Total: 34

List of Written Submissions Received

(By Alphabetical Order)

<u>No.</u>	<u>Submission Groups/Individuals</u>	<u>No. of Written Submissions</u>
<u>Legislative Council Member</u>		
1.	The Hon Chan Wai-yip, Albert	1
	Sub-total:	1
<u>District Council Members</u>		
1.	Mr Chan Kin-shing, Alexis (Yau Tsim Mong)	1
2.	Mr Kwu Hon-keung (Tuen Mun)	1
3.	Mr Lee Chi-wing (Shatin)	1
4.	Mr Mak Ip-sing, Johnny (Yuen Long)	1
5.	Ms Tang King-yung, Anna (Wanchai)	1
6.	Ms Ting Yuk-chee, Christina (Eastern)	1
	Sub-total:	6
<u>Political Parties/Organization</u>		
1.	Democratic Alliance for the Betterment and Progress of Hong Kong	1
2.	The Democratic Party	1
3.	Hong Kong Association for Democracy and People's Livelihood	1
4.	Liberal Party	1
5.	New Century Forum	1
	Sub-total:	5
<u>Industries</u>		
1.	Brighspect Limited	1

<u>No.</u>	<u>Submission Groups/Individuals</u>	<u>No. of Written Submissions</u>
2.	Contractor's Authorised Signatory Association Limited	1
3.	Hang Fung Gold Technology Group	1
4.	The Hong Kong Association of Property Management Companies Limited	1
5.	Hong Kong General Chamber of Commerce	1
6.	Hong Yip Service Co. Limited	1
7.	Island Place (Management) Limited	1
8.	Lam Construction Company Limited	1
9.	Omni-Directional Property Management Limited	1
10.	Professional Property Services Limited	1
11.	Ready Consultants Limited	1
12.	The Real Estate Developers Association of Hong Kong	1
13.	Southern District Industries and Commerce Association Limited	1
14.	Swire Properties Management Limited	1
15.	Synergis Management Service Limited	1
16.	Taikoo Shing (Management) Limited	1
17.	Wealthy Gate Architects & Associates Limited	1
18.	Other practitioners	16
	Sub-total:	33

Professional Institutes/Bodies

1.	The Association of Architectural Practices Limited	1
2.	Buildings Department Local Building Surveyors' Association	1

<u>No.</u>	<u>Submission Groups/Individuals</u>	<u>No. of Written Submissions</u>
3.	Buildings Department Structural Engineers' Association	1
4.	The Chartered Institute of Building (Hong Kong)	1
5.	The Chartered Institute of Housing (Asian Pacific Branch)	1
6.	The Construction Materials Subcommittee of the Hong Kong Association for Testing, Inspection and Certification Limited	1
7.	Hong Kong Bar Association	1
8.	The Hong Kong Construction Association	1
9.	Hong Kong Facade Association	1
10.	The Hong Kong Federation of Insurers – Accident Insurance Association	1
11.	The Hong Kong Institute of Architects	1
12.	Hong Kong Institute of Construction Managers	1
13.	The Hong Kong Institute of Facility Management	1
14.	The Hong Kong Institute of Housing	1
15.	Hong Kong Institute of Real Estate Administration	1
16.	The Hong Kong Institute of Surveyors	1
17.	Hong Kong Institution of Chief Engineers (Facilities & Maintenance)	1
18.	The Hong Kong Institution of Engineers	1
19.	Hong Kong Small and Medium Enterprises General Association	1
20.	The Institute of Maintenance and Building Management (Hong Kong)	1

<u>No.</u>	<u>Submission Groups/Individuals</u>	<u>No. of Written Submissions</u>
21.	The Law Society of Hong Kong	1
	Sub-total:	21

Related Bodies

1.	The Consumer Council	1
2.	Hong Kong Housing Society	1
3.	The Hong Kong Mortgage Corporation Limited	1
4.	Hong Kong Policy Research Institute Limited	1
5.	MTR Corporation	1
6.	Urban Renewal Authority	1
	Sub-total:	6

Academics

1.	Prof. Chau K W (University of Hong Kong)	1
2.	Dr. Chen Zhen, George (University of Reading, United Kingdom)	1
3.	Dr. Ho C W, Daniel (University of Hong Kong)	1
4.	Prof. Hung Y Y, Michael (City University of Hong Kong)	1
5.	Prof. Leung Y T, Andrew (City University of Hong Kong)	1
6.	Prof. Leung Y T Andrew & Miss Cheng Wai-yee Grace (City University of Hong Kong)	1
7.	Dr. Ng Ka-chui, Issac (City University of Hong Kong)	1
8.	Dr. Tsang Wai-fan, Steven (Hong Kong Polytechnic University)	1

<u>No.</u>	<u>Submission Groups/Individuals</u>	<u>No. of Written Submissions</u>
9.	Dr. Tsang Wai-fan, Steven & the BRE 532 Team (Hong Kong Polytechnic University)	1
10.	Dr. Wong Kam-din, Andy (Hong Kong Polytechnic University)	1
11.	Mr. Wong Kin-ho, Anthony (Hong Kong Polytechnic University)	1
12.	Prof. Francis Wong (Hong Kong Polytechnic University)	1
13.	Mr. Wong K Y (City University of Hong Kong)	1
Sub-total:		13

Community Groups

1.	Caritas Mok Cheung Sui Kun Community Centre	1
2.	Christian Family Service Centre	1
3.	Hong Kong Community Development Network	1
4.	Housing Information Hotline	1
5.	Society for Community Organization	1
6.	Southern Democratic Alliance	1
7.	Yau Tsim Mong Federation of Association	1
8.	中華協進會(香港)	1
9.	全港聯區市民關注強制驗樓大聯盟	1
10.	香港社團聯合總會	1
Sub-total:		10

Owners' Corporations/Mutual-Aid Committee

1.	The Incorporated Owners of Chong Yip Centre	1
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<u>No.</u>	<u>Submission Groups/Individuals</u>	<u>No. of Written Submissions</u>
2.	The Incorporated Owners of Kwun Tong Lap Shing Building	1
3.	The Incorporated Owners of No. 74A Waterloo Road	1
4.	The Incorporated Owners of Parkland Villas	1
5.	Joint Committee for the Wanchai Buildings Owners and Owners' Corporation	1
6.	The Mutual-Aid Committee of No. 17-19 Hung Wan Street and No. 18-20 Pang Ching Street	1
7.	興芳區私人樓宇聯席	1
	Sub-total:	7
 <u>Members of Public</u>		
1.	Individual members of the public	245
2.	Individual property owners	24
	Sub-total:	269
	Total:	371

Results of the Telephone Opinion Survey

Methodology of the Survey

During the public consultation period, the Housing, Planning and Lands Bureau had commissioned the Hong Kong Policy Research Institute to conduct a telephone opinion survey on the public consultation on mandatory building inspection, enhancement of window safety options and support measures from 12 to 19 January 2006 to gauge the views from the community at large.

2. A total of 1,207 Hong Kong people living in self-owned private buildings, rented private buildings or self-owned public housing (i.e. Home Ownership Schemes, Tenants Purchase Scheme and Flats for Sale Scheme) were successfully interviewed by telephone from a randomly selected sample of 4,278 households. The overall response rate is 49.7% and the margin of error at 95% confidence level is at most $\pm 2.8\%$.

3. A copy of the questionnaire used is attached in the Appendix.

Summary of Main Findings

4. The results of the telephone survey indicated that the community at large supported the Government to introduce the necessary legislation mandating the regular building inspection and window inspection on public safety consideration. The community largely agreed to confine the inspection items on external walls and common areas of a building. There was also a community consensus to prosecute non-compliance in order to achieve a deterrent effect.

5. There were different views on some of the proposed scheme

details such as the inspection cycle and the target buildings, etc.

6. There was clear community support for providing the needed assistance to owners in genuine difficulty, though with different views on the forms of assistance.

7. The majority of respondents supported exempting buildings accredited under the Voluntary Building Classification Scheme from the mandatory building inspection requirement in order to give positive recognition to well-managed and maintained buildings.

Statistical Result

8. The statistical results of the telephone opinion survey on the questions is summarized below:

(A) Mandatory Building Inspection Scheme

(I) Support for the Scheme

- About 89% of respondents supported the Government to introduce legislation mandating regular building inspection by owners in order to safeguard the safety of residents and the public.
- About 7% of respondents did not support mandatory regular building inspection.
- The remaining 4% of respondents had no comments or refused to respond.

(II) Scheme Details

(i) Target Buildings

- About 39% of respondents supported that buildings over 20 years old should be mandated for inspection regularly; about 24% of respondents supported

buildings over 10 years old to be regularly inspected; about 23% of respondents supported buildings over 30 years old to be regularly inspected; about 7% of respondents supported buildings over 40 years old to be regularly inspected.

- The remaining 7% of respondents had other views or no comments.

(ii) Inspection Cycle

- About 35% of respondents supported a 10-year inspection cycle; about 14% supported a 7-year inspection cycle; about 35% supported a 5-year inspection cycle and about 9% supported a 3-year inspection cycle.
- The remaining 7% of respondents had other views or no comments.

(iii) Inspection Items

- About 64% of respondents agreed that the mandatory building inspection scheme should cover external walls and common areas of buildings; while about 35% suggested including the interior of individual units as well.
- The remaining 1% of respondents had other views or no comments.

(B) Enhancing Window Safety

(I) Support for Regular Window Inspection

- About 29% of respondents supported mandatory regular window inspection once every 5 years; about 33% of respondents supported once every 3 years; about 12% of respondents supported once every year; and about 6% of respondents supported inspection without comments on the inspection cycle. In total, about 80% of respondents supported the Government to mandate property owners to undertake regular inspection of windows on public safety consideration.
- About 18% of respondents did not support mandatory regular window inspection.
- The remaining 2% of respondents had no comments.

(II) One-off Inspection

- For those respondents who did not support or had no comment on regular inspection of windows, about 40% of them supported the Government to mandate property owners to undertake a one-off inspection and maintenance of windows within a specified period.
- About 53% of them did not support one-off inspection and maintenance of windows.
- The remaining 7% of them had no comments.

(C) Mandatory Building Inspection Cost

- About 44% of respondents indicated that, excluding maintenance cost, they would be willing to pay \$500 or below for carrying out mandatory building inspection.
- About 30% of respondents would be willing to pay \$501 - \$1,000.

- About 10% of respondents would be willing to pay \$1,001 - \$1,500.
- About 10% of respondents would be willing to pay \$1,501 or above.
- The remaining 6% respondents had other views, no comments or refused to respond.

(D) Prosecution Against Non-compliance

(I) Support Prosecution against non-compliance

- About 80% of respondents supported the Government to prosecute property owners who did not undertake regular building inspection as required by the law, as a deterrent of non-compliance.
- About 16% of respondents did not support prosecution against non-compliance.
- The remaining 4% of respondents had no comments or refused to respond.

(II) Level of Penalty for Non-Compliance

- Among those 80% of respondents supporting prosecution against non-compliance, about 39% of them supported a maximum fine of \$5,000 for non-compliance.
- About 27% of them supported a maximum fine of \$10,000.
- About 9% of them supported a maximum fine of \$5,000 and 6 months' imprisonment
- About 14% of them supported a maximum fine of \$10,000 and 6 months imprisonment.
- The remaining 11% of them had other views or no comments.

(E) Employment of Professionals to Undertake Inspection

- About 88% of respondents supported the Government to make reference to the existing regulations on regular inspection of fire safety facilities, electrical installations and elevators/escalators and mandate property owners to employ professionals to undertake building inspection and to implement the professionals' recommendations for the required maintenance works.
- Only about 9% of respondents did not support engaging professionals.
- The remaining 3% of respondents had no comments or refused to respond.

(F) Assistance to Owners in Genuine Difficulty

- About 35% of respondents supported that the assistance to owners in genuine difficulty in undertaking mandatory building inspection should be in the form of loans from Government or relevant organizations which had to be repaid when the flats were sold, or when the owners had passed away and their flats were sold.
- About 29% of respondents supported providing assistance in the form of interest-free loans from Government or relevant organizations which had to be repaid by installments.
- About 25% of respondents supported that the inspection costs to be entirely paid by the Government or relevant organizations, and no repayment required.
- About 8% of respondents supported providing assistance in the form of loans with interests and had to be repaid by installments.
- The remaining 3% of respondents had no comments.

(G) Voluntary Building Classification Scheme

- About 70% of respondents supported that those buildings with good grading under the Voluntary Building Classification Scheme should be exempted from the proposed mandatory building inspection scheme so as to encourage property owners to participate in the Voluntary Building Classification Scheme, and to reward well maintained and managed buildings.
- About 27% of respondents did not support such exemption.
- The remaining 3% of respondents had no comments or refused to respond.

(H) Exclusion of Domestic Buildings Below Three Storeys from the Mandatory Building Inspection Scheme

- About 61% of respondents did not support that low-rise domestic buildings with three storeys or below should be excluded from mandatory building inspection because of their lower risk posed to public safety.
- About 36% of respondents supported the exclusion of such low-rise domestic buildings with three storeys or below.
- The remaining 3% of respondents had no comments or refused to respond.

(I) Independent Building Affairs Tribunal

(I) Support to set up a Building Affairs Tribunal

- About 83% of respondents supported the setting up of an independent Building Affairs Tribunal to resolve disputes related to building management and maintenance.
- About 14% of respondents did not support the setting up of a Building Affairs Tribunal.
- The remaining 3% of respondents had no comments or refused to respond.

- (II) The most important factor when considering whether to refer the disputes related to building management and maintenance to the Building Affairs Tribunal
- Among those 83% respondents supporting the setting up of a Building Affairs Tribunal, about 62% of them considered that simple procedures would be the most important factor; about 28% of them considered low cost the most important factor; and about 7% of them considered short processing time the most important factor.
 - The remaining 3% of them had no comments or refused to respond.

Mandatory Building Inspection Scheme
Telephone Opinion Survey
12-19 January 2006

Introduction:

Hello! My name is _____. I am calling from the Hong Kong Policy Research Institute. We are conducting an opinion survey on the “Public Consultation on Mandatory Building Inspection” to collect the views of the general public. You can rest assured that all the information provided by you will be kept strictly confidential.

Respondent selection

What is the type of your residence and do you rent or own it?

1. Owned private premises (including village house)
2. Owned public flats for sale (including Home Ownership Scheme, Tenants’ Purchase Scheme, and Flats for Sale Scheme of Housing Society)
3. Rented private premises (including village house)
4. Rented flats in public housing (including flats of public rental housing / interim housing / rental flats of Housing Society) (End of interview)
5. Temporary housing (End of interview)
6. Staff-quarters (End of interview)
7. Don’t know (End of interview)
8. Refuse to answer (End of interview)

Are there any household members who are aged 18 or over? [Not including domestic helpers.]

Yes

No (Interviewer: The interview is finished. Thank you very much!)

Since we have to randomly select one member who is aged 18 or over for interview, would you please ask the one who has just had his/her birthday most recently to answer this call.

(If the selected household member is not at home, ask for his/her name and make an appointment to call again.

If the selected household member is there, repeat the “Introduction” to him/her.)

Q1. Do you support the Government to introduce legislation mandating regular building inspection by property owners in order to safeguard the safety of residents and the public?

1 Yes 2 No 3 Don't know/ no opinion 4 Refuse to answer

Q2. If the “Mandatory Building Inspection Scheme” is to be implemented, buildings at what age should be mandated for inspection regularly? (Read out the answers)

1 Over 10 years 2 Over 20 years 3 Over 30 years 4 Over 40 years 5 Others _____
6 Don't know / no opinion 7 Refuse to answer

Q3. What should be the time interval in terms of number of years for “Mandatory Building Inspection”? (Read out the answers)

1 10 years 2 7 years 3 5 years 4 3 years 5 Others _____
6 Don't know / no opinion 7 Refuse to answer

Q4. Which parts of the buildings do you think “Mandatory Building Inspection” should cover? (Read out the answers)

1 External walls and common areas of buildings

(Remarks: Common areas include the structural safety elements, fire resisting doors and drainage pipes on external walls)

2 External walls, common areas and the interior of individual units

3 Others _____

4 Don't know / no opinion

5 Refuse to answer

Q5. As regards the “spate of falling windows incidents” earlier, do you support the Government to mandate private property owners to undertake regular inspection of the windows on public safety consideration?

If yes, then ask: what should be the time interval in terms of number of years for such inspection? (Read out the answers)

1 Yes, once a year (Skip to Q7)

2 Yes, once every 3 years (Skip to Q7)

3 Yes, once every 5 years (Skip to Q7)

4 Yes, others _____ (Skip to Q7)

5 No

6 Don't know / no opinion

7 Refuse to answer

Q6. (For those who answer “No” or “Don't know / no opinion”, or “Refuse to answer” in Q5) Do you support the Government to mandate private property owners to undertake a “one-off” inspection and maintenance of windows within a specified period in order to ensure window safety?

1 Yes

2 No

3 Don't know/ no opinion

4 Refuse to answer

Q7. Excluding maintenance cost, how much would you be willing to pay for the cost of the “mandatory Building Inspection”?

1 \$500 or below 2 \$501-\$1,000 3 \$1,001 - \$1,500 4 \$1,501 or above 5 Others _____

6 Don't know

7 Refuse to answer

Q8. Do you support the Government to prosecute property owners who do not undertake regular building inspection as required by the law, as a deterrent of non-compliance?

1 Yes

2 No

3 Don't know/ no opinion

4 Refuse to answer

(Skip to Q10)

(Skip to Q10)

(Skip to Q10)

Q9. (For those who answer “Yes”) If property owners do not undertake regular building inspection as required by the law, what should be the level of penalty? (Read out the answers, and only one item is allowed)

- 1 Maximum fine of \$5,000
- 2 Maximum fine of \$10,000
- 3 Maximum fine of \$5,000 and six months’ imprisonment
- 4 Maximum fine of \$10,000 and six months’ imprisonment
- 5 Others _____
- 6 Don’t know / no opinion
- 7 Refuse to answer

Q10. Do you support the Government to make reference to the existing regulations on regular inspection of fire safety facilities, electrical installations and elevators/escalators and mandate property owners to employ professionals to undertake building inspection and to implement the professionals’ recommendations for the required maintenance works?

- 1 Yes 2 No 3 Don’t know/ no opinion 4 Refuse to answer

Q11. If the Government is to provide assistance to property owners who have genuine difficulty in undertaking mandatory building inspection (such as elderly owners without income), which of the following form of assistance should be provided to them? (Read out the answers, and only one item is allowed)

- 1 The cost to be entirely paid by the Government or relevant organizations, no repayment required
- 2 The cost to be paid by loans from the Government or relevant organizations in the interim. The amount has to be repaid when the flats are sold, or when the owners have passed away and their flats are sold.
- 3 Government or relevant organizations to provide interest-free loans. The amount has to be repaid by installments.
- 4 Government or relevant organizations to provide loans with interests. The amount has to be repaid by installments.
- 5 Don’t know / no opinion
- 6 Refuse to answer

Q12. It is proposed to establish a “Voluntary Building Classification Scheme” for grading private buildings with a view to giving positive recognition to well-managed and regularly maintained buildings. Do you support those buildings with good grading under the Scheme be exempted from "mandatory Building Inspection" so as to encourage property owners to participate in the “Voluntary Building Classification Scheme”?

1 Yes 2 No 3 Don't know/ no opinion 4 Refuse to answer

Q13. Do you support low-rise buildings, such as those with three storeys or below, be exempted from mandatory building inspection because of their lower risk posed to public safety?

1 Yes 2 No 3 Don't know/ no opinion 4 Refuse to answer

Q14. Do you support the Government to set up an independent Building Affairs Tribunal to resolve disputes related to building management and maintenance among property owners, and between property owners and owners' corporations or management companies?

1 Yes 2 No 3 Don't know/ no opinion 4 Refuse to answer
(Skip to X1) (Skip to X1) (Skip to X1)

Q15. (For those who answer “Yes”) If the Building Affairs Tribunal is to be set up, which of the following factor do you think is the most important one when considering whether to refer the disputes related to building management and maintenance to the Tribunal? (Read out the answers, and only one item is allowed)

- 1 Low cost
- 2 Short processing time
- 3 Simple procedures
- 4 Don't know / no opinion
- 5 Refuse to answer

Personal Background

[X1] (Record by the interviewer)

Sex of the respondent: 1. Male 2. Female

[X2] What is your age? (According to the last birthday)

- | | |
|------------|---------------------|
| 1. 18 – 29 | 4. 50 – 59 |
| 2. 30 – 39 | 5. 60 or above |
| 3. 40 – 49 | 6. Refuse to answer |

[X3] What is your educational attainment? (According to the highest qualification)

- | | |
|---------------------------------------|-------------------------------|
| 1. No formal schooling / Kindergarten | 5. Matriculation (F.6 – F.7) |
| 2. Primary | 6. Tertiary (non-degree) |
| 3. Secondary (F.1 – F.3) | 7. Tertiary (degree) or above |
| 4. Secondary (F.4 – F.5) | 8. Refuse to answer |

[X4] Are you currently working or non-working?

1. Working (skip to X6) 2. Non-working 3. Refuse to answer

[X5] Are you a...?

- | | |
|-------------------|----------------------|
| 1. Student | 4. Unemployed person |
| 2. Home-maker | 5. Others _____ |
| 3. Retired person | 6. Refuse to answer |

→ End of interview

[X6] What is your current occupation?

- | | |
|--|--|
| 01. Managers and administrators | 06. Skilled agricultural / fishery workers |
| 02. Professionals | 07. Craft and related workers |
| 03. Associate professionals | 08. Plant and machine operators and assemblers |
| 04. Clerks | 09. Elementary occupations |
| 05. Service workers and shop sales workers | 10. Refuse to answer |

[X7] What is your monthly personal income?

- | | | |
|-----------------------|-----------------------|-----------------------|
| 01. \$4,999 or below | 05. \$15,000 - 19,999 | 09. \$40,000 – 49,999 |
| 02. \$5,000 - 7,999 | 06. \$20,000 - 24,999 | 10. \$50,000 or above |
| 03. \$8,000 – 9,999 | 07. \$25,000 – 29,999 | 11. Refuse to answer |
| 04. \$10,000 – 14,999 | 08. \$30,000 – 39,999 | |

~ End ~

**List of Inspection Items Under the
Proposed Mandatory Building Inspection Scheme**

ELEMENTS	ITEMS TO BE COVERED
External Elements	<p>Non-structural elements such as fixtures, installations or appendages to the exteriors of buildings, regardless of whether they are commonly owned or privately owned by individual owners. Examples are:</p> <ul style="list-style-type: none"> (i) External finishes such as wall tiling and rendering including finishes to hoods and surrounds (ii) Louvers (common parts only) and cladding (iii) Racks, awnings, planters, supporting platforms for air conditioners, eaves, mouldings, projections, architectural features, drying racks, railing, etc.
Structural Elements	<ul style="list-style-type: none"> (i) Structural columns and walls on external elevations and in common parts (ii) Beams and slabs on external elevations and in common parts (iii) Roofs, above-ground transfer plates, and earth-retaining structures within common parts of a building

ELEMENTS	ITEMS TO BE COVERED
	(iv) Cantilevered structures on external elevations within common parts (v) Water tanks in common parts
Building Fire Safety Elements	Provisions for: (i) Means of escape in case of fire in common parts (ii) Means of access for firefighting and rescue in common parts (iii) Fire resisting construction and compartmentation in common parts
Drainage System	(i) External drainage pipes, both common stacks and side branches serving individual units in private ownership (ii) Underground drainage system of the building in common parts
Other Physical Elements	(i) Externally - those in common parts detached from the main building except retaining structure and slopes (e.g. club houses, guard houses) (ii) Internally - internal wall and floor finishes, ceiling finishes, metal works, doors, etc. within common parts

ELEMENTS	ITEMS TO BE COVERED
Unauthorized Building Works & Abandoned Signboards	<p>Unauthorized building works (UBWs), and unauthorized/abandoned signboards erected in common areas and at the exteriors (including balconies) of the buildings are to be identified and reported to the Buildings Department (BD) in the course of building inspection.</p> <p>On UBWs, BD will issue separate statutory orders to demand removal of UBWs constituting an obvious or imminent danger, obstructing inspection/rectification works or falling under BD's priority enforcement items. BD will tackle unauthorized/abandoned signboards under its separate enforcement scheme.</p>

Remark: The detailed standards and requirements of inspection and rectification works to be followed by registered inspectors and contractors will be stipulated by BD in the form of codes of practice and guidelines. BD is now finalizing the standards and requirements in consultation with the relevant professional institutes and industries.