

Property owner fined over \$30,000 for not complying with mandatory building inspection statutory notice

An owner was fined \$32,950 at the Eastern Magistrates' Courts last month for failing to comply with a statutory notice issued under the Mandatory Building Inspection Scheme (MBIS) according to the Buildings Ordinance (BO) (Cap. 123).

The subject premises is a 66-year-old six-storey residential building at Pak Sha Road, Causeway Bay. A statutory notice was issued under section 30B(3) of the BO by the Buildings Department (BD), requiring the owner of the building to appoint a registered inspector to carry out an inspection and, if necessary, repairs of the common parts of the building.

Since the owner failed to comply with the statutory notice, she was prosecuted by the BD and was convicted and fined on May 20.

"Failing to comply with a statutory notice without reasonable excuse is a serious offence under the BO. The BD may instigate prosecution proceedings against the owner", a spokesman of the BD said today (June 6).

Pursuant to section 40(1BC) of the BO, any person who, without reasonable excuse, fails to comply with a statutory notice served on him or her, commits an offence and is liable on conviction to a fine at level 5 (\$50,000 at present) and to imprisonment for one year, as well as a further fine of \$5,000 for each day that the offence has continued.

The cost information for building inspection under the MBIS is available at www.bd.gov.hk/doc/en/safety-and-inspection/mbis/property-owners-and-owners-corporation/MBIS_CostReference.pdf. The Layman's Guide on MBIS can also be downloaded from the BD's website (www.bd.gov.hk/doc/en/resources/pamphlets-and-videos/LGMBISCP_e.pdf).