

Issue 16 (02/2010)

**Mandatory Building Inspection Scheme (強制驗樓計劃),  
Mandatory Window Inspection Scheme (強制驗窗計劃) and  
The Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage)  
Notice (土地(為重新發展而強制售賣)(指明較低百分比)公告)**

This is an important piece of legal news for Hong Kong as most of the property owners will be affected. The Government published the Buildings (Amendment) Bill 2010 in the Gazette on 22<sup>nd</sup> January 2010 for the implementation of the Mandatory Building Inspection Scheme (MBIS) and Mandatory Window Inspection Scheme (MWIS). They should soon become legislation.

<u>Law(法律)</u>	<u>Application(適用)</u>	<u>Property(樓宇)</u>
MBIS under the Buildings (Amendment) Bill 2010	Required to carry out inspections (驗樓) (and, if necessary, repair works) of the common parts, external walls and projections of the buildings once every 10 years.	30 years or above (except domestic buildings not exceeding 3 storeys)
MWIS under the Buildings (Amendment) Bill 2010	Required to carry out inspections (驗窗) (and, if necessary, repair works) of all windows of the buildings once every 5 years.	10 years or above (except domestic buildings not exceeding 3 storeys)
The Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice 2010 (The Notice will come into operation on 1 April 2010.) Land (Compulsory Sale For Redevelopment) Ordinance (Cap.545)	<u>80% Rule (八成)</u> Require a person or persons must own not less than 80 percent (八成業權) of the undivided shares in a lot before an application can be made to the Lands Tribunal (土地審裁處) for an order for compulsory sale (強制售樓令).	a) A lot with each of the units on the lot representing more than 10 percent of all the undivided shares in the lot. In such a case the building should have less than 10 units ; or b) The building is more than 50 years old; or c) The building is an industrial building which is more than 30 years old and it lies within a non-industrial zone (非工業區) under a draft or approved Outline Zoning Plan prepared under the Town planning Ordinance(城市規劃條例).

Land (Compulsory Sale For Redevelopment) Ordinance (Cap.545)	<u>90% Rule (九成)</u> Persons who own a specified majority of the undivided shares in a lot (not less than 90%) (九成業權) may make an application to the Lands Tribunal for an order for the sale (強制售樓令) of all of the undivided shares in the lot for the purpose of redevelopment.	All lands, residential or industrial.
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According to the proposals in the amendment bill, owners who do not comply with the mandatory building inspection requirements without reasonable excuse will be liable upon conviction to a fine of \$50,000 and imprisonment of 1 year. Owners who do not comply with mandatory window inspection requirements without reasonable excuse may be charged with a fixed penalty of \$1,500 and repeated offenders will be liable upon conviction to a fine of \$25,000 and imprisonment of 3 months.

The above 3 pieces of new legislative measures will improve the speed and outcomes of the existing urban renewal and regeneration processes in Hong Kong.

*Nothing shall constitute legal advice to any person by Messrs. Maurice WM Lee Solicitors (Tel: (852) 2537 5833) (Website: [www.wmleehk.com](http://www.wmleehk.com))*

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