

Executive Summary

Direct Investigation into Rating and Valuation Department's regulation of display of building numbers

Background

The Buildings Ordinance empowers the Commissioner of Rating and Valuation to allocate building numbers. If a building number thus allocated is not displayed, the Rating and Valuation Department ("RVD") can serve a Display Order on the owner of the building. It is an offence for any person, without reasonable excuse, to fail to comply with a Display Order.

2. However, this Office notes that it is not uncommon for buildings in Hong Kong not to display their building numbers. That not only causes inconvenience to citizens and tourists, but also affects the discharge of public duties, police operations and ambulance, fire and postal services. Nonetheless, RVD has never instituted any prosecution against those who fail to display their building numbers.

3. The Ombudsman has, therefore, conducted this direct investigation into RVD's practice in regulating the display of building numbers. The aim is to identify areas for improvement.

Our Findings

4. Our investigation reveals that RVD has not been diligent enough to ensure that all buildings in the territory display their correct numbers. RVD should make improvements in the following areas.

Inadequate Monitoring

5. Currently, RVD officers may, when performing outdoor duties, spot irregularities in the display of building numbers in the vicinity. However, the Department has not made it their duty to monitor the proper display of building numbers. We think that RVD should establish an inspection regime requiring its officers to discharge the duty, as well as to record the inspection results systematically.

6. Since 1992, RVD had conducted a number of territory-wide Building Numbering Campaigns involving inspections of buildings/shops and issuance of warning/advisory letters to local residents and shop operators. However, such inspections lacked intensity as the buildings/shops inspected were scattered all over the territory. To make the inspections more focused and in-depth, and to enlist the support of District Boards and other local people, the Department has since 2013 focused on selected districts for more systematic inspections. We appreciate RVD's efforts in this

regard. However, only 2 such district-based Campaigns have been conducted, which was sparse and slow in progress, failing to cover those problematic districts made up mostly of old or renovated tenement buildings (e.g. Sham Shui Po). We consider that RVD should run such Campaigns more frequently and in more districts to increase its effectiveness.

Lax Enforcement Procedures

7. RVD does not have any guidelines for its officers specifying the procedures for taking actions against failure to display building numbers, e.g. the number of prior warnings to be issued and the timeframes for conducting follow-up inspections, issuing a Display Order and instituting prosecution. RVD has set no rules governing such essential decisions which have a bearing on the effectiveness of enforcement action. The system is indeed very lax.

Reliance on Warnings and Too Much Tolerance

8. RVD's enforcement cases show that the statutory Display Order is a very effective enforcement tool. Any building owner in receipt of a Display Order would promptly take rectification measures, without any need for RVD to resort to the ultimate step of prosecution. However, RVD seldom issues Display Orders. It just keeps on issuing warning/advisory letters, which are more often than not ignored by building owners. Over the past six years, RVD has issued only 28 Display Orders, compared with the 8,540 warning letters dished out. Surely, RVD should review its enforcement strategy. In any case of uncooperative building owner, it should issue a Display Order as soon as possible, so as to enhance its efficiency of enforcement.

Need for More Encouragement to Old Buildings

9. Understandably, the problem of failure to display building numbers is more serious with existing buildings (especially in the older districts) and those buildings which have undergone renovation works or repairs to their external walls. We think that RVD could enlist the help of the Home Affairs Department ("HAD"), which is responsible for managing district affairs and assisting building owners to discharge their building management responsibility. In particular, RVD could request HAD to remind the owners' corporations, owners' committees or management agents of buildings of their statutory duty to display their building numbers. HAD should offer advice/assistance to owners of buildings that do not have an owners' corporation or management agent.

10. Currently, the Urban Renewal Authority provides doorplates with correct building numbers free of charge to those buildings participating in renovation projects under Operation Building Bright, which is a good service. As such doorplates presumably do not cost much to produce, we hope that RVD would consider providing this free service to more buildings.

Need for More Publicity and Public Education

11. Most members of the public do not know much about building owners' statutory duty to display correct building numbers. And they may not realise that RVD's requirements for display of building numbers are in fact quite simple. Actually, the statutory duty can easily be discharged at a low cost and to everyone's benefit. We are of the view that RVD should consider making Announcements in the Public Interests on radio and television for wide dissemination of the above messages.

Recommendations

12. In the light of the above, The Ombudsman urges RVD to:

- (1) require its officers to monitor the display of building numbers when performing outdoor duties and to systematically record and analyse their findings in each inspection;
- (2) conduct more district-based Building Numbering Campaigns and in more districts;
- (3) devise detailed guidelines on enforcement procedures for actions on cases of failure to display building numbers, so as to avoid delay in enforcement in future;
- (4) review its enforcement strategy and issue Display Orders as soon as possible to enhance its effectiveness of enforcement;
- (5) enlist the help of HAD with a view to stepping up publicity and public education to owners of old tenement buildings, and request HAD to act as an intermediary where necessary;
- (6) consider providing more buildings free of charge with doorplates showing correct building numbers; and
- (7) consider making Announcements in the Public Interests on radio and television to educate building owners on their statutory duty to display building numbers and on how to discharge that duty.

**Office of The Ombudsman
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