

LCQ13: Implementation of Mandatory Window Inspection Scheme

Following is a question by the Hon Tony Tse and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (February 27):

Question:

It has been reported that between the 21st and 24th of last month, there were five successive incidents of windows falling from residential buildings or hotels, causing the death of a pedestrian. On the other hand, the Buildings Department (BD) has, since June 2012, implemented the Mandatory Window Inspection Scheme (MWIS), under which 5 800 private buildings aged 10 years or above (target buildings) are selected each year for mandatory window inspection. Upon receipt of MWIS notices issued by BD, owners of target buildings are required to appoint a qualified person to (i) carry out the prescribed inspection of all windows of the buildings, and (ii) supervise the prescribed repair works found necessary after inspection (if any), within a specified timeframe. In this connection, will the Government inform this Council:

- (1) of the number of reports received by the authorities since the implementation of MWIS on incidents of windows falling from private buildings aged 10 years or above, and the respective numbers of persons who were injured and died as a result of those incidents;
- (2) of the current number of licensed hotels in Hong Kong and, among them, the number of those which fall within the scope of MWIS;
- (3) since the implementation of MWIS, (i) of the number of MWIS notices issued by BD; the number of buildings involved in those MWIS notices, with a breakdown by type of buildings (i.e. residential building, commercial building, hotel, industrial building and others); (ii) the number of non-compliant MWIS notices upon expiry of the timeframe specified and the longest overdue period; and (iii) whether prosecutions have been instituted against those owners who did not comply with MWIS notices; if not, of the reasons for that;
- (4) whether the authorities reviewed, in the past two years, the implementation of MWIS, including its effectiveness, the adequacy of law enforcement manpower, if the number of buildings to be inspected and the number of target buildings each year can be increased, and the improvements that can be made; if not, of the reasons for that; and
- (5) of the qualifications required of a qualified person under MWIS, and whether such qualifications include the professional knowledge on (i) inspecting the various types of windows to see if they are safe and (ii) how the various types of windows can be repaired to render them safe; whether

the authorities reviewed and raised those qualification requirements in the past two years; if not, of the reasons for that?

Reply:

President,

Regular inspections and timely repairs are crucial. One should not wait until the buildings have become defective or dangerous for taking remedial actions. Upholding the concept of "prevention is better than cure", the Buildings Department (BD) has fully implemented the Mandatory Building Inspection Scheme and Mandatory Window Inspection Scheme (MWIS) since June 30, 2012.

For MWIS, the relevant legislation empowers the BD to issue statutory notices to owners of private buildings aged 10 years or above (except domestic buildings not exceeding three storeys), requiring them to carry out prescribed inspections and requisite prescribed repairs of the windows in their buildings after inspection. On the other hand, the BD encourages owners to carry out inspections for their windows voluntarily in accordance with the requirements and procedures under MWIS. The BD will not issue a statutory notice in respect of the same window within the inspection cycle.

In consultation with the BD and the Home Affairs Department, the Development Bureau provides a consolidated reply as follows:

- (1) The BD has been compiling statistics on the reports of window falling incidents received since 2016. As at December 31, 2018, the BD had received a total of 216 window falling reports involving private buildings aged 10 years or above. The statistics currently kept by the BD do not include any information on the casualties involved (if any). The BD will add this information when compiling the statistics in future, if such is available.
- (2) Based on information provided by the Office of the Licensing Authority of the Home Affairs Department, there were about 310 licensed hotels in the territory as at February 20, 2019 and, among them, about 230 are covered by MWIS as they are situated at private buildings aged 10 years or above (except domestic buildings not exceeding three storeys).
- (3) (i) Since the implementation of MWIS, up to December 31, 2018, the BD had selected 9 843 private buildings for MWIS, and a total of around 500 000 notices were issued. The breakdown by the type of buildings is as follows:

Type of Buildings	Number of Buildings
Domestic (include domestic and composite use) building	7 842
Commercial building	966
Industrial building	478
Hotel	48

Building of other usage (e.g. hospital, school)	509
Total	9 843

(ii) and (iii) As MWIS involves a large amount of statutory notices, the BD will generally first issue warning letters for non-compliant cases, urging the owners to comply with the notices as soon as possible. If the concerned notices are still not complied with, the BD will serve fixed penalty notices to the concerned owners. If necessary, the BD will consider carrying out the required prescribed inspection and repair works in default on behalf of the owners, and seeking to recover the cost of inspection, repair works, supervision charges plus not more than 20 per cent surcharge of the relevant costs from the owners. For serious cases (such as repeated offences or non-compliance without reasonable excuse), the BD will also consider instigating prosecution against the concerned owners.

As at December 31, 2018, there were about 59 000 expired notices not yet complied with, accounting for 12 per cent of all notices issued. Among the non-compliant cases, the longest overdue period is about 6 years.

The BD followed the above enforcement policy to handle the non-compliant notices gradually. Specifically, the BD had issued 3 700 fixed penalty notices over the same period. Furthermore, the BD had exercised its statutory authority on behalf of the owners of more than 70 buildings to carry out prescribed inspection and repair for the windows in the common parts of their buildings. Up to now, the BD has not instigated any prosecution for non-compliant notices, but is planning to instigate prosecution actions against the more blatant cases.

(4) Since the implementation of MWIS, the BD has been reviewing from time to time the progress and implementation details of the scheme in the light of its operational experience, market condition and feedback from stakeholders and the community, etc.

In so far as the selection of target buildings is concerned, the BD adopts a risk-based approach in selecting target buildings annually for carrying out MWIS. The BD will from time to time review the number of target buildings and the selection criteria for MWIS.

The BD will also continue to enhance its efficiency through simplified procedures and application of information technologies with a view to utilising resources in a more effective manner for the implementation of MWIS. The BD will also as needed bid for additional resources in accordance with the established resource allocation procedures.

In addition, during the implementation of MWIS, the BD has tightened up the requirements for registration as qualified persons (QPs) and eligible registered contractors under the scheme (to be explained in part (5) below).

(5) The QP appointed to carry out the inspection or supervision of the repair for windows under MWIS shall be a person whose name is on one of the

following registers kept by the BD under the Buildings Ordinance:

- (a) Authorised Persons;
- (b) Registered Structural Engineers;
- (c) Registered Inspectors;
- (d) Registered General Building Contractors; or
- (e) Registered Minor Works Contractors registered for the class, type and item of minor works in respect of windows.

The person included in the above registers should possess the required qualifications and appropriate practical experience (such as practical experience in building repair and maintenance).

The BD reviews the requirements for registration from time to time. In particular, in the past, if a person applied for registration as a Registered Minor Works Contractor (individual) for minor works in respect of windows without specified recognised skills qualifications, he should possess at least 6 years of experience in personally carrying out relevant works to prove himself having the abilities and skills to personally carry out the items of minor works that he intended to apply for registration. Since December 2018, however, the BD has ceased to accept registration applications from applicants who only possess relevant works experience without recognised skills qualifications so as to enhance the technical qualifications of QPs.