

LCQ9: Mandatory Window Inspection Scheme

Following is a question by the Hon Chan Kin-por and a written reply by the Secretary for Development, Ms Bernadette Linn, in the Legislative Council today (January 17):

Question:

Under the Mandatory Window Inspection Scheme (MWIS), owners of private buildings aged 10 years or above (except domestic buildings not exceeding three storeys) and served with statutory notices by the Buildings Department (BD) are required to appoint a Qualified Person to carry out the prescribed inspection of all windows in their buildings and supervise the prescribed repair works found necessary after the inspection. In this connection, will the Government inform this Council:

(1) of the number of reports received by the authorities in each of the past five years on incidents of windows falling from private buildings aged 10 years or above;

(2) of the total number of the MWIS notices issued by the BD and the number of buildings involved in each of the past five years, with a breakdown by type of buildings (i.e. domestic building, commercial building, industrial building, hotel and building of other usage), as well as their respective percentages in the relevant numbers of target buildings covered; whether the authorities will introduce enhancement measures to meet the relevant target;

(3) of the number and rate of non-compliant MWIS notices, as well as the average length of the overdue period in each of the past five years; in respect of those owners who failed to comply with the MWIS notices, (i) the follow-up as well as law enforcement and regulatory actions taken and (ii) the total number of prosecutions instituted by the BD, as well as the penalties imposed on the convicted persons; and

(4) whether it will step up publicity on the proper ways of using windows, and provide information to members of the public on the proper repair and maintenance of aluminium windows; if so, of the details; if not, the reasons for that?

Reply:

President,

Regarding the Member's question about the Mandatory Window Inspection Scheme (MWIS), my reply is as follows:

(1) In the past five years, the numbers of fallen window cases in private

buildings aged 10 years or above received by the Buildings Department (BD) are listed below:

Year	2019	2020	2021	2022	2023
No. of fallen window cases	77	46	40	32	48

(2) In the past five years, the BD had issued a total of about 180 000 notices under the MWIS ("notices") to some 2 800 private buildings. Breakdown by the relevant building types are tabulated below:

Year	No. of "notices"	No. of buildings involved	Type of Buildings			
			Domestic/ Composite	Commercial/ Hotel	Industrial	Others (e.g. Institution or community facilities)
2019	25 772	435	412	0	1	22
2020	26 322	486	475	0	4	7
2021	46 605	689	677	1	1	10
2022	49 930	603	594	0	1	8
2023	32 588	637	622	1	3	11
Total	181 217	2 850	2 780	2	10	58

Starting from 2021, the BD increased the number of buildings selected for the MWIS each year from about 400 earlier to 600. A large number of these buildings have been concurrently selected for Mandatory Building Inspection Scheme (MBIS) under the risk-based approach. The remaining buildings that only received the MWIS notices are selected taking into account records of fallen window cases, window conditions, building clusters (Note 1), etc.

The current selection arrangement has not set a target number for different types of the building. It mainly takes into account the maintenance of building elements and windows, which are directly related to the management quality of the building itself. The owners of domestic/ composite buildings are usually less effective in daily building management and maintenance than those of industrial and commercial buildings. In this regard, the about 600 buildings selected under the risk-based approach will mainly be domestic/ composite buildings. The figures in the table above show that the MWIS notices have been mainly issued to domestic/ composite buildings in the past five years, which reflects this policy intent.

The 2023 Policy Address announced a review on the execution of the MBIS policy, with one of the directions being a more precise selection of higher-

risk buildings for issuance of MBIS notices. This also applies to the issuance of the MWIS notices, so as to enhance building safety more comprehensively. We will put forward specific proposals in the first quarter of this year.

(3) Generally speaking, in cases of expired "notices" that have not been complied with, the BD will first issue warning letters to the owners to urge for compliance. Otherwise, the BD may serve a penalty notice to the owner under section 40(1BE) of the Buildings Ordinance, requiring him/her to pay a fixed penalty of \$1,500. If the owner continues to fail to comply with the "notices" served without reasonable excuse, the BD may serve a further penalty notice or instigate prosecution. With prosecution instigated and once convicted, the offender is liable to a fine at level 4 (\$25,000 at present) and to imprisonment for three months; as well as to a further fine of \$2,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.

In the past five years, the numbers of expired "notices" that have not been complied with, percentage of non-compliance, numbers of prosecution cases and fixed penalty notices issued are tabulated below. The BD does not compile statistics on the average overdue period for non-compliant "notices" and the penalties imposed on offenders in convicted cases.

Year	No. of "notices"	No. of expired "notices" that have not been complied with	Percentage of non-compliance (%)	No. of fixed penalty notices issued (Note 2)	No. of prosecution cases (Note 2)
2019	25 772	2 192	9	1 687	68
2020	26 322	2 141	8	1 843	46
2021	46 605	3 343	7	3 214	270
2022	49 930	5 027	10	2 573	345
2023	32 588	5 123	16	2 967	318
Total	181 217	17 826	—	12 284	1 047

The 2023 Policy Address announced that a review on the Buildings Ordinance will be conducted to enhance enforcement power by the BD. We are exploring streamlining the prosecution procedures, lowering the prosecution threshold, as well as raising penalties against non-compliance with notices served under the MBIS and the MWIS, so as to increase prosecution efficiency and chances of conviction, and to increase the deterrent effect. We will put forward the amendment proposal this year and conduct consultation, with the aim of submitting the amendment bill to the Legislative Council as soon as possible.

(4) For publicity and education, the BD has all along been providing the public with information on the proper use, good maintenance, and care of

windows through various channels such as official website, social media, posters, etc. These include the pamphlet "Important notes about window safety" and guideline "Layman's guide on MWIS". The BD has also launched a mobile application "WIN SAFE" to encourage owners to, in accordance with the requirements of the MWIS, regularly appoint a qualified person to inspect and supervise repair works of the windows in their premises. The BD will continue its efforts in publicity and education work.

Note 1: The other buildings within the same lot or share the same Deed of Mutual Covenant (which owners share maintenance and repair responsibility for the common parts) with the selected target building will also be selected.

Note 2: Figures may not correspond to the "notices" issued in that year.