

Two property owners fined for not complying with mandatory window and building inspection statutory notices

Two property owners were fined about \$7,000 and \$95,000 respectively at Kwun Tong Magistrates' Courts earlier for failing to comply with the statutory notices issued under the Mandatory Window Inspection Scheme (MWIS) and the Mandatory Building Inspection Scheme (MBIS) according to the Buildings Ordinance (Cap. 123) (BO). The penalties are the highest amounts imposed so far with respect to similar cases.

The first case related to a premises in a 36-storey composite building of 35 years old located at Ngau Tau Kok Road in Kowloon. A statutory notice was issued under section 30C(4) of the BO requiring the owner of the premises to appoint a qualified person to carry out an inspection and, if necessary, repair in respect of the windows of the premises.

Since the owner failed to comply with the statutory notice, he was prosecuted by the Buildings Department (BD). The owner was convicted in Kwun Tong Magistrates' Courts on November 12 and fined \$6,800.

The second case related to another owner's three premises in a 4-storey building of 64 years old located in Canton Road, Yau Ma Tei. Statutory notices were served under section 30B(5) of the BO requiring the owner of the premises to appoint a registered inspector to carry out an inspection and, if necessary, repair in respect of the balconies of these premises.

The owner failed to comply with the statutory notices and was prosecuted by the BD. The owner was convicted in Kwun Tong Magistrates' Courts on September 24 and fined \$95,100 in total.

"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 (November 29).

With regard to the MWIS, pursuant to section 40(1BD) of the BO, any person who, without reasonable excuse, fails to comply with a statutory notice served on him, commits an offence and is liable on conviction to a fine at level 4 (\$25,000 at present) and to imprisonment for three months, as well as a further fine of \$2,000 for each day that the offence has continued.

As regards the MBIS, pursuant to section 40(1BC) of the BO, any person who, without reasonable excuse, fails to comply with a statutory notice served on him, 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.