

CONTROLLING OFFICER'S REPLY

DEVB(PL)141

(Question Serial No. 0497)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (CHEUNG Tin-cheung)
Director of Bureau: Secretary for Development

Question:

Regarding mandatory window inspection under the Programme, please inform this Committee:

- 1) of the respective numbers of mandatory window inspection notices received and discharged in 2016 and 2017 in each of the 18 districts;
- 2) whether the Buildings Department has instigated prosecution against non-compliant mandatory window inspection notices in 2015 and 2016; if so, of the number concerned;
- 3) of the number of cases of suspected irregularities involving contractors received in each of the years since the implementation of the Mandatory Window Inspection Scheme. How many of them have been referred to other enforcement departments or relevant organisations to follow up? If so, what are the details of each referral case (including the date, the enforcement departments or organisations that such case was referred to and the result)?
- 4) of the measures taken by the Department in 2017-18 to cope with contractors exaggerating or overcharging the works cost for window inspection. What are the expenditure and details involved?

Asked by: Hon WU Chi-wai (Member Question No. (LegCo use): 24)

Reply:

- 1) The geographical distribution of statutory notices issued and discharged under the Mandatory Window Inspection Scheme (MWIS) in 2016 and 2017 is shown at **Annex**.

- 2) In 2015 and 2016, while no prosecution was instigated, the Buildings Department (BD) issued 38 564 warning letters and 1 713 fixed penalty notices (FPNs) against building owners who failed to comply with statutory notices issued under the MWIS. The majority of building owners comply with the statutory notices after receiving FPNs; but BD would consider instigating prosecution against those building owners who fail to comply with the statutory notices without reasonable excuse despite having been served with FPNs.
- 3) Up to 31 December 2017, BD has handled 57 cases of suspected irregularities involving contractors under the MWIS since its commencement in June 2012. A breakdown of the 57 cases by year is tabulated below –

Year	Number of Cases
2012	0
2013	2
2014	6
2015	15
2016	21
2017	13
Total	57

BD has investigated into these cases and taken appropriate follow-up actions in substantiated cases, including instigating prosecution and/or disciplinary actions. So far, the registered minor works contractors involved in 12 cases have been convicted and they were fined up to \$50,000. Disciplinary action against the convicted contractors is also being considered. Besides the aforesaid cases, one case involving suspected use of false instrument was referred to the Police in 2016. However, the case was subsequently not pursued due to insufficient evidence.

- 4) In 2017-18, BD continued its public education and publicity efforts on the MWIS. In particular, BD made use of pamphlets and Announcements of Public Interest to advise building owners of their rights as consumers and that they should exercise caution in selecting service providers for carrying out window inspection. BD also made available useful and relevant reference materials, such as the market price range for window inspection and parts repair (e.g. hinges, screws), to assist building owners in making informed decisions. In addition, BD published a new “Layman’s Guide on Mandatory Window Inspection Scheme” to educate the public on how to identify common window defects requiring repair under the MWIS.

Public education and publicity activities in relation to the MWIS were handled by six staff of the Public Education and Publicity Unit of BD, and assisted by three staff of the Information Unit of BD as part of their overall duties. We are not able to provide a breakdown of the manpower resources and the manpower-related expenditure incurred solely for the activities in relation to the MWIS.

- End -

**Number of issued and discharged
Mandatory Window Inspection Notices in 2016 and 2017**

Districts	Number of Notices			
	2016		2017	
	Issued	Discharged ^{Note}	Issued	Discharged ^{Note}
Central & Western	5 552	10 624	3 302	5 053
Eastern	18 513	23 180	2 875	9 499
Southern	4 388	6 406	1 784	3 270
Wan Chai	4 443	9 484	1 444	3 597
Kowloon City	9 572	14 018	3 501	5 537
Kwun Tong	1 484	9 308	1 180	1 204
Sham Shui Po	3 166	7 151	1 773	2 990
Wong Tai Sin	763	2 575	471	679
Yau Tsim Mong	11 523	17 284	1 971	5 937
Islands	1 156	3 342	91	910
Kwai Tsing	3 794	5 043	1 872	3 954
North	1 659	1 606	30	467
Sai Kung	200	347	597	229
Sha Tin	2 383	8 930	2 006	1 764
Tai Po	462	2 665	1 444	1 157
Tsuen Wan	9 273	13 452	1 143	5 257
Tuen Mun	6 277	10 611	4 491	3 519
Yuen Long	1 672	5 746	248	1 208
Total	86 280	151 772	30 223	56 231

Note : The figures do not necessarily correspond to the notices issued in the same year.