

CONTROLLING OFFICER'S REPLY

DEVB(PL)305

(Question Serial No. 3620)

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 2017 and 2018 in each of the 18 districts;
- 2) whether the Buildings Department has instigated prosecution against non-compliant mandatory window inspection notices in 2017 and 2018; 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 2018-19 to cope with contractors exaggerating or overcharging the works cost for window inspection. What are the expenditure and details involved?
- 5) whether the penalty for contractors exaggerating or overcharging the works cost for window inspection will be raised.

Asked by: Hon WU Chi-wai (LegCo internal reference no.: 77)

Reply:

- 1) The geographical distribution of statutory notices issued and discharged under the Mandatory Window Inspection Scheme (MWIS) in 2017 and 2018 is shown at **Annex**.

- 2) As MWIS involved large amount of statutory notices, the Buildings Department (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, BD will serve fixed penalty notices (FPNs) to the concerned owners. If necessary, BD will consider carrying out the required prescribed inspection and repair works in default of the owners, and seeking to recover the cost of inspection, repair works, supervision charges plus not more than 20% surcharge of the relevant costs from the owners. For serious cases (such as repeated offences or non-compliance without reasonable excuse), BD will also consider instigating prosecution against the concerned owners.

BD had followed the above enforcement policy when handling non-compliant notices. In 2017 and 2018, BD issued 43 822 warning letters and 2 039 FPNs against building owners who failed to comply with statutory notices issued under the MWIS. The majority of building owners complied with the statutory notices after receiving FPNs. Furthermore, as at 28 February 2019, BD had exercised its statutory authority to take default action in about 80 buildings with regard to the windows in the common parts of their buildings. While no prosecution was instigated for non-compliant MWIS notice in 2017 and 2018, BD is planning to instigate prosecution actions against the more blatant cases.

- 3) Up to 31 December 2018, BD had handled 65 cases of suspected irregularities involving contractors under MWIS since its commencement in June 2012. A breakdown of the 65 cases by year is tabulated below –

Year	Number of Cases
2012	0
2013	2
2014	6
2015	15
2016	21
2017	13
2018	8
Total	65

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 20 prosecution cases have been convicted and they were fined up to \$75,000. Disciplinary action against the convicted contractors is also being considered. Apart from the aforesaid cases, one case involving suspected use of false instrument was referred to the Hong Kong Police Force (the Police) in 2016. However, the Police did not pursue the case subsequently due to insufficient evidence.

- 4) & 5) BD continues its public education and publicity efforts to advise building owners that they must safeguard their own interest and remain vigilant when making a decision to procure services from service providers for carrying out window inspection and repair. BD also makes 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 has published “Layman’s Guide on Mandatory Window Inspection Scheme” to educate the public on how to identify common window defects requiring repair under MWIS.

Public education and publicity activities in relation to MWIS were handled by seven 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. BD is not able to provide a breakdown of the manpower resources and the manpower-related expenditure incurred solely for the activities in relation to MWIS.

- End -

**Number of
Mandatory Window Inspection Notices issued and discharged in 2017 and 2018**

Districts	Number of Notices			
	2017		2018	
	Issued	Discharged ^{Note}	Issued	Discharged ^{Note}
Central & Western	3 302	5 053	762	3 470
Eastern	2 875	9 499	3 394	5 668
Southern	1 784	3 270	134	1 268
Wan Chai	1 444	3 597	1 184	2 009
Kowloon City	3 501	5 537	2 616	3 164
Kwun Tong	1 180	1 204	580	1 137
Sham Shui Po	1 773	2 990	3 557	3 307
Wong Tai Sin	471	679	339	498
Yau Tsim Mong	1 971	5 937	6 756	6 417
Islands	91	910	111	582
Kwai Tsing	1 872	3 954	183	1 497
North	30	467	21	84
Sai Kung	597	229	0	447
Sha Tin	2 006	1 764	39	1 189
Tai Po	1 444	1 157	57	576
Tsuen Wan	1 143	5 257	397	1 429
Tuen Mun	4 491	3 519	23	2 626
Yuen Long	248	1 208	28	491
Total	30 223	56 231	20 181	35 859

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