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3 July 2019

Hon LAU Kwok-fan, MH
Chairman of Joint Subcommittee to Follow Up Issues Relating to the
Redevelopment, Maintenance and Management of Aged Buildings
Panel on Development and Panel on Home Affairs
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn: Ms. Wendy JAN)

Dear the Hon Lau,

**Report on the Mandatory Building Inspection Scheme and
Mandatory Window Inspection Scheme**

I refer to the letter of 24 May 2019 from the Hon SHIU Ka-chun to you enquiring about matters relating to the Mandatory Window Inspection Scheme (“MWIS”). In consultation with the Buildings Department (“BD”), our reply is as follows:

Enforcement actions taken against non-compliant MWIS notices

Under the MWIS, upon receipt of a statutory notice, the owners/owners’ corporation (“OC”) should appoint a Qualified Person (“QP”) to complete the prescribed inspection and, if necessary, prescribed repair works within six months from the date of the statutory notice for windows in individual premises and nine months for those in common parts of the building respectively. From 2015 to

2017, BD issued about 240 000 MWIS notices, of which about 98 000 were not complied with within the specified time frame. In some cases, the owners/OC needed extra time to organise the required prescribed inspection and repair works. Having considered the circumstances of these cases, BD granted an extension of time to about 2 200 MWIS notices. BD issued about 38 400 warning letters and 260 Fixed Penalty Notices (“FPN”) to owners/OCs who failed to comply with the MWIS notice without reasonable excuse, and instigated prosecution against the owners/OCs in four of the cases. In the majority of cases related to the MWIS, owners/OCs would comply with the MWIS notices upon receipt of the warning letters and FPNs. As at the end of May 2019, about 224 000 of the MWIS notices issued from 2015 to 2017 had been complied with, representing about 93% of the total notices issued.

The Government will review from time to time the resources of BD to ensure that the department has sufficient resources to take forward the MWIS.

Assisting residents in repairing windows to withstand extreme weather

Under the Buildings Ordinance (“BO”), private buildings (including windows) are required to be designed and constructed to resist wind loads. In this connection, BD has published “Code of Practice on Wind Effects in Hong Kong” which gives guidelines for calculating the wind loads for registered building professionals to follow in designing buildings. The current “Code of Practice on Wind Effects in Hong Kong 2004” sets a general standard for the design wind pressure of buildings. Furthermore, BD has issued practice notes on the standard of design and construction of windows to provide guidelines on design wind pressure, installation, testing as well as maintenance and repair to ensure the safety of new and existing window systems. Therefore, if properly designed, installed, maintained and repaired, windows should be able to withstand the gust when the Hurricane Signal No.10 is issued by the Hong Kong Observatory.

Although private buildings aged below 10 years are not covered by the MWIS, it is the building owners’ responsibility to ensure that their windows are well-maintained. In this connection, BD has organised public education and publicity campaigns on proper ways of using their windows and nurture the culture of undertaking regular maintenance and repair of windows in the community. BD has also issued a layman’s guide and uploaded short video films on BD website to assist building owners in dealing with window inspection and repair.

Enhancing public education to safeguard consumers' rights

Under the MWIS, BD has promulgated standards and guidelines relevant to the MWIS to enable the public to better understand requirements of the Scheme, including producing the "Layman's Guide on Mandatory Window Inspection Scheme", "Code of Practice for Mandatory Building Inspection Scheme and Mandatory Window Inspection Scheme" ("CoP"), "Important notes about window safety" and "Window inspection and repair, Choose with extra care" pamphlets, specifying the standards and guidelines for prescribed inspection and repair. Owners may make reference to these standards and guidelines to assess whether the items and scope of inspection and repair suggested by the QP are reasonable.

Moreover, through various channels, BD has advised QPs, when providing quotations on window inspection and repair, to set out clearly all the repair items and distinguish the basic items required by prescribed repair under the MWIS and other suggested window upgrading works items for owners to consider so as to avoid misunderstanding and disputes. We also advise owners to invite different QPs to provide quotations for reference and comparison. BD will continue its public education and publicity efforts to advise owners to safeguard their rights and remain vigilant when making a decision to procure services from service providers for carrying out window inspection and repair.

Since 2014, BD has also been compiling the market price range for window inspection and parts repair (e.g. hinges, screws) and uploading it to BD's website for public reference.

Regulation of service providers

BD has issued a CoP and "Practice Notes for Mandatory Building and Window Inspection Schemes" to provide guidelines to service providers. BD also conducts experience sharing sessions with the stakeholders regularly.

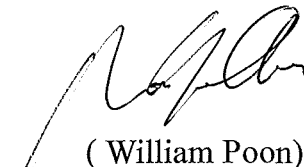
Under the BO, prosecution and/or disciplinary action may be taken against registered practitioners for contraventions such as not carrying out the prescribed inspection personally, not providing proper supervision to the repair works, knowingly misrepresenting a material fact on the form or report given to BD and carrying out the inspection or works in a manner that causes or likely to cause injury to any person or damage to any property.

On MWIS, as at end of 2018, 22 prosecutions have been instigated against registered practitioners (of which nine were made in 2018) and 20 cases have already been convicted. The highest fine imposed was \$75,000. BD will

continue its regulating efforts for registered practitioners to ensure that the inspection and repair works have been carried out in accordance with the BO, CoP and relevant guidelines.

If you have further questions, please contact the undersigned at 3509 8853.

Yours sincerely,



(William Poon)
for Secretary for Development

c.c.

Director of Buildings (Attn: NG Kin Shing)

(Fax: 3104 0565)